

Village of Lombard

*Village Hall
255 East Wilson Ave.
Lombard, IL 60148
villageoflombard.org*



Meeting Minutes

Monday, September 20, 2010

7:30 PM

Village Hall

Plan Commission

*Donald F. Ryan, Chairperson
Commissioners: Martin Burke,
Stephen Flint, Ronald Olbrysh,
Ruth Sweetser, Andrea Cooper and Richard Nelson
Staff Liaison: Christopher Stilling*

Call to Order

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Chairperson Ryan called the meeting to order at 7:30 p.m.

Pledge of Allegiance

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Chairperson Ryan led the Pledge of Allegiance.

Roll Call of Members

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Present: Chairperson Donald F. Ryan, Commissioner Ronald Olbrysh, Commissioner Ruth Sweetser, Commissioner Martin Burke, Commissioner Richard Nelson and Commissioner Andrea Cooper

Absent: Commissioner Stephen Flint

Also present: Christopher Stilling, AICP, Assistant Director of Community Development; Jennifer Henaghan, AICP, Senior Planner; Michael Toth, Planner I; and George Wagner, legal counsel to the Plan Commission.

Chairperson Ryan called the order of the agenda.

Christopher Stilling read the Rules of Procedures as written in the Plan Commission By-Laws.

Public Hearings

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100504

PC 10-14: 200 W. Roosevelt Road

Requests that the following actions be taken on the subject property located within the B4A Roosevelt Road Corridor District:

1. Approve a conditional use for motor vehicle service;
 2. Approve a conditional use for drive-through and drive-in services;
 3. Approve a variation from Section 153.505 (B) (19) (a) (2) (a) of the Lombard Sign Ordinance to allow for a total of seven (7) wall signs where one sign per street front exposure is permitted;
 4. Approve a Major Plat of Resubdivision with the following variations:
 - a. A deviation from Section 155.417 (H) of the Lombard Zoning Ordinance to allow for a lot area of 30,000 square feet where a minimum of 40,000 square feet is required;
 - b. A deviation from Section 155.417 (I) of the Lombard Zoning Ordinance to allow for a lot width of 100 feet where a minimum of 150 feet is required; and
 5. Approve a variation from Section 155.207 of the Lombard Zoning Ordinance to allow for an accessory structure within the clear line of sight area.
- (DISTRICT #2)

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Tim Opfer, 855 Feinberg Court, Suite 113, Cary, IL 60013, presented the petition. He stated that he was here with his partner and that they currently operate four car washes in the Chicagoland area. They are the contract purchasers for the property. Their goal is to convert the existing full service car wash into an express car wash where the

customer stays in their car and drives through.

They are proposing improvements to the site plan as well as to the architecture of the building. This includes pulling the front of the building out, adding a lobby inside, and adding glass features. They will remove the monument sign and will use wall signs for signage. Other improvements to the building include the addition of new detail bays, which will be located where the parking lot existed, and 2 roll up doors, which will open and close automatically with each individual car, and keep the noise inside the building.

The site plan has been changed to add two kiosks in lieu of the outside vacuums which will be relocated inside the building. The access along Roosevelt Road has been modified per staff and KLOA's comments. They have added landscaping wherever possible to the site plan.

Concluding Mr. Opfer stated that they feel that the plans fit in well with the Roosevelt Road corridor and are in agreement with all staff comments.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition.

Jay Anderson, 58 W. Ann Street, Lombard, indicated that the existing traffic pattern has most vehicles entering and exiting the facility onto Roosevelt Road or the Lincoln Street entrance. His concern is that it appears from the proposed plans that cars using the vacuum stalls will be exiting out on the northeast side of the property and he is concerned about increased traffic on Ann Street. He mentioned how they currently have winter issues with wet tires coming onto the road which results in icing. He and some of his neighbors have experienced mailbox losses due to the resulting ice. The traffic flow is his biggest concern. He requested that a stop sign be put on Lincoln.

Mr. Opfer rebutted. He stated that they were required to do a traffic study and they have complied with all the changes to the site plan proposed by KLOA. These include the full access on Roosevelt Road being limited to a right in right out. The exit the gentleman is referring to is an escape lane to be used by people who need to use the vacuum but have not had a wash yet. It currently operates as a two-way but will only be a one-way exit. He doesn't think it will cause a problem.

Chairperson Ryan then requested the staff report.

Jennifer Henaghan, Senior Planner, presented the staff report. The subject property was developed in 1967 and has been in use as a car wash for more than 35 years. The petitioner is proposing to renovate and expand the building to accommodate modern car wash equipment, three new detail bays. Accessory buildings would include two payment kiosks and a self-serve vacuum canopy. The existing vacuum building adjacent to Ann Street would be removed.

Ms. Henaghan summarized the comments from the Building and Private Engineering Services Divisions. The Comprehensive Plan recommends Community Commercial uses at this location. The proposed car wash use complies with the recommendation. The subject property is surrounded by compatible commercial uses on three sides. However, there are residential areas to the north and east that will continue to be affected by the car wash use. The petitioner has represented that the new car wash and vacuum equipment will be quieter than the existing equipment due to the vacuum motors being enclosed within the car wash building, which should benefit the nearby residents. The petitioner will also be adding landscaping to the property, which will both improve the appearance of the site as well as provide some additional protection from noise. The proposed site enhancements will make the subject property more compatible with surrounding land uses.

The Sign Ordinance allows up to one sign per street front exposure, which would allow the subject property up to three wall signs by right with a maximum total sign area of up to 500 sq. ft. The petitioner is proposing a total of seven wall signs, as follows: No freestanding sign is proposed for the site. There will also be a menu board associated with the drive-through, as shown on the submitted plans. Although the total number of signs exceeds that allowed by Code, five of the proposed seven signs are essentially directional in nature. The three detail center signs allow employees to direct customers to the correct location for the services they have purchased, and the enter/exit signs serve only to prevent customers from entering the wrong end of the car wash. All five of the signs are intended to be viewed primarily by customers already on the property. Also, the total area of the proposed wall signs is only 36% of that allowed by right. While the petitioner could likely achieve the same directional goals by using fewer, larger signs, the architectural goals of the B4A District may be better met by limiting the area of the signs rather than the quantity. Staff can support the requested sign variation due to the directional nature and limited size of the proposed signs.

The subject property, as currently developed, has numerous nonconformities. The petitioner is requesting relief for only those items that are required for the proposed building addition and accessory canopy structure, rather than asking the Village to grant relief to allow these nonconformities to remain in perpetuity. The petitioner will be adding approximately 2,140 sq. ft. of landscaping to the property, which will increase the open space from 0% to 7.1%. Also, the petitioner is willing to install substantial landscaping along the eastern property line to screen the vacuum canopy from the right-of-way. The current property owner uses the adjacent right-of-way for employee parking. The petitioner will instead have all employees park on-site and will sod the adjacent right-of-way unless the Village requires a cash payment in lieu of landscaping to allow for future public right-of-way improvements. The proposed improvements will substantially enhance the appearance of the subject property while also bringing it closer into compliance with Village Code.

The petitioner is requesting conditional uses for motor vehicle service and drive-through and drive-in services. Although these activities have been occurring on the site for decades, they are now classified as conditional uses and the proposed expansion therefore requires Village approval.

The Village's traffic consultant, KLOA, performed a review of the subject property and proposed development. The consultant found that the proposed redesign of the car wash facility will provide adequate stacking and on-site circulation for future customers. However, the two access drives on Roosevelt Road should be consolidated into a right-in/right-out access drive. This will ensure better internal traffic flow with less conflict points and will reduce the potential for vehicles backing up internally. Vehicles exiting the car wash tunnel desiring to go east to the vacuum bays or to exit the site should be under yield or stop sign control in order to minimize the potential for conflicts with inbound traffic from the right-in movement. Also, to ensure that vehicles entering the site from Lincoln are able to turn right to proceed to the car wash lane without encroaching on the curb, the internal radius adjacent to the parking spaces where customers will vacuum their vehicles should be 15 to 20 feet. Provided that the above recommendations from the traffic consultant are incorporated into the development plans, staff can support the requested conditional uses as the petitioner is proposing numerous improvements to the building façade, landscaping, site access, and operations that will enhance the appearance of the property and bring it closer into compliance with Village Code.

The subject property is currently not a lot of record as this was not a requirement when the property was initially developed in 1967. The Zoning Ordinance now requires that

construction of an addition greater than 350 square feet or an accessory structure greater than 800 square feet be on a lot of record. This is primarily a clean-up issue to bring the lot into compliance with Village Code.

The proposed vacuum canopy will be located within the clear line of sight areas for both of the access drives onto Lincoln Street. Generally, staff does not support variations to the Village's clear line of sight requirements for safety reasons. However, the canopy structure is designed to mimic what Code already allows for "green" obstructions within the clear line of sight area. The support poles will be no larger than six inches in width and the canopy itself will be no closer than eight feet to the ground. If the Village elects to approve this variation request, the impact should be no greater than the obstructions that are currently allowed within clear line of sight areas.

Staff is recommending approval of this petition, subject to six conditions.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Olbrysh asked the square footage of the addition. Mr. Opfer answered 1,300 square feet. Commissioner Olbrysh commented that after looking at the staff report it appears that the petitioner has worked closely with staff and the proposed project is quite an improvement. Referring to the drawings, he noted that the south side has been completely redone and the east side, which is currently not aesthetically pleasing, will be redone as well. They have 3 detail bays, an enclosed dumpster and the employee parking. He asked what will be done with the wall by the employee parking spaces. Mr. Opfer answered they were leaving the wall white. Commissioner Olbrysh stated that he didn't have a problem with the traffic flow, the landscaping plan impressed him and noted that the open space percentage was increasing. He stated that they have done a good job and will be a great addition to the property.

Commissioner Sweetser agreed with Commissioner Olbrysh's comments and asked the hours of operation. Mr. Opfer answered that they would be open seven days a week from 8:00 a.m. to 8:00 p.m. daily, weather permitting.

Commissioner Cooper referred to the traffic flow drawing C1.1 and stated that it does not show the corrections that are recommended by the traffic engineer. Mr. Opfer answered that it was too late to incorporate the changes but that they agreed to add those to their revised plan. She also added that this was a good addition to the property.

Commissioner Burke asked if there currently was a stop sign at Ann Street and Lincoln. Ms. Henaghan stated she was unsure but Mr. Anderson indicated there was not. Commissioner Burke asked if a stop sign was required by the traffic consultant and if not, suggested that staff look into possibly having one put there. Mr. Stilling answered that staff will bring it up with the Public Works Department and possibly the Traffic & Safety Committee.

Commissioner Sweetser added that Commissioner Burke's statement was a fair one as there was a concern voiced about the traffic. We need to determine if a remedy is warranted and if it has anything to do with the car wash.

It was moved by Commissioner Olbrysh, seconded by Commissioner Sweetser, that this matter be recommended to the Corporate Authorities for approval subject to conditions. The motion carried by the following vote:

Aye: 5 - Olbrysh, Sweetser, Burke, Nelson and Cooper

Absent: 1 - Flint

1. *The subject property shall be developed consistent with the submitted plans prepared by Direct Design LTD Architects, dated August 12, 2010 and last revised August 30, 2010.*
2. *The petitioner shall satisfactorily address all comments within the IDRC report.*
3. *All recommendations identified within the KLOA report dated September 8, 2010 shall be incorporated into the plans prior to the issuance of a building permit, including:*
 - a. *Access onto Roosevelt Road shall be restricted to a single right-in, right-out driveway with signage directing on-site traffic to yield to vehicles entering the site from Roosevelt Road.*
 - b. *The internal radius of the curb along the northern edge of the southbound Lincoln Street driveway (adjacent to the parking spaces where customers will vacuum their vehicles) should be at least 15 feet.*
4. *Any structure located within the clear line of sight areas along Lincoln Street shall be limited to the building canopy structure identified on the petitioner's submitted plans prepared by Direct Design LTD Architects, dated August 12, 2010 and last revised August 30, 2010.*
5. *If directed by the Village, the petitioner shall submit a cash payment in lieu of the proposed landscape improvements shown on the submitted landscape plan.*
6. *The approval shall become null and void unless work thereon is substantially underway within 12 months of the date of ordinance approval, unless extended by the Village Board prior to the expiration of the approval ordinance.*

100505**PC 10-17: Text Amendments to the Zoning Ordinance**

The Village of Lombard requests text amendments to Section 155.305 of the Lombard Zoning Ordinance related to legal nonconforming two-family dwellings that were lawfully established prior to January 1, 1960 and are located in the R2 Single Family Residence District. (DISTRICTS - ALL)

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Christopher Stilling, Assistant Director of Community Development, presented the petition. He stated that Village staff was contacted by the property owner at 90 S. Highland Avenue and their attorney with reference to their legal nonconforming two-family dwelling in the R2 Single Family District. The property owner of unit A recently entered into a contract to sell the unit, however just prior to closing, the FHA loan underwriter for the buyer would not approve the loan because it was considered legal nonconforming. To address this issue, staff is proposing a text amendment to allow property owners of a legal nonconforming two-family dwelling that was lawfully established prior to January 1, 1960 and is located in the R2 Single Family Residence District the ability to proactively seek a conditional use to re-establish the legal non-conforming status of the property before it is ever damaged or destroyed. As a companion to this request, the property owner of 90 S. Highland Avenue is seeking conditional use approval. Should this petition be approved, the companion petition can be considered for approval as well.

Mr. Stilling summarized the findings of the workshop held at the August 19, 2010 Plan Commission meeting. He stated that the Plan Commission unanimously supported the concept of a text amendment; however a few Commissioners expressed a concern about notification to other legal nonconforming two-family dwellings. Staff would like to point out that this proposed text amendment does not require property owners of legal nonconforming two-family dwellings to petition for the conditional use. Rather the

amendment allows the property owner, at their discretion, the ability to proactively seek the conditional use to re-establish the legal non-conforming status of the property before it is ever damaged or destroyed. Whether or not a property owner seeks to utilize this provision is entirely up to them. The proposed text amendment allows a property owner to have the assurance that the conditional use to re-establish the legal nonconforming status has already been "pre-approved".

Mr. Stilling highlighted the specific language to be used for the text amendment and stated that staff supports this approach because the property would still remain legal nonconforming, while the property owner now has the assurance that the conditional use to re-establish the legal nonconforming status has already been "pre-approved". In addition, this could address several other properties we have identified who may encounter a similar issue.

Mr. Stilling stated that the petition meets the standards outlined in the Zoning Ordinance and recommends approval.

Chairperson Ryan then opened the meeting for comments among the Commissioners. There were no comments.

It was moved by Commissioner Sweetser, seconded by Commissioner Burke, that this matter be recommended to the Corporate Authorities for approval. The motion carried by the following vote:

Aye: 5 - Olbrysh, Sweetser, Burke, Nelson and Cooper

Absent: 1 - Flint

100506

PC 10-18: 90 S. Highland Avenue, Unit A

Requests that the Village grant a conditional use, pursuant to amended Section 155.305 allowing for a legal nonconforming two-family dwelling that was lawfully established prior to January 1, 1960 and is located in the R2 Single Family Residence District to continue or be re-established as a legal nonconforming use prior to being subject to elimination under the terms of this ordinance. (DISTRICT #5)

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Fred Huber, 90 S. Highland Avenue, Lombard, IL presented the petition. He stated that he purchased the property back in 2002. He stated that the home was too small for his family and needed to sell it. In June, 2010, he said he found a buyer for the unit; however, the buyer's loan was rejected because the home was legal nonconforming and the buyers lender needed assurance that the home could be rebuilt if it were destroyed. He said that he has been working with staff to find a resolution. He feels that the proposed solution will work and he has confirmed with a few lenders that this approach should work.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition. No one spoke in favor or against.

Chairperson Ryan then requested the staff report.

Christopher Stilling, Assistant Director of Community Development, presented the staff report. Village staff was contacted by the property owner at 90 S. Highland Avenue and their attorney with reference to their legal nonconforming two-family dwelling in the R2 Single Family District. The property owner of unit A recently entered into a contract to sell the unit, however just prior to closing, the FHA loan underwriter for the buyer would not approve the loan because it was considered legal nonconforming. To address this issue, as outlined in PC 10-17, staff has proposed a text amendment to allow property

owners of a legal nonconforming two-family dwelling that was lawfully established prior to January 1, 1960 and is located in the R2 Single Family Residence District the ability to proactively seek a conditional use to re-establish the legal non-conforming status of the property before it is ever damaged or destroyed. As this property would meet the provisions of the proposed text amendment, the property owner is seeking a conditional use.

Mr. Stilling provided background on the request stating that the subject property is located in the R2 - Single Family District and improved with a two-family dwelling. The property is also not on a lot of record and is divided by an assessment division. The property is in the middle of a large single family neighborhood all zoned R2. There are also several other two-family dwellings scattered throughout the neighborhood and Exhibit "A" shows ten (10) other nonconforming two-family dwellings in the area. According to Village and County records, all of those units were constructed prior to 1960.

The subject property did receive a building permit for a two-family dwelling in 1956 and at that time two-family dwellings were permitted uses in the R2 District. Subsequent to the construction of the property, the Village amended its Zoning Ordinance as part of the 1960 Zoning Ordinance amendments which no longer permitted two-family dwellings in the R2 District. More recently, the Zoning Ordinance has since been relaxed to allow two-family dwellings on those properties that are on a lot of record and abutting property in the B3, B4 or B4A Districts, through a conditional use approval process. As such, two-family structures are not permitted as of right within the R2 District. Since the property is not on a lot of record and does not abut property in the B3, B4 or B4A Districts, it is considered a legal nonconforming use.

The property owners recently entered into a contract to sell their unit to a buyer who was using a FHA loan to purchase the property. During the loan approval process, the lender became aware that the existing property was considered legal nonconforming. Unfortunately the lender would not approve the loan without written assurance from the Village that the structure could be rebuilt if it were destroyed beyond 50% of its value. Staff did inform them that Section 155.305 of the Zoning Ordinance sets forth a provision which allows the owner of a nonconforming structure that has been destroyed more than fifty percent (50%) of its fair market value to apply for a Public Hearing before the Plan Commission for a conditional use to allow such building to be re-established. Since there was no guarantee that the Village would grant the conditional use, their lender denied the loan.

Mr. Stilling highlighted the specifics of the property stating that the existing structure does meet the setback and parking requirements of the R2 District. Mr. Stilling also stated that the petitioner has provided a response to the standards for a conditional use. Specifically, Mr. Stilling called attention to standard #3 stating that in the unfortunate event that the subject site were destroyed, two options would be available - either grant zoning relief for the property or grant approval of a conditional use to reestablish the legal non-conforming status for the damaged building. Staff believes that if the Village is interested in allowing the duplex to be reoccupied, reestablishing the non-conforming status would be preferred, as the request would only relate to the building at its present location and would not run with the land. Therefore staff supports granting the conditional use now. Mr. Stilling said that the required standards have been met and staff recommends approval.

Chairperson Ryan then opened the meeting for comments among the Commissioners. There were no comments from the Commissioners.

It was moved by Commissioner Burke, seconded by Commissioner Nelson, that this matter be recommended to the Corporate Authorities for approval subject to conditions. The motion carried by the following vote:

Aye: 5 - Olbrysh, Sweetser, Burke, Nelson and Cooper

Absent: 1 - Flint

- 1. The conditional use approval to continue and/or re establish a legal nonconforming use prior to being subject to elimination is granted solely to the property located 90 S. Highland Avenue, Unit A, as depicted and legally described by the plat of survey prepared by ARS, dated June 30, 2010.*
- 2. Any future improvements or changes to the property shall meet all the provisions of the Lombard Zoning Ordinance.*
- 3. The petitioner shall satisfactorily address all comments within the IDRC report.*

100503

PC 10-13: Text Amendments to the Zoning Ordinance (Through Lots)

The Village requests text amendments to the Lombard Zoning Ordinance relative to fencing and accessory structures located on Through Lots. The definition of 'Through Lot' would also be amended for purposes of clarity. (DISTRICTS - ALL)

Play Video

Michael Toth, Planner I, presented the petition. Historically, Village staff has received a number of requests to allow accessory structures and fences in excess of four (4) feet in height on through lots. In order to address these requests, staff has reviewed all provisions relative to through lots and is proposing amendments relative to fence height and the placement of accessory structures on such lots.

By definition, a lot that faces two parallel public streets is considered a 'through lot'. Pursuant to the Zoning Ordinance, a through lot is defined as having two front yards. As such, accessory structures and fences in excess of four (4) feet in height are not permitted in front yards. Historically, Village staff has received a number of requests to allow accessory structures and fences in excess of four (4) feet in height on through lots.

Fences

On an interior lot, the principal structure is bound by the front yard setback, two side yard setbacks and a rear setback. In this traditional configuration, a fence can be erected to a maximum height of six (6) feet in the side and rear yards of the property. However, as a through lot technically has two front yards, a fence in excess of four (4) feet is limited to the interior side yard.

Accessory Structures

Accessory structures are not listed as permitted encroachments in the front or side yard. Moreover, all detached accessory structures must also be located behind the front wall of the principal building that is nearest to the front lot line. As such, the placement of an accessory structure is limited to either the buildable area of the lot (behind the principal structure) or the rear yard. The placement of an accessory structure on a through lot is further restricted to the buildable area of the lot.

Staff recognizes the demand to allow properties located on through lots to have the same level of privacy (through the use of a fence in excess of four (4) feet) and use of accessory structures that are afforded to interior lots. Through the proposed text amendments, single family through lots would be permitted to place an accessory

structure or erect a fence to a maximum of six (6) feet, which is consistent with the interior lot provisions; however, certain conditions must apply.

In order to place accessory structures or erect a fence (in excess of four (4) feet) on through lots in an area once deemed to be a front yard, each through lot would be required to take driveway access from the same right of way as both adjacent properties. If this requirement is met, the lot line opposite the access right of way would be treated as a rear yard. This provision was created in order to maintain consistency on the block face and to ensure that accessory structures and fences (in excess of four (4) feet) would not be placed adjacent to the front yard of the neighboring property (the front yard taking access from the same right of way). Such provisions already exist within code to protect property owners from the impact caused by adjacent properties.

Existing Conditions

Staff conducted an analysis of all existing through lots within the Village. There are a total of 75 through lots, and with the exception of one block (located on 16th Street) the majority of through lots are located on (or abut) a Minor Arterial Route (as recognized by the Comprehensive Plan). Staff notes that the through lots along 16th Street are located across the street from Four Seasons Park. Furthermore, with the exception of one area (S. Main Street and Washington Blvd) all of the through lots examined held the same block face, which means that every house on the block takes access from the same right of way. All of these homes also face the same right of way from which they take access from.

In the case of the S. Main Street and Washington Blvd area, there are a total of five properties that form a peninsula. Three of those properties face S. Main Street, but only one faces and takes access to S. Main Street. Only two lots face and take access from Washington Blvd. The other two face S. Main Street, but take access from Washington Blvd. Because of this area's unique lot configuration, each property would be required to either meet the fence and/or accessory structure requirements or seek a variation, even if the proposed amendments were adopted.

The definition of 'Through Lot' does not specify which yard shall be deemed the front yard, but rather states that both street lines shall be deemed front lot lines. The definition of 'Lot Line, Front' allows corner lots to select either street line as the front lot line and states that the front lot line of "land-locked land" shall be that lot line that faces access to the lot. This definition does not specifically address through lots, but staff has historically made the interpretation that the front line is considered the lot line that the house faces and takes right of way access from. For technical purposes, homes that face their applicable right of way, but take access from a rear alley, would not be applicable to the proposed text amendments as those alleys are considered access easements and not public right of way.

Prior to the year 2000, the Village did not require permits for fences. Code provisions relative to fences (height, location, etc) did officially exist; however, without a formal permit process, these provisions were often disregarded. As a result, many of the through lots currently have fences in excess of four (4) feet. Typically during the permit process - now - is when permit applicants (living on through lots) discover that their existing fence is non-conforming and the current code provisions must be met, otherwise a variation must be obtained.

Staff has always been consistent with the regulation of accessory structures on through lots; more specifically, staff has always considered the two front yard provision as part of the location requirement. Although there have not been any recent variations involving the placement of accessory structures on through lots, there has been a demand to allow such structures in the rear portion of the property. Furthermore, if a through lot

could have the ability to erect a six (6) foot fence, this would provide a screening element for an accessory structure.

Staff has a history of amending provisions of the Zoning Ordinance to address emerging land use issues. As an example, corner lots - once deemed to have two front setbacks, were eventually granted the ability to consider one street exposure as a 'corner side yard', as opposed to a more restrictive front yard. This amendment allowed corner lots to have a larger building footprint and also expanded the amount of usable area of a property for other types of structures. Staff believes that the proposed amendments would also allow property owners to utilize their property to a greater extent, without sacrificing bulk regulations and/or aesthetic issues. Staff notes that the difference between allowing additional fence and accessory structure consideration for through lots, as opposed to corner side yards, is the fact that these through lots are located along major thoroughfares and not in the middle of residential neighborhoods. As such, the visual impact would be less detrimental.

Furthermore, staff finds that the proposed amendments meet the standards and recommends approval.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Sweetser stated that staff did a really good job with such a confusing issue.

Commissioner Burke stated that this is a very technical issue. He then questioned why the Plan Commission is addressing this issue and why it is not handled on a case-by-case basis. Each and every condition is going to be different. He is nervous with the approach of creating a blanket ordinance because it won't fit every situation. He then questioned how many requests have been received because he does not remember one.

Mr. Toth stated that these types of requests are typically taken at the staff level at Village Hall during normal business hours. He then added that these requests are made when someone comes to the Village for a fence permit or permit for an accessory structure. At that point they are told that they do not meet code and they have to seek a variation.

Commissioner Burke asked if anyone has come forward to seek a variation. Mr. Toth responded, no.

Christopher Stilling, Assistant Community Development Director, stated that Mike is the frontline and ends up telling people that the code limits their fence height. The issue is that most people have an existing six (6) foot fence that was erected prior to 2000.

Commissioner Burke stated that it is better to do that than leave it in a state of disrepair.

Mr. Stilling agreed. He then added that those people will either contact him or the Director of Community Development, upset about this. He stated that we currently have four or five people waiting to see the result of this text amendment to know how tall they can build their fence. He added that staff wants to be more proactive with this issue. Ultimately, if the Village Board decides that they want to review these on a case-by-case basis, they can deny the text amendment. Staff believes that it is unnecessary to charge for the variation and is proposing the text amendment instead.

Referring to the staff report, Commissioner Burke stated that the definition of a through lot is a lot that faces two parallel streets. If you consider that definition in the strict sense

of the word, several of the lots on Washington and Main would not be considered through lots as Main and Washington do not run parallel. He suggested that we consider changing the definition, noting that the lots have frontage on two sides.

Commissioner Sweetser suggested that the words "essentially parallel" or "parallel to 'x' percentage".

Attorney Wagner referred to the actual definition found on page 8 and provided clarity on the issue.

It was moved by Commissioner Olbrysh, seconded by Commissioner Burke, that this matter be recommended to the Corporate Authorities for approval. The motion carried by the following vote:

Aye: 5 - Olbrysh, Sweetser, Burke, Nelson and Cooper

Absent: 1 - Flint

Business Meeting

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The business meeting convened at 8:20 p.m.

Approval of Minutes

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Commissioner Sweetser referred to page 5, 3rd paragraph, last sentence, and noted that the word "accept" should be changed to "except".

Assistant Director Stilling noted that Village counsel had given staff a number of minor changes to be made.

On a motion by Burke and seconded by Sweetser the minutes of the August 16, 2010 meeting were approved with the forementioned changes. The vote was 4-0 with Commissioner Cooper abstaining.

Public Participation

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There was no public participation.

DuPage County Hearings

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There were no DuPage County hearings.

Chairperson's Report

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The Chairperson deferred to the Assistant Director of Community Development.

Planner's Report

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Christopher Stilling provided an update on the Downtown Plan. He noted that since being awarded an RTA Planning Grant, the Village's planning efforts are well underway

with the report more than halfway finished. A workshop was recently conducted which included approximately 80 participants who reviewed the development proposal. There will be another workshop some time in October followed by an open house and public meetings. The date of the upcoming workshop as well as all relative information can be found on the Village's website under the "Quick Links" section.

Mr. Stilling then noted the possibility of calling a second meeting in October to accommodate the possibility of a large number of agenda items. He stated he would follow up with the Commissioners.

Subdivision Reports

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There were no subdivision reports.

Unfinished Business

[Play Video](#)

There was no unfinished business.

New Business

[Play Video](#)

There was no new business.

Site Plan Approvals

[Play Video](#)

There were no site plan approvals.

Workshops

[100507](#)

Yorktown Apartments Planned Development Amendment

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Christopher Stilling, Assistant Director of Community Development, presented the workshop. He stated that staff would like to introduce this item relative to a concept plan for the Yorktown Apartments. This plan will include a new 6-story apartment building and parking deck. Using the overhead projector, he showed an aerial of the site and noted that the area in green is Yorktown Apartments. The property owner will be requesting a planned development amendment to the Yorktown Planned Development Ordinance 1323 to allow for the construction of a new 322 space parking deck (Phase 1) and a new 6-story 96 unit site plan apartment building (Phase 2).

The subject site is located south of 22nd Street, east of Highland Avenue and is commonly known as the Yorktown Apartments. The property is currently zoned R5 PD. The property owner is seeking to remove the old 2-story parking garage located along Highland Avenue and replace it with a new 4-story garage and recreational area as Phase 1. The existing parking deck is in disrepair and must be replaced or reconstructed in the short term. As the property is governed by Planned Development Ordinance 1323, it does have rights to additional residential units. Therefore, they are also requesting approvals to construct a new 6-story 96 unit apartment building where the old parking garage was located (Phase 2).

Referring again to the aerial, he mentioned the whole development was outlined in red. Ordinance 1323 approved in 1967, governs this site as well as several other developments outlined in red. The other properties include Liberty Square and Yorktown Green Condos. Ordinance 1323 granted certain rights, particularly pertaining to setbacks, building height, open space and total unit count for the entire area. The plan, as proposed, would meet all the provisions established in the Ordinance. However, condition F states that any construction must be approved by the Plan Commission. It should be noted that staff was unable to locate the original master plan developed for the entire site. Staff is still determining if the development request requires only Site Plan Approval or a public hearing for an amendment to the planned development.

Mr. Stilling then displayed another aerial showing the concept plan. The proposed development would consist of 2 phases. Phase 1 would include the demolition of the existing parking deck along Highland Avenue. However, they plan to use the lower level of the existing parking deck as temporary parking while constructing the new deck. A new 4-story, 55' foot tall parking deck would be constructed east of the existing deck. This structure would also include a pool and recreation area on the fourth floor and roof. Upon completion of the new parking deck and prior to the start of construction on Phase 2, which they have indicated could be several years away, they plan to remove the temporary parking and install a detention basin in its place.

Phase 2 would include a 6-story 96 unit apartment building where the basin would be located along the Highland Avenue frontage. The existing stormwater detention would be relocated to an underground vault. The proposed new building would be connected to the new parking deck to allow for shared access and parking within the new structure. The proposed building would be approximately 83 feet to the highest point. The building would be setback approximately 37 feet from the Highland Avenue right-of-way and 87 feet from the centerline of Highland Avenue. Ordinance 1323 requires all structures to be setback a minimum of 80' from the centerline

The petitioner has provided a plan showing how they attempt to meet the parking requirements. In addition to the new 322 space parking deck, an additional 49 new surface spaces would be provided throughout the site. Upon completion, the existing and proposed improvements would meet all parking requirements. Staff has expressed a concern to the petitioner with regards to parking during construction. Because the old parking deck will be removed, there will be a time in which they will be short 206 spaces. They have indicated that they are in negotiations with Yorktown Mall to work out a short term shared parking agreement. If approved, this should address their parking shortfall. With regards to unit count, the overall site has rights to a total of 1,772 units. Currently the site has been developed with 757 units. Therefore the proposed development of an additional 96 units would meet the provisions established in Ordinance 1323.

As indicated, the petitioner is proposing to construct a new 6-story 96 unit apartment building along the Highland Avenue frontage. The proposed building would be approximately 83 feet to the highest point. The building would be setback approximately 37 feet from the Highland Avenue right-of-way and 87 feet from the centerline of Highland Avenue. Ordinance 1323 requires all structures to be setback a minimum of 80' from the centerline. Although the proposed building would meet the provisions established by the original planned development ordinance, staff is concerned about the location of the new building along the Highland Avenue frontage. All other structures, along the east side of Highland Avenue, south of 22nd Street have setbacks in excess of 70' from the right-of-way. In addition, the recently approved new McDonalds would be setback approximately 75 feet from Highland Avenue.

Chairperson Ryan confirmed that they are currently required to be set back a minimum

of 80' from the center line and they are proposing 87' which will meet and exceed code. Mr. Stilling answered yes.

Mr. Stilling continued and showed an aerial of a building perspective viewing south along Highland. The proposed new apartment building would be 83 feet high. Staff has expressed a concern about the building, in relation to the setback along Highland Avenue. Staff has requested that the petitioner, prior to the public hearing, provide a shadow analysis of the proposed new building and its affect on the existing buildings to the north. He noted that they complied with this request and the shadow analysis received shows that the units to the north would not be affected.

Lastly, he showed an aerial of the building elevations. Regarding the building design, the planned development does not have any design guidelines and the built architecture between the existing developments vary significantly. Staff has suggested that the design palette should incorporate many of the architectural themes currently found in the multiple family development recently constructed at City View and Fountain Square condominiums. Staff would like to see these elements also incorporated into the new parking deck as well. Noting the view of the parking deck, he stated that a good portion will be a traditional style with a painted concrete deck.

Concluding, Mr. Stilling stated that staff is seeking the input of the Commissioners with regarding to the following issues:

1. Are the Commissioners conceptually supportive of the concept site plan?
2. Are there particular concerns regarding the proposed building elevations for the new parking deck and new apartment building?
3. Are there any other additional issues/plan modifications the Commissioners would like to see prior to the petitioner applying for a site plan approval?

Chairperson Ryan requested the Commissioners' comments.

Commissioner Olbrysh stated that his major concern is the massive bulk. Even though the two buildings meet the intent of the original ordinance in regard to the setback from the centerline of Highland Avenue, he was more concerned with the height of the building. He felt it was too massive and thought the McDonald's development to the south would also be concerned as it could mask it. Lastly, he was concerned about the closeness of it to Highland Avenue.

Commissioner Sweetser agreed. She wondered why the building is being placed in that manner as there is no retail at street level and the living quarters are being located on a major thoroughfare instead of having them in a more secluded area. She thought that if they put the units on the opposite side, this could help reduce bulk and make it more pleasant to live there.

Commissioner Burke asked if the parking deck would service the other two buildings. Mr. Stilling answered yes. Commissioner Burke noted that was probably the reason for putting it in that corner. Mr. Stilling stated that we have been working with them for about six years. They have made their application and want to get the Commissioners' thoughts first. Over the years, staff has seen dozens of plans and it is quite possible they might need to take another look. They need to get going on the parking structure component and Phase I and want to get assurances in place for Phase 2 as they will invest a great deal of money and want to ensure they get a return on their investment.

Chairperson Ryan noted that Phase I would be started as soon as possible but yet

Phase 2 could take a while away before it gets going. He asked if it could be possible that Phase 2 would not be started for another 10 years. Mr. Stilling answered that it was quite possible. They stated that they are building a much larger parking deck than what is necessary so if they are making a big investment with the parking structure they want to ensure they get the rights to do the rest. They are currently experiencing 98 percent occupancy in the existing building as the apartment market is very strong right now but you are still dealing with the expense of construction costs.

Commissioner Burke clarified that since staff suggested that the proposed elevations for the building and parking garage incorporate the architectural themes found in the Fountain Square and City View developments, he asked if staff had objected to them. Mr. Stilling answered that City View Apartments is a very attractive building and something similar would break up the mass along Highland Avenue. Staff was concerned that should Phase 2 not move forward the parking structure would become much more visible so we suggested they provide these elements and treatments for everything.

Commissioner Burke stated that he had no objection to the elevation. Looking at the Highland Avenue building elevation he noted that it doesn't agree with the site plan as far as the landscaping and that the elevation was deceiving. He suggested when they come back they do a better job of making it look better. He also suggested, as a compromise to the setback off of Highland, that the top two floors might be kicked back a bit so as to create a garden apartment. He noted that the other two buildings in the development were 12 and 15 stories tall so the proposed building will be shorter than the others. From a location standpoint it might not be ideal but by a bulk standpoint it fits and if they wanted, by right, they could have fit more on here. Mr. Stilling agreed that they do have rights to 1,300 units but have proposed 800 units.

Commissioner Sweetser agreed with the idea of stepping back the top two floors to mitigate the bulk and asked if they were amenable to these features as it would make it more consistent with the area. She also asked how it will work if they don't come on line with the building right away and if there would be periodic check ins. Mr. Stilling answered that with regard to the elevations, they are aware that staff expressed concern mostly in regard to the orientation and proximity to Highland Avenue. While this is better than what currently exists, they might try and incorporate some of those features.

Commissioner Olbrysh stated that what bothers him, besides being too close to Highland Avenue, is the appearance of a big box. He likes the idea of the top two floors being stepped back and also suggested they might incorporate a streetscape design. That might help break up the bulk and make it look more acceptable.

Chairperson Ryan commented that with the elevations they provided, it is difficult to tell what they are actually doing. He referenced a multi-family building located in Elmhurst by the train station. It is close to the street, one color, and is massive looking. He stated that this proposed building should be aesthetically better.

Commissioner Burke commented that he thought they did a reasonably good job because there is color variation and they do provide decks and patios. There is also some vertical relief next to the balconies.

Mr. Stilling indicated that in regard to their phasing and rights, they are seeking the assurance of the right to build Phase 2. Similar to other planned developments, the approval process would include building in site plan approval which would require them to come back to the Commission to ensure that it is consistent with what was originally represented. He also agreed that more detail needs to be shown on the plans as it could make a difference in the elevations.

Commissioner Burke asked if it was the Village's intent after site plan approval to change the ordinance or rights of the development to reflect the approval. He asked what would occur should they get their approval and the plan doesn't move forward - can the next development proposal include more units and would they still maintain their original rights. Mr. Stilling answered that the governing ordinance will still allow them the rights. As they are removing an existing structure this would be deemed a major change to the planned development. There are other properties owned by other individuals in this development that are also subject to the same governing ordinance.

Commissioner Cooper asked if there was an elevation from Highland that would just show the parking structure. Mr. Stilling showed the west elevation of the garage. Commissioner Cooper requested another perspective which would include the detention area on Highland.

The Commissioners agreed that they needed clarification on what would be seen if the residential building were never to be built.

Commissioner Cooper asked what the reason was for having a new sidewalk abutting Highland Avenue as there was no buffer. Mr. Stilling answered that due to existing utilities and grade changes it had to be located there. Commissioner Cooper asked if there was any possibility of moving it away from the street. Mr. Stilling answered that we will have them explore the possibility of having it as far away from the curb as possible. He noted that the location of the sidewalk to the north is similar for the same reasons. Commissioner Cooper asked if the sidewalks would hook up. Mr. Stilling noted that it would stop at the limits of this property. Mr. Stilling stated that staff is still exploring the option of even having the sidewalk.

Concluding, Mr. Stilling noted that this is a big project and an old planned development so it was advantageous to have introduced it now for the Commissioners' input.

Adjournment

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The meeting adjourned at 8:58 p.m.

Donald F. Ryan, Chairperson
Lombard Plan Commission

Christopher Stilling, Secretary
Lombard Plan Commission