

VILLAGE OF LOMBARD

AFSAR Developers LLC—Pinnacle on Meyers
1308, 1312, 1320, 1330 South Meyers Road, Lombard, DuPage County, Illinois
Permanent Index Nos. 06-21-102-010, -011, -012, -013, -014, -028
LOTS 7-11 IN DEICKE'S DIVISION, LOT A CO-OP

AFSAR DEVELOPERS LLC (“Applicant”), as owner of 1312 South Meyers Road (PINs -011, -012, -013) and 1330 South Meyers Road (PIN -028) and as the authorized contract purchaser of 1308 South Meyers Road (PIN -010) and 1320 South Meyers Road (PIN -014), respectfully seeks recommendation and approval of a 24-lot single-family residential development relying on the authorizations set forth in the Itemization of Relief: (1) execution of an annexation agreement that provides for disposition of certain land within a nearly 100 year-old gap between subdivisions, (2) a Comprehensive Plan amendment, (3) a map amendment to R2, (4) conditional uses for planned development with buildings not to exceed 38 feet and various zoning and subdivision exceptions and deviations, (5) approval of a preliminary plat, and (6) adjustment of the facility planning area to allow a transition from Flagg Creek Water Reclamation District to Glenbard Waste Water. Outlot A will wrap 24 private lots and underlie two intersecting private street areas. The Village will have stormwater and other easements, including a blanket easement for areas outside of the School Street fence which will be planted, irrigated and maintained by the homeowners’ association. The homeowners’ association will be governed by standard covenants and bylaws and it will provide for architectural and appearance review of buildings, structures, plantings and alterations.

Project History

At DuPage County, Applicant initially proposed 30 units in 15 buildings across 1312 South Meyers Road. Applicant intended to construct the units and dedicate 20% to long-term workforce housing with a value that served the interests of those earning, generally, 80-120% of the annual median income. The Zoning Board of Appeals, Applicant and neighbors concluded the hearing in one evening. Several neighbors objected on the basis that the project was too dense. There were concerns about the two driveways that passed from Meyers Road to School Street.

Following the hearing, Applicant met with Lombard (which submitted a letter to the Zoning Board of Appeals indicating it desired more communication). Lombard did not indicate that it was opposed to the development. Applicant met with staff and neighbors. Applicant’s planner (Joseph Abel) also met a few neighbors while he observed lines of sight in the neighborhood. Applicant engaged in more than 15 alternate plans and arrangements.

After closing on 1312 South Meyers, Applicant contracted to purchase 1308 South Meyers Road in order to reduce density and consider additional development plans. Applicant continued to meet with neighbors and adjust plans. With less density, Applicant continued to pursue workforce housing. Applicant acquired 1330 South Meyers Road and contracted to acquire 1320 South Meyers Road. Still, however, the workforce housing design did not resolve the different perspectives area neighbors shared concerning the project which grew to include more units across more property (with less density).

After several weeks of work, and a few additional meetings with neighbors and inquiries with Lombard staff, Applicant determined to pursue single family detached residential development. Ultimately, Applicant settled in on the plans submitted with the application. Applicant has shared these plans with some neighbors who were in communication with it and with others. Although Applicant will not use this narrative to address all the communications or

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the interests served by certain design changes, it is clear that workforce housing at this location is not feasible with the density and design preferred by neighbors.

Applicant believes it has traveled as far as can be expected of it in trying to develop a large portion of a block at a Village gateway that has long been the subject of enforcement concerns, litigation, overlapping or duplicative utility services and other effects of a non-uniform collection of land uses extending from 14th Street north to Roosevelt Road through four zoning districts.

The Subject Property

The Subject Property has been assigned Permanent Index Nos. 06-21-102-010, 011, -012, -013, -014, and -028. The real estate within the proposed plat of subdivision and shown in the Planned Development Site Plan comprises Lots 7-11 in Deicke's Subdivision (1927) as well as Lot A in the 1947 West York Center Cooperative Plat. Lot A includes, at its west end, roughly 12 feet that extends west of the west lot lines of Lots 7-11 in Deicke's. North and south of this 12-foot portion of Lot A, there is a gap strip that developed between two old subdivision plats, and the north portion is commonly known to extend to Roosevelt Road. The remainder of Lot A is former Lot 12 in Deicke's.

The Village and Applicant have reviewed the gap on several occasions. Applicant has informed the Village that Applicant owns the gap strip. The Village has indicated that various title reports for the north end of School Street have found that the Village owns the west half of the gap and that the abutting landowners in Deicke's own the east half of the gap. In the interests of avoiding a contest and in order to better plan the development and right-of-way appearance, Applicant has provided in the annexation agreement that the Village will quitclaim the gap to Applicant from the north line of Lot 7 to a point at the southwest corner of the development (or if it prefers, to the south line of original Lot 12 in Deicke's). The Village could also covenant that Applicant is the owner of the gap strip with no deed being exchanged. This may depend on underwriting review.

The existing fence among the School Street driveways at 1308 and 1312 Meyers Road is situated on the west line of the gap strip. For decades, storage on 1320 South Meyers Road has occurred in the gap strip area. The survey reflects both the fence and paved area. For reference within the plat of subdivision and the Planned Development Site Plan, the west line of proposed Outlot A is the west line of the gap strip. The proposed association fence in Outlot A will be slightly east of the centerline of the gap strip, one (1) foot from the center of the gap strip.

The 66-foot wide School Street right-of-way lies west of the gap strip (as platted in 1947). The sidewalk to be installed by Applicant will be situated one foot east of the gap strip, with the parkway lying west of the sidewalk. The neighbors prefer a sidewalk that meanders, but the Village's practice allows this only where a hydrant or utility installation exists. Applicant meanders the sidewalk around the east side of a utility pole where it will cross into the east side of the gap strip. A blanket easement for the Village will allow this sidewalk to remain and be repaired, replaced and relocated.

The benefit of including the entire gap strip in the Subject Property relates primarily to maintenance and planting. The association will plant, irrigate and otherwise maintain the west side of the gap strip. It will still be visually separated from the remainder of the development by the fence. The west side of the gap strip is not critical to the development, but provides a practical

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solution to planning and future maintenance. Indeed, the Village can license the use of the west side of the gap strip.

The northernmost parcel (Lot 7, PIN -010) is already annexed to the Village which assigned it the R1 single family classification. The remainder of the Subject Property to the south is situated in one of DuPage County's R-3 Single-Family Residence districts. As described in deeds and title policies and commitments, The Subject Property has an area of 3.78 acres (164,611 square feet). The east half of the gap strip adds approximately 2,940 square feet to the surveyed area. With the entire gap strip included, the area of the Subject Property is 3.91 acres or 170,491.5 square feet. Applicant's proposed annexation agreement avoids a contest over whether the regular, continuous, open and adverse use of the gap strip over decades and by all owners of portions of the Subject Property vested them with ownership of the entire gap strip.

Meyers Road, 14th Street, and School Street abut the Subject Property at different locations. By deed, School Street abuts only the south 65 feet of the Subject Property and otherwise runs parallel to the Subject Property. School Street has always been treated as abutting the Subject Property to the extent driveways, fences, landscaping and storage areas have existed on the gap strip for decades. None of the streets arise from a statutory dedication. Consistent with prior platting, Applicant does not reflect statutory dedications of any street. Nevertheless, Applicant remains willing to cooperate with the Village and County to the extent that they prefer having such dedications for the portions that Applicant can lawfully dedicate. Applicant plans to meet expectations (sidewalk, lighting, parkway planting) along School Street even though it is technically not an abutting right of way beyond the south 65 feet of the Subject Property.

The Village's Comprehensive Plan contemplates low to medium density on the Subject Property. R2 zoning would be a reasonable zoning classification, but R3 zoning in a transitional setting exists on the east side of Westmore-Meyers Road north of Roosevelt Road. 24 homes can be allowed within an R2 planned development by allowing a density that is 106% of what is allowed.

About the Project

Pinnacle on Meyers has evolved from the County version with 30 luxury townhomes (including workforce housing units) on 1.98 acres (15.2 dwelling units per acre) to 24 single family homes on either 3.85 acres or 3.91 acres (6.13-6.23 dwelling units per acre). Instead of paired attached units proposed with six units in a DuPage County workforce housing plan, the single-family homes are all detached with three-foot side yards. To meet concerns of neighbors, Applicant now plans for private drives that connect Meyers Road and 14th Street rather than driveways that connect Meyers Road and School Street. The Meyers Road driveway design met DuDOT needs last winter, and the design has not changed other than to relocate gates further to the interior of the driveway. DuDOT will consider gate operations in permitting work within Meyers Road.

Outlot A is a common area that includes all perimeter areas of the development and the interior private street areas. The association will own and operate Outlot A. Outlot A will also be subjected to a collection of Village easements as well as utility and drainage easements. Stormwater storage is planned underground between the buildings, and related easements will favor the association and Village. On the perimeter, the Village will have a blanket easement outside of the fenceline so that it can undertake any activity in the event the association fails to do so (the area outside the fences will be planted and irrigated). The association will maintain the

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Outlot A improvements other than the part of the sidewalk on School Street that crosses onto Outlot A which is a public improvement.

The perimeter fence will provide privacy to individual lots and allow some screening for neighbors to the west. Neighbors have been very clear in their request for a solid 6-foot fence along School Street. Applicant is willing to provide this. However in the event of an objection from the Village, Applicant is willing to provide a 6-foot geometric fence along School Street. The fence along the north line of the development can be a solid 6-foot fence with the exception of the east 30 feet, so Applicant seeks an exception to allow the 6-foot fence to wrap the northeast corner and extend south to a point along Meyers Road (east of the home on Lot 6) where it will drop to a 4-foot metal decorative fence that continues to the side of the home on Lot 7. The 6-foot fence would resume on the interior of the sidewalk and extend down Meyers Road to a point south of the home on Lot 15 where it would drop to a 4-foot metal decorative fence that continues west to a point south of the home on Lot 16 before stepping up to 6 feet again. Taller solid fencing along Meyers Road will allow better views and improved noise mitigation along the County highway.

The driveway portions of Outlot A will feature one sidewalk extending along the south line of the north driveway (connecting Meyers Road and School Street via pedestrian gates) and one sidewalk on each side of the central driveway. The 46-foot width of the central portion of Outlot A allows for association ownership and regulation of the driveway, landscape strips and sidewalks. Outlot A and portions of private lots will also host the underground storm detention and best management practices facility. This will be permitted and installed so as not to pose a risk to construction. Outlot A is sufficiently wide to allow common utilities and lighting.

The association will govern activities on private lots (mowing and plowing) and it will have architectural and design review for all structures, plantings and changes thereto. Association purposes in general will be to insure the residential enjoyment of rear and front yards, to manage lot owner desires for gardens or new plantings, to determine the appropriateness of structures and buildings or modifications to structures, buildings or landscaping, and to coordinate with the United States Post Office regarding mail locations.

The project involves substantial landscaping. Applicant provides for adequate yards and building spacing. Applicant has also varied the building placement along the central drive so building(s) are offset by roughly seven (7) feet.

The Residential Experience at the Pinnacle on Meyers

Pinnacle on Meyers floor plans reflect four levels: basement at 1,531 square feet, main at 1,592 square feet, upper at 2,130 square feet, and rooftop at 1,365 square feet. Total livable area amounts to 6,618 square feet and each home features a 2-car garage with an area of 538 square feet. The rooftop features covered deck areas of 200 square feet and 125 square feet and an open deck area of 353 square feet. The open rooftop areas are significantly reduced in area from that which was proposed at DuPage County.

Buildings are constructed using prefabricated concrete panels which result in better durability and strength, lower energy costs, and higher home values. The front elevations will be customized by each homeowner in the Applicant's design studio. The homeowner will select the roof geometry, windows, siding, garage details, and other elements. The buildings will be staggered and finished with variations of limestone-based coatings to provide a natural stone

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aesthetic and avoid monotony. The side and rear elevations will be scored and coated to provide a finish that will be indistinguishable from limestone. Applicant will provide front 3D renderings to illustrate these unique home designs. Applicant will provide side and rear 3D renderings to illustrate this architectural detail.

The maximum height of any building will be 38 feet. Due to the number of roof options, Applicant asks the Village to rely on the maximum height of the roof at its tallest point. Since all roofs will be lower than 38 feet, as measured according to the Zoning Ordinance, and due to the number of roof variations, it is more convenient to regulate maximum height of each building in this development.

In addition to the two-car garage, each home may elect interior elevated auto storage. Each home has a driveway with a depth sufficient for two cars. Driveways with additional length could allow four cars. The association will regulate vehicle obstructions to a sidewalk, but all driveways on Lots 7-24 allow four vehicles.

All levels of the homes will be served by stairs and an elevator. The main floor hosts the family areas in an open floor plan featuring a kitchen, dining room and living room area. The basement can host two bedrooms and a family room or gym area. The upper floor offers the master suite and two bedrooms while the roof will host bedrooms and an accessory living room area. The lower-level escape windows permit natural light in the bedrooms. Enclosed mechanical units (air conditioning units) are planned for the rear open deck area. Each floor features bathrooms, storage, and other facilities disbursed throughout the home.

The homes are situated to allow ample natural light on the interior and exterior while offering different levels of privacy. First, there is a six-foot separation between buildings and eaves will permit some reduction of sunlight for energy efficiency along the depth of the homes. Second, homes on Lots 7-24 are offset by seven feet to allow variations in depth and to allow a shift in patio and front entry locations without losing connectivity with neighbors. Third, although homeowners will have no right to alter fencing in Outlot A, the owner can propose privacy fences or screens or adjust landscaping in the rear of the home which would be subject to review for architectural and design purposes.

Landscaping on the interior of the fence on Outlot A will be the responsibility of each homeowner. Applicant will install all initial landscaping. After the original installation, the homeowner may install additional landscaping or replace or restore landscaping with landscaping that is of comparable character and quality. Each owner will be governed by association design review for landscaping on the interior or Outlot A and on the private lots. Personal gardens will be permitted as long as they are planned respectfully and do not alter grades.

Owners cannot modify the appearance or design of a home without association approval concerning the appearance, height, structural components and location of structure. Although privacy fences are allowed, no owner will be permitted to construct sheds. No in-ground pools or permanent above-ground pools will be allowed, though this would not bar inflatable splash pools. Spas or hot tubs can be located only on the patio.

Community Connection

Based on 2023 tax bills for the north lot in the development and a comparison tax bill for another Lombard parcel to the north, Applicant estimates resulting tax benefits as follows:

AGENCY	GIORDANO	JOHNSON (-031)	24 UNITS
College of DuPage	308.44	303.94	14,013.42
DuPage County	238.24	234.76	10,824.01
DuPage Airport Auth.	21.36	21.04	970.45
Forest Preserve	174.02	171.50	7,906.29
Grade Dist. 45	5,796.28	5,711.70	263,343.56
Plum Library	689.98	679.92	31,348.00
H.S. Dist. 88	3,371.64	3,322.44	153,184.40
Village of Lombard	1,002.94	988.32	45,566.78
York Ctr. Park Dist.	725.58	714.98	32,965.42
York Twp.	76.50	75.38	3,475.64
York Road Dist.	74.88	73.80	3,402.04

Applicant will deposit funds with the Village for parkway tree planting and enter into distinct arrangements with neighbors to plant a few additional private trees on their land. The Village will require a public improvement agreement that requires it to carry out sidewalk, drainage and driveway work in a responsible fashion.

The project avoids disruption to neighboring parcels for the purpose of connecting to the Flagg Creek Water Reclamation District system. Homes and Outlot A will connect to Village water and sewer systems. Applicant seeks a change in the Facility Planning Area such that Applicant may connect into Glenbard Waste Water and it has initiated these discussions with the Village and with Flagg Creek Water Reclamation District, the latter reporting that it would not have an objection.

Upon annexation, the Village will control the entirety of rights of way abutting the Subject Property, but Meyers Road will remain a County highway. The DuPage County Division of Transportation has approved the design of the driveway but will need to issue an access permit to construct the driveway for this use. The development will be surrounded by sidewalks on all but the north side.

The Pinnacle on Meyers once included workforce housing. Applicant cannot pursue this objective in the current single-family arrangement. Although County grants are available, workforce housing is impossible to achieve in a standard residential development.

No single lot within the Subject Property has been immune from code enforcement efforts by either the County or the Village. Indeed, the owners of these lots have experienced the effects of litigation and other disputes with neighbors concerning the ownership and use of lots. The south end of the block features a longstanding land use that has a decades-long history of noncompliance with County zoning standards and the nonconforming use is protected not only by a federal court judgment, but also by rulings in the DuPage County Administrative Adjudication System. Uses to the north of this former Township Highway Department site include contractors' uses that have

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routinely involved outdoor storage and operations in addition to the outdoor vehicle and repair operations at 1320 South Meyers Road.

At least two vehicles can stack at each entry. Monitoring devices and real-time recording will be used. Vehicles will be appropriately metered into the property with a posted instruction to exit the private property using the opposing driveway if the driver made a wrong turn. Access controls will not cause vehicles to remain at the gate or lead to vehicle backing into the right-of-way. The homeowners' association will manage recorded data and own and manage the gated entry. In conjunction with Village police and emergency responders, the association will adjust gate controls where necessary, including adjusting any emergency override functions (i.e., Opticom or others). In the event of a power outage, the gates will be placed in an open position.

Applicant will work with the United States Post Office in order to plan for mail delivery. Waste hauling will occur from the end of each private lot. Gates are sufficient to allow entry of the standard garbage hauler and UPS trucks. When necessary the association will plan for move-in and move-out according to the best available efficiencies. The duration a truck is present on site will be limited and owners and movers will acknowledge their available parking area such that one vehicle will always be able to pass in the privates drives.

The Property and Its Vicinity

The north parcel is zoned R1 single family in Lombard. The rest of the Subject Property is in one of the County's R-3 Single-Family Residence Districts. It comprises six lots, most of which lie within the 1924 Diecke's Subdivision between Meyers Road (a County highway) and School Street (a local street), south of Roosevelt Road (a state highway). The project relies on Meyers Road and 14th Street for access. Pedestrian access is planned at School Street. The structures have existed for between 73 and 100 years.

Pace Route 313 has bus stops on Meyers Road near the Subject Property. Meyers Road is County Highway 25 which extends from Roosevelt Road south to Ogden Avenue and offers convenient access to Downers Grove, Lombard, Oak Brook, Oakbrook Terrace and Villa Park. Only a few minutes further lie the communities of Elmhurst, Lisle and Westmont. The largest retail and employment resources in DuPage County are convenient to the Subject Property. The Subject Property is near Illinois Route 38 (Roosevelt Road) and Illinois Route 56 (Butterfield Road)—each of which offers access to the west half of DuPage County.

The Subject Property is within the following jurisdictions: County of DuPage; Village of Lombard; Flagg Creek Water Reclamation District; York Center Park District; York Center Fire Protection District; High School District 88 (Willowbrook High School); Grade School District 45 (York Center Elementary School is across 14th Street). Water and sewer will be provided by the Village of Lombard. The north parcel within the Subject Property was annexed to the Village of Lombard in 2008 (R2008-181908). Lombard has annexed all of the School Street right of way between Roosevelt Road and 14th Street.

The block features conforming and nonconforming uses in the County R-3 Single-Family Residence District as well as uses in the Lombard R-1 Single Family District, B-3 Community Shopping District and C-4A Roosevelt Road Corridor District. Opposite the Subject Property on School Street is a stretch of homes in Lombard's R0 Single Family zoning district. A large County

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R-3 zoning district (larger than 60 acres) extends west from these homes. A large County R-4 zoning district runs along the east side of Meyers Road and extends east to Michigan Avenue.

Lombard plans to the east side of Meyers Road (historically the division between Lombard and Oakbrook Terrace planning areas pursuant to a boundary line agreement) and it has annexed along the west side of School Street south to York Center Elementary School and the Taiwanese Community Church. This finger of Lombard extends into 625 or more acres of unincorporated territory that includes residential (single family, duplex, townhouse, apartment), office and commercial uses as well as public and private schools, public parks, and religious uses. Across 14th Street from the Subject Property and the old Township garage site, there are two homes, the Taiwanese Community Church, York Center Elementary School and a Lombard public works facility. Further south are Knolls Park (York Center), Knollcrest Funeral Home, and the York Township offices. Montini Catholic High School abuts Knolls Park.

Meyers Road is County Highway 25. The local portion of 14th Street is a two-lane street with its main stretch extending from Chase Avenue nearly 4,000 feet to the east where it intersects with Michigan Avenue. The intersection of Meyers Road and 14th Street features a stoplight as well as through lanes and left turn lanes for all traffic. Uses along this stretch include residential uses, a school, religious institutional, public works facilities, and parks. The south portion of the 14th Street right of way includes student bike racks, parking and loading areas extending nearly 300 feet west of the east line of School Street. School Street is a two-lane street, the west side of which is residential in character while the east side includes a blend of uses described below.

York Center Elementary School has drop off and pick up operations as well as parking and student bike racks within the 14th Street right of way. Periodically observed drop off periods have a morning busy period lasting approximately 8-10 minutes, depending on weather. Afternoon peak school activity along 14th Street lasts between four and eight minutes. There is no change in the direction or flow of traffic along either School Street or 14th Street for the school. Staff at York Center Elementary School confirmed these present conditions.

Sidewalks exist along both sides of Meyers Road and along the south side of 14th Street to the west line of the York Center Elementary School parking lot. There are no sidewalks along School Street or any of the residential streets west of School Street, but Applicant will install a sidewalk along the east side of School Street in cooperation with Lombard.

1330 South Meyers Road has not been capable of development without other land. It has been commonly understood that this parcel stretches from the southeast corner of the intersection of Roosevelt Road and School Street south to 14th Street where it extends east to Meyers Road along the south side of the former Township garage site, but various other treatments of the gap strip have been considered. The long northerly extension of 1330 South Meyers Road depicted in the County GIS system along the east side of School Street) has been the subject of nearly 100 years of adverse use by parcels within the Subject Property that now extend across the gap. This includes all lots within the Subject Property. The Ray Graham Association owns land that can only be accessed across the gap. Multiple commercial uses near Roosevelt Road and a few single family homes rely on the gap.

Homes on lots extending north to Roosevelt Road developed by the mid-1950's and the Township Highway Department facility was long in place to the south of the Subject Property. Soon after the Subject Property and its block developed, the area within the West York Center

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Community Co-Op Subdivision to the west developed to single family and park and recreation space. With the growth of DuPage County, Roosevelt Road rapidly commercialized, and by 1998, the block was bookended with non-residential use with at least three lots in the middle hosting outdoor storage uses along School Street. The north three acres hosted commercial uses and the south 1.2 acres was dominated by the trucking and automobile storage use at the old Township garage site. The cooperative dissolved more than ten years ago.

West of the Subject Property are four single family homes, one of which has a 100-foot long driveway. These uses are in Lombard. Along the east side of Meyers Road, there is an outdoor storage facility for the York Township Highway Department and a series of single-family homes that extend north to a CVS Pharmacy on the southeast corner of the intersection of Roosevelt Road and Meyers Road. The bus stop (Route 313) is opposite the Subject Property.

Annexation Pursuant to Annexation Agreement

Applicant proposes an annexation agreement with the Village. This agreement will provide for the annexation, division, zoning, land ownership and operation, infrastructure, public improvements and utility connections. The agreement will provide for the change in the Facility Planning Area to allow the sanitary sewer connections that will serve the development. Applicant has submitted petitions for annexation that apply to all land south of 1308 South Meyers Road, which is already in Lombard. Closing on 1320 South Meyers Road will occur prior to the conclusion of the process, so Applicant will submit a replacement petition for annexation.

Comprehensive Planning Objectives

All standards for zoning approvals in this matter relate somehow to the Village's Comprehensive Plan. As noted in this section, the Comprehensive Plan strongly supports R2 zoning. The development meets the prerogatives in the Comprehensive Plan.

Applicant proposes a single amendment to the 2014 Comprehensive Plan at Page 23 (before the introduction of the five residential area designations), to insert:

Areas within the R0, R1, R2, and R3 districts, including those the Plan identifies as in Residential Estate or Low Density Residential areas, which are situated uniquely for unified development or situated along highways or arterial roads should be evaluated for higher density uses utilizing the planned development mechanism.

This language recognizes that properties near municipal limits are often developed under standards that recognize well and septic services or with larger lot formats under various development pressures that resulted from the lack of customary municipal services but several can and should sustain a higher use. It is fair to generally conclude that the R0 and R1 zoning classifications are holding classifications. In this instance, the R0 classification was created for homes west of School Street that were annexing into Lombard in more recent times. The R0 and R1 classifications do not recognize the proximity of County highways or arterial roads. These classifications do not recognize that there are large tracts in or near the Village that are capable of a higher and better use and also capable of a use that is more uniform and in line with community planning objectives. After 14 years, R1 zoning in Lombard did not encourage redevelopment of 1308 South Meyers Road which continued to host a lawful nonconforming use that involved contractors operations and outdoor storage. This is so even though the proposed density in this case (6.14 dwelling units

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per acre) is not much greater than the 6.02 dwelling units per acre that can be attained in an R1 planned development that would allow 23 units per acre.

Applicant notes that the 2014 Comprehensive Plan amendment is not necessary to approve the project in this case. Setting aside the circumstance that the Comprehensive Plan is advisory and not law with the same effect of the Zoning Ordinance, the insertion of the new language arises only because the existing language on Page 23, which supports the development, opens with “*Staff recognizes* that development abutting commercial corridors could be considered for townhomes, or other like housing components, when there is a transition from commercial to lower density residential.” Pinnacle on Meyers meets the objectives of the Comprehensive Plan by providing for a proper transitional use from the County highway and non-residential uses in the area to the residential uses west of School Street. In this instance the transition operates from the B4A uses on Roosevelt Road to B3 to R2 (R2PD). The style of housing and size of the lots allows a great housing opportunity for those who no longer (or never did) desire large lot residential use, but who also desire luxury housing opportunities. The development is an appropriate replacement project that will substitute uniform development for a hodge podge of residential and non-residential uses that have often drawn the ire of residents in the area as well as the enforcement powers of local agencies. The project also achieves a strong balance between the need for new housing and lifestyle opportunities while also respecting existing neighborhoods. (Pages 15, 16, 23, 24)

Despite being recommended for low-density housing (Plan, at 24), the block contains numerous commercial uses on these residential tracts, including but not limited to every parcel within the Subject Property. Even 1330 South Meyers Road has the appearance of being a commercial lot. Low-density residential calls for six or fewer dwelling units per acre, and the project proposes 6.14 dwelling units per acre (or 106% of the allowed density)—well within the range allowed under the Village’s planned development regulations which contemplate up to 140% of the allowed density. Additionally, 23 lots are possible under R1 zoning with a planned development.

Elimination of non-residential use, storage, vehicle storage and sheet flow will benefit the neighborhood and the Village and the project incorporates storm planning and best management practices for the first time ever at this location. (Page 13) The project is at one of Lombard’s gateways and it will certainly present a strong and positive community image—one that allows confidence that the Village remains a thriving community with a diverse housing stock rather than a collection of discordant nonconforming uses. (Pages 14, 15, 16, 23, 24) Development of this type also allows more residents direct access to the PACE system while extending the Village’s sidewalk network near a public grade school and between public parks. (Page 18) The development externalizes open space and provides for a heavily landscaped perimeter to be maintained and irrigated by the association. (Page 19) The Facility Planning Area adjustment and utility will reduce duplication of government services in the vicinity. (Page 20)

The project furthers the Village’s interest in rounding out its boundaries within longstanding boundary agreements—in this instance the agreement between the Village and the City of Oakbrook Terrace. (Page 34) The Subject Property is best served by Lombard utility services. Moreover, this area is one that has been pursued for redevelopment on several occasions over the past 8-10 years, and it is not one that the Village can presently forcibly annex. The Subject Property is not part of the York Center neighborhood, but it is situated similarly from a utility perspective. (Page 39) The Plan also notes land south of the Subject Property as being worthy of consideration for annexation. (Page 40) The project will also provide for street or parkway trees

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on both sides of School Street south of the north development line (Page 48) while also reducing all driveways on School Street and reducing the number of driveways on South Meyers Road. (Page 49) The current rights of way allow ample room for bicycles and there is plenty of access from the Subject Property to walking and biking trails in the unincorporated area even though planned incorporated bikeways are further away. (Page 50)

The Subject Property is not an identified area of concern within the Plan, but it certainly is one that staff at both the Village and the County have had several concerns with. North of Roosevelt Road, the Village identified Area 7 as an area for new residential opportunities that included greater residential density. The Subject Property sticks to low-density residential, but the same reasons for recommending low- to medium-density along Westmore-Meyers Road to the north exist along the Meyers Road corridor at this location. Several pages within the Comprehensive Plan relate to lending support to the business and retail community. Further, the Village's strategic plan leans into providing targets for re-use and redevelopment that ultimately lead to a stronger business community. Rooftops still mean business, and each rooftop means more spending and investment in the Village.

Map Amendment to R2 Single Family Residential

Under Section 155.403 and Section 155.103(E), Applicant seeks designation of the Subject Property within the R2 zoning classification upon annexation. Section 155.103(E)(8)(a) requires an analysis and balancing of several standards. Applicant proposes the italicized findings as supported by the language that follows. The findings related to the Comprehensive Plan are supported in the above section that focuses only on the 2014 Comprehensive Plan.

R2 is compatible with existing uses of property within the general area of the property in question. The R2 zoning classification is intended for smaller, detached single-family lots. Section 155.407(A) mentions that R2 is intended for lots generally downtown, but the R2 classification spreads across the Village from north to south and from east to west. Owners west of the Subject Property felt that their homes were most consistent with the Village's R0 district which allows single-family detached homes with a density of 2.9 dwelling units per acre, and similar building heights to the R2 district. The purpose of the R2 district is to allow smaller lots in appropriate locations. The unique localized preference for R0 zoning west of School Street should not defeat the planning objectives east of School Street.

R2 is a common classification along virtually every significant north-south street, including arterials and collectors, in Lombard: Finley Road; Main Street; Fairfield Avenue; Highland Avenue; Westmore-Meyers Road; and Addison Street. The reference to the core of the Village in Section 155.407(A) is to a geographical area, but the reality is that R2 is so common in the Village that it is the core of the Village's housing stock. West York Center's desire to maintain a rural feel can be accomplished with R2 zoning on the Subject Property.

As noted earlier, Meyers Road is a County highway. It connects multiple municipalities and offers four lanes most of its length. The PACE bus stops offer convenience directly at the edge of the Subject Property.

The Subject Property has a long history of hosting uses that are incompatible with the surrounding uses because County R-3 zoning and R1 Village zoning has been insufficient to

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encourage redevelopment to uses that are compatible. Neighbors to the west are in a distinct neighborhood

Purpose statement. The R0 Single-Family Residence District is intended to provide for low density single-family residential areas. This district is characterized by established subdivisions platted on large lots and generally created prior to their annexation into the village. The purpose of this district is also intended to preserve the lower-density character of the neighborhood and protect such areas from the encroachment of incompatible uses.

With School Street as a line of demarcation, encroachment will not occur. The R1 (4.3 dwelling units per acre) zoning district has similar purpose and height: "The R1 Single-Family Residence District is intended to provide for single-family areas and protect such areas from the encroachment of incompatible uses. This district will be located generally on the periphery of the village in neighborhoods containing large lots." As noted above the proposed density can be attained with a proper planned development.

The R2 zoning classification is compatible with the zoning classification of property within the general area of the property in question. At many locations in the Village, there are examples of R2 single-family residential zoning abutting or opposing either Village R1 or County R-3 zoning districts. The R0 district in this instance is a holding classification designed for the particular neighbors west of School Street which is divided from Diecke's Subdivision and its four distinct zoning classifications (Village B4A, B3 and R1 and County R-3). R2 single family is compatible with the R0 classification and a street is a perfectly reasonable demarcation between zoning districts. Within the block at issue, R0 lies on the west side of School Street adjacent and across from B4A zoning, across from B3 zoning, across from R1 zoning and across from County R-3 zoning. The largest portion of the R0 district hosts either public institutional use (a grade school and public works facility) or private institutional use (Taiwanese Christian Church). The Village specifically elected not to zone the east side of School Street within the R0 zoning district. Moreover, most land in the block hosts commercial use (by right or as a nonconforming use).

The Subject Property is not suitable to the uses permitted under the existing zoning classification (County R-3) or under the Village's R0 and R1 Classifications. Under the existing zoning classification, 1308 South Meyers Road never saw any opportunity for development to a use that conformed with the Zoning Ordinance. In over 100 years, there has been no change from the heavy outdoor storage use at 1320 South Meyers Road (nonconforming County R-3). The property at 1312 South Meyers Road also hosted a nonconforming County R-3 use that only recently ceased. 1308 South Meyers Road also hosted a nonconforming commercial use. In fact, the only reason these parcels are under common ownership and control at the present relate to the proposed project. The Subject Property is not marketable for its likely use (which is less-intensive than its highest and best use) under either R0 or R1 Village zoning.

R2 is consistent with the trend of development in the general area of the property. The most recent change in zoning was for R1 at 1308 South Meyers Road where there has been zero interest in re-use to a form that complied with the Village's R1 regulations. Outdoor storage and contractors operations continued at that property for years since annexation. Across School Street, the homes (either rental or owner-occupied) have been maintained despite heavy outdoor contractor and automotive uses on 1308, 1312 and 1320 South Meyers Road. The rezoning of the Subject Property to R2 upon annexation will benefit properties along the west side of School Street and on the east side of Meyers Road by replacing the nonconforming uses on the Subject Property

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with uses that conform to the Zoning Ordinance. Meyers Road is a county highway and a major arterial. As noted above, R2 zoning is a common and responsible zoning classification along busier residential collector and arterial streets throughout the Village. Where development has occurred along Meyers Road south of Roosevelt, it has usually occurred to a greater density than allowed under Village R0, R1 and R2 zoning. Although some of the unincorporated lots on the east side of Meyers Road may resemble R1 lots on the east side of the Village, these lots are actually more capable of development to R2 or R3 density once they address utility connections. Throughout the Village, the trend to new construction of detached single-family housing heavily relies on R2 zoning.

The surrounding property is compatible with the permitted uses in the R2 classification.

The use lists across the R0, R1, and R2 classification are identical. Permitted uses include single family, detached residential—albeit at lower density. Still, however, an R1 planned development could achieve a density of 6.02 dwelling units per acre. R1 is the only residential classification recently applied to the block, but R1 classification has been insufficient to motivate a conversion of the contractor, vehicle and storage uses to the south end of this block to uses that conform to either the Village or County ordinances.

R2 zoning is appropriate under the objectives of the 2014 Comprehensive Plan for the Village of Lombard and the classification has no impact on the objectives in the Plan. Please see above within the overall Comprehensive Plan discussion.

The Subject Property is suitable for single family use at the density allowed in the R2 classification and particularly within a planned development. Numerous R2 options for development exist at the baseline 5.808 dwelling units per acre or at this density modified upwards only slightly, as in this case, where the proposed density is 106% of that which is allowed in R2. The Subject Property has direct access to Village utility services. There are no geographic conditions that counsel against R2 zoning. The Subject Property is not part of the West York Center Cooperative subdivision and the block between School Street and Meyers Road has always held a collection of uses that range from those within the B4A and B3 districts down to the aforementioned nonconforming uses on Village R1 and County R-3 properties. The area south of 14th Street is primarily non-residential in character.

Standards for Conditional Use

Section 155.103(F)(8)(a) provides the standards for conditional use which overlap with the conditional use that is a planned development. Applicant addressed the planned development evaluation under Section 155.103(F)(8) but primary focus related to the planned development arises in the next section of this narrative. Building height involves a conditional use (Section 155.407(G)(2)). Applicant addresses the standards in with the findings in italics, the basis following, and reference to the 2014 Comprehensive Plan discussion above.

Preliminarily, it is important to note that a conditional use is a use that the Village has already legislatively deemed appropriate for the zoning district in which the use is listed as conditional. Such a use should be approved unless the use at this particular location poses particular concerns that do not prevail on other lots within the district (or other districts within which the same conditional use is available). In this instance, there is no particular concern at the Subject Property that counsels against approval of either a conditional use for height (three stories and 38 feet) or a conditional use for planned development that would not otherwise be common

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throughout the R2 zoning district or throughout the R0, R1 and R3 districts. The assemblage is not unique since most R2 development had its genesis in an assemblage of land.

The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare. The conditional use for a building height of three stories and 38' is available in every zoning district that allows single-family detached residential land use. The additional height allows for a large number of roof design options, but it also allows for private amenity in interior and exterior rooftop settings. The rear rooftop deck will be 110-140 feet away from the nearest adjacent homes to the west and 130-140 feet (across a County highway) from homes to the east. The rooftop use would be 43 feet from the home to the north, but the owner of this home recently added paved area and stripped the land of trees while preserving an accessory structure along the south lot line that will break up the view in part. Further, this same lot to the north will not be precluded from building homes that exceed 30 feet and two stories or building homes to the same height as proposed in this case. The residential use of the rooftop area will not pose privacy concerns because the rooftops will be largely screened by existing and proposed landscaping and surrounding uses have limited views to the rooftop areas. The home to the north has only one window on the south face of the home. It could keep its side lot orientation or redevelop in conjunction with other land and use its south lot line as a rear lot line.

The planned development will not pose detriment to the health, safety, morals or welfare inasmuch as it contemplates the same use available on other lots in the area—single-family detached homes. The planned development internalizes impacts that would ordinarily appear on the perimeter of the development, reducing driveways on School Street to zero and relying on only one driveway on each of Meyers Road and 14th Street. The planned development is landscaped beyond the level of landscaping required and converts a series of lots hosting nonconforming uses to valuable residential use. The proposed density under R2 zoning (6.14 dwelling units per acre) is only slightly higher than the planned development density allowed under R1 zoning and is well within the planned development density allowed under R2 zoning. The planned development also includes parkway trees on both sides of School Street when it need only provide for these on the east side of School Street. A homeowners' association will be responsible for internal governance and apply covenants that include architectural and design review as well as conditions of residing within the development that align with the Village's and neighbors' interests in responsible and unified control over uses that exist within a carefully-planned community.

The conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located. In addition to converting a series of longstanding nonconforming contractor and vehicle uses to residential use, the planned development will provide for an attractive residential setting with taller buildings relying on varied building placement that exceeds required street setbacks on both streets with opposing residential uses. The three-story buildings with a maximum height of 38 feet will not cause a denial of use or general welfare to other properties and their owners. A two-story, 30-foot building could easily have a maximum height of 38 feet based on the ordained means of calculating building height to points in a roof. The only difference in the use of the proposed buildings lies in the rooftop deck areas to allow for private outdoor amenity that, by design, will necessarily be passive in their use due to the sizes of the uncovered deck areas.

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Lot 15 offers a larger setback from Meyers Road designed with particular attention to the residential uses at the southerly corners of the intersection of Meyers Road and 14th Street (the northeast corner is an outdoor storage site for the township). This area also includes the deepest and largest portion of Outlot A so that it will be maintained and irrigated by the association and not left to a private owner to maintain. This design also meets with various neighbors' interests in having a greenway as people turn west down 14th Street. There is no required greenway at this location because the York Center Cooperative dissolution did not provide this when it identified Lot A as one that could be sold for value and independent use. The homes themselves will be quite expensive, offering a single-family value that should have a positive overall impact on neighboring and nearby values without. North of Roosevelt Road, there is an R1 district that lies opposite more dense single-family development (R2 or R3 PUD), and the more dense residential uses did not deter owners from maintaining and improving their real estate in the R1 district. Similarly, at other locations in Lombard, planned developments with adjusted interior setbacks and lot sizes have also operated for years without affecting the value or maintenance of land in the same district that does not benefit from a planned development providing the relief at issue in this application.

The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The 38' maximum building height will not impede the use of abutting and nearby parcels for their permitted uses. The property to the north has an as-of-right entitlement under County R-3 regulations to a height of 36 feet, or more when aggregated to an area of 40,000 square feet. Further, nothing related to the height of buildings in this development would prevent the owners of other land from using lots for their permitted purposes even if they preserved any nonconforming front yard setbacks.

The planned development increases the likelihood of normal and orderly development of adjacent and nearby lots by reducing possible curb cuts on Meyers Road and 14th Street and eliminating curb cuts on School Street. Additionally, Applicant has paid close attention to the maintenance of perimeter transitions into the development. The only area where there is a technical shortage arises along 14th Street, but the visually apparent distance of buildings from the curb (+/- 36 feet) exceeds the minimum front yard depth of thirty feet.

Adequate public utilities, access roads, drainage and/or necessary facilities will be provided. Roadways are sufficient to serve the development. DuDOT has already reviewed the Meyers Road driveway design. The 14th Street driveway is in the middle of the block. Gas and electricity as well as water and sewer from Lombard are directly available to the Subject Property. An adjustment to the Facility Planning Area is necessary, but Flagg Creek Water Reclamation District has indicated that it has no problem with the change. The FPA change will assist in reducing duplicative government services in this area. Drainage is planned in compliance with applicable County and Lombard ordinances. The Village will have a combination of blanket and stormwater easements to insure that it can act in the event that the association fails to do so.

Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets. Traffic for the development is oriented to Meyers Road and to 14th Street. Applicant provides a limited access on Meyers Road in a fashion that is consistent as to intent and design with the plans approved by the County last winter. Applicant has also relocated the private gates to allow a greater depth to each gate for a truck or two passenger vehicles. Lastly, the gate system will have access controls that open the gates in the event of a

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power outage and that allow vehicles into the development without delay or the risk of backing into the right of way.

The conditional use is not contrary to the objectives of the current comprehensive plan for the Village of Lombard. Please see the above discussion of the 2014 Comprehensive Plan.

The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission. Applicant seeks a reasonable collection of exceptions and deviations, all of which are designed to provide for a better development that benefits the public as much as it does the Applicant and eventual lot owners. Residential density can and should be adjusted along County highways and arterial streets when the resulting increase approximates to densities allowed in the district or available in existing nearby zoning classifications. Residential growth in furtherance of additional housing opportunity and new Lombard residents not only leads to efficiencies in the provision of services, but it furthers the economic interests of the Village and its business community. Under County standards more density could be attained with a County R-3 development. The above-ground utility cabinet serves a practical interest of serving streetlights, gates and landscape irrigation, all of which offer benefit to the public as well as the Applicant and lot owners. The deviation for sign height is important to neighbors since all prefer effective identification of the driveways sufficiently in advance of a turn movement. The 2-foot increase in height is intended to allow visibility and does not serve to increase sign area. The bulk of the yard/setback, landscaping and screening/fencing variations serve to improve the development for the owners and those who will see the development from the outside. The interior side yard and open space relief allows for innovative development and the creation of a residential environment that acknowledges the value of private open space and the circumstance that the buyers of housing of this type often will not desire ongoing maintenance of large yards. To the extent that deviations relate to the perimeter of the development, the objective in allowing the relief ties more to creating lot lines and managing Outlot A which will be maintained by the association with special attention to landscaping and screening.

Applicant Meets the Standards for Planned Developments

As noted above, the planned development meets the Village's conditional use standards. Developments should attain all of the standards, but the Plan Commission can recommend and the Village Board can approve a planned development that falls short in any one category if the overall merits of the planned development remain in the public interest and warrant approval.

Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.

As noted immediately above, the development complies with those regulations in the R2 district other than those that would need to be varied slightly to allow for the smaller lots and density. The Village has the authority to allow more density, but Applicant seeks only 106% of the allowable density. Lot areas and lot widths are more compliant at the corners and key viewsapes into the project.

Community sanitary sewage and potable water facilities connected to a central system are provided. Applicant will connect to Village water and sewer and do so in compliance with Village public works and engineering requirements. The planned development is a large step in the direction of reducing duplicative services that overlap with Village, County and Flag Creek.

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The dominant use in the proposed planned development is consistent with the recommendations of the comprehensive plan of the village for the area containing the subject site. As noted above, the project meets the objectives of the 2014 Comprehensive Plan. The modest amendment proposed for Page 23 of the Plan arises only because of the current phrasing of the paragraph (“staff acknowledges”) and it reflects a practical approach to planning along highways and on properties such as the Subject Property that are fully capable of responsible unified development.

The proposed planned development is in the public interest and is consistent with the purposes of this zoning ordinance. The Zoning Ordinance (including the map) repeatedly reflects efforts to plan for transitions in use at appropriate locations, be they along rear lot lines or across streets where there is a clear neighborhood change. In this instance, the instant block will benefit from the conversion of some of the more unpopular uses in the area to residential land use that will transition from Meyers Road to School Street, the west side of which further transitions to a larger lot unincorporated area. The residential density at this location will support families that want to move to the area and reside on lots that require less maintenance while still offering a high level of amenity. The Landscape Plan, Planned Development Site Plan and Fence Plan reflect attention to detail on the perimeter of the project such that it attains the objectives of perimeter yards and open space. Applicant provides significant landscaping that is not required under the Zoning Ordinance or the Subdivision Regulations and it does so in recognition of expressed desires of nearby residents.

The streets are properly designed. Access to the planned development has been reviewed by the County and the Meyers Road design is proper. The midblock access on 14th Street is the best location for the south driveway. As noted above, the gates will allow easy access to owners, first responders, delivery drivers and postal staff. The gates will also allow access to those who are simply lost and need to pass through without having to back onto the right of way. The gates are at a depth sufficient to avoid stacking into the streets. The development provides more than enough parking with an average of more than four spaces per home. Obstructions to the private drive will not be permitted other than scheduled moving or large-item delivery operations, and the association would obtain a special event permit to have block parties or other events that include the closure of any part of the private street. Applicant previously engaged in a study of traffic and the 30 units proposed at DuPage County were determined to be appropriate. The number of new trips across much more land than was at issue at DuPage County will not overburden existing transportation facilities or unduly increase traffic congestion.

The development will not impose an excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development. The development is conveniently located near schools and parks. Additionally, the development provides outdoor amenities that will allow owners outdoor recreation opportunity (passive and active). The project is within the boundaries of the York Center Park District. York Center is among those government agencies that will benefit from increased revenues from real estate taxes. The nearest parks offer both active and passive recreation. Co-Op Park is intended to remain a primarily passive park and Knolls Park and York Center facilities on Luther are sufficient to allow use by the new residents. The additional revenues (\$30,000.00-40,000.00 per year) will support employee retention and facilities management. For decades, Lombard and Oakbrook Terrace have planned for Lombard public safety services on the west of Meyers Road. The uses will not over-burden these public services. Additionally, Lombard has adequate water and sanitary

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sewer capacity to serve the development. To the extent residents use Lombard Park District facilities, they would do so in accordance with the District's regulations and program rules.

Exceptions and deviations are consistent with the Zoning Ordinance and firmly grounded in responsible planning. Applicant seeks only limited use exceptions. First, the 6.14 dwelling units per acre is only slightly above the 5.8 units per acre allowed in the R2 district and it approximates to the density (6.02 dwelling units per acre) that could be achieved in an R1 planned development. Second, the above-ground utility cabinet allows the association to connect its water and electrical facilities. No use other than single-family detached residential is proposed.

The reduction of yards and lot widths serves a critical purpose that opens up housing opportunity for those who do not want the maintenance responsibility and do not require large interior side yards. The homes are attractive, luxury residences that offer private outdoor spaces and meet the objective of providing a living space in a private lot format while dedicating land on the perimeter of the development to association care and maintenance for the benefit of the public. The deviation relating to fence height is intended to screen, and the residents along School Street prefer a 6-foot solid fence over a shorter fence or an open fence. The 6-foot solid fence can also better screen the use on Lot 6 from the neighbor to the north who has one window and a shed where there can already be a 6-foot fence. Wrapping corner units is a function of the overall landscaping and screening plan, and the intent is to maintain private use on the interior of the development without having it within the general observation of the public. The plan avoids the creation of an appearance of a "compound" by having inviting 4-foot open-style geometric fences and landscaping at the driveways and along most of 14th Street. The list of deviations arose over the course of several discussions with neighbors regarding efforts to avoid driveways on School Street and efforts to realign the residential setting—one that was originally proposed as 15 pairs of attached single family homes. The deviations further a better development that is more beneficial to the residents or occupants of the planned development as well as those of the surrounding properties. Although floor area is not regulated in the R2 district, the relief sought for interior yards and the conditional use for the third floor do not increase the overall floor area by more than 40 percent of what could be planned.

As noted above, the residential planned development for 24 units is well below the maximum number of dwelling units allowed as an R2 planned development (106% compared to the allowed 140% deviation or exception). All plans reflect that the buildings in the planned development are situated so as to dissipate adverse impact on adjoining buildings and to avoid an invasion of privacy of neighbors. All perimeter yards are compliant. The south front yard setback is 36 feet from the curb line of a common law dedicated street and 22 feet from the actual lot line reflected in the Planned Development Site Plan. The perimeter yards are consistent with yards allowed in County R-3 territory and in the Village R0 and R1 districts. Transitional yards are not required, but Applicant heavily landscapes and screens Outlot A as though transitional landscaping were required.

The Subdivision Merits Approval

A planned development is a blend of subdivision and zoning and planning. The planned development and related preliminary plat of subdivision reflect substantial compliance with the Village's regulations. The preliminary plat of subdivision merits approval. The exceptions and deviations from the Zoning Ordinance, and any related variation from the subdivision regulations in Chapter 154, will not be detrimental to the public safety, health or welfare, or injurious to other

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property or improvements in the neighborhood in which the Subject Property is located. The uniqueness of the Subject Property, as being surrounded by streets on three sides, being adjacent to the County highway and being an area of transition between commercial use and higher density residential use to the areas to the west (indeed in an R0 zoning district created specifically and only for the land to the west) support a determination that the conditions are not applicable, generally, to other property. Due to the particular physical surroundings and other conditions of the Subject Property, a particular hardship to the owner would result if the subdivision relief was not granted inasmuch as it would force a wide disagreement over the use of School Street and other matters that are not currently intended to be the subject of a dispute with neighbors (as distinguished from a mere inconvenience). The subdivision variations will not conflict with provisions of the Lombard Zoning Ordinance or Comprehensive Plan. All of the grounds for these conclusions have been explained above.

Development and Association Matters

The Subject Property will be under single ownership until developed. Thereafter, it will be under the control of an association for the purposes of management and operations that include maintenance, repair, insurance, self-regulation, and replacement of common area improvements. A copy of the declaration will be provided as necessary at hearing, but it will govern all of the lots.

Applicant will accept the water it must from other properties and convey it. Applicant will store the water it must store and do so in a fashion that calls for an appropriate release rate. Detention will be underground. Applicant also uses a combination of pipes, swales and rain gardens to comply with applicable ordinances. The project will not increase the potential for flood damages to adjacent property.

Each dwelling is reasonably and properly accessible for fire and rescue purposes. The Meyers Road access drive orientation and planning will avoid obstructions to area travel by the York Center Fire Protection District (located south along Meyers) or other rescue personnel assisting in the area. Since the area is already such a large unincorporated area with a combination of more dense housing and a diversity of business and institutional use, police protection from the County already occurs and there is no sign that Oakbrook Terrace is going to be annexing the territory east of Meyers Road.

The project will plan for internal storage of waste until the local hauling day when trash will be stored outside. There is no large congregational area and outdoor areas in units are of the size where it can be expected that they would host smaller gatherings of friends and family. York Center Elementary School has not seen a need to re-plan streets as part of its drop off or pick up program, and it still safely relies on the right of way for purposes that also include parking. Lighting will comply with Lombard standards.

The association will be a point of contact for residents, neighbors, and the Village. It will handle lawn and landscape care, streets and snow removal. Additionally, it will handle design review.

Conclusion

This particular site and the block that hosts it have been the subject of years of effort to develop appropriate uses under the Zoning Ordinance. Running north from 14th Street to the north

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line of the Subject Property, there have been decades of outdoor use and storage. Applicant proposes a density that is acceptable at the Subject Property.

Applicant respectfully requests that the Plan Commission recommend and the Village Board approve the matters set forth in the itemization of relief, all plans submitted, and such other matters raised during staff, Commission and Board review to allow the 24-lot development.

Thank you for your attention to this matter.

Respectfully submitted,

AFSAR DEVELOPERS, LLC

/s/ Mark W. Daniel

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