

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

☐ Resolution or Ordinance (Blue) ☐ Waiver of First Requested
☒ Recommendations of Boards, Commissions & Committees (Green)
☐ Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : July 12, 2022 **(BOT) Date:** July 21, 2022

SUBJECT: PC 22-02: 400 E. St. Charles Road: New Directions Housing

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, New Directions Housing, as prospective contract purchaser of the property, is seeking a planned development amendment approval in order to provide for a 30-unit multiple-family dwelling unit on the property at 400 E. St. Charles Road. This petition was considered by the Plan Commission on January 24, 2022, and initially forwarded to the Village Board for consideration on March 17, 2022.

This matter is being placed on the July 21, 2022, Village Board meeting agenda on "Items for Separate Action" and for consideration for first reading only. The Plan Commission recommends approval of PC 22-02 by a vote of 7-0 for an ordinance granting a major change to a planned development to change the approved use from attached single-family (townhomes) to multi-family dwellings.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.

MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Community Development Director 

MEETING DATE: July 21, 2022

SUBJECT: PC 22-02: 400 E. St. Charles Road: New Directions Housing

BACKGROUND:

The petitioner, New Directions Housing, as prospective contract purchaser of the property, is seeking a planned development amendment approval in order to provide for a 30-unit multiple-family dwelling unit on the property at 400 E. St. Charles Road. This petition was considered by the Plan Commission on January 24, 2022, and initially forwarded to the Village Board for consideration on March 17, 2022.

Prior to Board consideration of the petition, the petitioner and adjacent property owners at 500 E. St. Charles Road (Oakview Estates Condominium Association) alerted the Village that there were unresolved items related to maintenance and cross-access agreements for the shared driveway that serves the properties at 400 and 500 E. St. Charles Road. As the proposed development at 400 E. St. Charles Road assumes continued existence and use of the shared driveway, staff asked Village Counsel to review the matter and provide guidance with respect to the Village Board taking final action on the petition. Village Counsel recommended that the existing property owner secure a formal cross-access agreement with the adjacent Oakview Estates Condominium Association prior to the Village Board taking final action on the petition.

To that end, the petitioner requested the Village Board continue the petition to allow time for the property owner to work out the necessary cross-access agreement with the Oakview Estates Condominium Association. Negotiations between the parties have been ongoing throughout the spring and summer of 2022. At the request of the petitioner, the Village Board has continued the petition several times while the parties continued to work on this agreement.

On July 11, 2022, the representative of the Oakview Estates Condominium Association informed staff that the condo board has approved the proposed terms of a cross-access agreement, and that the Association's attorney is in the process of drafting the agreement. The petitioner, New Directions Housing, has confirmed that the draft agreement is in process.

Given that the parties appear to have come to terms on a cross-access agreement, staff recommends the Village Board proceed with consideration of the zoning petition.

REQUESTED ACTION:

This matter is being placed on the July 21, 2022, Village Board meeting agenda on “Items for Separate Action” and for consideration for first reading only. The Plan Commission recommends approval of PC 22-02 by a vote of 7-0 for an ordinance granting a major change to a planned development to change the approved use from attached single-family (townhomes) to multi-family dwellings.

Electronic copies of the previously transmitted plans and supportive information will be re-transmitted to the Village Board members in their July 21, 2022 agenda packets. If you would like to receive another set of paper copies of the materials, please let us know.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: March 17, 2022

SUBJECT: PC 22-02: 400 E. St. Charles Road – Oakview Estates

Please find the following items for Village Board consideration as part of the March 17, 2022, Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 22-02; and
3. An ordinance granting a major change to a planned development to change the approved use from attached single-family (townhomes) to multi-family dwellings.

The Plan Commission recommended approval of PC 22-02 by a vote of 7-0. Please place PC 22-02 on the March 17, 2022, Board of Trustees agenda for a first reading.



VILLAGE OF LOMBARD

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March 17, 2022

Village President
Keith T. Giagnorio

Village Clerk
Liz Brezinski

Trustees
Brian LaVaque, Dist. 1
Anthony Puccio, Dist. 2
Bernie Dudek, Dist. 3
Andrew Honig, Dist. 4
Dan Militello, Dist. 5
Bob Bachner, Dist. 6

Village Manager
Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 22-02: 400 E. St. Charles Road (Oakview Estates)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. petitioner requests that the Village take the following actions on the subject property located within the R4PD Planned Development (Oakview Estates Planned Development):

1. Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oakview Estates Planned Development, as established by Ordinance No. 5488 and amended by Ordinance No. 7342, as follows:
 - a. For the property located at 400 E. St. Charles Road, change the approved land use from attached single-family (townhomes) to multiple-family dwelling units, based upon the submitted plans.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on February 21, 2022. Sworn in to present the petition were: the petitioner, Rodger Brown, with New Directions; and Anna Papke, Senior Planner, Community Development.

Acting Chairperson Sweetser read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine, and proceeded with the petition.

Rodger Brown presented the petition. He stated that New Directions proposes to build a three-story, 30-unit apartment complex for senior citizens on the subject property. Mr. Brown showed the plat of survey for the property, which is located at the northeast corner of St. Charles Road and Grace Street. He also showed the proposed site plan, noting there will be 45 surface parking spaces, two outdoor patios, and a trash enclosure.

Mr. Brown stated that the footprint of the proposed building will sit entirely within the footprint of a 40-unit condo building that was proposed for the site in 2004 but never developed. He showed floor plans of the building and noted there will be 24 one-bedroom apartments and six two-bedroom apartments. He also showed floorplans of the units, building elevations, and a rendering of the proposed building.

Acting Chair Sweetser asked if anyone else intended to cross examine the petitioner. Hearing none, she opened the meeting for public comment.

Jonathan Zivojnovic, with River Elm Properties, stated he is the property manager for the condo building at 500 E. St. Charles Road, immediately to the east of the subject property. He said the condo residents are concerned about access to the parking lot on the subject property. He commended staff and the petitioner for working with the condo residents to address this concern.

Mr. Zivojnovic said the properties at 400 E. St. Charles and 500 E. St. Charles were both part of a 2004 plan to develop two condo buildings with 80 total units, and 120 parking spaces. Phase I of this project, at 500 E. St. Charles, was completed, at which point the Village granted certificates of occupancy for those condo units. At that time, there was an assumption that there would be covenants and easements in place to allow the residents to park on the parking lot at 400 E. St. Charles Road. Such agreements were never finalized, and then the 2004 developer sold the property at 400 E. St. Charles Road to another party.

Mr. Zivojnovic said the condo owners at 500 E. St. Charles Road are concerned that their units will lose value if they are no longer allowed to park on the surface lot at 400 E. St. Charles Road. He said they are also concerned about allowing for cross-access across the shared driveway between the two properties if there is no agreement in place to work on a shared parking arrangement. He said the Village should stick to the 2004 plan as approved, based on two buildings at 400 and 500 E. St. Charles Road with shared parking.

Vin Quach addressed the Plan Commission. He said he was concerned that if parking is not shared between the two sites, there will be a negative impact on property values at 500 E. St. Charles Road.

C. Blanchard addressed the Plan Commission. She stated she is an owner of a condo unit at 500 E. St. Charles Road. She said the Plan Commission should require New Directions to build their own driveway on the subject property rather than using the shared driveway to access the site. She said New Directions should pay for this work. She said a separate driveway would minimize maintenance costs for the owners at 500 E. St. Charles Road. Ms. Blanchard said there is a cable

box on the site that should be moved. She said New Directions should build fewer units than proposed.

Ms. Blanchard said that the building at 500 E. St. Charles Road should not be tied to the 2004 plan that included cross-access with the subject property. She said New Directions will not bring tax dollars to the Village. She asked the Plan Commission to reject the proposed development unless it includes a separate driveway for the subject property.

Acting Chair Sweetser asked if members of the public had any additional questions or comments on the petition. Seeing none, she asked for the staff report.

Ms. Papke presented the IDRC report for PC 22-02, which was entered into the public record in its entirety. The petitioner proposes to develop the property at 400 E. St. Charles Road with a 30-unit multiple-family apartment building. The development will consist of one residential building and 45 surface parking spaces.

This property is located in the Oakview Estates Planned Development. When the planned development was approved in 2004, 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 building at 400 E. St. Charles was never constructed, and the property has remained vacant, with the exception of a surface parking lot, since that time. The current petitioner proposes to build the 30-unit apartment complex within the footprint of the 40-unit condo building approved on the site in 2004.

The proposed development is consistent with the zoning relief approved for the condo building in 2004, the majority of which remains in place on the property. The only aspect of the development requiring re-entitlement at this time is the approved land use. In 2017, a potential developer received approvals to develop the subject property with townhomes rather than the multi-family use approved in 2004. Therefore, the current petitioner is seeking to amend the approved land use on the site from attached single-family dwellings (townhomes) back to multi-family dwelling units.

The proposed apartment building development is consistent with the Lombard Zoning Ordinance and the ordinance that governs the Oakview Estates Planned Development. The Zoning Ordinance requires the development to provide 45 parking spaces. The development will meet this requirement by using the existing 26-space surface parking lot on the west end of the site and constructing additional surface spaces to the side and rear of the building.

The petitioner has had some discussions with the condo residents at 500 E. St. Charles Road with respect to the potential for construction of additional parking spaces on the subject property that could be shared by residents of both developments. Staff notes that the petitioner may elect to construct additional surface parking in the future without needing to appear before the Plan Commission, provided all other zoning and development regulations are met. Construction of such additional parking would be entirely at the discretion of the petitioner, subject to the Village's development regulations. As currently proposed, the 30-unit multi-family development with 45 surface parking spaces is compliant with the parking requirements in the Village Code.

Staff finds the petition is consistent with the requirements of the Village Code, and recommended approval of the petition subject to the conditions in the staff report.

Ms. Papke stated that staff had received an email from a member of the public concerning this petition, which had been distributed to the Plan Commissions with their packets.

Acting Chair Sweetser asked if there were questions or comments for staff.

Commissioner Giuliano asked for more details about the parking situation at 500 E. St. Charles Road, and why existing parking is not enough to accommodate the residents of 500 E. St. Charles Road. She was trying to understand why parking issues for 500 E. St. Charles Road are not being remedied at 500 E. St. Charles Road. She asked if there are residents who park at the Lombard Park District facility across St. Charles Road. She wanted to understand why the parking at 500 E. St. Charles is not acceptable to the residents.

Ms. Papke said she was not aware of any agreements between the residents and the Park District to allow parking at the facility across St. Charles Road. As far as existing conditions at 500 E. St. Charles Road, Ms. Papke said the building was built as the first phase of the original 2004 development. Staff understood there were currently 58 parking spaces on the site, though Village Code would require 60 parking spaces (1.5 spaces per unit, 40 condo units). Ms. Papke said the existing conditions had occurred as a result of the 2004 developer building a portion of the overall development, then selling off the property at 400 E. St. Charles Road prior to completing the development as planned.

Commissioner Giuliano said it seemed there is not enough parking at 500 E. St. Charles Road. If the condo residents cannot park at 400 E. St. Charles Road, where would they park?

Ms. Papke said that staff is not aware of any permanent agreements in place to allow for the residents at 500 E. St. Charles Road to park on the surface parking lot at 400 E. St. Charles Road indefinitely.

Commissioner Giuliano asked for information on the potential avenues to address a parking shortage at 500 E. St. Charles Road. Ms. Papke said the condo owners could look for opportunities to construct additional surface parking at 500 E. St. Charles Road. She noted that when an owner of the subject property (400 E. St. Charles Road) sought entitlements to build townhomes in 2017, this issue had been discussed, and a number of locations for additional surface parking at 500 E. St. Charles Road had been identified. The condo owners and HOA at 500 E. St. Charles Road would be responsible for pursuing construction of those spaces.

Commissioner Giuliano asked how many units are at 500 E. St. Charles Road. Ms. Papke said there are 40.

Commissioner Giuliano observed that the 60 spaces required by Village Code to serve a 40-unit condo building may not be adequate as many people have two cars. Ms. Papke responded that the Village Code requirement sets minimums. Whether a particular property and the available parking

meets the needs of a prospective purchaser or resident is something the purchaser needs to determine.

Commissioner Johnston said that if there are 40 units in the building at 500 E. St. Charles Road, and 58 parking spaces, then some units must have more than one car if there is a parking issue. He asked if the Village knew the source of the parking problem, and why there are more cars than available parking spaces.

Ms. Papke said she is not privy to the parking arrangements that individual property owners may have, but she assumed that when condo units are bought and sold, there is an understanding on the part of the sellers and the buyers as to what parking spaces, or rights to parking spaces, are included in the transfer of the property.

Commissioner Johnston observed that while the property is short two required spaces (58 provided, 60 required by Code), it appeared that the parking problem is larger than a shortage of two spaces. He noted that it may be necessary to reconsider the parking requirement of 1.5 spaces per dwelling unit. He said that he could understand why there is a parking issue at 500 E. St. Charles Road, but he did not believe it was under the jurisdiction of the Plan Commission to address that issue in the current meeting.

Ms. Papke confirmed that the petition before the Plan Commission was the proposed apartment building development at 400 E. St. Charles Road.

Commissioner Johnston asked for more information on the shared driveway, and how the discussion of cross-access was relevant to the petition.

Ms. Papke said that the petition did not include a request to close off the driveway connection between 400 E. St. Charles Road and 500 E. St. Charles Road. She noted that the fire code prohibits dead-end access roads or driveways longer than 150 feet. Any driveway longer than 150 feet would need to provide a turnaround area for a fire apparatus. If a future petitioner were to advance a request to disconnect the driveway between the two properties, staff would not support such a request as it would not be compliant with the fire code. She noted that this was the case for both properties; disconnecting the driveway between 400 and 500 E. St. Charles Road would result in both properties having dead-end driveways longer than 150 feet.

Commissioner Johnston said that the proposed development on 400 E. St. Charles Road will increase traffic on the shared driveway. It would be to the benefit of both properties to have an agreement in place regarding use and maintenance of the driveway. He asked whether the petitioner intended to come to such an agreement with the condo building at 500 E. St. Charles Road. Mr. Brown confirmed his intention to do so.

Commissioner Verson asked for clarification on whether the residents at 500 E. St. Charles had been using the parking spaces at 400 E. St. Charles Road since 2006.

Mr. Zivojnovic said the condo building entered into a lease agreement with the current owner of the subject property three and a half years ago to allow the condo residents to park at 400 E. St.

Charles Road. As far as the number of parking spaces each resident had access to, he said that some units were sold with more than one parking space for exclusive use. He said the surface parking at 400 E. St. Charles Road has been used as guest and overflow parking. The proposed development would result in the loss of the use of that parking area for the residents at 500 E. St. Charles Road.

Mr. Zivojnovic addressed the issue of the cross-access and shared driveway. He said there is no formal agreement in place to address this situation. He said the condo building's legal team would not allow the shared driveway to be kept open if there is not an agreement in place. He said without an agreement, there is technically no shared driveway, and approving the proposed project would be in conflict with the fire code.

Commissioner Johnston said he was unclear on the conflict that Mr. Zivojnovic was referring to. Commissioner Johnston said that it is not realistic to block off a driveway if it creates an issue for fire protection. He asked for clarification from staff that the access cannot be cut off. Ms. Papke confirmed the Village would not allow the driveway to be cut off.

Commissioner Invergo asked for clarification on the sequence of events that led to the current parking situation. Ms. Papke said the two properties at 400 and 500 E. St. Charles Road were under unified ownership when the two condo buildings were approved in 2004. The 2004 plan included a mix of underground parking and surface parking that would presumably have been allocated in some way among residents. After development of the 500 E. St. Charles Road condo building, the property at 400 E. St. Charles was split off and sold to a third party.

Acting Chair Sweetser asked for clarification on the location of the surface parking lot and who has access to use it.

Ms. Papke said the surface lot is on the 400 E. St. Charles site (subject property). Aside from the lease mentioned by Mr. Zivojnovic allowing short term use of the lot by the residents at 500 E. St. Charles Road, the Village is not aware of any long-term agreements to allow the condo residents to use the lot on 400 E. St. Charles. She noted that any disagreement between the condo residents and the property owner of 400 E. St. Charles with respect to a potential parking agreement would be a civil matter.

Commissioner Johnston said one of the residents had raised the issue of constructing a new driveway for use only by future residents at 400 E. St. Charles Road. He noted the property is close to the railroad and the St. Charles Road/Grace Street intersection, and there is existing infrastructure on the subject property. He asked if it is an option to construct a new driveway on the subject property.

Ms. Papke said there is currently a driveway connection to St. Charles Road from the 400 E. St. Charles Road property, located between the surface parking lot and the proposed footprint of the building. She said it would be difficult to build an additional driveway or relocate the existing driveway due to proximity to the St. Charles Road/Grace Street intersection and other site constraints.

Acting Chair Sweetser noted that there was a lot of information on the parking issues in the addendum to the staff report.

Acting Chair Sweetser asked if there was any additional information from staff on the petition. Ms. Papke said staff had no additional information to present.

Acting Chair Sweetser asked if there was any additional discussion from the Plan Commissioners, or if anyone was ready to make a motion.

On a motion by Commissioner Giuliano, and a second by Commissioner Johnston, the Plan Commission voted 7-0 to recommend that the Village Board approve the petition associated with PC 22-02, subject to the following four (4) conditions:

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

Respectfully,

VILLAGE OF LOMBARD

Ruth Sweetser, Acting Chairperson
Lombard Plan Commission

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

400 EAST ST. CHARLES ROAD

January 24, 2022

Title

PC 22-02

Property Owner

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

Petitioner – Developer

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

Property Location

400 E. St. Charles Road

Zoning

R4PD – Oakview Estates Planned
Development

Existing Land Use

Vacant/Undeveloped

Comprehensive Plan

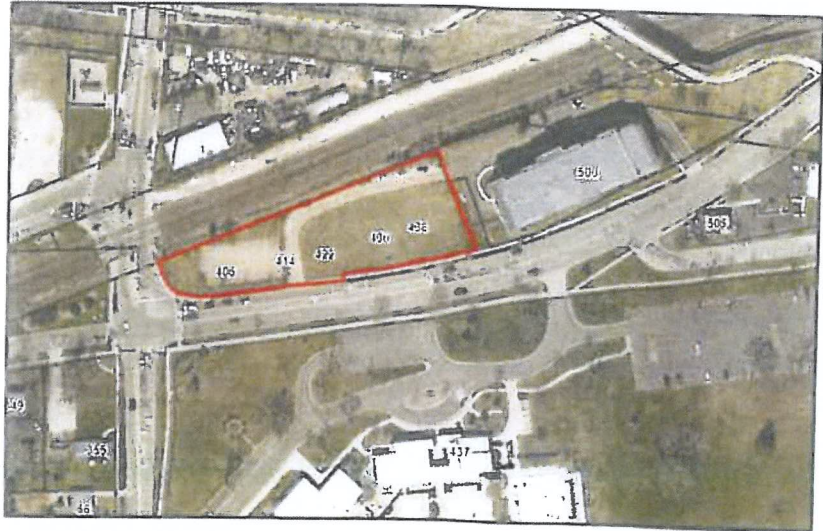
High Density Residential

Approval Sought

Site plan approval for a parcel in the Oakview Estates PD, approval of companion major changes to the planned development to allow for a 30-unit apartment building.

Prepared By

Anna Papke, AICP
Senior Planner



LOCATION MAP

DESCRIPTION

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

BACKGROUND

This property is located in the Oakview Estates Planned Development. When the planned development was approved in 2004 (PC 04-10, Ordinance 5488), the developer at the time proposed to build two 40-unit condo buildings on the properties at 400 and 500 E. St. Charles Road. The first of these two buildings, as well as public utilities and stormwater facilities serving the entire planned development, was constructed in 2006 at 500 E. St. Charles Road. Phase II of the project on the subject property was never constructed. In 2017, a potential developer received zoning entitlements to develop the subject property with ten townhome units rather than the originally proposed 40-unit condo building (PC 17-01), but this project has not proceeded.

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

Project Details

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

Requested Actions

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

Submittals

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

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

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

EXISTING CONDITIONS

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

APPROVAL(S) REQUIRED

The petitioner requests that the Village take the following actions on the subject property located within the R4PD Planned Development (Oakview Estates Planned Development):

1. Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oakview Estates Planned Development, as established by Ordinance No. 54-88 and amended by Ordinance No. 7342, as follows:
 - a. For the property located at 400 E. St. Charles Road, change the approved land use from attached single-family (townhomes) to multiple-family dwelling units, based upon the submitted plans; and
2. Pursuant to Section 155.511 (site plan approval) of the Lombard Zoning Ordinance, approve a 30-unit multiple-family development based upon the submitted plans.

INTER-DEPARTMENTAL REVIEW**Building Division:**

The Building Division has no comments on this petition. Should the petition be approved, additional comments may be forthcoming during permit review.

Fire Department:

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

Public Works:

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

Private Engineering Services (PES):

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

Planning Services Division:

The Planning Services Division notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning	Land Use
North	R4 and B4	Union Pacific railroad and a vehicle repair facility
South	CR	Paradise Bay Water Park (across St. Charles Road)
East	B4PD	Oakview Estates 40-unit condo building
West	R2 and B2	Union Pacific railroad
Southwest	R2	Single-family neighborhood (across Grace Street and St. Charles Rd.)

The area surrounding the subject property is developed with a mixture of residential, commercial and recreational uses. The property immediately adjacent to the east of the subject property is developed with the 40-unit Oakview Estates condo building. Property to the south and southwest includes single-family neighborhoods and a park district facility. The Union Pacific railroad line sits north of the site. Given this mix of existing uses in the immediate neighborhood, staff considers the 30-unit multiple-family residential development proposed on the subject property to be consistent with the zoning and land uses of surrounding properties.

2. Comprehensive Plan Compatibility

The Comprehensive Plan designates this property as suitable for high-density residential development. The Comprehensive Plan further recommends the Village pursue the following actions with respect to residential development:

- Encourage new development and infill development which is complementary with the scale and character of surrounding residential uses.
- Working with property owners and developers, seek a variety of housing types meeting the lifestyles, needs and growth of the community, while ensuring neighborhood stability.

The proposed multiple-family development will increase the variety of housing types available in this area of the Village while providing infill development of a scale and design compatible with surrounding development.

3. Zoning Ordinance Compatibility

The underlying zoning of the subject property is R4PD, Limited General Residence District Planned Development. The proposed development is consistent with the Lombard Zoning Ordinance and/or the relief granted for the Oakview Estates Planned Development via Ordinance 5488. Staff notes the following with respect to this petition's consistency with the Zoning Ordinance and Ordinance 5488:

- The proposed use, multiple-family dwellings, is permitted in the R4 district and by Ordinance 5488.
- Ordinance 5488 granted a deviation to allow up to 80 multiple-family dwelling units in the Oakview Estates Planned Development. With the proposed 30-unit multiple-family development on the subject property, there will be 70 dwelling units in the Oakview Estates PD.
- Setbacks:
 - The R4 District requires a minimum front yard setback of 30 feet. However, Ordinance 5488 granted a deviation to reduce the required front yard setback for a building on the subject property from 30 feet to two feet. The front yard setback for the proposed building is eight feet, which exceeds the minimum setback required by Ordinance 5488.
 - The proposed building meets the minimum rear, corner side, and side yard setbacks required in the R4 District.
 - As previously noted, the footprint of the proposed building sits entirely within the footprint of the 40-unit condo building proposed for the subject property in 2004.
- The proposed building has a maximum height of 33 feet. The majority of the building is three stories, with the west portion stepped down to two stories. This is well below the maximum building height of 51 feet (five stories) permitted by Ordinance 5488.
- Per Ordinance 5488, developments in the Oakview Estates Planned Development are required to maintain a minimum of 25% of the lot area as open space. Open space on the subject property will be 31.3% post-development.
- Village Code requires 1.5 parking spaces for each one- and two-bedroom multiple-family dwelling unit. The petitioner proposes 45 surface parking spaces on the site, which meets the minimum required parking for the 30-unit building. The parking will include the existing 26-space lot on the west end of the subject property, with additional spaces to be constructed around the side and rear of the building.
- The landscape plan provided by the petitioner meets the requirements in the Village Code.

4. Request for a Major Change to a Planned Development

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

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

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

Multiple-family dwellings are a permitted use in the underlying zoning district of R4, so the development as proposed is consistent with the Lombard Zoning Ordinance. As discussed above, staff finds that the proposed multiple-family development is compatible with the surrounding land uses and is consistent with the Comprehensive Plan's recommendation of high-density residential development for this property. Furthermore, the Plan Commission held a workshop in June 2020 to consider the possibility of amending the Oakview Estates Planned Development to allow for a multiple-family development on the subject property, and was generally favorable to the proposed change. Staff supports this major change.

5. Senior Housing

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

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

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

SITE HISTORY

PC 04-10: Oakview Estates Planned Development

- Adopted Ordinance 5486 to amend Comprehensive Plan designation for subject property from Community Commercial to High Density Residential.
- Adopted Ordinance 5487 rezoning subject property from B4 to R4.

- Adopted Ordinance 5488 granting conditional use for a planned development with deviations and variations.
- Adopted Ordinance 5489 granting a conditional use for an accessory garage.

BOT 04-18: Stormwater variation

SUB 05-06: Major plat of subdivision

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

PC 07-37: Request for major changes and deviations for Oakview Estates Planned Development

Petitioner requested a major change and two deviations from the Oakview Estates Planned Development in order to develop 52 senior independent living residences at 400 E. St. Charles Road. Petition denied by Board of Trustees.

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

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

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

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

SUB 18-01: Major plat of subdivision

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

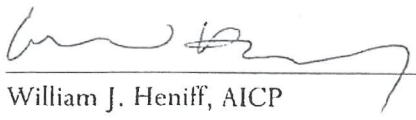
FINDINGS & RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards for major changes to a planned development and site plan approval, as established by the Lombard Village Code. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and testimony presented, the proposed site plan with a companion major change to a planned development **complies** with the standards required by the Village of Lombard Village Code; and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Committee Report as the findings of the Plan Commission and I

recommend to the Corporate Authorities **approval** of PC 22-02, subject to the following conditions:

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



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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ORDINANCE NO. _____

**AN ORDINANCE GRANTING A MAJOR CHANGE TO A
PLANNED DEVELOPMENT PURSUANT TO TITLE 15,
CHAPTER 155, SECTION 155.504 OF THE LOMBARD ZONING
ORDINANCE, FOR THE PROPERTY AT 400 E. ST. CHARLES
ROAD IN THE OAKVIEW ESTATES PLANNED
DEVELOPMENT, AS ESTABLISHED BY ORDINANCE 5488
AND AMENDED BY ORDINANCES 7342, 7484, 7529, 7609, 7653,
AND 7811**

(PC 22-02: Oakview Estates Planned Development – 400 E. St. Charles Road)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Subject Property, as described in Section 2 below, is zoned R4PD Limited General Residence District Planned Development; and,

WHEREAS, the Subject Property, as described in Section 2 below, is subject to the standards for the Oakview Estates Planned Development, as adopted by the President and Board of Trustees of the Village of Lombard by Ordinance 5488 and amended by Ordinances 7342, 7484, 7529, 7609, 7653, and 7811; and,

WHEREAS, an application has heretofore been filed requiring approval of the following major change, pursuant to the Lombard Zoning Ordinance (Title 15, Chapter 155 of the Village Code):

1. Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oakview Estates Planned Development, as established by Ordinance No. 5488 and amended by Ordinances 7342, 7484, 7529, 7609, 7653, and 7811 as follows:
 - a. For the property located at 400 E. St. Charles Road, change the approved land use from attached single-family (townhomes) to multiple-family dwelling units, based upon the submitted plans.

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on February 21, 2022, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the major changes, approval of the conditional use and approval of the deviation; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That major changes for a portion of a planned development as set forth below is hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

1. Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oakview Estates Planned Development, as established by Ordinance No. 5488 and amended by Ordinance No. 7342, as follows:
 - a. For the property located at 400 E. St. Charles Road, change the approved land use from attached single-family (townhomes) to multiple-family dwelling units, based upon the submitted plans.

SECTION 2: That this ordinance is limited and restricted to the subject property generally located at 400 E. St. Charles Road, Lombard, Illinois, and more specifically legally described as set forth below:

LOT 1 IN OAKVIEW ESTATES SECOND RESUBDIVISION BEING A RESUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 5, AND THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED APRIL 27, 2018 AS DOCUMENT NUMBER R2018-036834, IN DUPAGE COUNTY, ILLINOIS.

PROPERTY COMMONLY KNOWN AS: 400 EAST ST. CHARLES ROAD,
LOMBARD, ILLINOIS

PIN: 06-05-426-010

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

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

SECTION 4: That all other relief granted by Ordinances 7342, 7484, 7529, 7609, 7653, and 7811 is hereby repealed.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2022.

First reading waived by action of the Board of Trustees this _____ day of _____, 2022.

Passed on second reading this _____ day of _____, 2022, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2022.

Ordinance No. _____
Re: PC 22-02
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Keith T. Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this _____ day of _____, 2022.

Elizabeth Brezinski, Village Clerk