


## MEMORANDUM

**TO:** LOMBARD PLAN COMMISSION

**FROM:** Anna Papke, AICP, Senior Planner

**MEETING DATE:** February 21, 2022 

**SUBJECT:** **PC 22-02: 400 E. St. Charles Road – Addendum to the staff report regarding parking considerations**

This memo supplements the PC 22-02 Interdepartmental Review Committee Report (staff report), dated January 24, 2022.

The petitioner proposes to build a 30-unit apartment building at 400 E. St. Charles Road (subject property). The subject is adjacent to the Oakview Estates condo building at 500 E. St. Charles Road. A driveway provides circulation between the two properties. The subject property is currently improved with a surface parking lot.

The subject property and the property at 500 E. St. Charles Road are part of the Oakview Estates Planned Development. Prior to 2008, both properties were under unified ownership. In 2004, Neri Development obtained zoning entitlements to develop the Oakview Estates PD with two 40-unit condo buildings and a surface parking lot on the west end of the planned development. The condo building at 500 E. St. Charles Road and the surface parking lot were constructed in the mid-2000s. The condo building proposed at 400 E. St. Charles Road was never constructed. The planned development was subsequently subdivided via an assessment plat, and the subject property at 400 E. St. Charles Road, including the surface parking lot, was sold to another entity.

The petitioner proposes to construct a 30-unit apartment building on the subject property at 400 E. St. Charles Road. The Village Code requires the development to provide 1.5 parking spaces per dwelling unit, for a total of 45 spaces. The petitioner has submitted a site plan that provides the requisite 45 spaces, in part through use of the existing surface parking lot.

The residents of the condo building at 500 E. St. Charles Road have indicated to staff and the petitioner that they utilize the surface parking lot at 400 E. St. Charles Road for overflow parking. At a neighborhood meeting on January 13, 2022, and in subsequent meetings with the development team, the 500 E. St. Charles Road condo residents expressed concern that their ability to use the surface parking lot at 400 E. St. Charles Road will be eliminated if the property is developed as proposed. The condo residents have asked whether the petitioner would be willing to construct additional parking on the property at 400 E. St. Charles Road that could be used by the condo residents for overflow parking.

The petitioner has been meeting with representatives of the condo building to discuss these concerns. Village staff has been present for many of these discussions in a listening capacity. Points of discussion in these meetings have included the following:

- The petitioner has expressed willingness to explore the possibility of building some additional parking spaces on the subject property (400 E. St. Charles Road) and leasing them back to the residents at 500 E. St. Charles Road, should finances and site constraints allow.
- In 2017, when the Plan Commission considered a proposal for townhomes on the subject property, the 2017 petitioner and the condo residents worked together to identify locations on the 500 E. St. Charles Road property that could be used for additional surface parking spaces. The 500 E. St. Charles Road homeowners' association applied for a permit in 2018 to construct some additional spaces on their property, though the permit was never issued pending engineering revisions. The current petitioner and the condo residents' representative have discussed the possibility of the condo owners reactivating this permit to construct additional spaces on the property at 500 E. St. Charles Road.
- The 500 E. St. Charles Road condo owners' representative has stated that there may be some interest on the part of the condo owners in cutting off the cross-access between the two properties.

In light of these ongoing discussions, staff notes the following with respect to the proposed development and requested zoning entitlements associated with PC 22-02:

- The site plan proposed for the property at 400 E. St. Charles Road, with 30 apartment units and 45 parking spaces, is compliant with the parking requirements in Village Code Section 155.602.
- To the best of staff's knowledge, the residents at 500 E. St. Charles Road do not have any legal rights to park on the property at 400 E. St. Charles Road. Disagreements between the parties as to such legal rights would be a civil matter not under the jurisdiction of the Village or the Plan Commission.
- Staff has consulted with the Village Attorney, who has advised that the Village cannot require the petitioner to construct parking spaces for the use and benefit of neighboring property owners.
- Section 155.601(C) of Village Code allows for the voluntary establishment of off-street parking spaces to serve existing buildings and land uses, provided that all regulations governing location, design and operation of parking facilities are met. Per this provision of Village Code, the petitioner has the ability to construct parking spaces over and above the 45 spaces required for the 30-unit apartment development. Should the petition be



approved as submitted, with 45 surface parking spaces on the subject property, the petitioner could opt to construct additional parking spaces on the site so long as all other Code provisions are met. Construction of additional Code-compliant surface parking spaces would not necessitate a public hearing with the Plan Commission.

- Staff has discussed the concept of cutting off the cross-access connection between 400 E. St. Charles Road and 500 E. St. Charles Road with the Fire Department. The Fire Marshal has stated that disconnection of the cross-access between the two properties would be in violation of International Fire Code Sec. 503.2.5, which prohibits dead-end access roads in excess of 150 feet in length without an approved area for turning around the fire apparatus. As such, Village staff would not support such a change to the circulation pattern between the two properties.

#### **SUMMARY AND RECOMMENDATION**

The site plan submitted by the petitioner for a 30-unit apartment building at 400 E. St. Charles Road is compliant with the parking requirements in Section 155.602 of Village Code.

Discussions between the petitioner and the condo residents at 500 E. St. Charles Road with respect to the potential for additional parking spaces that could be shared between the two properties are ongoing. Additional surface parking spaces could be constructed on 400 E. St. Charles Road (subject property) and/or 500 E. St. Charles Road without the need for a public hearing before the Plan Commission.

The staff report for PC 22-02 recommends approval of the petition, subject to conditions. This recommendation remains unchanged.

# PLAN COMMISSION

## INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

400 EAST ST. CHARLES ROAD

January 24, 2022

### Title

PC 22-02

### Property Owner

Ivan Wolfson/Pairodocs, 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**

	<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 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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## Papke Anna

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**From:** VicknJeff Dale [REDACTED]  
**Sent:** Thursday, January 20, 2022 7:47 PM  
**To:** Community Development  
**Subject:** 400 E St Charles Rd Development

### Please be cautious

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Plan Commission,

I am writing to share my thoughts about the proposed 30 unit apartment building at 400 E. St. Charles Rd. As the current owner of a condo in the adjacent building, 500 E. St. Charles #208, I would like to review the history and challenges this building has and continues to endure.

My late parents, Albert and Josephine Dale purchased this condo new from the developer in 2006, my wife and I purchased it from my mom in 2014. At the time of initial development, the entire 400 & 500 E. St. Charles property was to be 2 condo structures with a unified site and parking plan, and was approved by the Village of Lombard. As the housing market began to crash while still under development, the developer struggled to sell remaining inventory in the 500 building, and scrapped plans for the 400 building.

The quality of life for residents of the 500 building relied on it being a part of the larger 400 & 500 lots, as parking is not adequate on the 500 side. When the 400 property was sold, parking on that property by 500 residents and visitors became a point of contention with the current 400 owner. Without the ability to park on the entire unified property, visitors face a dangerous situation. Since the building is land-locked by railroad tracks and St. Charles Rd, the only option might be to cross the busy street and park at the Park District lot. This can be treacherous even in daylight and in good weather.

The addition of a 30 unit apartment building on the 400 lot again raises concern about how the tremendous lack of parking would be worsened, and what a dangerous corner this could be. I encourage the Plan Commission to visit the site and take inventory of available parking at the 500 building today. Also visualize adding 30 more units to the site and all the parking challenges it would add.

I ask you to please revisit the original development plans the village approved years ago, and assure the residents and owners of 500 that you are honoring the original agreement and acting in their best interest.

Thank you  
Jeff Dale  
[REDACTED]