

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

  X   Resolution or Ordinance (Blue) \_\_\_\_\_ *Waiver of First Requested*  
  X   Recommendations of Boards, Commissions & Committees (Green)  
\_\_\_\_\_ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: October 24, 2016 (B of T) Date: November 3, 2016

TITLE: PC 16-22, 400 E. St. Charles Road (Oakview Estates Phase II)

SUBMITTED BY: Department of Community Development *W*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. Custom Home Development, Inc., (petitioner) requests that the Village take the following actions on the subject property located within the R4PD District (Oakview Estates Planned Development):

1. Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oakview Estates Planned Development, as established by Ordinance No. 5488, as follows:
  - a. Change the use from condominiums to attached single-family (townhomes);
  - b. Approve a deviation from Section 155.409(F)(3)(a) and 155.508(C)(6) to reduce minimum required front yard setback from 30 feet (30') to one foot (1'); and
  - c. Approve a deviation from Section 155.409(G) to increase the maximum allowable building height from 36 feet (36') to 36 feet and six inches (36'6");
2. Pursuant to Section 155.208 (number of buildings on a lot of record) of the Lombard Zoning Ordinance, approve a conditional use for two principal structures on one lot of record;
3. Pursuant to Section 155.409(K)(3) (Restrictions on attached single-family dwellings) of the Lombard Zoning Ordinance, approve a deviation to reduce the minimum separation between buildings containing attached single-family dwellings from thirty feet (30') to twenty feet (20'); and

4. Pursuant to Section 155.511 (site plan approval) of the Lombard Zoning Ordinance, approve an eight-unit townhome development based upon the submitted plans.

The Plan Commission recommended approval of this petition by a vote of 6-0.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_

Finance Director X \_\_\_\_\_ Date \_\_\_\_\_

Village Manager X \_\_\_\_\_ Date \_\_\_\_\_

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

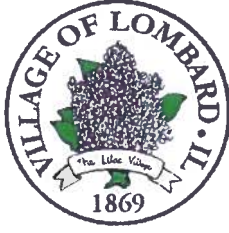
**MEETING DATE:** November 3, 2016

**SUBJECT:** **PC 16-22, 400 E. St. Charles Road (Oakview Estates Phase II)**

Please find the following items for Village Board consideration as part of the November 3, 2016 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 16-22; and
3. An Ordinance granting approval of major changes, a conditional use and a deviation for a property within the Oakview Estates Planned Development.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the November 3, 2016 Board of Trustees agenda for a first reading.



## VILLAGE OF LOMBARD

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(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org

November 3, 2016

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

### Trustees

Dan Whittington, Dist. 1  
Michael A. Fugiel, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Bill T. Johnston, Dist. 4  
Robyn Pike, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
Scott R. Niehaus

*"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."*

*"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

Mr. Keith T. Giagnorio,  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: PC 16-22, 400 E. St. Charles Road (Oakview Estates Phase II)**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. Custom Home Development, Inc., (petitioner) requests that the Village take the following actions on the subject property located within the R4PD District (Oakview Estates Planned Development):

1. Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oakview Estates Planned Development, as established by Ordinance No. 5488, as follows:
  - a. Change the use from condominiums to attached single-family (townhomes);
  - b. Approve a deviation from Section 155.409(F)(3)(a) and 155.508(C)(6) to reduce minimum required front yard setback from 30 feet (30') to one foot (1'); and
  - c. Approve a deviation from Section 155.409(G) to increase the maximum allowable building height from 36 feet (36') to 36 feet and six inches (36'6");
2. Pursuant to Section 155.208 (number of buildings on a lot of record) of the Lombard Zoning Ordinance, approve a conditional use for two principal structures on one lot of record;

3. Pursuant to Section 155.409(K)(3) (Restrictions on attached single-family dwellings) of the Lombard Zoning Ordinance, approve a deviation to reduce the minimum separation between buildings containing attached single-family dwellings from thirty feet (30') to twenty feet (20'); and
4. Pursuant to Section 155.511 (site plan approval) of the Lombard Zoning Ordinance, approve an eight-unit townhome development based upon the submitted plans.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on October 17, 2016. Sworn in to present the petition were: Jennifer Ganser, Assistant Director of Community Development; Anna Papke, Senior Planner; and Eric Carlson with ECA Architects, representing the petitioner.

Chairperson Ryan read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, he proceeded with the petition.

Eric Carlson, with ECA Architects, introduced himself as representing the petitioner. Mr. Carlson gave an overview of the history of the site, which was previously approved for development with a condo building. The property had since gone into foreclosure and the new potential owner, his client, now proposes to develop the site with two four-unit townhome buildings. He noted that there are some legal issues stemming from the foreclosure of the property that still need to be addressed, including: cross access between the subject property and the property at 500 E. St. Charles Road; an agreement regarding use of the parking lot already in place at 400 E. St. Charles Road; the driveway into the building at 500 E. St. Charles; and utilities on the 400 E. St. Charles property that serve the condo building at 500 E. St. Charles.

Mr. Carlson noted that the petitioner is requesting a deviation to allow a reduced separation between the two proposed townhome buildings. The proposed separation between the buildings is around 20 feet. He enumerated some of the site conditions driving the need to place the buildings closer to one another than the Zoning Ordinance otherwise allows (Zoning Ordinance requires minimum separation of 30 feet between principal buildings).

Mr. Carlson stated that the petitioner had met with the homeowners' association at the 500 E. St. Charles Road condo building. The condo owners had suggested additional lighting be placed in the parking lot at 400 E. St. Charles Road and also along the interior drive aisle. Mr. Carlson said the petitioner intend to provide lighting in these areas in conformance with the Village's requirements.

Mr. Carlson said that the major issue to come out of the meeting with the homeowners' association was whether the condos at 500 E. St. Charles Road will be able to use the parking lot on the subject property at 400 E. St. Charles Road. He said that there are a number of legal issues still being examined with regard to whether the petitioner is legally obligated to provide parking to the residents at 500 E. St. Charles. He said that there is the possibility the petitioner would

enter into an agreement to lease some of the parking at 400 E. St. Charles to the residents at 500 E. St. Charles.

The proposed units will be two-and-a-half stories tall. Mr. Carlson presented the floor plans and architectural elevations. He pointed out that each unit will have a two-car garage, so the townhouse units will meet their own parking requirements. Overage parking for the townhomes will be available in the parking lot on the west end of the site.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment.

Kye Sand addressed the Commission. Mr. Sand was not against the petition but had some concerns. He asked if the petitioner will need legal permission from 500 E. St. Charles to establish cross-access between the properties. He asked if there will be any action taken against the original developer, Neri Associates, for the way they marketed the buildings as 3-bedroom units instead of 2-bedroom units, which might have impacted the number of parking spaces required for the condo building. He said that the original plans submitted by Neri Associates had shown 27 parking spaces in the surface lot on 400 E. St. Charles, but only 25 had been constructed. He was also concerned that there is no sidewalk between the parking area on 400 E. St. Charles and the condo building at 500 E. St. Charles Road. He felt that someone needs to look at the building code and how it distinguishes between a den and a bedroom.

Joseph Manzara addressed the Commission. He asked how many bedrooms will be in the townhouse units. He noted that the number of bedrooms in the units might have an impact on parking needs. He had no problem with having neighbors at 400 E. St. Charles but was concerned the parking problems will increase as a result of the proposed development.

Christine Blanchard, 500 E. St. Charles Road, addressed the Commission. She suggested that there be a provision in the development approval to prevent the developer from being able to rent the properties after construction.

Rich Rehberger addressed the Commission. He was not opposed to the development. He was looking for assurances that the condo residents at 500 E. St. Charles Road will have access to the parking lot on the subject property. He did not support an arrangement that would involve the petitioner leasing these spaces back to the condo residents as he thought they should be made available without charge. He said the condo declarations for 500 E. St. Charles indicated they have access to some of the spots at 400 E. St. Charles.

Joseph Manzara added that the properties at 400 and 500 E. St. Charles had originally been one property prior to being subdivided.

Michele Lynch, 500 E. St. Charles Road, addressed the Commission. She said there were additional issues that needed to be worked out regarding cross-access and the driveway into the 500 E. St. Charles Road condo building. She said the two properties needed to be looked at comprehensively to work out the issues with shared facilities, including parking. She suggested

the Commission consider approving the development with conditions that would protect the owners at 500 E. St. Charles Road.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked the petitioner to respond to the questions and concerns.

Mr. Carlson responded to the public comments. He said there will be three bedrooms in each townhouse unit. He acknowledged that there are a number of issues still to be worked out legally with regard to parking and shared driveways.

Mr. Carlson said there is not currently a sidewalk connecting the parking on 400 E. St. Charles with 500 E. St. Charles. The petitioner is looking at creating a connection between the condo building and the sidewalk on St. Charles Road, which connects to the parking lot.

Chairperson Ryan asked the Village Attorney, Jason Guisinger, to address the legal issues related to shared parking and cross-access. Mr. Guisinger said those issues are private legal matters that would need to be worked out between the two parties. The Village would not be involved in working out those legal matters. The Village also has no standing to enforce private condo declarations.

Chairperson Ryan asked for the staff report.

Ms. Papke presented the staff report, which was submitted to the public record in its entirety. She said the subject of this petition is the property at 400 E. St. Charles Road. This property is located in the Oakview Estates Planned Development. When this planned development was approved in 2004 (PC 04-10), the developer at the time proposed to build two 40-unit condo buildings on the properties at 400 and 500 E. St. Charles Road. The first of these two buildings, as well as public utilities and stormwater facilities serving the entire planned development, was constructed in 2006 at 500 E. St. Charles Road. Phase II of the project, at 400 E. St. Charles Road, was never constructed. Citing market changes between 2004 and the present, the petitioner now proposes to construct townhouse units on the site as opposed to the 40-unit condo building originally approved by the Village.

Ms. Papke said the developer proposes to develop eight townhouse units on the site. Each unit will have an attached two-car garage and rooftop deck and will be 2.5 stories tall. As this property is part of the Oakview Estates Planned Development, the proposed development requires site plan approval. The developer is also requesting a number of major changes, a conditional use and a deviation to the planned development.

The petition was reviewed by the Village's interdepartmental review committee. That review yielded a series of comments from Building, Fire, Engineering and Public Works staff. The petitioner has been made aware of the comments. These comments will be addressed in final engineering review and building permitting process. In addressing these comments, staff does not expect the site plan to change in any significant way. The Planning Division reviewed the proposed development and finds it is generally compatible with surrounding development/land

uses. Adjacent uses consist of residential, commercial and recreational uses, as well as the Union Pacific railroad line to the north of the site.

Planning staff analyzed the proposed development with respect to the Lombard Zoning Ordinance and finds it is generally consistent with the regulations for the underlying zoning district (R4) and the Oakview Estates Planned Development. Staff specifically notes that townhomes are a permitted use in R4 district, and the proposed development will meet open space requirements within the planned development. The proposed development will meet parking requirements as each unit will have two garage spaces plus parking on the driveway. In terms of the planned development as a whole (condo building at 500 E. St. Charles plus eight townhomes at 400 E. St. Charles), parking on the two parcels will exceed the number of parking spaces required by the Zoning Ordinance.

Ms. Papke summarized the petitioner's requests for major changes to a planned development, a conditional use and a deviation, as follows:

**Requested Change:** Allow attached single-family homes (townhomes) as a use in the planned development.

**Staff Response:** Staff finds townhomes are consistent with the Zoning Ordinance and the original intent of the Planned Development. Staff supports this change.

**Requested Change:** Reduce front setback from 30 feet to one foot.

**Staff Response:** Staff notes there are some site constraints including the unusually shallow depth of the property and the existing access drive along the north side of the site. The original approval for the Oakview Estates Planned Development included an approval to reduce the front setback for the condo building at 400 E. St. Charles Road to two feet. Staff finds the current request is consistent with the previous setback reduction and supports the request.

**Requested Change:** Allow building height of 36.5' where the Zoning Ordinance otherwise allows a maximum height of 36 feet for attached single-family units.

**Staff Response:** Staff finds the additional six inches will not significantly alter the development or its impact on surrounding properties. Staff supports this change.

**Request:** Approve conditional use to allow two principal structures on one lot.

**Staff Response:** Staff finds no negative impacts from allowing two buildings on the site. Staff supports the conditional use.



**Request:** Deviation to reduce separation between buildings from 30 feet to 20 feet.

**Staff Response:** Petitioner requests this deviation in order to accommodate utility lines and easements on the property. The Fire Marshal reviewed the site plan and finds fire safety will not be impacted by reduced building separation provided adequate fire resistance ratings are followed during construction. Staff supports this deviation.

In summary, staff finds the petition meets the standards of the Lombard Zoning Ordinance and Oakview Estates Planned Development. Staff recommends approval of the petition subject to the conditions listed in the staff report.

Ms. Papke noted that the Community Development Department received an email from a resident at 500 E. St. Charles in reference to this petition. That email was attached to the staff report for reference by the Plan Commission.

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Flint noted for the record that the north arrow on the townhome floorplans is incorrect; it should be facing the opposite direction. Mr. Carlson confirmed this was the case.

Commissioner Sweetser asked Mr. Guisinger for his opinion on how the Plan Commission's recommendation might impact private legal proceedings regarding the subject property. She wanted to be clear that nothing the Plan Commission would decide would have any bearing on private legal matters.

Mr. Guisinger asked for a specific example.

Chairperson Ryan offered the parking issue as an example: If the Village approved the townhome development at 400 E. St. Charles Road, would that still mean it was up to the private property owners to negotiate who could use the parking lot at 400 E. St. Charles?

Mr. Guisinger said that was correct. He noted that if there were condo declarations in place regarding the use of those parking spaces, nothing the Plan Commission or Village Board decided with regard to the proposed development at 400 E. St. Charles Road would impact the ability of private individuals to enforce their rights under the condo declarations.

Mr. Burke noted that legal proceedings that occurred between private individuals regarding parking or the development on the subject property might halt development on the site even if the Village Board had already approved it. Mr. Guisinger stated this was a possibility.

On a motion by Commissioner Burke, and a second by Commissioner Sweetser, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 16-22, subject to the following five (5) conditions.

1. That the major changes to a planned development, conditional use approval and deviation approval are valid only for the subject property (400 E. St. Charles Road) in the Oakview Estates Planned Development;
2. That the petitioner shall develop the site in accordance with the following plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Code, or as provided as part of the original planned development approval set forth in Ordinance 5488:
  - a. Civil engineering and landscape plans, prepared by Craig R. Knoche & Associates, dated September 11, 2016, revised September 26, 2016; and
  - b. Architectural plans, prepared by ECA Architects and Planners, dated June 21, 2016, revised September 27, 2016.
3. That the petitioner shall submit a signage plan at the permitting phase incorporating “no parking” and fire lane signage designed to keep the internal access driveway free of parked vehicles, and that such signage plan shall be subject to the approval of the Director of the Community Development Department and the Fire Marshall;
4. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
5. Pursuant to the Zoning Ordinance, the project construction shall commence within one (1) year from the date of approval of the ordinance, or this approval shall be come null and void unless a time extension has been granted by the Village Board.

Respectfully,

**VILLAGE OF LOMBARD**

Donald Ryan, Chairperson  
Lombard Plan Commission

c. Lombard Plan Commission

**October 17, 2016**

**Title**

PC 16-22

**Property Owner**

Centrust Bank  
385 Waukegan Road  
Northbrook, IL 60062

**Petitioner – Developer**

Custom Home Development, Inc.  
120 W. Golf Road, Ste. 217  
Schaumburg, IL 60195

**Property Location**

400 E. St. Charles Road

**Zoning**

R4PD – Oakview Estates Planned Development

**Existing Land Use**

Vacant/Undeveloped

**Comprehensive Plan**

High Density Residential

**Approval Sought**

Site plan approval for a parcel in the Oakview Estates PD, approval of companion major changes to the planned development, approval of a deviation, and approval of a conditional use.

**Prepared By**

Anna Papke, AICP  
Senior Planner



**LOCATION MAP**

**DESCRIPTION**

The petitioner, Custom Home Development, Inc., proposes to develop the property at 400 E. St. Charles Road with an eight-unit attached single-family (townhouse) development. The development will consist of two buildings with four dwelling units each.

This property is located in the Oakview Estates Planned Development. When this planned development was approved in 2004 (PC 04-10, Ordinance 5488), the developer at the time proposed to build two 40-unit condo buildings on the properties at 400 and 500 E. St. Charles Road. The first of these two buildings, as well as public utilities and stormwater facilities serving the entire planned development, was constructed in 2006 at 500 E. St. Charles Road. Phase II of the project, at 400 E. St. Charles Road, was never constructed.

400 E. St. Charles Road is currently bank-owned. The bank has been working with interested developers to explore viable development proposals for the site. The petitioner states that the current market will not support construction of a 40-unit condo building on this site, and proposes the eight-unit townhome development as an alternative.

## Project Details

Parcel Size:	1.19 acres
Dwelling units:	Eight townhouse units, spread across two buildings

## Requested Actions

1. Amend the Oakview Estates Planned Development as follows:
  - a. Allow attached single-family units rather than condos;
  - b. Reduce front yard setback from 30 feet to one foot;
  - c. Increase allowable building height from 36 feet to 36.5 feet;
2. Approve conditional use for two principal structures on one lot of record;
3. Approve deviation to reduce minimum separation between buildings from 30 feet to 20 feet; and
4. Approve an eight-unit townhome development per the site plan approval process.

## Submittals

1. Petition for public hearing, dated September 12, 2016;
2. Response to standards for amendment to a planned development, dated September 13, 2016;
3. Response to standards for a conditional use, dated September 26, 2016;
4. Response to standards for a deviation, dated September 26, 2016;

## Project Details and Approval Process:

The petitioner proposes to develop the subject property with eight townhouses. The development will consist of two buildings with four dwelling units in each building. The 2.5-story buildings will be just over 36 in height. Each unit will include a two-car attached garage and roof-top deck.

The developer has designed the buildings to be aesthetically compatible with the existing condo building at 500 E. St. Charles Road. To that end, the materials (brick and stone) proposed for this development are similar in color to those used in the adjacent building. The developer also proposes to include porches and balconies similar in style to those on the adjacent building. The Plan Commission held a workshop in September 2016 to consider the proposed elevations, at which time Plan Commissioners responded positively to the architecture of the proposed buildings.

The property at 400 E. St. Charles Road is subject to the provisions approved for the Oakview Estates Planned Development established in Ordinance 5488, as well as the provisions for the R4 zoning district in the Lombard Zoning Ordinance. The development as proposed requires site plan approval, and also approval of major changes to a planned development, a conditional use and a deviation. Due to the major changes, conditional use and deviation, this development is subject to the public hearing process and will ultimately require approval by the Village Board. These issues are discussed in greater depth later in this report.

## EXISTING CONDITIONS

There is a 25-space parking lot and a drive aisle connecting the subject property to the property to the property at 500 E. St. Charles Road. The subject property is otherwise vacant.

## APPROVAL(S) REQUIRED

1. Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oakview Estates Planned Development, as established by Ordinance No. 5488, as follows:
  - a. Change the use from condominiums to attached single-family (townhomes);
  - b. Approve a deviation from Section 155.409(F)(3)(a) and 155.508(C)(6) to reduce minimum required front yard setback from 30 feet (30') to one foot (1'); and

### **Submittals (cont.)**

5. Plat of survey, prepared by Gentile and Associates, Inc., dated December 12, 2007;
  6. Civil engineering and landscape plans, prepared by Craig R. Knoche & Associates, dated September 11, 2016, revised September 26, 2016; and
  7. Architectural plans, prepared by ECA Architects and Planners, dated June 21, 2016, revised September 27, 2016.
- c. Approve a deviation from Section 155.409(G) to increase the maximum allowable building height from 36 feet (36') to 36 feet and six inches (36'6");
  2. Pursuant to Section 155.208 (number of buildings on a lot of record) of the Lombard Zoning Ordinance, approve a conditional use for two principal structures on one lot of record;
  3. Pursuant to Section 155.409(K)(3) (Restrictions on attached single-family dwellings) of the Lombard Zoning Ordinance, approve a deviation to reduce the minimum separation between buildings containing attached single-family dwellings from thirty feet (30') to twenty feet (20'); and
  4. Pursuant to Section 155.511 (site plan approval) of the Lombard Zoning Ordinance, approve an eight-unit townhome development based upon the submitted plans.

### **INTER-DEPARTMENTAL REVIEW**

#### **Building Division:**

The Building Division has no comments on this petition. Should the petition be approved, additional comments may be forthcoming during permit review.

#### **Fire Department:**

The Fire Department has the following comment on this petition. Should the petition be approved, additional comments may be forthcoming during permit review.

1. With the proposed 21.46 foot fire separation distance between the townhome buildings, exterior wall fire resistance rating considerations will be necessary based upon building construction type.

#### **Private Engineering Services (PES):**

Private Engineer Services has the following comments regarding the proposed project. Should the petition be approved, additional comments may be forthcoming during permit review.

1. The circulation drive should be signed as a fire lane and no parking allowed. The new buildings will need the width for backing movements from their driveways.

2. As Oakview Estates development was developed prior to the BMP ordinance, BMPs will need to be provided per the current Stormwater Ordinance.
3. All other engineering related items will be addressed to meet Village requirements during final engineering review.

**Public Works:**

The Department of Public Works reviewed the submitted plans and offers the following comment. Should the petition be approved, additional comments may be forthcoming during permit review.

1. Add cleanouts immediately north of the property line on the four sanitary service laterals for the eastern four building units.

**Planning Services Division:**

The Planning Services Division notes the following:

*1. Surrounding Zoning & Land Use Compatibility*

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	R4 and B4	Union Pacific railroad and a vehicle repair facility
<b>South</b>	CR	Paradise Bay Water Park (across St. Charles Road)
<b>East</b>	B4PD	Oakview Estates 40-unit condo building
<b>West</b>	R2 and B2	Union Pacific railroad
<b>Southwest</b>	R2	Single-family neighborhood (across Grace Street and St. Charles Rd.)

The area surrounding the subject property is developed with a mixture of residential, commercial and recreational uses. The property immediately adjacent to the east of the subject property is developed with the 40-unit Oakview Estates condo building. Property to the south and southwest includes single-family neighborhoods and a park district facility. The Union Pacific railroad line and commercial corridor sit north of the site. Given this mix of existing uses in the immediate neighborhood, staff considers the eight-unit townhouse development proposed on the subject property to be consistent with the zoning and land uses of surrounding properties. Staff further notes that the proposed development would serve as a transition between the single-family neighborhood and recreational area to the south and the busier commercial area to the north.

*2. Comprehensive Plan Compatibility*

The Comprehensive Plan designates this property as suitable for high-density residential development. The Comprehensive Plan further recommends the Village pursue the following actions with respect to residential development:

- Encourage new development and infill development which is complementary with the scale and character of surrounding residential uses.
- Working with property owners and developers, seek a variety of housing types meeting the lifestyles, needs and growth of the community, while ensuring neighborhood stability.

The proposed townhouse development will increase the variety of housing types available in this area of the Village while providing infill development of a scale and design compatible with surrounding development.

### 3. Zoning Ordinance Compatibility

The underlying zoning of the subject property is R4PD, Limited General Residence District Planned Development. With the exception of the changes and deviation discussed in Sections 4 and 6 of this report, the proposed development is consistent with the Lombard Zoning Ordinance and/or the relief granted for the Oakview Estates Planned Development via Ordinance 5488. Staff notes the following with respect to this petition's consistency with the Zoning Ordinance and Ordinance 5488:

- The proposed use, attached single-family dwellings, is permitted in the R4 district.
- The maximum density for attached single-family dwellings in the R4 district is 12 units per acre. The density of the proposed development is slightly less than seven units per acre.
- Per Ordinance 5488, developments in the Oakview Estates Planned Development are required to maintain a minimum of 25% of the lot area as open space. The proposed development will be 38% open space.
- The Zoning Ordinance as proposed to be amended by PC 16-23 requires two parking spaces per attached single-family dwelling unit. Each townhouse unit in the proposed development will include a two-car garage. The driveways connecting the garages to the internal access drive will also provide potential parking, since at a length of 18 feet or greater, they meet the minimum length required for a parking stall.
  - With regard to parking for the Oakview Estates Planned Development as a whole (400 and 500 E. St. Charles Road), staff notes that the parking requirements for the existing condo building plus the proposed townhomes will be met. Parking within the planned development will be provided as follows:

<i>Development</i>	<i>Parking Requirement</i>	<i>Spaces required</i>
500 E. St. Charles (40 condo units)	1.5 spaces per unit	60 spaces
400 E. St. Charles (8 townhomes)	2 spaces per unit	16 spaces
Total spaces required in PD		76 spaces

<i>Location</i>	<i>Parking spaces provided</i>
500 E. St. Charles - lower level garage	37
500 E. St. Charles - detached garage	12
500 E. St. Charles - surface parking	9
400 E. St. Charles - individual garages	16
400 E. St. Charles - surface parking	25
Total spaces provided in PD	99

- During IDRC review, the Fire Marshal and Private Engineering Services expressed concern that a vehicle parking in these driveways could hang over into the internal access drive, potentially restricting access for emergency service vehicles. To address this concern, staff proposes a condition of approval of this petition be that the development will include appropriate signage along the internal access drive denoting it a fire lane and requiring it to remain free of parked vehicles at all times.
- The applicant has provided a landscape plan that meets the landscaping requirements in the Village Zoning Ordinance.

#### 4. *Requests for Major Changes to a Planned Development*

- A. *Major Change: Pursuant to Section 155.504(A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oakview Estates Planned Development to include attached single-family townhomes as a use.*

The Oakview Estates Planned Development as approved by Ordinance 5488 specifically provided for multiple-family dwellings. As the petitioner proposes to construct attached single-family units on the subject property rather than a condo building as originally contemplated, an amendment to the planned development is required.

The subject property has been marketed as a potential condo development since the planned development was approved in 2004. In the intervening time, the economy has shifted and the market for condo units has softened. An eight-unit townhome development on the subject property would meet the original intent of the planned development to allow non-single-family residential development on this site, albeit at a lower density than originally approved.

Attached single-family dwellings are a permitted use in the underlying zoning district of R4, so the development as proposed is consistent with the Lombard Zoning Ordinance. As discussed above, staff finds that the townhouse development is compatible with the surrounding land uses and is consistent with the Comprehensive Plan's recommendations for this property. Furthermore, the Plan Commission held a workshop in July 2015 to consider the possibility of amending the Oakview Estates Planned Development to allow townhouses as opposed to a condo building on the



subject property, and was generally favorable to the proposed change. Staff supports this major change.

- B. *Major Change: Pursuant to Section 155.504(A) (major changes to a planned development) and Sections 155.409(F)(3)(a) and 155.508(C)(6) of the Lombard Zoning Ordinance, amend the Oakview Estates Planned Development to reduce minimum required front yard setback from 30 feet (30') to one foot (1').*

The required front yard setback in the underlying R4 zoning district is 30 feet. Due to site constraints such as the existing access drive on the north side of the site and the need to have driveway connections between the access drive and the rear of the townhomes, the buildings will not meet the 30-foot front yard setback. Proposed plans show the façades of the two townhome buildings will have a front setback ranging from 13.46 feet to 29.14 feet. The porches and front steps on some of the units will extend to within a foot of the front property line.

The original planned development approval included a variance to reduce the front yard setback for the proposed condo building on 400 E. St. Charles Road to two feet. The staff at the time was supportive of the request, and noted that this reduced setback would accommodate the unique shape of the site, which is particularly shallow from St. Charles Road to the rear property line along the railroad. Given the previous approval to reduce the front setback to two feet, and that site conditions have not changed since that approval was granted, staff is supportive of the present request to reduce the front setback to one foot for the eight-unit townhome development.

- C. *Major Change: Pursuant to Section 155.504(A) (major changes to a planned development) and Section 155.409(G) of the Lombard Zoning Ordinance, amend the Oakview Estates Planned Development to increase maximum allowable building height from 36 feet (36') to 36 feet and six inches (36'6").*

The developer proposes to construct townhouse units that are two and a half stories tall; each unit will have two full floors plus a roof-top deck space on the third level. The total height of the structures, including the guardrails and stair-tower enclosures, will be 36'2".

Upon review of the architectural plans, staff finds that the additional height will not substantially alter the character of the development or its impact upon neighboring properties. An increased height of two to six inches over the maximum height allowed for townhomes in the R4 district will not be noticeable from the vantage point of pedestrians or people inside neighboring buildings. Similarly, the majority of the top half story will be composed of guardrails around the roof-top decks, which are not as visually obtrusive as a solid building wall. Staff further notes that the 40-unit condo building originally approved for the site was intended to be 51 feet (five stories) tall. The proposed townhomes will be significantly shorter than the previously-approved condo building. Staff supports this major change request.

## 5. *Request for Conditional Use Approval*

- A. *Pursuant to Section 155.208 (number of buildings on a lot of record) of the Lombard Zoning Ordinance, approve a conditional use for two principal structures on one lot of record.*

The petitioner proposes to construct two principal structures on the site. In analyzing the site plan, staff does not believe permitting two principal structures on the subject property will result in any negative impacts on the use or future development of surrounding properties. As the petitioner notes, the development as proposed represents a less intense use of the property than was originally approved by the Village. Staff supports this request.

## **6. Request for Deviation**

- A. Pursuant to Section 155.409K(3) (Restrictions on attached single-family dwellings) of the Lombard Zoning Ordinance, approve a deviation to reduce the minimum separation between buildings containing attached single-family dwellings from thirty feet (30') to twenty feet (20').

The petitioner requests a variance in order to allow a separation of 20 feet between the two buildings proposed for the subject property. The petitioner had originally submitted plans that reflected the required 30-foot separation. Upon review, staff found that the buildings were not adequately separated from the proposed utility lines, and that the proposed utility easements did not meet the Village's requirement for width of easements. The petitioner revised the plan and moved the buildings closer to one another in order to address these issues.

The Fire Marshal reviewed the site plan and determined that the reduction in separation between the buildings would not pose a problem from a fire safety perspective so long as the appropriate fire resistance ratings are taken into consideration during the permitting process and construction. Staff supports this deviation.

## **SITE HISTORY (NON SIGN-RELATED)**

### **PC 04-10: Oakview Estates Planned Development**

- Adopted Ordinance 5486 to amend Comprehensive Plan designation for subject property from Community Commercial to High Density Residential.
- Adopted Ordinance 5487 rezoning subject property from B4 to R4.
- Adopted Ordinance 5488 granting conditional use for a planned development with deviations and variations.
- Adopted Ordinance 5489 granting a conditional use for an accessory garage.

### **BOT 04-18: Stormwater variation**

### **SUB 05-06: One-lot major plat of subdivision**

Oakview Estates Resubdivision, consolidated multiple parcels and resubdivided to current parcel configuration.

**PC 07-37: Request for major changes and deviations for Oakview Estates Planned Development**

Petitioner requested a major change and two deviations from the Oakview Estates Planned Development in order to develop 52 senior independent living residences at 400 E. St. Charles Road. Petition denied by Board of Trustees.

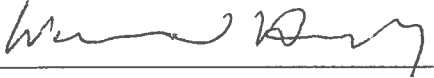
**FINDINGS & RECOMMENDATIONS**

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards for a major change to a planned development, conditional use, deviation and site plan approval, as established by the Lombard Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and testimony presented, the proposed site plan with companion major changes to a planned development, conditional use, and deviation, **complies** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Committee Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 16-22, subject to the following conditions:

1. That the major changes to a planned development, conditional use approval and deviation approval are valid only for the subject property (400 E. St. Charles Road) in the Oakview Estates Planned Development;
2. That the petitioner shall develop the site in accordance with the following plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Code, or as provided as part of the original planned development approval set forth in Ordinance 5488:
  - a. Civil engineering and landscape plans, prepared by Craig R. Knoche & Associates, dated September 11, 2016, revised September 26, 2016; and
  - b. Architectural plans, prepared by ECA Architects and Planners, dated June 21, 2016, revised September 27, 2016.
3. That the petitioner shall submit a signage plan at the permitting phase incorporating “no parking” and fire lane signage designed to keep the internal access driveway free of parked vehicles, and that such signage plan shall be subject to the approval of the Director of the Community Development Department and the Fire Marshall;
4. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and

5. Pursuant to the Zoning Ordinance, the project construction shall commence within one (1) year from the date of approval of the ordinance, or this approval shall be come null and void unless a time extension has been granted by the Village Board.



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William J. Heniff, AICP  
Director of Community Development

c. Petitioner

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## Nowakowski, Tamara

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**From:** Babette Halder [REDACTED]  
**Sent:** Tuesday, October 11, 2016 9:54 AM  
**To:** Nowakowski, Tamara; michelelynch@comcast.net; kate@winston-management.com  
**Subject:** 400 St. Charles Development PC-16-22 Parcel 06-05-426-009 Parking Concern

As an owner of a condo at 500 St. Charles #507 Lombard, IL 60148 (Oakview Estates) who will not be able to attend the public hearing on 10/17/16, I wish to register my concern if this piece of property is developed into townhomes as planned that we will lose the current available parking we now have for guests, owners and service vehicles along the drive leading to 400 St. Charles from 500St. Charles.

Please consider this parking concern when considering the developers plans to build on this available land. The original use of the land was to build a duplicate condominium building matching 500 St. Charles that would have had underground parking for residents. Please require the developer to maintain the parking that is currently available to residents of 500 St. Charles or add additional parking that could be used as an alternative.

Thank You,  
Babette Halder  
Budde-Halder Realty, LLC

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING MAJOR CHANGES TO A PLANNED DEVELOPMENT PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.504 OF THE LOMBARD ZONING ORDINANCE; APPROVING A CONDITIONAL USE TO ALLOW TWO PRINCIPAL BUILDINGS ON A LOT OF RECORD PURSUANT TO SECTION 155.208 OF THE LOMBARD ZONING ORDINANCE; AND APPROVING A DEVIATION REDUCING MINIMUM SEPARATION BETWEEN BUILDINGS PURSUANT TO SECTION 155.409(K)(3) OF THE LOMBARD ZONING ORDINANCE FOR THE PROPERTY AT 400 E. ST. CHARLES ROAD IN THE OAKVIEW ESTATES PLANNED DEVELOPMENT, AS ESTABLISHED BY ORDINANCE 5488**

(PC 16-22: Oakview Estates Planned Development Phase II – 400 E. St. Charles Road)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Subject Property, as described in Section 2 below, is zoned R4PD Limited General Residence District Planned Development; and,

WHEREAS, the Subject Property, as described in Section 2 below, is subject to the standards for the Oakview Estates Planned Development, as adopted by the President and Board of Trustees of the Village of Lombard by Ordinance 5488; and,

WHEREAS, an application has heretofore been filed requiring approval of the following major changes, conditional use and deviation to a portion of a planned development, commonly referred to as Phase II of Oakview Estates (400 E. St. Charles Road), pursuant to the Lombard Zoning Ordinance (Title 15, Chapter 155 of the Village Code):

1. Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oakview Estates Planned Development, as established by Ordinance No. 5488, as follows:
  - a. Change the use from condominiums to attached single-family (townhomes);

- b. Approve a deviation from Section 155.409(F)(3)(a) and 155.508(C)(6) to reduce minimum required front yard setback from 30 feet (30') to one foot (1'); and
  - c. Approve a deviation from Section 155.409(G) to increase the maximum allowable building height from 36 feet (36') to 36 feet and six inches (36'6");
2. Pursuant to Section 155.208 (number of buildings on a lot of record) of the Lombard Zoning Ordinance, approve a conditional use for two principal structures on one lot of record;
3. Pursuant to Section 155.409(K)(3) (Restrictions on attached single-family dwellings) of the Lombard Zoning Ordinance, approve a deviation to reduce the minimum separation between buildings containing attached single-family dwellings from thirty feet (30') to twenty feet (20'); and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on October 17, 2016, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the major changes, approval of the conditional use and approval of the deviation; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

**SECTION 1:** That major changes, conditional use and deviation for a portion of a planned development as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

1. Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oakview Estates Planned Development, as established by Ordinance No. 5488, as follows:
  - a. Change the use from condominiums to attached single-family (townhomes);

- b. Approve a deviation from Section 155.409(F)(3)(a) and 155.508(C)(6) to reduce minimum required front yard setback from 30 feet (30') to one foot (1'); and
  - c. Approve a deviation from Section 155.409(G) to increase the maximum allowable building height from 36 feet (36') to 36 feet and six inches (36'6");
2. Pursuant to Section 155.208 (number of buildings on a lot of record) of the Lombard Zoning Ordinance, approve a conditional use for two principal structures on one lot of record;
3. Pursuant to Section 155.409(K)(3) (Restrictions on attached single-family dwellings) of the Lombard Zoning Ordinance, approve a deviation to reduce the minimum separation between buildings containing attached single-family dwellings from thirty feet (30') to twenty feet (20'); and

**SECTION 2:** That this ordinance is limited and restricted to the subject property generally located at 400 E. St. Charles Road, Lombard, Illinois, and more specifically legally described as set forth below:

THAT PART OF LOT 1 IN OAKVIEW ESTATES RESUBDIVISION BEING A RESUBDIVISION IN PART OF THE SOUTHEAST QUARTER OF SECTION 5, AND THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED AS DOCUMENT NUMBER R2006-038979 AND CERTIFICATE OF CORRECTION FILED APRIL 27, 2006 AS DOCUMENT R2006-077790, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT BEING THE MOST WESTERLY CORNER ON THE MOST NORTHERLY LINE OF LOT 1 AFORESAID AND RUNNING THENCE NORTH 67 DEGREES 31 MINUTES 49 SECONDS EAST ALONG SAID NORTHERLY LINE OF LOT 1, A DISTANCE OF 441.47 FEET; THENCE SOUTH 22 DEGREES 25 MINUTES 50 SECONDS EAST, A DISTANCE OF 52.24 FEET; THENCE NORTH 67 DEGREES 34 MINUTES 10 SECONDS EAST, A DISTANCE OF 25.69 FEET; THENCE SOUTH 18 DEGREES 47 MINUTES 44 SECONDS EAST, A DISTANCE OF 105.28 FEET; THENCE SOUTH 70 DEGREES 44 MINUTES 29 SECONDS WEST, A DISTANCE OF 27.98 FEET; THENCE SOUTH 77 DEGREES 19 MINUTES 05 SECONDS WEST, A DISTANCE OF 100.24 FEET; THENCE SOUTH 81 DEGREES 45 MINUTES 05 SECONDS WEST, A DISTANCE OF 90.17 FEET; THENCE SOUTH 08 DEGREES 01 MINUTE 37 SECONDS EAST, A DISTANCE OF 7.01 FEET; THENCE SOUTH 81 DEGREES 49 MINUTES 50 SECONDS WEST, A DISTANCE OF 206.98 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET AND WHOSE CHORD BEARS



NORTH 56 DEEGREES 09 MINUTES 42 SECONDS WEST, A CHORD DISTANCE OF 81.99 FEET (AN ARC DISTANCE OF 90.26 FEET) TO A POINT OF TANGENCY; THENCE NORTH 01 DEGREE 20 MINUTES 01 SECOND WEST, A DISTANCE OF 4.30 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PROPERTY COMMONLY KNOWN AS: 400 EAST ST. CHARLES RAOD, LOMBARD, ILLINOIS 60148

CONTAINING: 51,906.12 SQ. FT., 1.19 ACRES

PIN: 06-05-426-009

**SECTION 3:** This ordinance shall be granted subject to compliance with the following conditions:

1. That the major changes to a planned development, conditional use approval and deviation approval are valid only for the subject property (400 E. St. Charles Road) in the Oakview Estates Planned Development;
2. That the petitioner shall develop the site in accordance with the following plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Code, or as provided as part of the original planned development approval set forth in Ordinance 5488:
  - a. Civil engineering and landscape plans, prepared by Craig R. Knoche & Associates, dated September 11, 2016, revised September 26, 2016; and
  - b. Architectural plans, prepared by ECA Architects and Planners, dated June 21, 2016, revised September 27, 2016.
3. That the petitioner shall submit a signage plan at the permitting phase incorporating “no parking” and fire lane signage designed to keep the internal access driveway free of parked vehicles, and that such signage plan shall be subject to the approval of the Director of the Community Development Department and the Fire Marshall;
4. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
5. Pursuant to the Zoning Ordinance, the project construction shall commence within one (1) year from the date of approval of the ordinance, or this approval shall be come null and void unless a time extension has been granted by the Village Board.

Ordinance No. \_\_\_\_\_

Re: PC 16-22

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**SECTION 4:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016, pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk