

Village of Lombard

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



Meeting Agenda

Thursday, September 15, 2011

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

[110388](#) President's Community Service Award
Request to nominate Scott Martenson for the President's Community Service Award.

Attachments: [110388BOT09_15_11.pdf](#)

[110388 Cover Page.pdf](#)

Scott Martenson, Manager of the Lombard Culver's, was nominated by Karen Schwarz of Heartland Blood Centers to receive the President's Community Service Award for his involvement with the Village and the community blood drives. The nomination form was reviewed as submitted.

[110572](#) Proclamation - Walk to School Day

Attachments: [procwalktoschollday2011.doc](#)

[110573](#) Proclamation - Prairie Days

Attachments: [procprairiedays2011.doc](#)

[110574](#) Proclamation - Knights of Columbus

[110580](#) *Proclamation - Kiwanis Peanut Days

Attachments: [prockiwanis2011.doc](#)

V. Approval of Minutes

VI. Committee Reports

Community Relations Committee - Trustee Keith Giagnorio, Chairperson

Economic/Community Development Committee - Trustee Peter Breen, Chairperson

Environmental Concerns Committee - Trustee Laura Fitzpatrick, Chairperson

Finance Committee - Trustee Greg Gron, Chairperson

Public Works Committee - Trustee Bill Ware, Chairperson

Transportation & Safety Committee - Trustee Zach Wilson, Chairperson

Board of Local Improvements - Trustee Greg Gron, 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. [110556](#) Approval of Village Payroll
For the period ending August 27, 2011 in the amount of \$784,623.80.
Attachments: [110556BOT9-15-11.pdf](#)
- B. [110557](#) Approval of Accounts Payable
For the period ending September 2, 2011 in the amount of \$179,670.97.
Attachments: [110557BOT9-15-11.pdf](#)
- C. [110569](#) Approval of Accounts Payable
For the period ending September 9, 2011 in the amount of \$120,505.67.
Attachments: [110569BOT9-15-11.pdf](#)

Ordinances on First Reading (Waiver of First Requested)

- D. [060677](#) PC 05-42: 218-226 W. St. Charles Road (The Pointe at Lombard)
Granting a further time extension (September 18, 2012) to Ordinance 5816, as amended by Ordinances 5973, 6141, 6327, 6374 and 6510 relative to the property located at 218-226 W. St. Charles Road.
(DISTRICT #1)

Attachments: [WTL memo CU ext.doc](#)
[Submit Ordinance Extension.doc](#)
[O pointe at Lombard.pdf](#)
[ORD 5973.pdf](#)
[6141 Rec0001.pdf](#)
[CoverSheet 3rd extension.doc](#)
[DAH memo CU ext 3.doc](#)
[CoverSheet 4th extension.doc](#)
[DAH memo CU ext 4 petitioner letter.doc](#)
[DAH memo CU ext 4.doc](#)
[PC 05-42 Letter.pdf](#)
[Ordinance 6237.pdf](#)
[Ordinance 6374.pdf](#)
[060677.pdf](#)
[060677.pdf](#)
[060677.pdf](#)
[060677.pdf](#)
[060677.pdf](#)
[060677.pdf](#)
[Ordinance 6510.pdf](#)
[060677BOT09 15 11.pdf](#)
[060677 Cover Page.pdf](#)
[Ordinance 6645](#)

E. [110493](#)

ZBA 11-05: 101 E. Maple Street

Requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1. A variation from Section 155.210(A)(2)(a) of the Lombard Zoning Ordinance to allow a detached garage to be constructed in the corner side yard.
2. A variation from Section 155.207(C) of the Lombard Zoning Ordinance to allow a detached garage to be constructed in a clear line of sight area.

The petitioner is also requesting a waiver of fees. (DISTRICT #4)

Attachments: [110493BOT9 15 11.pdf](#)
[110493 Cover Page.pdf](#)
[Ordinance 6646](#)

Chairperson DeFalco opened the meeting for public comment.

The property owner, Mike Neary of 101 E. Maple Street, presented the petition. Mr. Neary stated that he would like to build a new detached garage where an old garage previously existed. He stated that the old garage was built around 1940 and was on a floating slab that had some severe cracks. He added that the

old garage was in such a state of disrepair that they could not pull cars in the garage or lock the garage. He stated that the alley behind his property is not a through alley and only two properties take access from the alley. He added that those neighbors don't mind the garage being there and actually wrote emails stating such.

Mr. Neary then stated that a representative from the Village came out to the property to examine the garage. He stated that the Village representative laid out three options relative to the old garage. The first option was to leave the pad intact and spruce up the existing garage. The second option was to build a concrete wall around the pad, but leave the pad in place and build a new garage. The third option would be to tear the pad out and replace it with a new pad. Mr. Neary then stated that the best option seemed to tear the pad out and reconstruct a new garage. He added that they want a sound structure for security purposes as the old garage had been vandalized. He stated that the Village never told him that he could not rebuild the garage in the same location as the old garage.

Mr. Neary stated that he received a permit for the demolition and it was later when they applied for the permit for the detached garage when the Village informed him that he could not rebuild the garage in the same location. He added that if he had known that he could not rebuild the garage in the same location that he would have gone with a less-expensive alternative and saved a few thousand dollars. He then stated that if he had to move the garage back to meet the setback that he would have to pay one thousand dollars to move the fence.

Chairperson DeFalco asked if there was anyone present to speak in favor or against the petition. There was no one in the audience to speak in favor or against the petition.

Chairperson DeFalco then requested the staff report.

Mr. Toth presented the staff report. The subject property is located at the southeast corner of Maple Street and Charlotte Street. The petitioner is requesting a variation to allow for the replacement of a four-hundred and forty (440) square foot detached garage to be located nine and eighty-nine hundredths (9.89) feet from the western property line, which would be partially located in the corner side yard of the subject property. The detached garage is located along the Charlotte Street side of the property and conflicts with a thirty (30) foot clear line of sight area where Charlotte Street meets the public alley to the south of the subject property. As the non-conforming detached garage was removed in its entirety, the detached garage would be required to meet the current zoning ordinance provisions, unless a variation is granted by the Village.

The subject property was developed with the principal structure in 1940; and, according to the petitioner, the detached garage was constructed around the same time period. The detached garage was four-hundred and forty (440) square foot detached garage and located nine and eighty-nine hundredths (9.89) feet from the western property line, within the corner side yard and within the clear line of sight area. The petitioner indicated that the garage was in a state of disrepair; as such, the petitioner decided to replace the detached garage in the exact footprint as it previously existed.

The petitioner applied for and received a demolition permit for the

previously-existing detached garage and the garage was subsequently razed. The petitioner did speak with a staff representative of the Building Division who presented a number of options to facilitate improvements to the garage. It was later during the permit application for the new detached garage that Planning Staff discovered that the detached garage did not meet the corner side yard setback or clear line of sight requirements. The permit applicant (contractor) was promptly notified. As a permit was never issued for the proposed garage, the scheduled construction on the garage has since ceased.

The Zoning Ordinance allows non-conforming structures to remain in existence provided that once a non-conforming structure reaches the end of its useful life any replacement structure will meet current code requirements. In time, this allows for full compliance with the Zoning Ordinance.

Detached garages are not permitted within corner side yards due to the visual obstruction they create. As such, the petitioner's replacement of the detached garage requires that the new garage meet the twenty (20) foot corner side yard setback or that a variation be granted. A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from all other properties in the area.

As depicted on Attachment A, the proposed detached garage would be located nine and eighty-nine hundredths (9.89) feet from the western property line. Detached garages are not permitted within corner side yards not only due to the visual obstruction they create, but also because they must provide adequate space to park vehicles. According to Village Code, parking vehicles over the sidewalk or on the Village parkway is prohibited. With less than ten (10) feet of driveway between the structure and property line, there would be insufficient space to park a car on the subject property.

The subject property is fifty-seven (57) feet wide. If the proposed garage were to be hypothetically set at the minimum corner side yard setback of twenty (20) foot and considering the width of the garage to be twenty (20) feet, there would still be an additional seventy (17) feet between the garage and the eastern property line. As the side yard setback requirement for a detached garage at the eastern property line is three (3) feet, the petitioner would have fourteen (14) feet of additional space for the garage.

The Village of Lombard adopted an Alley Maintenance Program in 2010. As part of this program, the Village vacated certain improved and unimproved alleys throughout the Village. The vacation of the unimproved alley south of Maple Street, between Martha Street and Charlotte Street was approved by the Village Board on Thursday, February 3, 2011. The Village subsequently vacated the alley south of Maple Street, between Martha Street and Charlotte Street and divided it amongst the respective property owners. However, because certain properties have driveways on the alley and took vehicular access from the alley, the westernmost portion of said alley cannot be vacated.

A clear line of sight area is required when two public rights-of-way intersect. In this case, a triangle is formed with legs extending thirty feet (30') along the property line adjacent to the aforementioned alley and a thirty feet (30') leg extending into the property line, which is perpendicular to the alley. With the exception of the B5 District, no buildings or structures shall be located in a clear line of sight. The clear line of sight provisions exist specifically for public safety purposes.

Staff recommends that the petition be denied in its entirety. Within the response to standards, the petitioner states that the previous garage was in a state of disrepair and the proposed garage would be replaced to the same size as the previously existing garage. The petitioner states that the Village did not inform him that if the garage was demolished that it would have to meet the corner side yard setback requirement. While staff recognizes these concerns, staff does not believe that the rationale is demonstrative of a hardship associated with the geographic state of the property, but rather an inconvenience associated with meeting Code requirements and seeking relief through the public hearing process.

Concluding, Mr. Toth stated that staff is recommending denial of ZBA 11-05.

Chairperson DeFalco then opened the meeting for discussion by the ZBA members.

Mr. Bartels asked staff if it is legal to park in the area of the driveway between the street and sidewalk.

Mr. Toth stated that it is illegal to park on the sidewalk and parkway.

Mr. Neary stated that he would not park on the driveway, but rather inside the garage.

Mr. Bartels stated that the petitioner got the "short end of the stick" in this situation because the Village didn't facilitate this matter properly. He then asked staff if this happens frequently.

Mr. Toth stated that he wanted to clarify that the petitioner spoke with a representative of the Building Division. He then stated that the Community Development Department consists of four separate divisions - Building, Planning, Code Enforcement and Engineering, each following a different set of Code regulations. He added that the petitioner did not speak with a representative of Planning Services relative to the garage location before submitting for permit. Mr. Toth responded to Mr. Bartels by stated that this sort of miscommunication rarely happens. Mr. Toth stated that there was a ZBA case on Sunset in 2006 (ZBA 06-22), which included a communication issue during permit submittal. He added that ZBA 06-22 was an attached garage and the variation was ultimately granted because the petitioner demonstrated a hardship with the replacement of an attached garage in the corner side yard. He stated that the hardship was associated with the altering of the floor plan of the house if a variation was not granted.

Mr. Tap asked who reviews demolition permits.

Mr. Toth stated that Building, Planning and Engineering review demolition permits. Mr. Toth added that the demolition permit was not submitted in conjunction with the garage permit in this case.

Chairperson DeFalco stated that the slab (and the rest of the garage) was removed; therefore, any rights to rebuild the structure at the previous location were lost. He added that any time more than 50% of the structure is demolished or destroyed, the non-conforming rights are lost. He then stated that 100% of the old garage was demolished. Chairperson DeFalco stated that there is also a line of sight issue, not only where the alley meets Charlotte, but also pulling out of the garage.

Mr. Young asked if there were any clear line of sight issues pertaining to the proposed garage as it relates to the sidewalk and Charlotte Street.

Mr. Toth stated that the only clear line of sight issue relative to the proposed garage is the thirty (30) foot clear line of sight area where the alley and Charlotte Street intersect. He added that any additional clear line of sight areas would have required additional variations.

Mr. Young discussed the garage improvement/construction options that were presented to the petitioner and asked staff how they relate to the 50% provision.

Mr. Toth stated that the Building Division makes a determination as to whether or not a structure has been demolished or destroyed beyond 50% of its fair market value. If a majority of the legal non-conforming structure still stands (more than 50%) the structure can be repaired, but not expanded upon.

Chairperson DeFalco then asked staff if the tall hedges that are located adjacent to the garage violate the clear line of sight provisions.

Mr. Toth stated that if the hedges are located in the clear line of sight area and are greater than two feet in height, they would be in violation of the clear line of sight provision. He added that the Village does not require permits for hedges so there is no tracking mechanism in place to monitor hedges, outside of the Code Enforcement route.

Mr. Young stated that the hedges are irrelevant to this case and the ZBA should be looking at the garage location on its own merit.

Chairperson DeFalco stated that the removal of the hedges could be a condition of approval, if the ZBA was to recommend approval of the petition.

Mr. Tap asked how many houses take access from the alley to the south of the subject property.

Mr. Toth stated that two houses take access from the alley, which is the only reason the entire alley was not vacated originally.

Chairperson DeFalco then discussed the facts of the case. He asked staff if there would be seventeen feet between the garage if it were to be set at the required twenty foot corner side yard setback.

Mr. Toth responded, correct.

Chairperson DeFalco stated that the case before them involves a detached garage that is proposed to be rebuilt to its former size in its original location when it was first built in 1940. He also added that there are other garages in the area that do not meet the same Code requirements. Lastly, he stated that the alley to the south of the property is not a through alley and only two properties take access from the alley.

F. [110563](#)

**Amending Title 11, Chapter 110 of the Lombard Village Code
Increasing the Class A Coin-operated Amusement Device license
category and granting a license to King's Hall, 1000-40 Rohlwing Road.
(DISTRICT #1)**

Attachments: [110563 BOT 09152011.PDF](#)
[Ordinance 6647.pdf](#)
[110563 Cover Page.pdf](#)

- G. [110570](#) Downtown Lombard Tax Increment Financing (TIF) District
Deleting certain property located within the Park Avenue Condominium building and known as 150 W. St. Charles Road, Unit 227, from the redevelopment project area for the Downtown TIF. (DISTRICT #1)

Attachments: [110570BOT9_15_11.pdf](#)
[Ordinance 6648.pdf](#)
[Adoption of Ordinance.pdf](#)
[110570 Cover Page.pdf](#)
[Heneghan property from TIF.pdf](#)

Other Ordinances on First Reading

- H. [110540](#) Amending Title 11, Chapter 112 of the Lombard Village Code
Decreasing the Class Z liquor licenses by one due to the closing of Taylor Brewing Company, 717 E. Butterfield Road. (DISTRICT #3)

Attachments: [110540 BOT 09152011.PDF](#)
[Ordinance 6656.pdf](#)
[110540Coverpage.pdf](#)

Ordinances on Second Reading

- I. [110480](#) PC 11-15: 240 E. Progress Road (School of Expressive Arts and Learning)
Requests that the Village take the following actions on the subject property located within the I Limited Industrial District/Terrace Lakes Planned Development:
1. Approve a planned development amendment (Major Change) to Ordinance 5358 with the following companion conditional use and variation, as follows:
 - a. A conditional use, per Section 155.420(C) of the Lombard Zoning Ordinance, to allow for a school; and
 - b. A variation from Section 155.602(A)(10)(f) to allow two-inch curbing where six-inch barrier curb is required; and
 2. Site plan approval with the following deviations from the Lombard Sign Ordinance:
 - a. A deviation from Section 153.507(B)(11)(a)(1) to allow for a total wall sign surface area of approximately 120 square feet where a maximum of 79.5 square feet is permitted; and
 - b. A deviation from Section 153.507(B)(11)(a)(2) to allow for three wall signs where one wall sign is permitted; and
 3. Approval of a development agreement for the property. (DISTRICT #4)

Attachments: [110480BOT09_01_11.pdf](#)
[Ordinance 6649.pdf](#)
[R 31-12.pdf](#)
[110480 Cover Page.pdf](#)

Steven Tetens, 2007 Ashbrook Court, Plainfield, introduced the petition on behalf of the School of Expressive Arts and Learning (SEAL) and presented an area map. David Weber, 21 Oneida St, Joliet, presented an aerial exhibit and explained how the site had been designed to accommodate the endangered Blanding's turtle that is native to the area, which resulted in the variation request to allow two-inch curbing. Mr. Tetens then summarized the proposed site plan and elevations.

There was no one present to speak in favor or against the petition.

Jennifer Henaghan, Senior Planner, presented the staff report. The petitioner is proposing a new school building on the subject property. This requires an amendment to the underlying planned development, a conditional use for a school, and site plan approval with variations for signage and parking lot curbing. There were a number of comments from Fire and Private Engineering that are being addressed through the building permit process.

SEAL is a private K-12 school currently located at 1110 N. Main Street. In 2003, the Village approved the Terrace Lakes Planned Development. Since that time, the approvals for the proposed industrial building have been extended by the Village Board six times, with the most recent extension due to expire on August 19, 2011. The proposed site plan is very similar to that which was approved for the original industrial building on the site. However, the proposed change in use from industrial to educational is a major change to the planned development requiring an amendment.

The petitioner is proposing a 26,000-square foot school building with a combination of masonry and precast design elements. The proposed site plan shows 69 parking spaces where 68 spaces are required by Code (based on a maximum of 40 faculty members and 100 students). However, all students are bused to the school so there is no parent pickup/drop-off occurring on-site. The building design, orientation, and layout is consistent with the 2003 approval.

As currently done for the existing facility, students attending the school would be transported to and from the site by the respective school district referring the student. The school would be open from approximately 8:30 a.m. to 2:30 p.m., Monday through Friday. The school will operate as a closed campus - students will only arrive and/or depart the site through their pre-arranged transportation. The school has successfully operated within the North Avenue industrial park for several years without incident, and the proposed new location would offer greater separation between the school and the surrounding industrial uses.

To accommodate the movement of local wildlife in and around the surrounding wetlands, the petitioner is proposing a three-inch high curb with a "turtle-friendly design" in place of the six-inch barrier curb mandated by Code. Staff has no objection to this variation provided that all other engineering requirements are met.

The allowable square footage and number of signs is based on the property's

single frontage on Progress Road. The subject property has an extremely limited amount of frontage (53 feet) relative to its overall size (5.7 acres). The three 40-square foot signs as proposed are in keeping with the scale of the building and will not have a significant visual impact on the surrounding properties.

The Comprehensive Plan identifies this area as Light Industrial. While schools are not traditionally envisioned to be a use that would be compatible with industrial uses, staff finds that the proposed use presents unique location challenges. Private schools often have greater traffic generations and draw upon a larger than local area. Therefore, from a transportation standpoint, staff believes locating a school outside of a single-family residential area is more appropriate.

The petitioner's specific site can be supported for the school as the building promotes good circulation for busses, provides adequate parking and is somewhat isolated from the surrounding industrial uses by wetlands. Therefore, staff believes the use is consistent with the Comprehensive Plan and surrounding land uses.

Associated with the development proposed, the petitioner is also requesting approval of a development agreement that is fundamentally identical to that approved by the Village Board in 2003. This item will be considered as part of the Village Board's consideration of the petition.

Staff is recommending approval of this petition, subject to the conditions noted in the staff report.

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

Commissioner Sweetser asked if the school is accredited. Mr. Tetens stated that SEAL is a private, for-profit school, but he was not certain as to its accreditation.

J. [110482](#)

PC 11-16: Text Amendments to the Lombard Sign Ordinance

The Village of Lombard is proposing the following text amendments to the Lombard Sign Ordinance:

1. An amendment to Section 153.233 (and any other relevant sections for clarity) of the Lombard Sign Ordinance relating to Motor Fuel Rate Signs.
2. An amendment to Section 153.210 (and any other relevant sections for clarity) of the Lombard Sign Ordinance relating to Automatic Changeable Copy Signs.
3. An amendment to Section 153.103 & 153.209 (and any other relevant sections for clarity) of the Lombard Sign Ordinance relating to Attention-Getting Devices and Inflatables. (DISTRICTS - ALL)

Attachments: [110482BOT09_01_11.pdf](#)
[Ordinance 6650.pdf](#)
[110482 Cover Page.pdf](#)

Presenting the petition on behalf of the Village was Michael Toth, Planner I. Mr. Toth stated that staff has prepared a revised IDRC report which reflects today's date. The revised staff report includes some editorial comments but no

substantive revisions to the language.

Staff recently undertook a comprehensive review of the Sign Ordinance based upon current regulatory trends of particular sign types. More specifically, staff examined the trends in motor fuel rate signs and attention-getting devices. The result of this effort was to address industry standards for motor fuel rate signs (as they relate to other sign types) and a more business-friendly approach to the regulation of attention-getting devices on sandwich board signs.

The Village has a history of amending its Zoning and Sign Ordinances to address evolving circumstances presented by petitions or to clarify the intent of the Ordinance provisions. In 2009, the Village approved text amendments (as part of PC 09-26) relative to the regulation of temporary signage. Due to recent demand, staff examined amendments to the Sign Ordinance relative to automatic changeable copy signs, more specifically as they pertain to motor fuel rate signs.

Motor fuel rate signs currently have their own separate and distinct provisions. Due to frontage requirements of automatic changeable copy signs; in most cases, motor fuel rate signs do not have the ability to display electronic message reader boards. As electronic reader boards have become the standard in the motor fuel industry, staff believes that a variation should not be required any time a gas station wishes to install an electronic message reader sign. As such, staff examined amendments to the Sign Ordinance relative to automatic changeable copy signs, more specifically as they pertain to motor fuel rate signs and other product rate signs.

As a result, staff created a new sign classification that would allow motor fuel rates to be displayed electronically, but also allow other businesses and institutions to display similar electronic messages. For purposes of consistency, staff is proposing to combine motor fuel rate signs with the newly-created 'product rate signs' to allow other businesses to utilize electronic reader boards as well. Furthermore, staff believes that the numerical fuel rate should not be regulated different than any other business wishing to advertise their specific products. Such signs will only be permissible in non-residential districts so as not to impact residential properties with any additional lighting.

As previously mentioned, motor fuel rates can be displayed electronically as automatic changeable copy signs; however, to be able to display an electronic message reader, the property would have to consist of 500 lineal feet of right-of-way frontage. As automatic changeable copy signs are intended to be ancillary features of shopping center identification signs, the 500 lineal foot frontage requirement specifically limits the use of such signs to larger properties that typically contain regional shopping centers and the like. As the 500 lineal foot frontage requirement will not be included as part of motor fuel and product rate signs, any business located on properties in non-residential districts could display electronic message reader signs where it may not have been previously possible. The provisions of automatic changeable copy signs will also be amended to be consistent with the newly-created motor fuel and product rate signs. If you look at the language created they have been morphed together and the automatic changeable copy signs were amended to be more consistent with the motor fuel rate sign.

Aside from the 500 lineal foot frontage requirement, the only difference between said signs would be the interval ratio. As motor fuel and product rate signs are intended to advertise products, which contain static prices, they will only be

allowed to change twice in a twelve-hour period, whereas automatic changeable copy signs will still be allowed to change messages in two-second intervals. Again, automatic changeable copy signs are intended to be ancillary features of shopping center identification signs so they are relaying messages from a number of different tenants; as such, they are required to change more frequently. Staff used similar provisions from Glen Ellyn as a reference to the proposed text amendments. Staff finds that the proposed amendments will address evolving circumstances by allowing businesses greater access to electronic message readers.

Mr. Toth mentioned how this amendment is a result of a demand mostly by gas stations and how this type of sign has become an industry trend. He noted how staff had granted a couple of variations in the past and gave the Shell Gas Stations as examples.

Continuing, Mr. Toth stated there has been a recent demand from the business community to have greater flexibility to be able to effectively advertise their businesses. To address such need, the sandwich board sign provisions were amended in 2010 to allow all businesses located in non-residential zoning districts the ability to display a sandwich board sign. There has been a surge in sandwich board sign use since such amendments were approved. Additionally, businesses have been displaying attention-getting devices on their sandwich board signs. Under the current attention-getting device regulations such devices can only be displayed for a certain time period once a permit has been obtained. The permits are restricted to 14 days each with four permits being allowed for the calendar year for a total of 56 days. To allow businesses to effectively draw attention to their establishment, staff is proposing to remove the time limitations and need for a permit for balloons attached to a lawfully establish sandwich board sign.

Staff is also proposing to clean up the provisions relative to balloons and inflatables. There are no changes being proposed to the regulations of inflatables, just the reference made to the correct device.

Staff finds that allowing balloons that are less than two feet when measured in any dimension on a lawfully-established sandwich board sign or attached to a permanent structure will not be detrimental to public safety or neighborhood aesthetics, but rather will provide businesses with another tool to effectively draw attention to their establishment.

Concluding, Mr. Toth stated that the proposed amendments meet the standards set forth in the Zoning Ordinance and is recommending approval of PC 11-16.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition. There was no one to speak in favor or against the petition.

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

Commissioner Burke referred to the approval of the variances for the Shell Gas Stations and recalled that staff's recommendation at that time was strict. He questioned why staff now has had a change of heart as there was a different approach at that time.

Christopher Stilling, Assistant Director of Community Development, answered that when staff initially looked at the variations it was from an automatic

changeable copy sign standpoint, but after speaking to Village Counsel, as well as the business community, we found that these signs are becoming a growing trend. Staff did the research and thought this was a fair compromise as it seems that most gas station signs in the future will be this type.

Commissioner Burke asked about the two second interval on some of the signs. Mr. Toth answered that it is a current requirement that automatic changeable copy signs can only change the message after a two second interval. The motor fuel signs we are discussing have a more static message. Mr. Stilling noted that there is a provision in place that prohibits flashing signs.

Commissioner Olbrysh indicated that he was absent from the meeting when the Commissioners discussed approval of the fuel rate sign petitions. He referred to the Shell sign on Westmore and Roosevelt and asked if that particular sign comes within the 9 square feet or if it is less because it is hard to see. Mr. Toth answered that he did not think that they used the maximum allowable square footage allowed by code. Commissioner Olbrysh stated how it might cause an accident if it is too small and unreadable. He hoped that was not the standard. Mr. Toth answered that staff looked at various applications and submittals and also talked with business owners and other communities and the 9 square feet seemed to be a good fit. Mr. Stilling added that 9 square feet is consistent with code. If you sell gas you are required to post the price - our code recognizes this and it was always at 9 square feet. Staff feels comfortable with that provision as long as it is static.

Commissioner Sweetser asked about the automatic changeable copy sign that has a crawling message and how that fits into these provisions. Mr. Stilling answered that it would not be allowed as this is a product rate sign and that type of sign you are referring to is a scrolling sign. If someone wanted to have a crawling sign or a scrolling sign they would have to meet the provisions of an automatic changeable copy sign that allows a message that changes more frequently. This would include having 500 linear feet of frontage. Commissioner Sweetser asked if the crawling sign is covered by this ordinance. Mr. Toth referred to the language on page 5, letter D. which prohibits the use of animation, flashing, scrolling or blinking characters. He added that if someone desired this, they would have to go through the variation process.

Commissioner Mrofcza questioned legally established sandwich board signs that have balloons attached to it. He asked how far the sign has to be from the curb and if the length of the balloon string is regulated. He expressed concern that the balloons could possibly obstruct traffic if the sign is placed too close to the curb. Mr. Toth referred to the provision on page 8, 2.B. which indicates that a sandwich board sign has to be at least 10' away from the building and/or outdoor service area with a minimum of 4' of public sidewalk remaining unobstructed. Commissioner Mrofcza acknowledged that the provision addresses how far away it has to be located from the building but does not address how close it can be located to the curb. He was concerned that if the balloons fly into traffic they could possibly obstruct someone's view. Mr. Stilling noted that was a good point and staff will amend the language so it states that at no point shall any portion of the sign and balloons extend beyond the curb.

Commissioner Cooper commented that balloons are a management responsibility to ensure that they are maintained, not blowing into traffic, not deflated and aesthetically pleasing. She asked how the Village will control and monitor the use of balloons. Mr. Stilling answered that if they are located in the

right of way they have to carry insurance and staff ensures they have the proper paperwork. There are also maintenance provisions within code so Code Enforcement is active in ensuring that the signs comply with code.

- K. [110484](#) PC 11-19: Text Amendments to the Lombard Zoning Ordinance
The Village of Lombard is proposing text amendments to Section 155.405 through Section 155.411 of the Zoning Ordinance relative to front yard setback requirements for single-family residences.
(DISTRICTS - ALL)

Attachments: [110484BOT09_01_11.pdf](#)
[Ordinance 6651.pdf](#)
[110484 Cover Page.pdf](#)

Presenting the petition on behalf of the Village was Michael Toth, Planner I. Mr. Toth stated that staff has prepared the IDRC report to submit to the public record in its entirety. In October 2008, the Village Board formally adopted the text amendments associated with residential development (PC 08-21), which included the residential front yard setbacks. As a result of said amendments, setbacks for all detached single-family homes are now required to consider the average front setback of adjacent properties to determine the required front setback for a given property. Since adoption in 2008, property owners and the development community faced a number of challenges with regard to the average front yard setback provisions. Such issues included: data interpretation, non-conforming scenarios and complications resulting from the maximum building line. As a result of said issues, staff is requesting text amendments to the average front yard setback provisions.

Staff conducted two Plan Commission workshops on this item - the first on March 21, 2011 and then July 18, 2011. During the March 21, 2011 Plan Commission meeting, staff presented the aforementioned issues with the existing provisions and solicited feedback on the existing Zoning Ordinance provisions.

As recommended by the Plan Commission, staff drafted amended provisions based upon their recommendations and brought the proposed language back to the Plan Commission during the last workshop session on July 18, 2011 meeting. The Plan Commission was supportive of the proposed language; as such, staff is now bringing the proposed language forward for formal adoption.

Concluding, Mr. Toth noted that the proposed amendments apply to all detached single family residences in all residential districts and meets the standards set forth in the Zoning Ordinance and is recommending approval of PC 11-19.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition. There was no one to speak in favor or against the petition.

Chairperson Ryan then opened the meeting for comments among the Commissioners. The Commissioners had no comments.

Resolutions

- L. [110491](#) Main Street Lighting Phase 2 Final Balancing Change Order No. 2
Authorizing a decrease in the amount of \$9,376.75 to the contract with Gaffney's PMI. (DISTRICTS #1 & #4)

Attachments: [110491 BOT 9-15-11.pdf](#)
[R 31A-12.pdf](#)
[Change Order 2 Gaffney's PMI.pdf](#)
[110491 Cover Page.pdf](#)

Dratnol: reviewed this item with the committee.

- M.** [110555](#) Construction Material Testing, Great Western Trail Bridges Authorizing a contract with SEECO Consultants, Inc. for professional services related to construction materials inspection and testing for the Great Western Trail Bridges Project in the amount of \$131,047.00. (DISTRICTS #4 & #5)

Attachments: [110555 BOT 9-15-11.pdf](#)
[R 32-12.pdf](#)
[Contract M-06-03-Seeco.pdf](#)
[110555 Cover Page.pdf](#)
[Seeco MFT.pdf](#)
[PO #068723 Seeco.pdf](#)

- N.** [110558](#) FY2012 Sewer Televising and Cleaning, Change Order No. 1 Authorizing an increase to the contract with Pirtano Construction Company, Inc. in the amount of \$18,623.90. (DISTRICTS - ALL)

Attachments: [110558 BOT 9-15-11.pdf](#)
[R 33-12.pdf](#)
[Change Order 2 Insituform.pdf](#)
[110558 Cover Page.pdf](#)

Discussion ensued regarding the bids and the budget amounts. Dratnol explained how the process works.

- O.** [110560](#) FY2012 Cracksealing Program, Change Order No. 1 Authorizing an increase to the contract with SKC Construction in the amount of \$25,457.41. (DISTRICTS - ALL) This item is being withdrawn.

Attachments: [110560 BOT 9-15-11.pdf](#)
[R 34-12.pdf](#)
[Change Order 1 SKC.pdf](#)
[110560 Cover Page.pdf](#)

Dratnol: reviewed the item with committee members. Kuehl: is this all over town? Dratnol: yes.

- P.** [110568](#) 100 S. Main Street Authorizing the signatures of the President and Clerk on a Parking Lot Lease with West Suburban Bank for the property located at 100 S. Main Street. (DISTRICT #1)

Attachments: [110568BOT09_15_11.pdf](#)
[R 35-12.pdf](#)
[110568 Cover Page.pdf](#)

- P-2.** [110537](#) FY2011 Sewer Lining Program, Final Balancing Change Order No. 2 Authorizing a decrease to the contract with Insituform in the amount of \$6,483.50. (DISTRICTS - ALL)

Attachments: [110537BOT09-15-11.pdf](#)
[R 36-12.pdf](#)
[Change Order 1 Pirtano.pdf](#)
[110537 Cover Page.pdf](#)

Dratnol: reviewed this item with the committee members. (Art Kuehl arrived at 7:09 PM.)

Other Matters

- Q.** [110565](#) Village Hall Board Room ADA Enhancement Project Request for a waiver of bids and award of a contract to J-Mac Associates, Ltd. in the amount \$94,183.00. Public Act 85-1295 does not apply. (DISTRICT #6)

Attachments: [110565 BOT 9-15-11.pdf](#)
[110565 Cover Page.pdf](#)
[110565 BOT 12-1-11](#)
[Contract ADA Enhancement Project J-MAC](#)
[110565-Coverpage-12-1-11](#)
[PO#68721.PDF](#)
[PO69181C0#2.PDF](#)

- R.** [110567](#) Printing of the Lombard Pride Newsletter Award of a contract to Creekside Printing, the second lowest responsible bid of 7 bidders, in an amount of \$42,348 for a 2 year contract for the printing of the Lombard Pride Newsletter. Bid in compliance with Public Act 85-1295.

Attachments: [110567BOT9-15-11.pdf](#)
[110567 Cover Page.pdf](#)

- S.** [110576](#) Appointment - Economic & Community Development Committee Request for concurrence in the appointment of Angel Camacho to fill a vacancy created by the resignation of David Irion with a term to May 2013.

Attachments: [110576BOT9-15-11.pdf](#)

- T.** [110577](#) Appointment - Finance Committee Request for concurrence in the appointment of Dan Hartweg to fill a vacancy created by the resignation of Thomas Guilfoyle with a term to

May 2013.

Attachments: [110577BOT9-15-11.pdf](#)

- *U. [110562](#) Grant Application For 2011 Business Expo
Request from the Lombard Chamber of Commerce for \$5,000 from Hotel/Motel funds for advertising costs associated with the 2011 Business Expo. Committee recommended \$2,500.

Attachments: [110562BOT9-15-11.pdf](#)

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

Ordinances on Second Reading

Resolutions

Other Matters

- A. [110479](#) Website Transparency Policy
Motion approving the revised Website Transparency Policy.

Attachments: [110479.3BOT09_15_11.PDF](#)

[110479 Part 1 BOT08-18-11.pdf](#)

[110479 Part 2 BOT 08-18-11.pdf](#)

[110479BOT10_20_11.pdf](#)

[Transparency Policy Memorandum 8-11-11.pdf](#)

Chairperson Breen re-introduced the proposed Website Transparency Policy that was previously provided to the Village Board. He apologized for the delay in approving the letter. He said staff sent out letters to 216 local groups, organizations, businesses and homeowner associations for additional input on the proposed policy and what other items should be included in the Village's website.

Mr. Heniff provided the committee with an update on the outreach efforts. He said the notification effort occurred in three ways. First, Village staff initiated the web design process update in June, 2011 when a survey was added to the website. Second, upon direction from the ECDC, staff initiated an outreach effort consisting of sending targeted letters to homeowner associations, business and broker entities and all businesses that opened a new business in Lombard since January, 2010. In total 216 letters were sent out to those parties asking for their input on the website and specifically what element they would like to see. Third, after the letters were transmitted, staff completed a telephone outreach effort to each of the entities asking that they complete the survey online or if they preferred, to complete the survey over the phone. Mr. Heniff summarized the results as follows:

- *The overall response rate was 12.5% (27 responses of 216 letters sent). This response rate is lower than what is typically desired in surveys. In discussions with some of the respondents, they did not have a strong opinion regarding the website or they did not place completing the survey as a high priority. However, when staff followed up with telephone calls regarding the survey effort, most were aware of the survey but had not found the time to complete it. Staff found the response to the outreach was quite favorable.*
- *21 of the 27 respondents (77.8%) to the survey were the direct result of the staff outreach to the specific association and business entities.*
- *Of the respondents and with regard to use of the website, the frequency of visiting the website was as follows:
At least one a day: 0 (0%)
Use 2-3 times a week: 1 (3.75%)
Use 2-3 times a month: 7 (25.9%)
Use a few times per year: 8 (29.6%)
Use less than a few times a year: 11 (40.7%)*
- *While staff also was seeking input regarding the design and ease of use of the website, determining desired content was a primary component of the ECDC outreach effort. The vast majority of respondents believe the information provided was evenly distributed among the various Village departments and that the information provided was specific. Specific comments that were provided asked for current information, including more direct links to the most popular items and inclusion of additional building permit information. One suggestion asked for more information or status updates regarding upcoming or recently approved actions, while another action asked for weather/storm information.*
- *When asked what they look for on the website, the respondents offered a wide variety of topics. However, most of the information was directly related to the services or programs provided by Village government.*
- *Most found the website design, color combination and text used to be appropriate. There was not consensus as to the amount of pictures included within the website.*
- *Several of the comments received are currently being implemented by staff, through a new software program. This program will allow for items such as on-line payment of bills, and building permit tracking.*
- *The overall comments section and the telephone survey process offered positive comments regarding the website outreach effort.*

Chairperson Breen opened the meeting for discussion amongst the members. He suggested that they go through each individual point as outlined in his memo.

1. Elected & Administrative Officials

Chairperson Breen stated that this information is already on the website.

2. Meeting Information

Chairperson Breen stated that they would like to have information go back 5 years to allow for research on matters that were previously approved. He also said that meeting calendars should go out 12 months in advance. Mr. McNicholas suggested that a note should be added stating that meetings are subject to change. Ms. Baker suggested that a list of daily activities be shown on

the front page of the website. Staff noted that a calendar of events is listed on the current front page. Chairperson Breen also encouraged the creation of a Village wide email system where various organizations and non-profits can send out communications to residents who sign up for the email system.

3. Public records

Chairperson Breen noted that the Village website already has this in place.

4. Budgets

Chairperson Breen stated that while the website does contain current budget information, it should go back 4 years to allow for research.

5. Financial Audits

It was noted that the Village does have some of this information but the historical data should be added. Chairperson Breen stated that interns with State Representative Nybo have offered to assist with scanning the documents.

6. Expenditures

Chairperson Breen requested that this information be put onto the website once it is approved. He noted that it should be scanned to allow for searchable documents.

7. Salary & Benefits

Chairperson Breen noted that he would like to see this information to show that the Village pays its employees fairly and properly. Ms. Baker stated that her employer, DuPage County, is discussing the same issue. She expressed a concern about providing each employee's name with his or her current salaries and benefits, citing morale, privacy and general security issues. Mr. Glazier suggested that salary ranges be provided. Mr. Camacho agreed with Ms. Baker about morale issues since other employees will know what each other are making. Ms. Cotton of the LTC supported the idea of showing salaries citing that taxpayers would like to know where their money goes. Ms. Stonehouse of the LTC stated that in Champaign, IL, they used to publish each employee's salary in the local newspaper.

Mr. McNicholas asked Mr. Heniff what the other department heads were hearing from their staff about the issue. Mr. Heniff stated that some of the same concerns expressed by Ms. Baker including privacy and HIPPA laws. He also said that the information is available right now, through FOIA requests.

8. Contracts

Chairperson Breen stated that we include some of this information now; however he would like to include union contracts.

9. Lobbying

Chairperson Breen thought this could be easily done. There was no other discussion amongst the members.

10. Taxes & Fees

Chairperson Breen suggested that this information be shown on a single page of the website. Ms. Baker suggested that some of the information in salaries and benefits could be combined with this section. Several members discussed benefits and the concerns about privacy. Chairperson Breen stated that he would follow up with the Illinois Policy Institute to see what level of detail they would like to see when they rank communities. Mr. Heniff suggested that benefit ranges be provided for each category. Several members recommended that no

names be provided to protect privacy. Mr. Phillips said he would like the names to be included so that the stakeholders of Lombard can see what each employee makes. Ms. Baker recommended that salaries include only the titles with no names. Mr. Phillips than suggested the average benefits cost for each option be provided. He also suggested that it be shown for each department.

11. Building & Zoning

Chairperson Breen provided background on this section. Mr. Camacho suggested that a list of vendors be included showing contractors that are approved to work within Lombard. Mr. Heniff provided the committee with background on the new contractor registry requirements. Ms. Cotton suggested that the application be provided online and the inspector checklist.

X. Agenda Items for Discussion

XI. Executive Session

XII. Reconvene

XIII Adjournment

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