



Village of Lombard

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

Minutes

Plan Commission

Donald F. Ryan, Chairperson
Commissioners: Ronald Olbrysh, Martin Burke,
Ruth Sweetser, Andrea Cooper, Stephen Flint and
John Mrofcza
Staff Liaison: Jennifer Ganser

Monday, October 17, 2016

7:30 PM

Village Hall - Board Room

Call to Order

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

Pledge of Allegiance

Chairperson Ryan led the Pledge of Allegiance.

Roll Call of Members

Present 7 - Donald F. Ryan, Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Also present: Jennifer Ganser, Assistant Director of Community Development; Anna Papke, Sr. Planner, and Jason Guisinger, legal counsel to the Plan Commission.

Chairperson Ryan called the order of the agenda.

Ms. Ganser read the Rules of Procedures as written in the Plan Commission By-Laws.

Public Hearings

[160426](#)

PC 16-21: 330 S. Westmore-Meyers Road

Requests that the Village grant a conditional use, pursuant to 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 permitted legal nonconforming use prior to being subject to elimination under the terms of this ordinance. (DISTRICT # 5)

Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development and the petitioner Dawn Pengiel.

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

Ms. Pengiel presented the petition regarding their request for a conditional use. She said she requests the conditional use for her two flat so if it was damaged it could be rebuilt. She said the conditional use is necessary for bank approval of a sale. She said it was a duplex since it was built and her family has owned it since the 1960s.

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

Mr. Keith Matthews said he owns a neighboring property and said the duplexes were built in accordance with the law, but then the Village rezoned. He asked if prior to 1960, what the zoning district was and how this was allowed. He said this creates a burden on people who own the duplexes as it becomes non-conforming and requires a conditional use permit at a cost. He said the buildings already exist and asked how a conditional use would be denied. He said he believes the ordinance should be changed to allow these uses to stay.

Chairperson Ryan asked staff to respond to the zoning question. Ms. Ganser said at when built they were lawfully established and legal. However, in 1960s there was a rezoning and that area was rezoned to R2 and therefore the properties became legal non-conforming.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked for the staff report.

Ms. Ganser, Assistant Director of Community Development, presented the staff report, which was submitted to the public record in its entirety. The petitioner is the owner of the property at 330 S. Westmore-Meyers Road. The property is a legal nonconforming two-family dwelling. The subject property was built in 1954. The lot was platted in Robertson's Westmore Subdivision in 1922. To address this issue, as outlined in PC 10-17, staff 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 conforming status of the property before it is ever damaged or destroyed. One case has been brought before the Plan Commission, in 2010 for a refinance. That case was approved by the Village Board. This was done as a conditional use so properties can be looked at on a case by case basis. Staff does support this petition, but there may be instances where staff would not support a conditional use. The area is surrounded by R2 Single Family in three directions, with the exception of multi-family housing to the east zoned R3. The proposed conditional use does not change the overall use and intensity of the property.

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

Commissioner Burke asked how many properties in the village are in a similar position. Ms. Ganser said there isn't a good way to obtain that information. She noted this is a not a requirement for a property owner. Since 2010 there has only been one other petition.

A motion was made by Commissioner Burke, seconded by Commissioner Olbrysh, to recommend to the Corporate Authorities approval of this petition subject to following one (1) condition.

1. Should the existing residential structure be re-built, it shall conform to the current dimensions and setbacks of the existing building.

The motion carried by the following vote:

Aye: 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

[160427](#)

PC 16-23: Text Amendment, Section 155.602 Table 6.3

The petitioner, the Village of Lombard, is requesting a text amendment to Section 155.602 Table 6.3 "Schedule of Off-Street Parking Requirements" of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the parking requirements for Attached Single-Family Dwelling to two (2) spaces per dwelling unit and strike the provision on the number of bedrooms or dens. (DISTRICTS - ALL)

Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development.

Chairperson Ryan read the Plan Commissions procedures and asked

if anyone other than the petitioner intended to cross examine, and, hearing none, he proceeded with the petition.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked for the staff report.

Ms. Ganser, Assistant Director of Community Development, presented the staff report, which was submitted to the public record in its entirety. The petitioner, the Village of Lombard, is requesting a text amendment to Section 155.602 Table 6.3 "Schedule of Off-Street Parking Requirements." Currently, Table 6.3 requires a three bedroom (or more) townhouse to have a minimum of three parking spaces. Between 1990 and 1999 the table was changed, though staff has been unable to determine whether the change was the result of a Scribe's error or an amendment itself. However, a single family detached home, regardless of the number of bedrooms, is required to have two spaces per dwelling unit. Staff would like to correct the inconsistency and require all detached and attached single-family dwellings to have a minimum of two parking spaces. Staff finds that two parking spaces is sufficient for a townhome and a single family home.

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

A motion was made by Commissioner Olbrysh, seconded by Commissioner Sweetser, to recommend to the Corporate Authorities approval of this petition.

The motion carried by the following vote:

Aye: 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

[160428](#)

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

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, as follows:
 - a. Change the use from condominiums to attached single-family (townhomes);

- b. Approve a deviation from Section 155.409(F)(3)(a) and 155.508(C)(6) to reduce minimum required front yard setback from 30 feet (30') to one foot (1'); and
 - c. Approve a deviation from Section 155.409(G) to increase the maximum allowable building height from 36 feet (36') to 36 feet and six inches (36'6");
2. Pursuant to Section 155.208 (number of buildings on a lot of record) of the Lombard Zoning Ordinance, approve a conditional use for two principal structures on one lot of record;
3. Pursuant to Section 155.409(K)(3) (Restrictions on attached single-family dwellings) of the Lombard Zoning Ordinance, approve a deviation to reduce the minimum separation between buildings containing attached single-family dwellings from thirty feet (30') to twenty feet (20'); and
4. Pursuant to Section 155.511 (site plan approval) of the Lombard Zoning Ordinance, approve an eight-unit townhome development based upon the submitted plans. (DISTRICT #4)

Sworn in to present the petition were: Jennifer Ganser, Assistant Director of Community Development; Anna Papke, Senior Planner; and Eric Carlson with ECA Architects, representing the petitioner.

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

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

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

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

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

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

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

Kye Sand addressed the Commission. Mr. Sand was not against the petition but had some concerns. He asked if the petitioner will need legal permission from 500 E. St. Charles to establish cross-access between the properties. He asked if there will be any action taken against the original developer, Neri Associates, for the way they marketed the buildings as 3-bedroom units instead of 2-bedroom units, which might have impacted the number of parking spaces required for the condo building. He said that the original plans submitted by Neri

Associates had shown 27 parking spaces in the surface lot on 400 E. St. Charles, but only 25 had been constructed. He was also concerned that there is no sidewalk between the parking area on 400 E. St. Charles and the condo building at 500 E. St. Charles Road. He felt that someone needs to look at the building code and how it distinguishes between a den and a bedroom.

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

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

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

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

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

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

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

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

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

Chairperson Ryan asked for the staff report.

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

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

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

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

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

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

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

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

Staff Response: Staff notes there are some site constraints including the unusually shallow depth of the property and the existing access drive along the north side of the site. The original approval for the Oakview Estates Planned Development included an approval to reduce the front setback for the condo building at 400 E. St. Charles

Road to two feet. Staff finds the current request is consistent with the previous setback reduction and supports the request.

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

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

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

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

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

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

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

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

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

Commissioner Flint noted for the record that the north arrow on the

townhome floorplans is incorrect; it should be facing the opposite direction. Mr. Carlson confirmed this was the case.

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

Mr. Guisinger asked for a specific example.

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

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

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

A motion was made by Commissioner Burke, seconded by Commissioner Sweetser, to recommend to the Corporate Authorities approval of this petition subject to following five (5) conditions.

1. That the major changes to a planned development, conditional use approval and deviation approval are valid only for the subject property (400 E. St. Charles Road) in the Oakview Estates Planned Development;

2. That the petitioner shall develop the site in accordance with the following plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Code, or as provided as part of the original planned development approval set forth in Ordinance 5488:

- a. Civil engineering and landscape plans, prepared by Craig R. Knoche & Associates, dated September 11, 2016, revised September 26, 2016; and**
- b. Architectural plans, prepared by ECA Architects and Planners, dated June 21, 2016, revised September 27, 2016.**

3. That the petitioner shall submit a signage plan at the permitting phase

incorporating “no parking” and fire lane signage designed to keep the internal access driveway free of parked vehicles, and that such signage plan shall be subject to the approval of the Director of the Community Development Department and the Fire Marshall;

4. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and

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

The motion carried by the following vote:

Aye: 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Business Meeting

The business meeting convened at 8:28 p.m.

Approval of Minutes

On a motion by Commissioner Mrofcza, and seconded by Commissioner Olbrysh, the minutes of the September 19, 2016 meeting were approved with Commissioner Burke abstaining citing his absence at the meeting.

The motion carried by the following vote:

Aye: 5 - Ronald Olbrysh, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Abstain: 1 - Martin Burke

Public Participation

There was no public participation.

DuPage County Hearings

There were no DuPage County hearings.

Chairperson's Report

The Chairperson deferred to the Assistant Director of Community Development.

Planner's Report

Ms. Ganser referenced the memo included in the packet regarding the

January 16, 2017 Plan Commission meeting. She said that since it is a holiday, staff proposes changing the meeting date to January 23, 2017 as the Plan Commission has done in the past.

A motion was made by Commissioner Mrofcza, seconded by Commissioner Olbrysh, to recommend that the Plan Commission reschedule the January 16, 2017 meeting date to Monday, January 23, 2017.

The motion carried by the following vote:

Aye: 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Unfinished Business

There was no unfinished business.

New Business

There was no new business.

Subdivision Reports

There were no subdivision reports.

Site Plan Approvals

[160429](#)

SPA 16-02: 2725 Technology Drive (DuPage Medical Group)

Requests site plan approval for a proposed 8,500 square foot addition to the east side of the existing building. The petitioner is also proposing to add 27 new parking spaces. (DISTRICT #3)

Chairperson Ryan asked if any person would like to speak on behalf of this petition, or for public comment.

Kenton Rehmer, from Eckenhoff Saunders Architects, presented the request on behalf of the petitioners, DMG Surgical Center, LLC. Mr. Rehmer referred to the site plan and stated the surgery center is located at 2725 Technology Drive. It was built in 2004 and 2005 and the proposed use is in the O Office District and also in the OPD District. The existing building is 2,700 square feet and sits on 4.8 acres. The addition they are proposing is 8,500 square feet and will be to the east side of the existing building. The function of the addition is the same

as the existing building. They will add three (3) operating rooms and make room for additional recovery and administrative areas. The building expansion is to better serve the community's need for health care services.

Mr. Rehmer explained that in addition to the expansion, the petitioner is proposing an additional twenty-seven (27) new parking spaces. Currently the site has one hundred and nineteen (119) parking spaces that meet the current zoning requirements.

Regarding the comments made in the staff report, Mr. Rehmer addressed the new parking lot and that there will be curbs conforming to the Villages requirements. He said they are in the process of locating the existing water main. They will relocate the water main so it will be 15 feet from the building as well as modify the easement. He stated that they are complying with the Village's and County's Stormwater Ordinances. Lastly, Mr. Rehmer explained that they are in process of reconfiguring the sidewalk.

Chairperson Ryan asked if any person would like to speak in favor or against this petition. Hearing none, he requested the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. Ms. Ganser began by stating that the petitioner is requesting that the Village grant site plan approval for a proposed 8,500 square foot addition to the east side of the existing building. The petitioner is also proposing to add twenty-seven (27) new parking spaces. There are no variances being requested. The underlying annexation agreement grants the property owner the ability to consider and approve changes to the overall planned development through the site plan approval process. Staff finds that the proposed addition will not affect the existing zoning or land use of the subject property or the surrounding properties. Medical office facilities are a permitted use within the underlying O Office District provision as well as the planned development.

Ms. Ganser concluded that because there are no variances being requested, the petition doesn't need Village Board approval and that staff is in support of the petition.

Chairperson Ryan asked if there were any questions of the staff report, and, hearing none, opened the meeting for comments among the Commissioners.

A motion was made by Commissioner Cooper, seconded by Commissioner Flint, to recommend that the Plan Commission approve this petition subject to the following four (4) conditions:

1. The petitioner shall develop the site in accordance with the plans prepared by Eckenhoff Saunders Architects, dated 9/12/16, submitted as part of this request;
2. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the building addition and parking is not constructed by said date, this relief shall be deemed null and void; and
4. The petitioner shall apply for and receive a building permit for the building addition and parking.

The motion carried by the following vote:

Aye: 5 - Ronald Olbrysh, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Abstain: 1 - Martin Burke

Workshops

There were no workshops.

Adjournment

A motion was made by Commissioner Flint, seconded by Commissioner Sweetser, to adjourn the meeting at 8:39 p.m. The motion carried by the following vote:

Aye: 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

*Donald F. Ryan, Chairperson
Lombard Plan Commission*

*Jennifer Ganser, Secretary
Lombard Plan Commission*