

Village of Lombard

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



Meeting Agenda

Thursday, November 5, 2009

7:30 PM

Village Hall Board Room

Village Board of Trustees

Village President: William J. Mueller

Village Clerk: Brigitte O'Brien

Trustees: Greg Gron, District One; Keith Giagnorio, District Two;

Zachary Wilson, District Three; Peter Breen, District Four;

Laura Fitzpatrick, District Five; and Bill Ware, District Six

I. Call to Order and Pledge of Allegiance

II. Roll Call

III. Public Hearings

IV. Public Participation

[090697](#)

Attachments: [SwearingIn.pdf](#)

[09](#)

* Proclamation - First United Methodist Church 100th Anniversary

Attachments: [profirstmethodistchurch100yranniv2009.doc](#)

V. Approval of Minutes

VI. Committee Reports

Community Relations Committee - Trustee Laura Fitzpatrick, Chairperson

Economic/Community Development Committee Trustee Bill Ware, Chairperson

Environmental Concerns Committee - Trustee Dana Moreau, Chairperson

Finance Committee - Trustee Zachary Wilson, Chairperson

Public Works Committee - Trustee Greg Gron, Chairperson

Transportation & Safety Committee - Trustee Dick Tross, Chairperson

Board of Local Improvements - Trustee Richard J. Tross, President

Community Promotion & Tourism - President William J. Mueller, Chairperson

Lombard Historical Commission - Clerk Brigitte O'Brien

VII. Village Manager/Village Board Comments

VIII Consent Agenda

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Payroll/Accounts Payable

- A. [090669](#) Approval of Village Payroll
For the period ending October 10, 2009 in the amount of \$828,931.48.
- B. [090670](#) Approval of Accounts Payable
For the period ending October 16, 2009 in the amount of \$318,931.35.
- C. [090681](#) Approval of Accounts Payable
For the period ending October 23, 2009 In the amount of \$565,735.06.
- D. [090691](#) Approval of Village Payroll
For the period ending October 24, 2009 in the amount of \$819,844.34.
- E. [090692](#) Approval of Accounts Payable
For the period ending October 30, 2009 in the amount of \$870,593.82.

Ordinances on First Reading (Waiver of First Requested)

- F. [090662](#) Amendment to Title 9, Chapter 97 of the Village Code with Regard to Directional Street Signs
Permitting the placement of illuminated directional street signs on Village traffic signals in the public right-of-way. (DISTRICTS - ALL)
Attachments: [Ordinance 6406.pdf](#)
[090662.pdf](#)
- G. [090663](#) Tax Levy Ordinance/Special Service Area Number Three
Levying and assessing taxes for Special Service Area Number Three which was established for the property owners served by the traffic signal located at 800 E. Roosevelt Road. (DISTRICT #6)
Attachments: [Letter about SSA 3 Tax Levy Ord..pdf](#)
[Ordinance 6407.pdf](#)
[090663.pdf](#)
- H. [090685](#) Amending Title 11, Chapter 121 of the Lombard Village Code with Regard to Transportation.
Amending the process used to license and respond to service complaints/issues regarding taxicab service in Lombard.
Attachments: [090685.pdf](#)
[Ordinance 6408.pdf](#)
- I. [090686](#) Title 11, Chapter 110 of the Lombard Village Code
Amending Title 11, Chapter 110, by adding a new Section 110.61 with regard to live entertainment. (DISTRICTS - ALL)

Attachments: [DAH Memo Amend Title 11, Chapter 110 for live entertainment.doc](#)
[Live Entertainment Application.pdf](#)
[title 11 chapter 110 Section 110.61 live entertainment.doc](#)
[Ordinance 6409.pdf](#)
[090686.pdf](#)

Other Ordinances on First Reading

- J. [060590](#) PC 06-28: 300 West 22nd Street (Covington/Cove Landing Planned Development)
Granting a fourth 12-month time extension to Ordinance 5950, as amended by Ordinances 6112, 6277 and 6413 for the property located at 300 W. 22nd Street and known as the Hunter's Woods Development. (DISTRICT #3)

Attachments: [APO Letter 06-28.doc](#)
[Cover Sheet.doc](#)
[Cover Sheet.doc](#)
[ORD pd 06-28.doc](#)
[PH notice.doc](#)
[ReferralLetter 06-28.doc](#)
[REPORT 06-28.doc](#)
[WTL referral memo.doc](#)
[ORD 5949.pdf](#)
[ORD 5950.pdf](#)
[Cover Sheet time extension.doc](#)
[WTL memo time extension.doc](#)
[61120001.pdf](#)
[Cover Sheet time extension2.doc](#)
[DAH memo time extension 2.doc](#)
[Ordinance 6277.pdf](#)
[Cover Sheet time extension3.doc](#)
[DAH memo time extension 3.doc](#)
[Ordinance 6413.pdf](#)
[060590.pdf](#)
[060590.pdf](#)
[060590.pdf](#)
[memo.pdf](#)
[060590.pdf](#)
[060590.pdf](#)
[Ordinance 6548.pdf](#)
[060590 BOT11 17 11.pdf](#)
[060590-BOT-11-17-11](#)
[Ordinance 6660](#)

Joe Ash, attorney, 77 W. Washington Street, Chicago, representing Kenar LLC, the contract purchaser and developer of the project, presented the petition. He stated that the property consists of 3.34 acres of vacant land at the northwest corner of 22nd Street and Elizabeth Street. The property is part of a planned development developed with apartments and condominiums.

The petitioner wishes to develop the subject property with a condominium building of five stories in height totaling sixty units and consistent with the planned development. The sixty units on the remaining acreage will be well below of what which was previously approved by the Village. The planned development allows for height of up to fifteen stories and this plan is also well below that. He mentioned the variation requested. Staff has clearly outlined the request in the staff report and the petitioner concurs with the conditions of approval.

He called on Bob Schmude, Director of Land Development of Kenar LLC, 1904 Wright Blvd., Schaumburg, IL to describe the petition in detail. He noted that Kenar is a privately owned Chicagoland builder, with 25 years experience. He also described where they have completed other developments.

Mr. Schmude stated that they are seeking approval of the site plan amendment to the planned development. He referred to the colored rendering of the site plan and landscaping in the common space. He displayed a front color rendering showing the building materials and colors proposed for the site.

He then described the floor plans. One assigned parking space will be provided within the enclosed garage and he mentioned the front spaces for guests. Each unit has a balcony and storage space. A condominium association will be established and a management company will be employed.

He described the site in detail. Half of the total size of the site (the northern portion) is the wetland portion. He has worked with Village and County staff to present and preserve the wetland and buffer area. The County will have regulations and they support the way Kenar is addressing the wetland issues. They will take a 50-foot wide buffer around the wetland and leave it as native vegetation.

The southern portion of the site will include the building. The parking lot will be south of the building, and he noted the points of access. There will be a ramp into the parking garage. The 22nd street access is right-in, right-out due to a raised curb median. Both access points will have stop signs. The last access is the northern access which will provide emergency access only for a fire truck. Stormwater will be provided in an underground storage system.

KLOA, the Village's traffic consultant, analyzed the site and concluded it is a low traffic generator with minimal impact on surrounding properties. The development is required to provide 96 parking spaces. They will provide 116 spaces - 60 within the first floor parking garage, and 55 in the front lot. In closing they feel this is a responsible development as the plan preserves the wetland.

He then introduced Matt Haylock, of Haylock Design, Architect, 1800 National Drive, Gurnee, IL, project architect, who described the building materials. Mr. Haylock noted he has done three buildings similar to this in the community and named Park West, Parkview Point and Lincoln Place - all mixed use developments. They wanted to create something that fit in but also that was more unique. This building will have high-quality materials, using manufactured stone along with real limestone, the base will be rusticated masonry, and the stone treatment will be smooth. They will use three color varieties of brick across the building. The main portion of the building will be light brick. Different heights and styles of parapets which vary in height will provide variety. The first floor is the indoor parking garage. As you move up you see balconies and four floors of condominiums. They will use the same treatment all the way around the building.

Mr. Schmude explained the variance for the front parking lot. The landscape plan is located on south side of the building. There is a required thirty foot landscape setback. The variance is for the southern edge of the parking lot which encroaches six feet into the yard. The property is angled and they are dedicating to the Village that part of their property that is within the 22nd Street

right-of-way. They are exceeding the parking requirement and to preserve the wetland buffer they seek to put the parking lot on the 22nd Street side of the building. At the closest point, the encroachment is about 6-1/2 feet. They want to provide extra parking so as to not impact other properties or the wetland.

Acting Chairperson Sweetser then opened the meeting for public comment.

Linda Needinghouse, 254 W. 20th Street, lives in Elizabeth Crossing. Her concern is with the amount of traffic the development may generate. She predicts they will use 20th Street and traffic is a major concern.

Maryann O'Keefe, 77 W. Arboretum, lives in the condominium development south of the subject property. She noted that their retention pond that has gone in has taken care of the flooding. She noted the impacts on future flood zones in a flood sensitive zone area. She commended the developer for the wetland preservation, but if they develop, how is the stormwater runoff going to be handled?

Michael Salins, 2005 S. Finley, President of the Cove Landing Association, is concerned about the additional traffic. Vehicles will go northbound on Elizabeth Street and cut through their parking area to Finley Road. They have to maintain the asphalt and the extra cars are not welcome. They are already thinking about speed bumps. Another concern is making a left turn over 22nd Street and this could be a major problem.

Dan Toucher, 1343 Fairfield Court, Naperville, noted that this land has been vacant and there are four buildings which border the wetlands. He likes the view, it is serene, and the proposal will take away from the residents who live there. They drove by the property noting that it is not a big piece of land and questioned the buffer area around the site. It will make people come through their land to get northbound on Finley and avoid 22nd Street.

Paula Tumpack, 2175 S. Finley Road, Covington Apartments property manager, stated that she is not thrilled about having to look at the proposed building. She is concerned about traffic. The views they currently have are desirable and they get higher premiums for them. This development will affect her budget.

Joe Ash rebutted, noting that the major issue raised is one of traffic. The Village hired a consultant and they prepared a report which says this development will create minimum impact. The owner has a right to develop the property, the planned development would allow a 15-story building, and they are proposing a 5-story building. They feel they are trying to come up with a plan that will have minimal affect on adjacent properties. The staff report included a thorough analysis and considered the traffic report's findings.

Acting Chairperson Sweetser asked what happens with the stormwater. Mr. Ash noted that they are providing underground detention under the parking lot. He mentioned the Lombard Code which states that after the property is developed, there can be no greater run off than before the development.

Acting Chairperson Sweetser then requested the staff report. William Heniff, Senior Planner, referenced the staff report which is submitted to the public record. The property is within the defined boundaries of the Covington/Cove Landing planned development. The original planned development approval and the amendments established general density and development parameters, but it did not address the future development of the subject property. As such, the

petitioner's plan should be reviewed and approved as an amendment to the original approval, as was done for the Covington Apartments portion of the planned development in the late 1980s.

The petitioner is also seeking relief to allow for parking spaces to be located into a requisite yard. This relief is largely the result of a requested right-of-way dedication by the Village as well as the desire to minimize parking lot impacts on the wetland area.

Lastly, as a companion to this petition, a map amendment to the Comprehensive Plan is proposed. This amendment is intended to designate the property for medium density residential purposes (as noted in the planned development approval) from public and institutional uses.

He noted that the petitioner is meeting the unit count, unit mix, setbacks and building height provisions set forth in the planned development ordinance. The 1966-1968 amendments did not show a building at the proposed location. Staff has been working with the County and petitioner to address any negative impacts of development. The project is oriented toward 22nd Street, away from the rest of the planned development. The building elevations are compatible with recent projects developed along the 22nd Street corridor. Parking will exceed the zoning requirements. The relief is created by the Village's request to have the petition dedicate 22nd Street right-of-way to the Village as a condition of approval. This request would change the front yard dimensions.

Staff has reviewed the standards and they have been met. Staff recommends approval subject to five conditions. KLOA reviewed the traffic generated by the project and they note the impacts of development to be minimal.

He then noted three correspondences received after the staff report was transmitted to the Plan Commission. These concerns included issues about construction traffic on 20th Street, tree preservation, and traffic generation.

Acting Chairperson Sweetser opened the meeting for any comments on the staff report.

Michael Salins questioned the access on Elizabeth Street. Mr. Schmude noted that Elizabeth and 22nd Street is a full access intersection. Access from the building ramp is full access, the parking lot would be controlled by a stop sign. He also responded to the letter about traffic on 20th Street. He said they would not want construction traffic on 20th Street either. They will work with staff during the building permit process and will provide signage prohibiting construction traffic from going that way.

Paula Tumpack asked about the 15-story provision. Mr. Heniff noted that that provision went back to the 1968 planned development approval.

Acting Chairperson Sweetser opened the meeting for Plan Commissioner comments.

Commissioner Burke noted that they workshopped this item and the petitioner has responded to all the issues raised in that discussion. He would like to see a condition added to preclude construction traffic along 20th Street or into Cove Landing. As far as general traffic concerns, the Cove Landing driveways are on private property so they can restrict access, provided that emergency access is maintained.

Commissioner Olbrysh agreed with Commissioner Burke's concerns about traffic considerations. They have to weigh the concerns of both the residents and business. He noted that the development provides for up to 1,200 units by right - the petitioner could construct 608 additional units on the property. However, they are only constructing sixty units. They also complied with height limitations and is impressed with the remaining amount of open space, which will help address the flooding situation.

- K. [090585](#) Snow Removal in Municipal Parking Lots
Recommendation to limit parking in municipal parking lots during significant snow events. (DISTRICTS #1 & #4)

Attachments: [090585.pdf](#)
[Ordinance 6414.pdf](#)

Kalisik reviewed the item. Snead asked what the procedure would be for having vehicles removed. Chairperson Tross answered that as a rule, Lombard does not tow vehicles because by the time they came to tow, the plow will have moved on. The vehicles would be plowed around and ticketed. Chairperson Tross also requested Staff double-check the Park Ave Condos parking agreement for North Park Parking Lot prior to sending this item to the Board of Trustees.

- L. [090665](#) PC 09-28: Text Amendments to the Lombard Sign, Subdivision and Development, and Zoning Ordinances
The Village of Lombard requests text amendments to the following relevant chapters and definition of the Lombard Code of Ordinances: Chapter 153: Signs, Chapter 154: Subdivisions and Development, and Chapter 155: Zoning Code. These text amendments are intended to: address the proper roles and responsibilities of Lombard staff, correct references pertaining to the Illinois Compiled Statutes, and update definitions for clarity and consistency. (DISTRICTS - ALL)

Attachments: [Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PUBLIC NOTICE 09-16.doc](#)
[ReferralLetter 09-28.doc](#)
[Report 09-28.doc](#)
[Ordinance 6416.pdf](#)
[Ordinance 6417.pdf](#)
[Ordinance 6418.pdf](#)
[Ordinance 6419.pdf](#)
[090665.pdf](#)

Chairperson Ryan reread the public hearing request and indicated to staff that the word compiled in the public hearing agenda should be compiled.

Stuart Moynihan, Associate Planner, presented the petition. The text amendments are intended to address the proper roles and responsibilities of Lombard staff, correct references pertaining to the Illinois Compiled Statutes and update definitions for clarity and consistency.

The Department of Community Development has reviewed the above indicated

ordinances, along with Chapter 151: Flood Control and Chapter 152: Planning, as a result of the recent movement of the Building Division, formerly the Bureau of Inspectional Services (BIS), into the Department of Community Development. Staff has specifically looked for references to BIS and for now obsolete references relating to administrative procedures and personnel responsibilities. Staff has also looked for references to the Illinois Compiled Statutes for necessary corrections. For instances in which there were references to procedures and staff responsibilities that were unclear or incorrect, the Director of Community Development has determined how such procedures and responsibilities will be performed and by whom. Companion changes to Chapter 150: Building were adopted by the Village Board in September, 2009. Edits to Chapters 151: Flood Control and 152: Planning are not reviewed by the Plan Commission but will be transmitted concurrently with the other text amendments to Board of Trustees.

On August 23, 2009, the Bureau of Inspectional Services (BIS) was moved from the Fire Department into the Department of Community Development. The Bureau of Inspectional Services (BIS) is now referred to as the Building Division of the Department of Community Development. As a result, a number of references within the Lombard Code of Ordinances have become incorrect or obsolete. These references most often pertain to the roles and responsibilities of Lombard staff within the Fire Department and the Department of Community Development. Also, direct references to BIS are proposed to be revised to refer to the Building Division.

Staff has reviewed Chapter 153: Signs, Chapter 154: Subdivisions and Development, and Chapter 155: Zoning Code for such references relating to administrative procedures and personnel responsibilities. Staff has also looked for references to the Illinois Revised Statutes/Illinois Compiled Statutes for necessary corrections. Further, staff is proposing text amendments to the definitional sections of these Chapters as necessary for clarity and consistency. Staff is proposing to add definitions for specific staff positions in the definitional section of the Zoning Ordinance and Sign Ordinance.

Staff read from the Standards for Text Amendments. The proposed amendments are not intended to benefit any specific property but would correct and/or clarify the responsibilities of Village staff. These amendments are being proposed in order to allow for proper functioning of Village staff and the proper application of Village codes. The zoning district regulations will only be affected with regard to application and enforcement. The proposed amendment would not create any non-conforming situations. The proposed amendments would not make Village codes more or less permissive. Staff believes that the proposed text amendments are consistent with the Comprehensive Plan. The amendment is intended to ensure that Village staff can apply Village codes in a manner consistent with the Plan. The amendments are consistent with the staffing directives set forth by the Village Manager and previously approved by the Village Board.

Mr. Moynihan stated that staff recommends that the Plan Commission approve the changes as proposed.

Chairperson Ryan then opened the meeting for public comment. No one spoke for or against the petition.

Chairperson Ryan opened the meeting for comments from the Plan Commission.

The Commissioners had no comments.

- M. [090687](#) 1420 S. Meyers Road and 919 E. 14th Street
1. Authorizing the Purchase of the South Booster Station Easement Property, the Contemporaneous Termination of the Booster Station Easement in connection with purchase and approval and execution of an Access Easement Agreement for the Reciprocal Use of the Driveway on a portion of the South Booster Station Easement Property and the adjacent land thereto.
 2. Motion approving a Reciprocal Access Easement. (DISTRICT #3)

Attachments: [DAH memo- prop acquisition & easement.doc](#)
[Booster Station purchase and reciprocal access easement.doc](#)
[6415 Take 2.pdf](#)
[090687.pdf](#)

Ordinances on Second Reading

- N. [090604](#) ZBA 09-08: 228 W. Willow Street
- Requests that the Village grant a variation from Section 155.407(F)(1)(a) (1) of the Lombard Zoning Ordinance to reduce the front yard setback to thirty (30) feet where 33.93 feet is required to allow for an enclosed front porch within the R2 Single-Family Residence District. (DISTRICT #1)

Attachments: [apoletter 09-08.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PUBLICNOTICE 09-08.doc](#)
[Referral Let 09-08.doc](#)
[Report 09-08.doc](#)
[Ordinance 6410.pdf](#)
[090604.pdf](#)

O. [090605](#)

ZBA 09-09: 1107 Woodrow Avenue

Requests approval of the following actions on the subject property located within the R2 Single-Family Residence District:

1. A variation to Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to allow a six-foot (6') high fence in a required corner side yard where a maximum height of four feet is permitted; and
2. A variation to Section 155.205(A)(1)(c)(3) of the Lombard Zoning Ordinance to allow a six-foot (6') high fence in a required front yard abutting the front yard of an adjacent lot where a maximum height of four feet is permitted. (DISTRICT #5)

The ZBA also recommended that the public hearing fees be waived.

Attachments: [apoletter 09-09.doc](#)

[Cover Sheet.doc](#)

[DAH referral memo.doc](#)

[PUBLICNOTICE.doc](#)

[Referral Letter 09-09.doc](#)

[Report 09-09 2.doc](#)

[Ordinance 6411.pdf](#)

[090605.pdf](#)

Tim Hogan, 1107 Woodrow Avenue, owner of the subject property, presented the petition. Mr. Hogan stated that he purchased the subject property in 2003 and the fence was already on the property. He added that he did not know about the fence requirements when he purchased the property. Mr. Hogan stated that he is a member of the Lombard Fire Department and he is required to stay overnight at the fire station for sometimes 60 hours per week. He added that the fence provides safety for his family while he is gone. He stated that he has invested money into the property to make it more presentable. He added that he put in new windows and siding. He stated that he is also going to install new sidewalks. Mr. Hogan stated that the neighbors love the fence because all of the neighborhood kids play in the back safely. He then submitted a petition signed by all of the neighbors in favor of the fence. He added that there are 14 sex offenders within a one and a half mile radius of his property. Mr. Hogan then stated that he would have gotten a permit for the fence had he known about the requirements. He added that the fence would be costly to take down and his wife is currently unemployed, due to medical reasons. He reminded the ZBA that the fence was preexisting. Lastly, he stated that he is away from his family a lot, but he always makes sure to check on his family, whenever possible.

Chairperson DeFalco opened the meeting for public comment.

Jim Kartholl, 1117 W. Woodrow Avenue, spoke in favor of the variation. Mr. Kartholl stated that he has lived at his property (across the street from the petitioner) since 1996 and there has always been a fence located on the petitioner's property. He also stated that the fence was there, prior to the petitioner purchasing the property. Mr. Kartholl stated that all of the neighbors appreciate the fence because the neighborhood children all play in the petitioner's back yard.

Chairperson DeFalco then requested the staff report.

Michael Toth, Planner I, presented the staff report. The subject property is located at the southwest corner of Woodrow Avenue and Third Avenue. The petitioner is requesting a variation to maintain a solid vinyl fence at a height of six feet (6') where only four feet (4') is permitted.

The petitioner purchased the subject property in June, 2003. According to the petitioner, the subject fence was already present on the property when the property was purchased. Staff researched the permit history of the property and found that no permit was ever issued for the fence. Since the petitioner wishes to maintain the fence as constructed, a variation is required.

The fence is six (6) feet, where only four (4) feet is permitted in the corner side yard; therefore, the fence is considered nonconforming by Code standards. Staff notes that the house itself is also nonconforming with respect to the side yard required setback as it is located only eleven (11) feet from the property line along Third Avenue, where twenty (20) feet is required. A small portion of the fence is also located within a clear line of sight area, which originates from the neighbor's driveway to the south. The fence also abuts the front yard of that same property directly to the south along Third Avenue, which would require the fence to be four (4) feet or less along the thirty (30) foot rear yard area.

On the southeast corner of the existing fence, a six foot (6') portion is located within the twenty foot (20') clear line of site area, which extends north, from the property to the south's driveway. As such, the petitioner has agreed to address the issue by placing the fence on an angle, as to not interfere with the aforementioned clear line of sight area. By replacing the fence, the property would no longer have any clear line of sight issues.

Although the petitioner raised several issues within the Response to the Standards for Variations with regard to privacy and safety, staff does not support the petition since there is not a demonstrated hardship involving the physical characteristics of the property. As the six-foot high fence is within the corner side yard, staff is concerned about the obstruction it creates. Furthermore, the fence blocks the view from the front yard of the neighboring property; as such, staff is recommending denial of the petition.

Chairperson DeFalco opened the meeting for discussion among the members.

Mr. Bedard asked the petitioner if the fence had previously existed and if there would be any changes made to the fence.

Tim Hogan replied that the fence would remain the same with the exception of the corner piece that was cut out to make way for the clear line of site area.

Mr. Young asked why this petition is before the ZBA.

Mr. Toth responded that the fence was found to be in violation of Code with respect to the height in the corner side yard and rear yard, abutting the neighbor's front yard. He stated that there was no permit required for fences prior to 2000, but they still needed to meet the Code requirements.

Mr. Young asked the petitioner if the fence had previously existed.

Tim Hogan replied, yes.

Mr. Tap asked if the neighbor to the south was okay with the fence.

Tim Hogan replied, yes, that his neighbor's name is on the submitted neighborhood petition.

Chairperson DeFalco mentioned the fence case on Washington that was in excess in height in the corner side yard. He added that the ZBA recommended denial as the fence was new and it blocked the neighbor's view from their house. He then mentioned that this case differs because this is a new property owner, who did not erect the fence. He then asked staff where the clear line of sight area is measured and if it is sufficient.

Mr. Toth described the clear line of site area on the subject property. He then stated that the petitioner did properly correct the clear line of site area as it pertains to the fence.

Chairperson DeFalco asked staff if the petitioner could use a fence that was 75% open construction.

Stuart Moynihan, Associate Planner, stated that a fence taller than four feet and of 75% open construction could only be done if the property abutted another corner lot, which in this case it does not.

Chairperson DeFalco mentioned the past fence case on School and Division. He stated that it was a new home with a fence in excess of the required height. He stated that the variation was denied and the fence had to be cut down to the required four feet.

Dr. Corrado asked the petitioner if their fence could be cut down.

Tim Hogan replied by stating that the fence could not be cut down because it is constructed of vinyl panels.

Mr. Tap asked staff why the petitioner was required to have a permit.

Mr. Toth stated that regardless of the outcome of the variation, a fence permit is required - whether or not they have to cut it down or relocate it.

Chairperson DeFalco stated that the case before the ZBA is for a preexisting fence. The survey from 2002 already indicates that a fence was located on the property; therefore, there was a fence at that location prior to 2002.

Mr. Bedard stated that he does not believe that the petitioner should be held accountable for the fence as it was there when he purchased the property. He then asked how this issue just came about now.

Mr. Toth stated that it was found in violation based upon a complaint to the Code Enforcement Department. He then reminded the ZBA that the four foot fence height requirement in the corner side yard is code and it has been supported time-and-time-again by the Village Board. He mentioned the ZBA meetings involving the Board, pertaining to fence height.

Chairperson DeFalco asked what would happen if the variation was not granted.

Mr. Toth stated that the fence would then have to come into conformance with Village Code. He stated that the fence would either have to be lowered, moved or taken down.

Mr. Bedard stated that he was ready to make a motion to recommend approval of the variation. He stated that a condition should be added which states that if the fence is damaged or destroyed by more than 50% it would have to come into conformance with Code. Mr. Bedard also stated that he recommends that the petitioner's public hearing fees be waived as the fence was there when he purchased the property.

Mr. Toth stated that the ZBA does not have the authority to waive public hearing fees. He added that only the Village Board can waive those fees.

Chairperson DeFalco stated that he would be ready for a motion of approval, which may include a condition of approval, should the ZBA vote for approval.

Mr. Bedard made the motion of approval, which was seconded by Mr. Tap.

Chairperson DeFalco stated that he wanted to comment on the case before a vote was to be taken. He stated that the ZBA has historically been strict on fence height variations. He then mentioned the September 18, 2008 special meeting of the ZBA and Village Board regarding fence height. He then added that the Trustees have the authority to change the Ordinance, which they have not done. He then made representation that there are justifiable means to grant a variation and he is concerned with the strict interpretation of code. He stated that because the petitioner did not construct the fence and it has been located at that location for a number of years, a variation could be justified. Lastly, he stated that he would go against his usual voting on this matter and vote in favor of the petition.

Mr. Young stated that he agrees with Chairperson DeFalco's comment.

Resolutions

- P. [090654](#) Great Western Trail Lighting, Design Engineering
Approving a contract with ESI in the amount of \$87,389.49.
(DISTRICTS #1, #4 & #5)
Attachments: [090654.pdf](#)
[R 43-10.pdf](#)
[Contract M-10-07.pdf](#)
[090654.pdf](#)
- Q. [090673](#) Bituminous Mix, Change Order No. 1
Reflecting an increase to the contract with Du-Kane Asphalt in the amount of \$55,000.00. (DISTRICTS - ALL)
Attachments: [090673.pdf](#)
[R 44-10.pdf](#)
[Change Order 1 DuKane.pdf](#)
- R. [090682](#) Holiday Decorations Contract 2009
Authorizing a contract with Folgers Flag and Decorating in the amount of

\$30,000 for a one-year contract for live greenery wreaths and roping decorations for the 2009 season.

Attachments: [R 45-10.pdf](#)
[Invoice.pdf](#)
[090682.pdf](#)

- S. [090693](#) Pace Routes 715 and 747
Supporting the continuation of existing Pace Bus service on Routes 715 and 747. (DISTRICTS #2, #3 and #6)

Attachments: [R 46-10.pdf](#)
[090693.pdf](#)

- T. [090694](#) Elizabeth Street Traffic Signal Interconnect to Union Pacific Railroad, Design Engineering
Approving a contract with V3 Companies of Illinois, Ltd. in the amount of \$45,501.39. (DISTRICT #1)

Attachments: [090694.pdf](#)
[R 47-10.pdf](#)
[Contract # M-10-06.pdf](#)

Other Matters

- U. [090689](#) Printing of Lombard Pride Newsletter
Award of a contract to Creekside Printing, the lowest responsible bid of 11 bidders, in an amount of \$42,228 for a 2-year contract for the printing of the Lombard Pride Newsletter. Bid in compliance with Public Act 85-1295.

Attachments: [Creekside Printing quotation.pdf](#)
[090689.pdf](#)

- V. [090696](#) Sidewalk Snow and Ice Removal Contract Renewal
Request for a waiver of bids and award of a contract to Paverscape, Inc. in the amount of \$43,190.00. Public Act 85-1295 does not apply. (DISTRICTS #1, #4, #5 & #6)

Attachments: [090696.pdf](#)
[Change Order #1 Paverscape.pdf](#)

- W. [090599](#) Annexation Strategies Plan Update - 2009 (Tabled November 5, 2009)
Request to adopt the 2009 Annexation Strategies Plan Update.

Attachments: [annexationstrategy2009.doc](#)
[DAH BOTmemo.doc](#)
[Annexation Strategy Study 2009.pdf](#)
[E CDCmemo.doc](#)
[090599.pdf](#)

Stuart Moynihan, Associate Planner, provided the Committee with background

on the report. This update was presented to the Village Board of Trustees on September 17, 2009 and was subsequently referred to the Economic and Community Development Committee (ECDC) and the Plan Commission.

Mr. Moynihan stated that the report is intended to provide an overview of past actions and direction for the Village Board and staff relative to the annexation of unincorporated properties into the corporate limits of the Village. This report follows a similar format to previously distributed reports provided to the Village Board in 2000, 2003, and 2005 and summarizes past Village Board annexation actions.

Mr. Moynihan explained that the report has three (3) categories: disconnection areas, involuntary annexation areas and voluntary annexation areas. He then stated that the report also provides statistical and fiscal analysis.

Mr. Moynihan stated the recommendations included within this report are intended to provide direction to both staff as well as property owners regarding the Village's future annexation plans. Combined with other Village documents such as the Comprehensive Plan, the Village Code, and the Capital Improvements Plan, this document serves as a valuable planning tool in the annexation decision making process. Staff recommends that the Committee accept the findings of the 2009 Annexation Strategies Plan Update. In addition, staff would like the Committee to specifically review the report as it relates to the remaining unincorporated commercial areas throughout the Village.

Mr. Nielsen asked about the criteria and representations made in the report. Mr. Moynihan provided the background and rationale for the fiscal analysis. Mr. Nielsen expressed a concern about the numbers since the economy has changed.

Ms. Gannon expressed a concern about involuntarily annexing properties. Mr. Stilling stated that past policies have been to have the Village work with the property owners.

Stuart Moynihan, Associate Planner, provided the Commissioners with background on the report. This update was presented to the Village Board of Trustees on September 17, 2009 and was subsequently referred to the Economic and Community Development Committee (ECDC) and the Plan Commission. The report was presented to the ECDC at their October 7, 2009 meeting. The ECDC reviewed the fiscal aspects of the report and voted to concur with its findings.

Mr. Moynihan stated that the report is intended to provide an overview of past actions and direction for the Village Board and staff relative to the annexation of unincorporated properties into the corporate limits of the Village. This report follows a similar format to previously distributed reports provided to the Village Board in 2000, 2003, and 2005 and summarizes past Village Board annexation actions.

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annexation decision making process. He explained that the Plan Commission is asked to look at the following aspects of the report: long-range/comprehensive planning, land use, development and zoning issues. The Plan Commission is then asked to provide its recommendations and/or concurrence with the findings of the report.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Burke and Commissioner Sweetser asked for some clarification regarding the fiscal analysis. The Commissioners recommended that another column be added to the fiscal analysis showing the total net impact of annexation, following public improvements.

Commissioner Sweetser inquired about the disconnection areas and what happens to them if the Board approves the disconnection. Mr. Stilling stated that they would go back as unincorporated parcels in DuPage County.

At the request of Village Attorney Wagner, Mr. Moynihan stated every recommendation within the report.

Commissioner Cooper asked for clarification regarding Voluntary and Involuntary areas. She also recommended that an additional table be provided summarizing the recommendations for each area.

X. [090675](#)

Recycling Education Grant, Glenbard East

A request in the amount of \$350.00.

Attachments: [090675.pdf](#)

*Durdic: asked Gorman to review the Grant Programs that the Village offers.
Gorman: the grant information is available on the Village website. Also, printed out a sheet of the programs and what is allocated to them.*

Y. [090690](#)

Appointments - Public Works Committee

Request for concurrence in the appointment of Stephen Preins and Robert Bachner to the Public Works Committee.

Attachments: [Committee Appointment letters PW.pdf](#)
[090690.pdf](#)

Z. [090695](#)

Appointments & Re-appointments - Various Committees

Request for concurrence in the re-appointment of Bob Mueller, Steve Flint and John Cullen and the appointment of Marty Igoe to the Board of Building Appeals; re-appointment of William Dunne, Ken Florey and Tom Rachubinski to the Board of Fire & Police Commissioners; appointment of Lorinda Ivey and Rosalie Loeding to the Community Promotion & Tourism Committee; re-appointment of Brigitte O'Brien, John Egan, Lyn Myers and Pat Poskocil and appointment of Pravin Patel to the Historical Commission; re-appointment of Ron Olbrysh and Richard Nelson to the Plan Commission; re-appointment of Jerry Peterson and Karen Koenig to the Police Pension Fund Board of Trustees; re-appointment of Mary Newman to the Zoning Board of Appeals; appointment of Barbara Hocking to the AdHoc Trails Committee; and appointment of Raymond Mazzolini, Marilyn Meo,

Robert Friend, Vernon Hammerschmidt, Stephen Zook and John Mrofcza to the US Census 2010 Complete Count Committee.

Attachments: [Committee Appointment letters Various.pdf](#)
[090695.pdf](#)

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

- A. [090601](#) PC 09-26: Text Amendments to the Lombard Sign Ordinance
The Village of Lombard is proposing text amendments to the Lombard Sign Ordinance with regard to temporary signage.

Attachments: [DAH referral memo.doc](#)
[Cover Sheet.doc](#)
[PUBLIC NOTICE 09-26.doc](#)
[ReferralLetter 09-26.doc](#)
[Report 09-26 3.doc](#)
[Presentation BOT.ppt](#)
[Presentation2.ppt](#)
[Ordinance 6412.pdf](#)
[090601.pdf](#)
[090601-II.pdf](#)
[090601.pdf](#)

Christopher Stilling, Assistant Director of Community Development, presented the petition. He stated that he will be providing a PowerPoint presentation to discuss the proposed text amendments. He said the goals of the proposed amendments to the Sign Ordinance is to create consistency, while still keeping with the intent and format of the existing Ordinance with regards to size, location and permitted number of signs.

Mr. Stilling explained some of the current inconsistencies with the Sign Ordinance related to real estate, political campaign, development, and "other temporary signs (banner, window, inflatable, etc)".

Mr. Stilling indicated that the proposed changes would create more consistency and that real estate, political campaign, development, and "other temporary signs (banner, window, inflatable, etc)" would still remain as separate categories. However, regulations will be based on land use. Mr. Stilling then explained the changes made for each section of the Code.

Mr. Stilling explained that certain definitions were amended or created where necessary to ensure consistency and clarity. Lastly, Mr. Stilling discussed how the proposed text amendments addressed the comments and concerns raised at the Plan Commission workshop held on August 17, 2009 particularly as they relate to signage on residential properties as it relates to different land uses (churches, schools, etc), creating definitions for the temporary signage and illumination of signage.

Mr. Stilling stated that staff has addressed the required standards for the text amendments and that staff recommends that the Plan Commission approve the changes as proposed.

Chairperson Ryan then opened the meeting for public comment. No one spoke for or against the petition.

Chairperson Ryan opened the meeting for comments from the Plan Commission.

Commissioner Sweetser stated that the new changes would prohibit inflatable signs in the attached, detached and two-family dwelling units. She then asked staff to clarify the definitions for balloons signs and inflatable signs for easier reading.

President Mueller noted that Trustee Moreau and Trustee Fitzpatrick had both requested this item be removed from Consent Agenda.

Manager Dave Hulseberg indicated staff would answer any questions.

Trustee Moreau questioned the size of signage to be allowed and also the time limits.

Trustee Fitzpatrick commented regarding political signs and questioned the time limit for leaving political signs up. She questioned the proposed changes compared to other municipalities in the area. She felt the maximum should be sixteen square feet and no longer than sixty days for political signs. She felt ninety days was too long.

Director Heniff indicated that staff was working to try and improve the sign ordinance. The intent was to ensure that the Village has some levels of uniformity regarding sign provisions and the proposed changes were attempting to generate parameters that were previously set but also areas that need strengthening. He felt this would tie the zoning regulations into a more definitive criteria. He stated staff was looking at the square footage of signs and not the content of the sign whether it was political or real estate related. Trustee Fitzpatrick felt the Village's sign ordinance did not compare to other surrounding village's sign ordinances. She felt 16 square foot signs should be allowed and that 60 days should be the maximum, that 90 days was too long. She noted that it would be easier for political candidates if the sign ordinances for all of the municipalities were the same. She felt 10 days to remove the sign was adequate.

Trustee Ware spoke regarding signs in residential areas such as multi-family units, small condos and two, three and four-flats. He also spoke about signs on North Avenue and Roosevelt Road.

Trustee Wilson questioned the difference in sizes for the political signs versus the real estate signs and thought the size should not be contingent upon the content.

Director Heniff stated staff was trying to strike a balance and was looking at temporary signage and permanent signage.

Trustee Wilson questioned if there would be variances allowed from time to time.

Director Heniff indicated anyone can apply for a variance.

Trustee Wilson questioned if there was a constitutional question regarding political signs and real estate signs.

Attorney Tom Bayer felt the temporary signs should be uniform no matter what the content. He stated if we had different regulations for different types it could be viewed as unconstitutional.

Trustee Tross felt the signs should be 12 square feet and supported the 60 day time limit. He questioned the difference between political signs and real estate signs. He noted the Village Board debated this same issue 25 years ago.

Trustee Gron noted that 5 municipalities had no sign regulations as noted in the

survey. He stated there was no consistency with the Village sign ordinance and sign ordinances in other municipalities. He suggested reworking the proposed changes.

Trustee Ware felt large signs should not be allowed in residential neighborhoods where there were multi-family dwellings.

Trustee Fitzpatrick asked that other sign ordinances be analyzed and compared to the proposed Lombard ordinance.

Attorney Bayer indicated changes to the zoning ordinance requires a public hearing and that was done. The ordinance can be revised and returned to the Village Board for action.

Trustee Wilson questioned large signs on North Avenue and Roosevelt Road and the possibility of blocking the red light cameras or causing a sight issue. He noted that private property goes up to the sidewalk and was concerned that large signs may block the view of drivers.

Director Heniff indicated the clear line of sight would be addressed.

President Mueller indicated that during election he received more complaints about political signs in residential areas. He felt the signs were not attractive and he was opposed to the 32 square foot signs. He felt the 90 days was too long. He noted that an election in April would allow signs to go up in January. He felt the real estate signs should also be address at large complexes as the due to the economy there are constant vacancies at large developments. He felt that at some point these signs need to be taken down and not be allowed to remain up consistently. He stated some of these large real estate signs have been up for years. He felt the owners needed to find other way to market the properties. President Mueller suggested that the Village Board not take action on the proposed changes and that staff re-visit the proposed changes and they be brought back at the first meeting in November. He asked that each Village Board member contact Director Heniff soon and give comments regarding this matter. He asked Director Heniff to then coordinate the proposed changes with legal council.

Trustee Moreau suggested that this be added to the Village website for comments.

Other Ordinances on First Reading

Ordinances on Second Reading

Resolutions

Other Matters

X. Agenda Items for Discussion

XI. Executive Session

XII. Reconvene

XIII Adjournment

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