

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

400 EAST ST. CHARLES ROAD

January 24, 2022

Title

PC 22-02

Property Owner

Ivan Wolfson/Pairodcs, LLC
149 Oak Knoll Terrace
Highland Park, IL 60035

Petitioner – Developer

New Directions Housing Corp.
2901 Butterfield Road
Oak Brook, IL 60523

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 to allow for a 30-unit apartment building.

Prepared By

Anna Papke, AICP
Senior Planner



LOCATION MAP

DESCRIPTION

The petitioner, New Directions Housing Corp., proposes to develop the property at 400 E. St. Charles Road with a 30-unit multiple-family apartment building. The development will consist of one residential building and 45 surface parking spaces.

BACKGROUND

This property is located in the Oakview Estates Planned Development. When the 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 on the subject property was never constructed. In 2017, a potential developer received zoning entitlements to develop the subject property with ten townhome units rather than the originally proposed 40-unit condo building (PC 17-01), but this project has not proceeded.

The property has been on the market for several years. During that time, staff has received inquiries from interested buyers seeking to develop the subject property for purposes other than the townhomes approved in 2017. In response to such inquiries, staff conducted a workshop with the Plan Commission in June 2020, seeking feedback on potential development scenarios on the subject property. At the workshop, the Plan Commission indicated support for residential development of a density and scale similar to the 40-unit multiple-family building approved on the site in 2004.

Project Details

| | |
|-----------------|-------------------|
| Parcel Size: | 1.14 acres |
| Dwelling units: | 30 apartments |
| Parking: | 45 surface spaces |

Requested Actions

1. Amend the Oakview Estates Planned Development for the property located at 400 E. St. Charles Road to allow for multi-family dwellings on the subject property; and
2. Approve a 30-unit multi-family development per the site plan approval process.

Submittals

1. Petition for public hearing, dated 12/13/21;
2. Response to standards for amendment to a planned development, dated 12/28/21;
3. Plat of survey, prepared by Gentile and Associates, Inc., dated 12/13/21;
4. Concept site plan, prepared by Groundwork, Ltd., dated 12/29/21;
5. Comparison site layout, prepared by Groundwork, Ltd., dated 12/17/21;
6. Preliminary engineering, prepared by Groundwork, Ltd., dated 12/17/21;
7. Floorplans and architectural elevations, prepared by UrbanWorks, dated 12/21/21; and
8. Landscape plan, prepared by Krogstad, dated 12/17/21.

3.

The current petitioner proposes to develop a 30-unit apartment building on the subject property. The proposed building would sit entirely within the footprint of the 40-unit condo building approved on the site in 2004 (see comparison site layout submitted by petitioner). The proposed development is consistent with the zoning relief approved for the condo building in 2004, the majority of which remains in place on the property. The only aspect of the development requiring re-entitlement is the approved land use, which the petitioner is seeking to amend from attached single-family (townhomes) back to multiple-family dwelling units.

The petitioner held a neighborhood meeting on January 13, 2022, at which time attendees were able to view the plans and ask questions of the developer in an informal manner.

EXISTING CONDITIONS

400 E. St. Charles Road is currently vacant, except for a surface parking lot on the west end of the property. A driveway across the northern portion of the property provides cross access to the condo building on the adjacent property.

APPROVAL(S) REQUIRED

The petitioner requests that the Village take the following actions on the subject property located within the R4PD Planned Development (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 and amended by Ordinance No. 7342, as follows:
 - a. For the property located at 400 E. St. Charles Road, change the approved land use from attached single-family (townhomes) to multiple-family dwelling units, based upon the submitted plans; and
2. Pursuant to Section 155.511 (site plan approval) of the Lombard Zoning Ordinance, approve a 30-unit multiple-family 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 no comments on this petition. Should the petition be approved, additional comments may be forthcoming during permit review.

Public Works:

The Department of Public Works has no comments on this petition. Should the petition be approved, additional comments may be forthcoming during permit review.

Private Engineering Services (PES):

Private Engineering Services has no comments on this petition. Should the petition be approved, additional comments may be forthcoming during permit review.

Planning Services Division:

The Planning Services Division notes the following:

1. Surrounding Zoning & Land Use Compatibility

| | Zoning | Land Use |
|------------------|---------------|--|
| North | R4 and B4 | Union Pacific railroad and a vehicle repair facility |
| South | CR | Paradise Bay Water Park (across St. Charles Road) |
| East | B4PD | Oakview Estates 40-unit condo building |
| West | R2 and B2 | Union Pacific railroad |
| Southwest | 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 sits north of the site. Given this mix of existing uses in the immediate neighborhood, staff considers the 30-unit multiple-family residential development proposed on the subject property to be consistent with the zoning and land uses of surrounding properties.

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 multiple-family 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. 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, multiple-family dwellings, is permitted in the R4 district and by Ordinance 5488.
- Ordinance 5488 granted a deviation to allow up to 80 multiple-family dwelling units in the Oakview Estates Planned Development. With the proposed 30-unit multiple-family development on the subject property, there will be 70 dwelling units in the Oakview Estates PD.
- Setbacks:
 - The R4 District requires a minimum front yard setback of 30 feet. However, Ordinance 5488 granted a deviation to reduce the required front yard setback for a building on the subject property from 30 feet to two feet. The front yard setback for the proposed building is eight feet, which exceeds the minimum setback required by Ordinance 5488.
 - The proposed building meets the minimum rear, corner side, and side yard setbacks required in the R4 District.
 - As previously noted, the footprint of the proposed building sits entirely within the footprint of the 40-unit condo building proposed for the subject property in 2004.
- The proposed building has a maximum height of 33 feet. The majority of the building is three stories, with the west portion stepped down to two stories. This is well below the maximum building height of 51 feet (five stories) permitted by Ordinance 5488.
- 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. Open space on the subject property will be 31.3% post-development.
- Village Code requires 1.5 parking spaces for each one- and two-bedroom multiple-family dwelling unit. The petitioner proposes 45 surface parking spaces on the site, which meets the minimum required parking for the 30-unit building. The parking will include the existing 26-space lot on the west end of the subject property, with additional spaces to be constructed around the side and rear of the building.
- The landscape plan provided by the petitioner meets the requirements in the Village Code.

4. *Request for a Major Change to a Planned Development*

- A. *Major Change: For the property located at 400 E. St. Charles, change the approved land use from attached single-family (townhomes) to multiple-family dwelling units, based upon the submitted plans.*

The Oakview Estates Planned Development as approved by Ordinance 5488 specifically provided for multiple-family dwellings. As previously discussed, the planned development was amended in 2017

to allow for ten townhomes on the subject property. The current petitioner seeks to further amend the planned development in order to re-establish multiple-family dwelling units as the approved use on the subject property.

Multiple-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 proposed multiple-family development is compatible with the surrounding land uses and is consistent with the Comprehensive Plan's recommendation of high-density residential development for this property. Furthermore, the Plan Commission held a workshop in June 2020 to consider the possibility of amending the Oakview Estates Planned Development to allow for a multiple-family development on the subject property, and was generally favorable to the proposed change. Staff supports this major change.

5. Senior Housing

The petitioner has represented to the Village that the development will be affordable senior housing units, most likely developed with funding from the Illinois Housing and Development Authority. The Village Attorney provides the following background information on senior housing and the Fair Housing Act:

The Fair Housing Amendments Act of 1988 prevents discrimination in renting or buying housing based on familial status—i.e., the presence of children. However, the anti-discrimination law provides exemptions for housing dedicated to older persons. Those exemptions are codified in the Housing and Urban Development Regulations pertaining to discriminatory conduct under the Fair Housing Act, at 24 C.F.R. §§ 100.300-100.308. These exemptions allow senior housing to effectively discriminate on the basis of familial status by prohibiting minor tenants, if the development complies with specific guidelines to maintain the exemption as dedicated senior housing.

Staff as well as the general public have reviewed the proposed development on the premise that the development will provide senior housing to the community. The Village Attorney has advised staff that in this case it would be appropriate for an approval of this petition by the Village to include a condition requiring the development to maintain its status as senior housing. Should the current petitioner or a future developer desire to build a multi-family development that is not senior housing, such a condition of approval ensures that the revised proposal will receive further review by the Plan Commission and Village Board. A proposed condition of approval to this effect is included in the Findings & Recommendations section of this report.

SITE HISTORY

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: Major plat of subdivision

Oakview Estates Resubdivision, consolidated multiple parcels into the original configuration of the Oakview Estates PD.

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.

PC 16-22: Request for major changes, deviations and a conditional use in the Oakview Estates Planned Development (withdrawn by petitioner prior to final hearing by Board of Trustees)

Petitioner requested major changes to a Planned Development, a conditional use and variation in order to construct an eight-unit townhome development. Plan Commission considered petition in October 2016 and recommended approval. Petitioner withdrew petition prior to final hearing by Board of Trustees intending to resubmit an updated petition.

PC 17-01: Request for major changes, deviations, variations and a conditional use in the Oakview Estates Planned Development

Petitioner requested major changes to a Planned Development, variations, and a conditional use in order to construct a ten-unit townhome development. Approved by the Village Board in 2017 with subsequent time extensions granted by the Village. These entitlements are still in place but are set to expire in June 2022.

SUB 18-01: Major plat of subdivision

A portion of property was deeded by the owner of 400 E. St. Charles to the homeowners' association at 500 E. St. Charles Road, and a lot of record was created with the remaining property at 400 E. St. Charles Road.

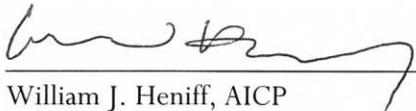
FINDINGS & RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards for major changes to a planned development and site plan approval, as established by the Lombard Village Code. 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 a companion major change to a planned development **complies** with the standards required by the Village of Lombard Village Code; 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 22-02, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the 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;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. That the development establish and maintain compliance with the Fair Housing Act's "Housing for Older Persons" Exemptions pursuant to 24 C.F.R. §§ 100.300-100.308; and
4. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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