



# 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: Christopher Stilling*

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Monday, May 21, 2012

7:30 PM

Village Hall Board Room

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### 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.*

### Roll Call of Members

**Present** 6 - Donald F. Ryan, Ronald Olbrysh, Martin Burke, Ruth Sweetser, Stephen Flint, and John Mrofcza

*Also present: William Heniff, AICP, Director of Community Development; Michael Toth, Planner I; and George Wagner, legal counsel to the Plan Commission.*

*Chairperson Ryan called the order of the agenda.*

### Public Hearings

[120139](#)

#### **PC 12-09: 640 - 685 N. Charlotte Street and 2 - 23 E. LeMoyne Avenue**

Requests that the Village take the following actions for the subject properties located in the R2PD Single-Family Residence District, Planned Development:

1. An amendment to Ordinances 4566 & 4772, for the Providence Glen Planned Development, to provide exceptions to the minimum rear yard setback requirements of the R2 Single-Family Residence District. This amendment would allow for a further deviation from Section 155.407(F)(4), as amended by Ordinance 5083, to reduce the rear yard setback from thirty-five (35) feet to fifteen (15) feet within the Providence Glen

Planned Development, for purposes of constructing attached one-story screen porches (three season rooms).

2. A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties. (DISTRICT #4)

*Chairperson Ryan indicated that Trustee Peter Breen wanted to address petition PC 12-09 in order to give the reasons why the Board of Trustees had remanded the item to the Plan Commission. Due to another commitment Trustee Breen had that evening, he has requested to be allowed to speak first unless there were any objections from the Commissioners. Hearing none, Chairperson Ryan requested Trustee Breen present his comments.*

*Peter Breen indicated he came there not only as Trustee of the district in which the property is located but also to explain that he was the one that made the remand motion at the Village Board meeting. He explained that after reviewing the proposed amendment, the way the land was situated, as well as the responses received from the residents in the area he thought the impact of the amendment to the planned development might be a better fit if it was only confined to the properties on the east side of Charlotte Street rather than throughout the whole planned development. He has been personally involved in the process of this issue and indicated that he has received the most feedback from his constituents on this particular item than any other since taking office almost a year ago. Most constituents' comments have been in favor of the amendment by a ratio of 10:1. He respects the opinions of those that do not favor the petition but believes that by narrowing the petition request to the east side of Charlotte, it will minimize the impact and allow for a development that will add value to an area where the lots are too small and have a difficult topography.*

*As this amendment will be a benefit to his district as well as to the planned development, it would be helpful to him and the other trustees for this Commission to be specific as to why the amendment would not be beneficial. Relaying a conversation he had with Mr. Heniff about this amendment, he indicated he asked him if there was something wrong with it and Mr. Heniff's response was that he couldn't find anything. Trustee Breen noted that the staff report includes a recommendation for a conditional use option. There are two ways the Plan Commission can provide a favorable recommendation and if not, he is requesting the Commissioners to explain in detail the reasons for their decision as well as their assessment of how the conditional use impacts the merit or demerit of the particular amendment as it has been narrowed to the east side of Charlotte.*

*Chairperson Ryan asked if there were any questions of Trustee Breen. Hearing none, he requested that staff read the public hearing procedures.*

*William Heniff, Director of Community Development, read the Rules of Procedure and By-Laws.*

*Chairperson Ryan then requested staff to address the remand issue.*

*William Heniff, Director of Community Development, stated that at the April 12, 2012 Village Board of Trustees meeting, the Village Board remanded PC 12-09 back to the Plan Commission for further consideration and discussion relative to specific issues. He gave a brief history of the petition and summarized the zoning actions associated with it. The Board of Trustees at their April 12 meeting specifically directed the Plan Commission to review only two items as they thought the rear yard setback amendments associated with the petition may not be appropriate for the entire Providence Glen Subdivision. Those items are:*

- 1. Should only those properties along the east side of N. Charlotte St. (11 lots) have the right to a rear yard setback reduction from 30 feet to 15 feet for purposes of constructing a screened porch addition. An alternate draft ordinance was introduced at the Village Board meeting which was included in the Commissioners packets. Also, as part of the Village Board's discussion, it was noted the adjacent lots to the east along Garfield Street have larger rear lots.*
- 2. Should the area of the screened porch additions be capped, not to exceed 300 square feet in the area?*

*The Plan Commission is being asked to review this information and offer a recommendation back to the Board of Trustees. He then explained the format of the meeting.*

*Chairperson Ryan asked if anyone had any questions of staff. Hearing none, he requested the first public hearing.*

*Matt Berberich, 661 N. Charlotte, presented the petition. He stated that this amendment would not diminish this property or surrounding property values, impact the health, safety, morals or the welfare of the public, negatively affect the uses of nearby properties, and not have an impact on flooding or open space. The proposed screened in porch is built on an existing deck structure built with a permit in 2002. The hardship being suffered is the inability to use the property in which the owner sees fit and to enjoy the outdoors. He then showed pictures of his four year old son. He stated that this was the main*

*reason for the request in that his son is allergic to mosquitoes, which has been documented with a copy of the doctor's note, and they need to protect him.*

*Next, he showed some aerial photos. The first was a view of his house signified by the letter "A" which shows everything behind him. The following photos were taken from different locations on his property. He noted that he did not walk on anyone's property. The numbers on the photo signify the location of where the pictures were taken:*

*Photo labeled #1 was taken at an angle toward his property*

*Photo labeled #2 was taken straight back from the street*

*Photo labeled #3 was taken at an angle to the north*

*Photo labeled #4 was taken one lot up looking from the street back*

*The next aerial photos show the buffers that currently exist between his house and the ones around him with the exception of one house.*

*Photo labeled #1 shows one house down and shows the trees and screening.*

*Photo labeled #2 shows further to the south looking caddy corner where you can only see the side of the house on Garfield.*

*The next photos were pictures taken from the porch which show a different perspective. One cannot see the neighbors from the porch and vice versa:*

*Photo labeled A was taken from the north*

*Photo labeled B was taken from the east*

*Photo labeled C was taken from the south*

*The final slide depicted a signed petition from the ZBA 11-06 case but was not commented on.*

*Concluding, Mr. Berberich acknowledged the people in the audience that were there to speak about his petition and indicated that he respects their opinions. Specifically mentioning Mr. Donovan, he stated that from the beginning he has been outspoken with his feelings about this subdivision but he appreciates and understands his concerns. He mentioned that Mr. Donovan used to enjoy the benefit of having an open field behind his house but a developer bought the lot and developed it and this could be why he has been so outspoken. Lastly, Mr. Berberich stated that there are plenty of buffers around the houses.*

*Chairperson Ryan asked if there was anyone to speak in favor or*

*against the petition.*

*There was no one to speak in favor of the petition. Against the petition were:*

*Dave Kundrot, 600 block of North of Charlotte in the Providence Glen Subdivision. He stated that this petition is about people who followed the rules, who applied for variances and have gotten permission from the various committees to do things. This petitioner applied for the same variance in 2002 and was denied. The room being discussed today was built without a permit and without a variance. The verbiage presented tonight is the same verbiage as previously submitted at the March Plan Commission meeting but is now limited to the east side of Charlotte. He doubts that it is new testimony. He referred to the six e-mails supporting the petition and stated that only one lives on the east side of Charlotte. Referring to the slide Mr. Berberich displayed showing the signed petition he stated that signatures were secured based on the information that was provided at the time. The petitioner did not specify that it had already been built and it was signed by ten homeowners of the 42 residents which represents 15% of the subdivision. He stated he is against creating an ordinance for a specific individual based on one person's request. His concern is that it will set a precedent and questioned what would stop someone on the west side of Charlotte or LeMoyné from building a three season room and thereafter petitioning for relief. Concluding, Mr. Kundrot stated that variances are for a hardship but according to the staff report, there is no hardship. This will hurt the character, intent and congestion of the neighborhood. The subdivision was built with a variance for the rear yards and this adds to it. He is against this petition.*

*Jim Donovan, 700 N. Garfield, Lombard, also spoke against the petition. He mentioned he was here not only for himself but also for his neighbor, Mary, who gave her permission for him to speak on her behalf. He acknowledged that he and Mary signed the petition with the understanding that it was for Mr. Berberich's lot as a result of his child's condition. He did not know it would end up affecting the whole east side. He was concerned about flooding and wants to see the flooding study and doubted that it wouldn't cause flooding should everyone take advantage of the variance. Another issue were the pictures that Mr. Berberich showed. He noted he took his own pictures, which show the opposite, and explained that when the leaves on the trees are gone, you get a different perspective- he indicated that he can actually watch the Berberichs' TV from his house. He submitted his pictures for the public record. Mr. Donovan stated that he doubted that this variance, if granted, would add any value to his property. All the homeowners that bought these houses knew the*

setback when they bought them and he is against allowing any more.

Mr. Berberich rebutted. He clarified the comment that there were 42 homes in the subdivision - there are actually 32. As far as the flooding concerns, he agrees, noting that if there is a study, he would like to see it as well. He mentioned how two oversized retention ponds were put in when the subdivision was built. One is a retention pond and the other is a detention pond. The State of Illinois crushed the pipe under North Avenue and caused the detention to become a retention pond. The homeowners association paid to have the pipe cleaned out. He understands about the flooding.

Chairperson Ryan then requested the staff report.

Mr. Heniff noted that the staff report is being submitted to the public record in its entirety and any previous documents remain part of the public record. On January 19, 2012, the Village Board denied a variation request (ZBA 11-06) for the property located at 661 N. Charlotte St. to reduce the required rear yard setback to fifteen feet (15') where thirty feet (30') is required, to allow for a screened porch addition. This denial was based on the lack of a demonstrated hardship unique to this property and that the requested relief was not consistent with the existing neighborhood.

In response to the denial, the property owner petitioned to amend the planned development for the entire Providence Glen Subdivision to allow all properties within the subdivision the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen feet (15'), for purposes of constructing a screen porch addition (PC 12-09). Staff recommended denial of the request based upon the petition's inability to meet the applicable standards. The Plan Commission concurred with staff, forwarding a recommendation for denial to the Village Board based on the fact that the proposed planned development amendment did not comply with the standards and that granting the associated relief did not enhance the overall planned development and is not in the best interest of the Village.

At the April 12, 2012 Village Board Meeting, the Board of Trustees remanded the petition to the Plan Commission for additional consideration and testimony for a partial consideration of the relief. This relief was introduced to the Board of Trustees as a draft ordinance which was included in the Plan Commissioners' packets. The Plan Commission is now being asked to consider two specific questions:

1. Should only those properties along the east side of N. Charlotte (11 lots) have the right to a rear yard setback reduction from

*thirty (30) feet to fifteen (15) feet for purposes of constructing a screen porch addition. Also as part of the Village Board's discussion, it was noted that the adjacent lots to the east along Garfield Street have larger rear lots.*

- 2. Should the area of the screened porch additions be capped, not to exceed 300 square feet in area?*

*Within the staff report is staff's review and three alternative recommendations. Staff notes that the petitioner had not offered any new testimony prior to the remand hearing. At the April 12, 2012 Village Board meeting, the concept of allowing only those eleven lots along the east side of N. Charlotte Street the right to a setback reduction for a screened porch was discussed. Some of the discussion for this option noted that the adjacent lots to the east along Garfield Street have larger rear lots. Staff still upholds its original recommendation from the March 19, 2012 IDRC report. However, should the Plan Commission support the relief for the eleven lots along the east side of N. Charlotte Street, they should make a finding that the relief enhances the Providence Glen planned development and granting the planned development amendment and variations is in the public interest. The Plan Commission should also adopt the responses to standards, or revise these responses as deemed appropriate. It should also be noted if there is a desire to cap the square footage if the Plan Commissioners decide to go this route.*

*If the Plan Commissioners recommend that only the eleven lots qualify, there is additional language in the staff report whereby relief can be granted as part of a separate conditional use process. For the record, staff is concerned with supporting relief through a conditional use process as the onus moves back to the Village who would have to demonstrate a unique and specific concern that this relief would not be appropriate at a given location.*

*The last option is a denial in its entirety which was the Plan Commissions' original recommendation. The Plan Commissioners can reaffirm their recommendation or provide any additional commentary. Ultimately, the Plan Commission should make specific references within their recommendation noting if the recommendation can stand as is or if it is based on new testimony, in part or whole, or if it is being approved as a conditional use process.*

*Chairperson Ryan asked if there were any questions of the staff report.*

*Mr. Berberich asked if any relief had been previously granted to any of the homeowners in the entire subdivision for a rear yard setback. He*

also had a question for Attorney Wagner. He was told this topic could not be discussed with any Plan Commission members outside of this public hearing and wondered if that was true. Also, what are the ramifications if someone did talk to the Plan Commission members? Attorney Wagner responded that it was true. The basis for any decision of the Plan Commission needs to be based upon what is presented before the Plan Commission.

Mr. Heniff responded to the question about previous relief granted. He indicated that there was a blanket variation granted to the subdivision for rear yard setbacks from 35 to 30 feet and selected yards were given relief when the subdivision was originally created. Another case was for a rear yard deck. The deck abutted a detention facility and because it was over two feet, Village Code at that time said it couldn't encroach into the rear yard. The Zoning Board of Appeals and Board of Trustees made a finding of fact that based on the topographical conditions, the relief would not be injurious and the relief was subsequently granted.

Mr. Berberich asked about separate relief granted to both the homeowners at 685 and 684 for a rear yard setback. They have a deck that does not meet the current requirement for the 30' setback. Mr. Berberich confirmed his understanding of rear yard setback code and Mr. Heniff confirmed his understanding was correct. Mr. Berberich then asked if there was a public hearing for either of those addresses as they were not part of the initial development because they were built later by a different contractor. Attorney Wagner questioned whether those properties had any merit relative to this petition. Mr. Berberich answered that the staff report says there was no other relief granted other than the relief given to the initial development. He is trying to prove that there has been other relief granted in the neighborhood and wants all the facts to be out so when someone says that relief is being given to only one person, they know the facts and understand them.

Mr. Heniff affirmed the relief was for a deck not for a building addition that has living space. Mr. Berberich questioned if it still would require a variance. Mr. Heniff answered yes. Mr. Berberich confirmed that it would have required a public hearing. Mr. Heniff stated that there was one case that went before the Zoning Board of Appeals and the petition was approved.

Chairperson Ryan opened the meeting for comments among the Commissioners.

Commissioner Olbrysh asked what happens to the addition if both the Plan Commission and the Board of Trustees deny the petition. Mr.



*Heniff answered that the petitioner would have exhausted all his options and he would have to remove the three season room. Commissioner Olbrysh stated that he had a problem with this petition because the Comprehensive Plan update talks about quality development. The rear lots are not that big and if you put up an addition, it cuts the rear yard in half and bulks up the neighborhood. He is concerned about approving this petition even though it is for the east side of Charlotte.*

*Commissioner Olbrysh asked if any of the other 10 homeowners are considering an addition. Mr. Heniff answered staff was not aware of any.*

*Commissioner Burke stated that he has not heard anything different tonight that would change the evaluation of their original decision. This month we have had people speak against the petition who were not here last time. Their appearance shows that this does affect neighboring properties.*

*Commissioner Sweetser concurred with Commissioner Burke. She agreed that nothing new and substantive was introduced by the petitioner to change their decision. Changing the character of a neighborhood has relevance and latitude was initially given when the subdivision was first approved to include a 30' setback. Having been given this initial relief it immediately sets a different tone. Lastly she felt the petition was counterintuitive to ask for relief for 11 properties when relief for one property is too much.*

*Commissioner Cooper had concerns about how allowing this petition would devalue the Village's ordinances. If a petitioner is allowed to seek a variation after the fact, it will set a precedent because everyone else is expected to follow the rules and regulations of the Village. While she appreciates the personal nature of this petition she doesn't see a reason to go against staff's report as nothing has changed from last month.*

*Commissioner Mrofcza stated that he supports denial of the petition as any deviation would infringe upon compliant residents and wouldn't act to support their diligence in adhering to the ordinances that we pass and are expected to abide by.*

*Chairperson Ryan clarified the Commissioners comments to understand that they are not in favor of granting further relief not only for the whole subdivision but also for the 11 properties along east Charlotte - so it is for both.*

*Commissioner Flint stated that this petition can change the character*

*of the neighborhood and potentially add water to the area so there are issues associated with it.*

*Mr. Heniff alluded to Trustee Breen's comments about wanting to know if he was missing something inherently wrong with this petition whether it be bulk, open space, etc. He responded that setback regulations are design aesthetic regulations. To answer the question if this addition would cause more flooding, it must be noted that when people come in for a permit, staff looks at such things as drainage patterns, coverage aspects and open space requirements. The key thing that one must keep in mind is if there is anything inherent of open space or flooding issues and whether it will cause more flooding. The relief in this petition goes to the design aesthetics of communities and neighborhoods. The Plan Commissioners need to ask how much the Village wants to encourage or discourage setback regulations and that is ultimately a policy question.*

*Commissioner Sweetser also responded to Trustee Breen's comments. She indicated that in his opening comments he stated that passing this proposal for the 11 properties would add value but he was not specific as to what that meant. Since he requested that the Plan Commission come back to the Village Board with specifics of their decision she would also would like know the specifics of his comment.*

*Commissioner Burke stated that it was noted that this particular addition would not impact flooding. He asked if the other 11 lots or the other original lots would have an impact on flooding should they decide to build an addition. Mr. Heniff answered that we would look at each site improvement on its own value. If everyone wanted a 300 square foot addition and if they met all the other requirements, we would look at it on a case by case basis. If they could not be met, that person requesting it would have to make the requisite improvements.*

**Commissioner Olbrysh clarified that this petition, as remanded, relates to the Providence Glen Subdivision 11 properties. Their addresses are 641, 645, 649, 653, 657, 661, 665, 669, 673, 677 and 681 N. Charlotte Street.**

**A motion was made by Ronald Olbrysh, seconded by Stephen Flint, that this matter be recommended to the Corporate Authorities for denial. The motion carried by the following vote:**

**Aye:** 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, Stephen Flint, and John Mrofcza

[120189](#)

**PC 12-12: Text Amendments to the Zoning and Sign Ordinances  
(Continued from April 16, 2012)**

The Village of Lombard is requesting the following text amendments to the Zoning and Sign Ordinances:

1. Section 155.205 of the Zoning Ordinance relative to fencing materials.
2. Section 155.212 of the Zoning Ordinance relative to permitted encroachments.
3. Chapter 153 (Sign Ordinance) relative to balloons.

*Chairperson Ryan asked if there was anyone to speak in favor or against the petition. Hearing none, he requested the staff report.*

*Michael Toth, Planner I, presented the petition. At the April 16, 2012 Plan Commission meeting, staff presented text amendments to the Zoning and Sign Ordinances related to the following:*

- *The Zoning Ordinance requirement that fences or walls within fifteen (15) feet of any multi-family, business, office and industrial buildings must be of a fire resistant type of construction was proposed for removal.*
- *Add generators and amend new central air-conditioning units, as permitted encroachments into rear yards.*
- *The Sign Ordinance provisions relative to balloons have been examined and are also being requested for amendment accordingly.*

*At this meeting, the Plan Commissioners continued the text amendments associated with PC 12-12 to the May 21, 2012 meeting to allow staff time to further research the topics relative to generator noise emission and the balloon provisions. The following is a summary of staff findings:*

#### *Generators*

*Emergency standby generators are currently not listed as a permitted encroachment within any required yards. As residential generators are similar to the size and operation to that of a central air-conditioning unit, staff believes that generators should be regulated in the same manner as a new central air-conditioning unit. Staff believes that it would be in the public interest to allow both generators and new central air-conditioning units within a portion of the rear yard area, as opposed to a side yard encroachment, to minimize impacts and encourage a location with minimal impact. Staff has witnessed an increased demand for emergency residential generators. To fulfill the demand to allow these units while minimizing the potential impact onto adjacent properties, staff is proposing to also provide a restriction to ensure that emergency generators are for standby electrical power only and not as a primary power source.*

*For clarification, staff notes that the proposed text amendments would allow emergency generators and new central air conditioning*

condensers to be placed ten (10) feet into the required rear yard only; however, both items would still be prohibited in the required side yard setback. A majority of the discussion centered on the State noise emission requirements and the Village's ability to enforce certain noise requirements. As noted at the meeting, staff has concerns about adding additional restriction pertaining to noise requirements due to the lack of training and equipment needed to enforce such requirements. Furthermore, the costs of hiring an outside consultant to review issues as they arise is also very costly.

#### Staff's Findings Pertaining to Generator Noise

In order to verify that the residential emergency generator units that have been approved by the Village have been operating per the State's Sound Emission Standards and Limitations For Property Line-Noise-Sources, staff reviewed generator permits approved over the last two years and compared them to the State requirements. Staff found that highest capacity residential unit (20 kW) (that received a permit) operates at 60Hz and had a sound output of 66 dB(A), when measured at 23 feet at normal operating conditions. Moreover, the unit has a sound output of 60 dB(A) during its exercise period, which is 12 minutes per week.

He noted the State of Illinois requirements pertaining to noise pollution which are found in Title 35, Part 901, Section 901.102. Referring to the table in the staff report, he stated that a unit operating at the 63Hz level would have a maximum allowable sound emission for a Class A land (residential) of 71 dB(A). As previously mentioned, staff found that highest capacity residential unit (20 kW) permitted by the Village operates at 60Hz and had a sound output of 66 dB(A), which meets the State's sound emission requirements. To put this in perspective, a typical lawnmower has 60dB(A) when measured from 30 feet.

#### Surrounding Communities Generator Provisions

In order to provide additional information on the topic, staff also reviewed regulations of surrounding communities that were experiencing similar issues pertaining to emergency generator location. Staff found that in 2011, the Village of Burr Ridge amended their zoning regulations to permit standby generators in side yards, which were previously permitted in rear yards only. Upon speaking with Burr Ridge staff, they indicated that their research indicated that most, if not all, generators create equal or less noise than central air conditioning units, which they also permit in side yards. Village of Burr Ridge staff also indicated that the amendments have not caused any issues relative to noise complaints caused by standby generators being located in the side yard. It should be noted that Burr Ridge's noise requirements are "75 decibels measured 23 feet from the generator". Burr Ridge also has some landscaping screening

requirements as well; however, staff notes that the proposed Village of Lombard amendments would allow emergency generators to be located in a portion of the rear yard only. While additional screening and size provisions could be beneficial, staff believes that allowing emergency generators in the rear yard only will keep them a far enough distance to be within the State guidelines and not create a nuisance to surrounding properties. It is not staff's intent to create additional provisions for the side yard as new generators would have to meet the respective zoning district's setback requirements.

### Balloons

There has been an increasing demand from the business community to have greater flexibility to effectively advertise their businesses. To address such need, the sign provisions were amended in 2011 (as part of PC 11-16) to allow balloons that are less than two feet when measured in any dimension on a lawfully-established sandwich board. Staff is now proposing further amendments to the signage provisions relative to balloons. As there has been a growing desire by the business community to effectively draw attention to their establishment, staff is proposing to remove reference to 'balloons (less than two feet in diameter)' as an attention-getting device and relocate 'balloons (less than two feet in diameter)' to Section 153.206 'Signs Not Subject to a Permit'. With this amendment, businesses would be able to have balloons, 2' or less in diameter, year round and without needing a permit.

### Staff's Findings regarding Balloons

Staff reevaluated the proposed balloon amendments in consideration of the over-advertising and hazard concerns raised by the Plan Commission. While staff believes that the proposed amendments will provide businesses with another tool to effectively draw attention to their establishment, it is important to ensure that the Village remains aesthetically-pleasing. Most businesses do take it upon themselves to actively monitor their own property, as to avoid becoming unsightly, but the balloon issue has become an ongoing code enforcement activity. Even with a full prohibition, businesses will continue to display balloons. Staff believes that it would be more productive to have regulations in place that allow balloons as opposed to a prohibition with negative results.

There are certain prohibitions in place that prevent certain structures, including signs, in clear line of sight areas. The Plan Commission raised concern relative to the placement of balloons in areas that could also pose a line of sight hazard. While balloons would not be able to be placed on structures within clear line of sight areas, staff would like to revise the proposed amendments to ensure that balloons remain clear of clear line of sight areas. As such, staff is proposing to

*further amend the definition of 'Balloons' to include language that prohibits balloons from being more than two (2) feet from the structure to which it is attached. The balloons would still be required to be two (2) feet or less measured in any dimension, but the revision would require that the balloons be located within a distance of not more than two feet from the structure to ensure that the balloons do not end up in clear line of sight areas or become obstructions.*

*Staff is proposing the same amendments to balloons with the following revisions being made to the definition of 'balloon':*

**SIGN, BALLOONS**

*A type of inflatable sign which retains its shape from inflating with air, helium, or other gaseous elements, ~~and~~ is two (2) feet or less measured in any dimension- which is affixed to a structure by means of attachment less than two (2) feet in length.*

**Summary**

*Staff recommends that the Plan Commission proceed with the fence and generator amendments as previously proposed, and attached to the IDRC report as Exhibit A. Staff also stressed that the intent of such amendments is to make it easier to install emergency generator units in rear yards only in order to minimize impacts on adjacent properties. Lastly, staff recommends that the Plan Commission also adopt the revised amendments relative to balloons.*

*Chairperson Ryan opened the meeting to the Commissioners. The Commissioners had no questions or comments*

**A motion was made by Martin Burke, seconded by Ruth Sweetser, that this matter be recommended to the Corporate Authorities for approval. The motion carried by the following vote:**

**Aye:** 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, Stephen Flint, and John Mrofcza

## **Business Meeting**

*The business meeting convened at 8:31 p.m.*

## **Approval of Minutes**

*On a motion by Olbrysh and seconded by Mrofcza the minutes of the April 16, 2012 meeting were approved by the members present 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 nothing to 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

### [120281](#)

#### **SPA 12-03: 331 W. Madison Street (CPSA)**

Requests the Village approve a minor change to the approved planned development for the proposed expansion to the CPSA development as it pertains to the approved exterior building materials. (DISTRICT #6)

*Mohammed Majeed, 509 W. Wilson, Lombard presented the petition. He stated that the minor change they are requesting is not desired but by force. CPSA appreciates the cooperation it has received from the Village thus far and hopes it will continue. Initially the addition was designed to use block and brick but due to the economy, the school feels it would be impossible to proceed with the project unless there was a bigger cost impact. The school is now proposing to use precast concrete panels in lieu of the initially approved block and brick for the addition. These precast panels will have a brick form liner, have the same pattern and will look exactly like the brick currently existing on the building. They consider this a very minor change which will have a big impact on the cost as well as the project completion. The advantages of this change is that it will add strength to the structure as the product is a precast form and it will not change the appearance of*

*the building from the block and brick. Once we get approval, the entire structure will be completed in a short span of time. He requested their approval.*

*Chairperson Ryan asked if any person would like to speak in favor or against this petition. Hearing none, he requested the staff report.*

*William Heniff, Director of Community Development, stated that the IDRC report was being submitted to the public record in its entirety. The operators of the existing CPSA school were given zoning approvals in 2009 to provide for the construction of a major school expansion/addition at their existing facility at 331 W. Madison Street. The following relief was included within that petition:*

- 1. A map amendment to rezone the subject property from CR Conservation Recreation District to R2 Single-Family Residence District.*
- 2. A conditional use to allow for a School, Private, Full-time: Elementary, Middle and High in the R2 Single-Family Residence District, and;*
- 3. A conditional use for a planned development with the following deviations:*
  - a) To allow a variation from Section 155.407 (H) and Section 155.508 (C) (7), reducing the minimum required open space to 50% where a minimum of 62.5% is required; and*
  - b) To allow a variation from Section 155.407 (G) to allow for a building height of up to thirty-five feet (35') from grade, where thirty feet (30') maximum height is allowed.*

*Since the initial approval, the petitioner has been attempting to secure funding for the project and has been completing final development plans for the project. As part of their value engineering component, they are seeking the ability to utilize pre-cast form structures in lieu of masonry brick, which was included in their initial submittal. Staff has determined that this proposed change would be deemed a minor change to the previous planned development, but is seeking consideration by the Plan Commission through the Site Plan Approval process for the proposed modification.*

*Interdepartmental comments from the Building Division state that precast panels can be a great option for the school as they are fast to install, structurally sound and budget friendly. Precast materials, as represented by their contractor also meet Village building codes. Staff has previously worked with this contractor and even visited one of their plants, noting that they make a very high quality product.*



*Planning comments indicate that the CPISA planned development was approved in 2009 which included an amendment to the overall planned development.*

*The proposed change relates to the exterior of the building and consists of substituting precast form liner to replicate brick in lieu of the proposed brick masonry element. While the conditions of approval did not specifically state that the project must be of masonry, there were representations by staff and the petitioner at the time of the initial submittal that it would be a masonry building.*

*The proposed modifications to the site plan qualify as minor changes to the plan development under Section 155.504 of the Lombard Zoning Ordinance. Minor changes to an approved plan development can be administratively approved by staff. However, in light of the history of the project and given the nature of the change that is being proposed, staff believes that the changes are substantial enough to warrant greater review. Although not required by the Zoning Ordinance, staff has elected to bring these proposed changes to the Plan Commission for consideration and approval as set forth in Subsection 155.504(B) of the Zoning Ordinance. Moreover, the CPISA planned development approval also granted Site Plan Approval authority to review such elements. Other than the exterior building material change, no other amendments to the planned development are being requested.*

*In keeping with the intent of the original planned development approval, the petitioner did outreach to a contractor to provide the Village with additional information regarding the proposed options to amend the building exterior. Through staff discussions with the contractor, they offered a comparable representation of a precast form liner product and design that could replicate the masonry appearance. A recent application of this approach can be found at North Central College's Residential/Recreation Building in Naperville. As the attached photos marked as Exhibit E and taken by staff can attest, the exterior appearance could provide a similar aesthetic to the materials originally intended as part of the development. Moreover, as the primary purpose of the masonry element was to provide a compatible building design with the older school building and to ensure that the new facility does not look like an industrial or commercial structure, the intent of the alternate exterior can be supported. Staff also notes that form liner products for precast structures can be successfully constructed, as most prominently evidenced at the Highlands of Lombard planned development.*

*The proposed minor change to the Planned Development does not*

*deviate from the original use that was approved. While the proposed exterior building change differs from what was originally approved, the proposed change is intended to meet the intent of the building design in an architecturally compatible manner. Provided that the form liner selected is consistent with the proposed design of the existing school building and as replicated at North Central College, staff does not object to the proposed change, provided that all other conditions of the original approval and in the site plan approval are met.*

*If the Plan Commission finds in favor of this change and recommends approval, it would be subject to the two conditions found in the staff report which supplement the previously approved conditions.*

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

*The Commissioners had no comments.*

**A motion was made by Ruth Sweetser, seconded by Ronald Olbrysh, that this matter be approved subject to the following conditions:**

**1. That the exterior materials for the proposed CPSA School may be of a precast form liner design, provided that the following provisions are met:**

**a. That the proposed exterior design shall be consistent with the product line cut sheets as provided by DuKane Precast as replicated at the recreation and Residential Building at North Central College, as represented by their submittal made as part of the this petition.**

**b. That the proposed color and brick form liner design shall also be compatible with the existing CPSA School building.**

**2. That the petitioner shall meet all other provisions of the approval previously granted by the Village as part of PC 09-08 (Ordinance 6347) relating to building and stormwater site improvements, parking lot improvements and landscape improvements.**

**The motion carried by the following vote:**

**Aye:** 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, Stephen Flint, and John Mrofcza

[120282](#)

**SPA 12-04: 2725 Technology Drive (Homestead Village Planned Development/DuPage Medical Group Surgery Treatment Center)**

Requests a site plan approval amendment under the terms of Ordinance 4494, for a proposed 951 square foot addition to the north side of the existing building. The petitioner is also proposing to add 37 new parking spaces on site. (DISTRICT #3)

*Commissioner Burke recused himself from the petition indicating that the petitioner is a client of his.*

*Samantha Duba, Eckenhoff Saunders Architects, 700 S. Clinton, Chicago, presented the petition on behalf of DuPage Medical Group.*

*She indicated they are proposing an addition to their existing building and that they would also be providing additional parking.*

*Ms. Duba displayed plans that were submitted with their petition explaining:*

- Sheet D2.0 shows the demolition that will occur to the existing property.*
- The Grading Erosion Control and Utility Plan shows their compliance with Nicor's request as well as the new layout for the parking.*
- Sheet AS1.0 shows the location of the proposed 900 s.f. addition as well as the parking area. Both areas are depicted in grey.*
- The proposed landscaping sheet shows how the proposed landscaping will correspond with what was used in the original construction.*
- The last sheet shows how the building addition will coordinate with the brick and fenestration of the existing building.*

*Chairperson Ryan asked if any person would like to speak in favor or against this petition. Hearing none, he requested the staff report.*

*William Heniff, Director of Community Development, stated that the IDRC report was being submitted to the public record in its entirety. The Homestead Village Planned Development is located at the southeast corner of Butterfield Road and Technology Drive. In 2004, the petitioner received site plan approval to construct a 20,700 square foot surgical center building. The petitioner is now proposing to construct a 951 square foot addition to the north side of the existing building, along with adding 37 new parking spaces. The underlying annexation agreement grants the property owner the ability to consider and approve changes to the overall planned development through the site plan approval process. He noted Engineering had comments relating to the requisite stormwater improvements being accounted for as part of the original development approval.*

*Planning comments included the history of the site. The Village approved an annexation agreement, a rezoning to the O Office District and a planned development on June 18, 1998. This approval was for the development of the Homestead Village Planned Development to include two hotels (Homestead Village and Sheraton) and a restaurant. The Sheraton Hotel was never developed and the proposed hotel site has remained vacant.*

*The 1998 approved annexation agreement provides for approval of alternate site plans, subject to review and approval by the Plan*

*Commission. As the petitioner's plan consists of a permitted use (outpatient medical office facility) that is intended to meet all provisions of the Zoning Ordinance, the new plan can be considered through the site plan approval process.*

*In 2004, the petitioner received site plan approval to construct a 20,700 square foot surgical center building. The facility is designed and operated to provide outpatient medical procedures that are more extensive than those which are commonly undertaken in a traditional doctor's office, but do not require overnight stays. For purposes of zoning review, this activity is considered an outpatient medical activity. When the petitioner received their approvals in 2004, it was noted that this addition may occur in the future.*

*Medical office facilities are permitted uses within the underlying O Office District provisions as well as the underlying planned development.*

*The petitioner is proposing to construct a one-story, 951 square foot addition on the subject property for additional equipment storage. The proposed addition would be located on the north side of the existing building. The materials will include face brick, stone banding and 2 new windows. The proposed materials will match what was used on the existing building.*

*To accommodate the addition, the petitioner will remove approximately 6 parking spaces. However they plan on constructing an additional 37 parking spaces for their use. Therefore, they will have a total of 121 parking spaces. The Zoning Ordinance requires a total of 87 parking spaces for the entire building, including the proposed addition. Approximately 11 parking spaces will be located in the existing Nicor property located to the east of the property. The petitioner does have an agreement with Nicor that allows for them to construct those spaces.*

*In 2008, Oak Brook Promenade Development which is in the Village of Oak Brook, expressed a desire to provide the opportunity for additional parking on Technology Drive to serve their development. However, as the adjacent right of way and an adjacent small tract of land were located within Lombard rather than Oak Brook, Village of Lombard approval would be required.*

*To facilitate this request, in 2010, the Village of Lombard, the Village of Oak Brook, owners of Oak Brook Promenade and DuPage Medical Group entered into an agreement to accommodate the proposed improvements for the Promenade development. As part of those plans, portions of Technology Drive would be disconnected and*

*vacated by the Village of Lombard and new cul-de-sac bulb would be constructed at the easternmost entrance to the DuPage Medical Group facility. Although the agreement has subsequently expired, the petitioner's plans do account for the proposed cul-de-sac bulb. Therefore, should the agreement be reinstated in the future, the petitioner's improvements would not be impacted.*

*The petitioner has submitted a landscape plan for the proposed addition and parking lot improvements. The plan meets the requirements of the Zoning Ordinance.*

*No new signage is being proposed as part of this petition. The proposed development is compatible with the Village's Subdivision and Development Ordinance. All necessary improvements, including stormwater detention, were provided when the site was originally developed. The Long-Range Plan Map of the Comprehensive Plan recommends that the property be designated for office uses. The proposed medical office use is compatible with the surrounding hotel and restaurant uses. The property to the north is zoned O Office District and B3 Community Shopping District. The proposed use is compatible with these zoning districts. The property to the east is in Oak Brook and is zoned for commercial, developed as the Oak Brook Promenade. Staff finds that the proposed addition is compatible with surrounding properties and recommends approval subject to the two conditions in the staff report.*

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

*The Commissioners had no comments.*

**A motion was made by Andrea Cooper, seconded by Stephen Flint, that this matter be approved subject to the following conditions:**

- 1. That the site shall be developed in substantial conformance with the submitted plans prepared by Eckenhoff Saunders Architects dated April 4, 2012, last revised May 11, 2012.**
- 2. That the petitioner shall submit documentation to the Village noting that NiCor has reviewed the proposed site and engineering plans and that NiCor finds the plans to be acceptable.**

**The motion carried by the following vote:**

**Aye:** 5 - Ronald Olbrysh, Ruth Sweetser, Andrea Cooper, Stephen Flint, and John Mrofcza

**Abstain:** 1 - Martin Burke

## Workshops

*There were no workshops.*

## **Adjournment**

*The meeting adjourned at 8:50 p.m.*

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*Donald Ryan, Chairperson  
Lombard Plan Commission*

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*Christopher Stilling, AICP, Secretary  
Lombard Plan Commission*