



Village of Lombard

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

Minutes

Plan Commission

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

Monday, April 15, 2013

7:30 PM

Village Hall - Board Room

Call to Order

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

Pledge of Allegiance

Chairperson Ryan led the Pledge of Allegiance.

Chairperson Ryan requested a moment of silence for the Boston Marathon victims.

Roll Call of Members

Present 6 - Donald F. Ryan, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint
Absent 1 - Ronald Olbrysh

Also present: William Heniff, AICP, Director of Community Development and George Wagner, legal counsel to the Plan Commission.

Chairperson Ryan called the order of the agenda.

Mr. Heniff read the Rules of Procedures as written in the Plan Commission By-Laws.

Public Hearings

[130162](#)

PC 13-03: 801 E. Roosevelt Road

Requests that the Village grant a conditional use, pursuant to Section 155.417 (G) (2) (a) of the Lombard Zoning Ordinance, to allow outside service areas (outdoor dining) for the subject property located within

the B4A Roosevelt Road Corridor District. (DISTRICT #6)

Mustafa Amin, Manager of Overtime Bar & Grill at 801 E. Roosevelt Road, presented the petition requesting outdoor patio seating at the restaurant, located at 801 E. Roosevelt Rd. He then stated that they are looking to attract customers from surrounding communities to enjoy the outdoor dining experience.

Chairperson Ryan opened the meeting for public comment. There were no comments from the public. Chairperson Ryan then requested the staff report.

William Heniff, Director of Community Development, presented the staff report, which was submitted to the public record in its entirety. The restaurant is located within a strip center at the far west side and it houses a total of six restaurants. The petitioner is proposing to construct a 485 square foot outdoor dining area on the northwest side of the existing building with a treated wood deck and half wall/guard rail that will provide seating for 26 people. The project also includes a pea gravel recreational area to the west. The entrance to the new space will be a reconfiguration of the existing door. The proposed deck will be enclosed with four foot (4') PVC fencing with gates. As a result, the petitioner requests that the Village grant a conditional use, pursuant to Section 155.417 (G) (2) of the Lombard Zoning Ordinance, to allow outside service areas (outdoor dining) for the subject property located within the B4A Roosevelt Road Corridor District.

As part of this petition, staff completed a review of the parking requirements for the business and it was found to be adequate. The petitioner is proposing to construct the outdoor dining area with potted plants to soften the separation from the parking lot and Roosevelt Road itself. Similar requests have been granted in the past for properties along Roosevelt Road. Staff does not object to this request as it allows for an alternate area for patrons to eat if desired. To the south is unincorporated properties developed as single family residences. As the outdoor area is located north of the property's building, it will have minimal impact. The petitioner has submitted responses to the standards for conditional use and staff finds that the standards have been met.

The Comprehensive Plan identifies the subject property for Community Commercial Uses. The Roosevelt Road Corridor plan, a supplement to the Comprehensive Plan, provides additional recommendations regarding the request.

** Restaurants are a preferred land use in the corridor. The existing restaurant use is being maintained and enhanced through this petition.*

* Outdoor sales and service areas should be tied to the principal use of the property. The plan meets this goal. The petitioner is providing a fenced/enclosed area which ensures that the dining area does not encroach into the parking spaces.

* Ensuring that compatibility with adjacent residential properties is maintained. The proposed outdoor dining element is proposed on the north side of the building and will abut other commercial uses.

Staff finds that this petition is consistent with the Comprehensive Plan and the Roosevelt Road Corridor Plan.

The site is surrounded by other retail on the north, east and west sides. The property to the south is residential and is approximately 150' away. The intent of the Roosevelt Road Corridor is to provide commercial retail business; therefore staff finds the proposed outdoor dining is consistent with the surrounding land uses and recommends approval of PC 13-03 subject to the four conditions in the staff report.

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

Commissioner Mrofcza requested clarification on the fence enclosure. The petitioner stated that the wood deck would be level with the pea gravel for liability reasons and the wall of the building will function as part of the enclosure along with the fence.

Commissioner Burke asked if the recreational area is part of the outdoor dining approval. Mr. Heniff replied that the proposal is the total sum of the request for approval.

A motion was made by Ruth Sweetser, seconded by Martin Burke, that this petition be recommended to the Corporate Authorities for approval subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan developed and submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for any improvements to be constructed on the subject property. The permit shall satisfactorily address any comments included within the Inter-departmental Review Report.
3. To meet Illinois Accessibility Code (IAC) requirements, an additional accessible space shall be placed along the south row of the north parking lot, with the space(s) meeting IAC requirements.
4. The outdoor dining activity shall not be operated after 11:00 p.m. on weeknights and 1:00 a.m. on Friday and Saturday nights. Wait staff shall be available for the outdoor dining area and shall monitor operations to ensure that the use is operated properly and legally.

The motion carried by the following vote:

Aye: 5 - Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Absent: 1 - Ronald Olbrysh

[130164](#)**PC 13-05: 352 E. Roosevelt Road**

Requests that the Village grant a conditional use, pursuant to Section 155.417 (G) (2) (a) of the Lombard Zoning Ordinance, to allow outside service areas (outdoor dining) for the subject property located within the B4A Roosevelt Road Corridor District. (DISTRICT #6)

Antionios Topalidis, President of Tasty Foods Inc., Maxfield's Pancake House & Restaurant at 352 E. Roosevelt Road stated restaurant patrons have requested an outdoor seating option especially for lunch and dinner. Currently, the restaurant is open until 4 p.m. with plans to increase the hours of operation until 9 p.m. to accommodate evening dining hours.

Chairperson Ryan opened the meeting for public comment. There were no comments from the public. Chairperson Ryan then requested the staff report.

William Heniff, Director of Community Development, presented the staff report, which was submitted to the public record in its entirety. The petitioner is proposing to construct a 494 square foot outdoor dining area on the southeastern side of the existing building with a four foot (4') high metal fence enclosing the concrete floor area. The project also includes a new patio door to be installed to provide access to the area and a gate to the parking lot for emergency egress. As a result, the petitioner requests that the Village grant a conditional use, pursuant to Section 155.417 (G) (2) of the Lombard Zoning Ordinance, to allow outside service areas (outdoor dining) for the subject property located within the B4A Roosevelt Road Corridor District.

As part of this petition, staff completed a review of the parking requirements for the business and it was found to be adequate. The petitioner is proposing to construct the outdoor dining area with decorative fencing to maintain a separation from the parking lot and Roosevelt Road itself. Similar requests have been granted in the past for properties along Roosevelt Road. Staff does not object to this request as it allows for an alternate area for patrons to eat if desired. As the property is not located near any residences, impacts of the outdoor dining function are minimal. The petitioner has submitted responses to the standards for conditional use and staff finds that the standards have been met.

The Comprehensive Plan identifies the subject property for Community Commercial Uses. The Roosevelt Road Corridor plan, a supplement to the Comprehensive Plan, provides additional recommendations regarding the request.

** Restaurants are a preferred land use in the corridor. The existing restaurant use is being maintained and enhanced through this petition.*

** Outdoor sales and service areas should be tied to the principal use of the property. The plan meets this goal. The petitioner is providing a fenced/enclosed area which ensures that the dining area does not encroach into the parking spaces.*

** Ensuring that compatibility with adjacent residential properties is maintained. The outdoor dining element is proposed to be located on the south side of the building and will abut other commercial uses. The outdoor area will be over 300 feet away from the nearest residence.*

Staff finds that this petition is consistent with the Comprehensive Plan and the Roosevelt Road Corridor Plan. The site is surrounded by other retail on the south, east and west sides. The property to the north is open space, Southland Park. The nearest residences to the northeast are in excess of 300' away. Dense shrubs and trees to the north provide additional buffer. Also, the hours of operation is proposed to be morning, afternoon and early evening as opposed to late at night. The intent of the Roosevelt Road Corridor is to provide commercial retail business; therefore staff finds the proposed outdoor dining is consistent with the surrounding land uses and recommends approval of PC 13-05 subject to the two conditions in the staff report.

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

Commissioner Sweetser stated that the hours of operation should be stipulated at least to be comparable to other eating establishments. Commissioner Burke suggested limiting the conditional use to 11:00 p.m. regardless of the representation being made at this time.

Commissioner Copper questioned the open space requirements since the concrete patio will be replacing a landscaped area. Mr. Heniff replied that the project will not impact the ten percent open space requirement.

A motion was made by Martin Burke, seconded by Stephen Flint, that this petition be recommended to the Corporate Authorities for approval subject to the following amended conditions:

- 1. The property shall be developed in substantial compliance with the site plan developed and submitted as part of this petition.**

2. The petitioner shall apply for and receive a building permit for any improvements to be constructed on the subject property. The permit shall satisfactorily address any comments included within the Inter-departmental Review Report.

3. The outdoor dining activity shall not be operated after 11:00 p.m. Wait staff shall be available for the outdoor dining area and shall monitor operations to ensure that the use is operated properly and legally.

The motion carried by the following vote:

Aye: 5 - Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Absent: 1 - Ronald Olbrysh

[130165](#)

PC 13-06: 927-931 E. Roosevelt Road

Requests that the Village grant a conditional use pursuant to Section 155.305 of the Lombard Zoning Ordinance to allow for the re-establishment of an existing building (gas station) on the subject property located in the B4A Roosevelt Road Corridor District. (DISTRICT #6)

Jim Peters, General Manager of State Oil Company, stated that the company has plans to reopen the gas station and he was informed that their legal nonconforming status expires if the property is abandoned for over a year. Circumstances prohibited the company to refurbish the establishment within the time frame of one year. Of the gas stations owned by the company, several are leased and then sub-leased by independent contractors. In this case, the contractor simply abandoned the property.

Chairperson Ryan opened the meeting for public comment. There were no comments from the public. Chairperson Ryan then requested the staff report.

William Heniff, Director of Community Development, presented the staff report, which was submitted to the public record in its entirety. After the contractor that subleased the property abandoned the property, the owners worked through various obstacles in order to re-establish the business. The gas station then closed its business for more than 365 days. The Zoning Ordinance states that conditional use approval shall expire if the conditional use shall cease for more than 365 days for any reason. State Oil Company plans to reopen the business as it once operated; therefore, conditional use approval is required to reestablish and maintain the principal building on a lot of record on the subject property.

As a safety issue, the east driveway onto Roosevelt is in the right turn lane so staff recommends that the curb cut be closed if the petition is approved. The two curb cuts on Roosevelt Road would remain open as fuel trucks need to maneuver. The gas station was originally developed in unincorporated DuPage County and was involuntary annexed in 2003 with commercial zoning in 2007 and no other companion relief granted. The property is a legal non-conforming land use as of now and approving a conditional use would allow staff to reissue an updated Certificate of Occupancy/Zoning Certificate.

Staff recommended approval of PC 13-06, subject to the conditions outlined in the staff report.

Chairperson Ryan then opened the meeting for public comment, and, hearing none, to comments from the Commissioners.

Commissioner Cooper inquired about the barrier to the entry being of a permanent nature. Mr. Heniff confirmed that the physical barrier would be a permanent traditional curb and the concrete sidewalk would be maintained.

Commissioner Burke questioned the right of way scenario. Mr. Heniff replied that plans would be coordinated with the Illinois Department of Transportation.

A motion was made by Stephen Flint, seconded by Ruth Sweetser, that this petition be recommended to the Corporate Authorities for approval subject to the following conditions:

- 1. That the petitioner shall apply for and receive a Certificate of Occupancy/Zoning Certificate and any other requisite licenses before the facility re-opens.**
- 2. The eastern most driveway onto Roosevelt Road be physically closed with a barrier approved by the Village and IDOT, in order to facilitate better overall traffic movements at the Roosevelt/Meyers intersection.**
- 3. The petitioner shall install an ADA-compliant sidewalk ramp and sidewalk from north edge of the northern driveway apron on Meyers Road to the existing sidewalk ramp at the corner of Roosevelt Road and Meyers Road. At such time in the future that the northern driveway apron is reconstructed, it shall continue the sidewalk across the apron per standard Village specification.**
- 4. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the gas station is not operating by said date, this relief shall be deemed null and void.**

The motion carried by the following vote:

Aye: 5 - Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Absent: 1 - Ronald Olbrysh

[130163](#)**PC 13-04: Text Amendments to the Sign Ordinance**

The Village of Lombard is requesting text amendments to the Sign Ordinance (Section 153 of the Code of Ordinances), as follows:

1. Section 153.209(A)(2): amending prohibitions regarding text on attention getting devices and establishing regulations for the inclusion of text and graphics.
2. Section 153.601: amending and supplementing the definition of attention getting devices to include inflatable signs and amending prohibition of specific message or copy.
3. Further clarification and distinctions between balloon sign and inflatable sign regulations.
4. Any requisite companion amendments and references for clarity. (DISTRICTS - ALL)

Chairperson Ryan noted that the petition would be presented by the Village.

William Heniff, Director of Community Development, presented the staff report, which was submitted to the public record in its entirety. The staff report included the workshop report that was presented at the March Plan Commission meeting. At that meeting, staff noted benefits to providing such signage and the Commission was generally supportive of considering such amendments to provide for the inclusion of text and graphics on attention getting devices such as inflatables and pennants. The Commissioners and staff also noted a few companion areas in which the Sign Ordinance could be modified or clarified accordingly.

The Village has a history of amending its Zoning and Sign Ordinances to address evolving market conditions. Staff is proposing to amend the Sign Ordinance provisions relative to the prohibition of text on attention getting devices such as pennants, balloons, etc. The amendments also attempted to address issues of clarity between balloons and inflatables. He then discussed each of the amendments set forth within the staff report and their rationale. He also noted a couple of amendments from the staff report to ease readability and clarity. He concluded by noting that the standards for text amendments were reviewed and are met.

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

Commissioner Sweetser sought clarity on the application of the 36 square foot limitation for pennants. Mr. Heniff replied that if each pennant contained a graphic symbol, it would be looked at cumulatively.

A motion was made by Ruth Sweetser, seconded by Stephen Flint, that this petition be recommended to the Corporate Authorities for approval. The motion carried by the following vote:

Aye: 5 - Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Absent: 1 - Ronald Olbrysh

Business Meeting

The business meeting convened at 8:22 p.m.

Approval of Minutes

On a motion by Flint and seconded by Mrofcza the minutes of the March 18, 2013 meeting were approved by a 4-0 vote with Commissioner Burke abstaining.

Public Participation

There was no public participation.

DuPage County Hearings

There were no DuPage County hearings.

Chairperson's Report

The Chairperson deferred to the Director of Community Development.

Planner's Report

The Director of Community Development had no report.

Unfinished Business

There was no unfinished business.

New Business

There was no new business.

Subdivision Reports

There were no subdivision reports.

Site Plan Approvals

There were no site plan approvals.

Workshops

Jafari Townhomes

William Heniff introduced to the Plan Commission a concept development proposal for five tracts of land (1152, 1156, 1160 and 1168 Westmore-Meyers Road as well as 1171 S. School Street), called the study area, that could be subject to a townhome development petition. He noted that staff is continuing its review of the Comprehensive Plan update and the proposed concept would require significant planning and zoning changes. He then displayed a number of exhibits including an aerial photograph of the study area, existing land uses, the Comprehensive Plan (1998), existing zoning and proposed zoning if townhomes are considered.

He discussed the history of the property, of which two lots are vacant and three lots are improved with single family residences. The properties were involuntarily annexed in 2003 along with many other single family properties within the area. As part of an involuntary annexation, the properties were given the default (at that time) R1 Single Family Residence District zoning designation. However as the Village's Comprehensive Plan also identified the area for Estate Residential purposes, the R1 designation was consistent with the plan. Later in 2003, the Village considered two map amendments which would have allowed for some of the involuntarily annexed tracts to be rezoned into the R2 District. However, those petitions were denied or withdrawn. The Village created a Special Assessment Area to provide public water to the neighborhood.

According to Mr. Heniff, a representative for the current property owner has been reviewing the study area in order to determine the development options that exist on the property. The representative's directive is to seek development opportunities that would provide for the sale of the properties. Given the current zoning, the existing properties at 1171 S. School and

1160 and 1168 8 S. Westmore-Meyers could be subdivided by right through administrative plats into two buildable lots which meet the minimum R1 code provisions of 75 feet in width and 10,000 sq. ft. lot area. The representative stated that they did review this option, but noted that the costs for extending sanitary sewer to the residential project to an existing line north of the site would be prohibitive; and a general lack of desirability for single family residences would result in houses facing, and driveways directly accessing onto, Westmore-Meyers. During evening rush periods, vehicles can queue from Roosevelt Road to the study area. A concept was then advanced to redevelop the study area, but not any additional properties, with townhomes.

Mr. Heniff referenced a concept sketch of the proposed plan. The proposal is to develop the site with 28 townhomes in a row-house style design, which the representative believes to be the highest and best use is townhomes that have rear load garages and attractive row house front elevations.

Mr. Heniff then discussed the primary issues pertaining to the proposal, including whether it would be appropriate for the study area to be designated in the Comprehensive Plan for medium density residential use, along with R4 zoning. If townhomes can be supported, and if the amendments only included the study area and did not incorporate other adjacent properties, additional zoning relief may be needed. Staff has concerns about the perimeter yards and impacts on the existing single family properties. The front yard setbacks are being offered to ensure that the rear yard relief is not required or necessary. However, by not incorporating the whole block face and carving out the study area lots only, it does create an argument that the associated zoning actions are for the use and benefit of the property owner only and are not compatible with the overall neighborhood.

The current property owner does not want to acquire adjacent properties as part of this proposal to create a unified redevelopment and remedy the relief needed. A developer has not been identified for the site; the property owner is seeking development entitlements to the property so that it can be sold as such. Staff is seeking input and direction on the uses and design being proposed.

Chairperson Ryan then opened the meeting for comment from the public. Hearing none, he then sought comment from the Plan Commissioners.

Commissioner Burke stated that estate residential is unlikely and not realistic. He does not have an issue with townhomes along Westmore-Meyers, but raised more of a concern with the townhomes and traffic impacts along School Street. Commissioner Sweeter concurred with Commissioner Burke's thoughts and raised concerns about piecemeal development.

Chairperson Ryan raised the concept of a full block redevelopment and sought input. Commissioner Burke stated that it would have to be a design that does not have additional traffic impacts. The commissioners discussed whether it would be appropriate to keep School Street wholly as single family or townhomes on the east side only and how such a design would impact the neighborhood.

Commissioner Mrofcza noted that anything beyond single family will generate more traffic, but recognizes the need and desirability of more than one access/egress point to the development.

Commissioner Cooper did not object to townhomes on Westmore-Meyers. She questioned whether stormwater detention facilities could be placed along School Street, with a no right turn provision for any access driveways. She suggested flipping the location of the detention facility and the School Street townhome building.

Mr. Heniff summarized the Commissioners' comments as follows:. The Commissioners are open to the idea of townhomes, but the developer must work through details. Primary concerns are access/egress and utilization of the School Street property. A suggestion was made to incorporate more stormwater detention with modification of driveway entrances, to be pushed as far south as practical and subject to engineering design review. Townhomes are more supportive along Westmore-Meyers over School Street. If a whole block redevelopment to create a unified redevelopment is offered, it should address the transitional impacts of such a development.

Commissioner Mrofcza also asked if the property at Morris and

Westmore-Meyers could be included in the development.

Art Zwemke, representative for the property owner, offered his insights. They do want to be a good neighbor to try to incorporate some of the concepts into their proposal.

Adjournment

The meeting adjourned at 9:00 p.m.

*Donald F. Ryan, Chairperson
Lombard Plan Commission*

*William J. Heniff, AICP, Secretary
Lombard Plan Commission*