

Village of Lombard

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



Meeting Agenda

Thursday, April 21, 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**[110180](#)

Medal of Character Excellence

Request to nominate Timothy Sullivan for the Medal of Character Excellence Award.

Attachments: [110180.pdf](#)

Staff brought forth another nomination for this award, submitted by Village President Bill Mueller. Timothy Sullivan, a Glenbard East senior, was recognized for receiving the Golden Apple Scholars of Illinois Class of 2011 award. This is a select group of students in the state who are chosen.

[110224](#)

Proclamation - Drinking Water Week

Attachments: [procdrinkingwater2011.doc](#)[110233](#)

* Proclamation - Grand Marshal

V. Approval of Minutes**VI. Committee Reports****Community Relations Committee - Trustee Laura Fitzpatrick, Chairperson****Economic/Community Development Committee - Trustee Bill Ware, Chairperson****Environmental Concerns Committee - Trustee Dana Moreau, Chairperson****Finance Committee - Trustee Zachary Wilson, Chairperson****Public Works Committee - Trustee Greg Gron, Chairperson****Transportation & Safety Committee - Trustee Keith Giagnorio, 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. [110205](#) Approval of Accounts Payable
For the period ending April 8, 2011 in the amount of \$482,467.34.
- B. [110220](#) Approval of Village Payroll
For the period ending April 9, 2011 in the amount of \$813,386.86.
- C. [110221](#) Approval of Accounts Payable
For the period ending April 15, 2011 in the amount of \$395,231.69.

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

*D. Resale Shops - Downtown Retail Business Grant Program (Moved to IX-A)

Ordinances on Second Reading

- E. [110139](#) Water and Sewer Rates FYE 2012
Three Ordinances amending the Village Code as it relates to water and sewer rates for FYE 2012.
Attachments: [Ord. Water Rates 2012.doc](#)
[Ord. Sewer Rates 2012.doc](#)
[Ord. Sewer Only Service Charge 2012.doc](#)
[Water-Sewer Submittal Sheet 2011.doc](#)
[Ordinance 6609.pdf](#)
[Ordinance 6610.pdf](#)
[Ordinance 6611.pdf](#)
[110139.pdf](#)
- F. [110141](#) PC 11-04: 55 W. 22nd Street, Suite 200
Requests the following actions on the property located within OPD Office Planned Development District:
 - 1. A conditional use per Section 155.412 (C) (18) of the Village of Lombard Zoning Ordinance for a trade school. (DISTRICT #3)

Attachments: [APO Letter.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PUBLIC NOTICE.doc](#)
[Referral Letter.doc](#)
[REPORT 11-04.doc](#)
[110141.pdf](#)
[Ordinance 6612.pdf](#)

Janet Gilbreath, 23W134 Shurebrook Lane, Glen Ellyn and Hana Malik, 1S125 Ingersoll Lane, Villa Park, IL presented the petition. Ms. Gilbreath provided a brief summary of their personal background and experience. Hana and she are partners and seeking to start a nursing school in August. They selected this site to train LPN's and they will do the teaching. It will be a one-year nursing program with a maximum of 24 students in the building at one time. There will be classroom activities and theoretical coursework on site. Clinical work will occur outside the facility.

Ms. Malik provided some additional information about the layout of the facility stating that there will be only one classroom. She further stated that the primary use of this location is for theoretical instruction only. There will be no blood, by-products, chemicals or any type of bio-hazardous materials used on site.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition.

No one spoke in favor or against the petition.

Chairperson Ryan then requested the staff report.

Christopher Stilling, Assistant Director of Community Development, presented the report. He stated that the Illinois College of Nursing (ICN) is requesting a conditional use for a trade school in the OPD Office Planned Development District. The primary use of the space will be for office purposes; however, they will have up to 24 nursing students there for theoretical coursework only. They have indicated that all technical training will be provided elsewhere.

The petitioner is seeking to occupy a 2,554 square foot office space in an existing three (3) story office building. Another trade school, the Illinois Center for Broadcasting, used to be located in this building, however they relocated to 455 Eisenhower Lane in 2008. The facility will primarily be used for administrative offices; however there will be one lecture room and a study area for up to twenty-four (24) students. According to the petitioner, only theoretical coursework will be occurring onsite. The clinical training is held elsewhere at hospitals and other healthcare facilities. The O Office district lists both "trade schools" and "colleges and universities" as separate conditional uses. As the proposed use is specific and specialized to nursing, staff considers the use a "trade school". The petitioner has stated that at maximum capacity will be twenty-four (24) students and three (3) employees. They have indicated that classes will be scheduled from 8AM to 2:30PM on weekdays. Staff supports the requested conditional use for the Illinois College of Nursing as it will be a relatively low-impact user and it is compatible with the other tenants on the property. Furthermore, this location has a history of being used for trade

schools.

Staff finds that the existing building has sufficient parking to accommodate the proposed use. The subject property is currently improved with a total of 236 parking spaces. The existing building requires a minimum of 208 parking spaces. The proposed use requires 26 spaces (1 space per student and 2 spaces for every 3 employees) for a total required parking of 234 spaces (surplus of 2 parking spaces).

Staff believes the standards have been met and that the use is compatible with the Comprehensive Plan and surrounding land uses and therefore staff recommends approval of the conditional use subject to the conditions noted in the staff report.

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

Commissioner Sweetser stated that this use will be a welcome addition to the Village of Lombard. She also asked about accreditation. Ms. Malik indicated that they are working on that now.

Commissioner Burke asked staff to clarify condition #3. He questioned if staff was just referring to the occupancy comment. Mr. Stilling answered that they will need a life safety inspection noted by the Bureau of Fire Prevention and once they submit for a building permit there might be other comments generated.

G. [110167](#)

ZBA 11-01: 533 N Columbine Ave

Requests that the Village grant a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to four and one half (4.5) feet where six (6) feet is required within the R2 Single-Family Residence District. (DISTRICT #1)

Attachments: [apoletter 11-01.doc](#)

[Cover Sheet.doc](#)

[DAH referral memo.doc](#)

[PUBLICNOTICE 11-01.doc](#)

[Referral Let.doc](#)

[Report 11-01.doc](#)

[110167.pdf](#)

[Ordinance 6613.pdf](#)

Chris Ikmanis, 533 N. Columbine Ave., presented the petition. Mr. Ikmanis stated that his family currently resides in a raised ranch on the subject property. He then stated that half of his basement is actually his garage. He added that because he has a subterranean garage, there is a flooding problem. Mr. Ikmanis stated that the only way to fix the flooding problem is to close off the garage. He added that his house is already set back further than both of his neighbors and the drainage problem would be fixed if they built the new at-grade garage.

Chairperson DeFalco asked if there was anyone present to speak in favor or against the petition. Hearing none, Chairperson DeFalco requested the staff

report.

Michael Toth, Planner I, presented the staff report. The property contains a raised ranch with a partial subterranean attached garage. The petitioner plans to close off the existing garage and construct an at-grade attached garage. The proposed garage would maintain the existing building line of the existing residence, which is set back 4.85 feet from the northern property line. The Zoning Ordinance requires that the new construction meet an interior side yard setback of six feet (6'). Therefore, a variation is necessary.

The petitioner is proposing to construct a 462 square foot (22'X21') attached garage on the western elevation of the existing residence. The proposed attached garage would maintain the building line of the existing residence, which is set back 4.85 feet from the northern property line (at its closest point). Staff notes that the existing home is slightly angled from the northern property line; therefore, the degree of non-conformity would be slightly increased. However, the increase in non-conformity would equate to less than two (2) inches. These setback deficiencies can be attributed, in part, to the width of the lot being fifty (50) feet. This lot width would be considered substandard by current Zoning Ordinance requirements that lots in the R2 - Single-Family District be sixty feet (60') in width. As the proposed garage is less than 500 square feet, it meets the square footage setback required of front entry attached garages. Staff has also reviewed the front setback provisions for detached single-family residences. When considering the average of the neighboring property's setbacks (36' & 25'), the required front yard setback on the subject property would be required to be no less than thirty and one-half (30.5) feet. As the attached garage addition would place the structure thirty-five (35) feet from the front property line, staff finds that the proposed attached garage meets the front yard setback requirement.

Listed below are several ZBA cases in which similar variation requests were made where the addition holds the setback of the existing residence. Examples of these variations include:

- 1) The property at 219 W. Hickory received approval of a variation to reduce the required interior side yard setback from six feet (6') to two and one-half feet (2.5') for an attached garage (ZBA 06-14).
- 2) The property at 259 N. Garfield received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.88 feet for a second story addition holding the previously developed exterior wall of the residence (ZBA 07-12).
- 3) The property at 217 N. Craig Place received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.9 feet for a sunroom at the rear of the home holding the previously developed exterior wall of the residence (ZBA 08-03).
- 4) The property at 126 S. Lombard received approval of a variation to reduce the required interior side yard setback from six feet (6') feet to four and one-half feet (4.5') for an addition that held the previous setback line (ZBA 09-04).
- 5) The property at 148 W. Park received approval of a variation to reduce the required interior side yard setback from six feet (6') feet to three feet (3') for an addition that held the previous setback line (ZBA 10-11).

Staff finds that this petition meets the Standards for Variations. The proposed location for the addition and garage are due to the existing configuration of improvements on the lot. The proposed attached garage would be constructed along the same building line as the existing legal non-conforming residence and would only slightly increase the degree non-conformity. Lastly, the southern portion of the neighboring property (directly to the north of the subject property) is improved with a driveway. As such, that residence (539 N. Columbine) has a side yard setback greater than six (6) feet. Furthermore, the separation between the subject principal structure and that of the neighbor to the north would be greater than twelve (12) feet, as demonstrated in Illustration 2.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 11-01, subject to the five conditions outlined in the staff report.

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

Mr. Ikmanis stated that the garage will actually be 23'X21'.

Mr. Toth asked if the width was being increased.

Mr. Ikmanis responded, yes.

Mr. Toth stated that the garage would still be less than 500 square feet and not be any closer to the property line so that is not an issue.

Chairperson DeFalco stated that at one point the staff report refers to the neighbor to the east as being more than twelve (12) feet from the subject property when it is actually the neighbor to the north. He stated this is only a typo because the staff report does indicate that it is the neighbor to the north.

Mr. Toth stated that he will correct this typo in the staff report.

Mr. Tap asked if the property to the north would be affected by the drainage as the garage would be built at-grade.

Chris Ikmanis stated that the garage would actually sit lower than the neighboring property to the north.

Mr. Toth stated that the Private Engineering Services Division surveyed the area and added a comment in the staff report.

Chairperson DeFalco read the five conditions associated with the case.

- H. [110168](#) Budget Ordinance for Fiscal Year 2011-2012
Adopting the FY 2011-2012 Annual Budget for the Village of Lombard.
Attachments: [Budget ORD2012.doc](#)
[Budget Submittal Sheet 2012.doc](#)
[Ordinance 6614.pdf](#)
[110168.pdf](#)
- I. [110185](#) Liquor License Amendment - Sales Certifications
Amending Title 11, Chapter 112 of the Village Code reflecting changes

in the Class A/B II and A/B III liquor licenses for Holy Mackerel, TGI Fridays and Greek Islands. (DISTRICT #3)

Attachments: [ordsalecert 2.doc](#)
[memosalecert.doc](#)
[Agenda Form.doc](#)
[Ordinance 6615.pdf](#)
[110185.pdf](#)

Resolutions

***J. Glenbard Wastewater Authority (this item has been removed from the agenda)**

- K. [110194](#) Review of Executive Session Minutes
Resolution authorizing the Village Clerk to make certain closed session meeting minutes available for public inspection.

Attachments: [R 100-11.pdf](#)
[110194.pdf](#)

***L. 14 W. St. Charles Road - Downtown Retail Business Grant (Moved to IX-B)**

- M. [110210](#) St. Charles Road LAPP
Authorizing the use of Motor Fuel Tax funds to pay for construction services. (DISTRICTS #1 & #4)

Attachments: [R 102-11.pdf](#)
[110210.pdf](#)
[Email about agreement](#)

- N. [110222](#) PWO-1105 Street Light Maintenance Contract, Change Order #2
Authorizing an increase to the contract with Meade Electric Inc. in the amount of \$32,879.00 to restore light poles along St. Charles Road. from Elizabeth Street to Park Avenue. (DISTRICT #1)

Attachments: [#110222.pdf](#)
[R 103-11.pdf](#)

Other Matters

- O. [110218](#) FY2012 Driveway Apron, Curb and Sidewalk Restoration
Award of a contract to Strada Construction, the lowest responsible bid of seven bidders, in the amount of \$154,490.60. Bid in compliance with Public Act 85-1295.

Attachments: [110218.pdf](#)
[Contract M 12-02.pdf](#)

- P. [110219](#) FY 2012 Concrete Rehabilitation and Utility Cuts Patching

Award of a contract to G & M Cement Construction Inc., the lowest responsible bid of eleven bidders, in the amount of \$749,605.11. Bid in compliance with Public Act 85-1295.

Attachments: [110219.pdf](#)

[ST-12-01 FY 2012 Concrete Rehabilitation and Cuts Patching \(2\).pdf](#)

Q. [110211](#)

1 Yorktown (McDonalds) - Plat of Easement

Motion to approve a watermain and stormwater easement for the development known as McDonalds and located at 1 Yorktown.

(DISTRICT #3)

Attachments: [submit.doc](#)

[McD Easements.doc](#)

[110211.pdf](#)

***R. Agreement with Lombard Jaycees (Moved to IX-C)**

- S. [110223](#) Village of Lombard Strategic Plan
Adopting the Village of Lombard Strategic Plan for 2011.
Attachments: [stratplanmemo2011.doc](#)
[110223BOT4-21-11](#)

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

- A. [110024](#) Resale Shops - Downtown Retail Business Grant Program
Amending Title 3, Chapter 36 of the Lombard Village Code with regard
to amendments to the Downtown Retail Business Grant Program to
allow resale shops as an eligible business.

Attachments: [Resale Shops Cover Sheet.doc](#)
[Resale2.doc](#)
[Resale3.doc](#)
[bot memo resale.doc](#)
[110024.pdf](#)

William Heniff provided background on the topic. He summarized staff's memo stating that when compared to our neighboring communities, Lombard is extremely competitive in terms of its downtown business assistance programs. Lombard's retail and façade grant programs match and even surpass the offerings of similar programs in neighboring communities. Additionally, the Village does allow façade grant dollars for resale shops, to be used for exterior improvements (signage, awnings, lighting, etc). Furthermore, in September 2008, the DRBG program was expanded to include service businesses with a retail component further creating more opportunities to businesses within the downtown. Mr. Heniff stated that TIF dollars are becoming increasingly more competitive, especially if property values continue to decline resulting in less TIF revenues for future projects and obligations. Therefore staff does not support an amendment allowing resale shops as an eligible business for the DRBG program.

Chairperson Ware opened the item for discussion among the members.

Mr. McNicholas asked in what areas resale shops can go. Staff responded by highlighting the zoning districts that permit resale shops. Staff also noted that resale shops are a permitted use within the downtown zoning district.

Mr. Nielsen asked how allowing resale shops as an eligible business for the retail grant would be advantageous to the Village. Ms. Stonehouse responded that it might help, but highlighted some of staff's discussions with Glen Ellyn.

Mr. Hogan stated that he supports the concept as it can be a capital benefit to a property. Mr. Glazier agreed. Mr. Carroll also agreed stating that with all the vacancies, this might help fill them and said some resale shops can be more "upscale".

Mr. McNicholas said that if this is approved, consideration should be given to the retail mix within the downtown. Ms. Stonehouse referenced the used record store in Forest Park.

Mr. Nielsen highlighted some of staff's concerns and that this issue needs to be researched further. President Mueller stated that the City of Elgin was going through some similar discussions about the effectiveness of their grants. He encouraged the committee to look at what was being done in Elgin. Chairperson Ware provided the committee with background on the past discussion stating that at the February 16, 2011 ECDC meeting, the committee continued the discussion related to amending the Downtown Retail Business Grant (DRBG) program to include Resale Shops as an eligible business.

Ms. Gannon asked why resale shops were not allowed as eligible businesses for the DRBG. Mr. Heniff responded by stating that they are allowed to operate by right, however when the program was originally created, it was determined that specific type of use did not warrant the need for TIF dollars since they typically require little capital improvements.

Mr. Glazier stated that he originally supported the concept; however after speaking with a few business owners downtown, he has some concerns.

Ms. Gannon said that there may be higher end resale shops that want to locate downtown and she would not want the grant program to exclude them. Ms. Stonehouse stated that some resale shops sell new and used merchandise.

Mr. Carroll said the business is retail in nature and does not see the harm in making it an eligible business. He said the downtown has a lot of vacancies and we should have the opportunity to say yes or no.

Mr. Irion asked if "Play It Again" sports would be eligible. Mr. Stilling said that business sells both new and used items and staff would have to review their business plan.

Mr. Grant stated that we should have the discretion to determine if the store supports the retail mix downtown.

Mr. McNicholas expressed concern about the availability of TIF funds. He also expressed concern about someone claiming we abused our discretion if we approve this change. He said resale shops are not the long term solution to the challenges facing downtown.

Ordinances on Second Reading

Resolutions

- *B. [110198](#) 14 W. St. Charles Road - Downtown Retail Business Grant (tabled April 21, 2011)
Authorizing signatures of the Village President and Village Clerk on an Agreement authorizing the reimbursement of funds for a Downtown Retail Business Grant for the property located at 14 W. St. Charles Road in an amount not to exceed \$11,737.50. (DISTRICT #1)

Attachments: [bot memo.doc](#)
[coversheet.doc](#)
[DRBG participation agreement.doc](#)
[ECDCmemo.doc](#)
[R 105-11.pdf](#)
[Tax Info.pdf](#)
[110198.pdf](#)
[Masterson letter re Cabinet Depot Retail Grant.pdf](#)
[Cabinet Depot signed Agreement.pdf](#)

Mr. Stilling summarized the staff memo regarding the request. He stated that staff has recently received a request for a Downtown Retail Business Grant (DRBG) for a home improvement store to be known as Cabinet Depot located 14 W. St. Charles Road. It is important to note that the work associated with the eligible improvements, excluding signage, has already been completed. The applicant did submit the application prior to the issuance of the building permit. Furthermore, a complete application had been received prior to the issuance of the Certificate of Occupancy/Zoning Certificate. The applicant and property owner were informed that they are proceeding at their own risk as the grant request needed to go through the required process. It should also be noted that this grant request is being reviewed in accordance with the old requirements since the application was made prior to the effective date of the new program.

Mr. Stilling said that Cabinet Depot is considered a home improvement store and is a permitted use within the B5 Zoning District. The business will operate as a showroom where several display kitchens will be located within the space highlighting their products. According to the information submitted by the business owner, they will only be selling cabinets at this location. Cabinets are manufactured in China and delivered to the customer's home for installation or sometimes picked up by the customer at the business. Renovations to the tenant space include work on the existing electrical and HVAC systems as well as several new walls partitioning off display areas.

The submitted cost estimates include \$23,475 in potentially eligible build-out, signage, and rent expenditures. The applicant is eligible to receive up to \$11,737.50 from the Downtown Retail Business Grant program. According to the business plan submitted by the applicant, they anticipate gross revenues of \$432,000 in the first year of business. However, as the business did not previously exist at another location, this figure is an estimate only.

ECDC member Garrick Nielsen stated that he would be recusing himself from the discussion because he has an ownership stake in the property where Cabinet Depot is going to be located.

Mr. Irion asked what the hours of operation were going to be. Mr. Pang stated that they would be 9am to 5pm Monday-Friday and 10am to 3pm on Saturday. He said they would be closed on Sundays.

Mr. Glazier asked if they were an independent business and if there would be any assembly. Mr. Pang responded by stating they are independent and that they do some minor assembly at the rear of the space installing hardware. He said they do not install the cabinets except for what is in their showroom.

Mr. Irion asked if they serve contractors/builders and if they charge sales tax to the contractors. Mr. Pang stated that much of their business will be with contractors and some homeowners. He said if the contractor has a sales tax ID number from the state showing they are exempt, then they will not charge sales tax to them.

Ms. Gannon asked what attracted them to the downtown. Mr. Pang stated that it was a factor of location and rent.

Other Matters

- *C. [110212](#) Agreement with Lombard Jaycees
Approval of an agreement with the Lombard Jaycees with regard to the 2011 Taste of Lombard. (DISTRICT #6)
Attachments: [Jacyees-2011 Taste.doc](#)
[Agreement w Jaycees re Taste of Lombard 1_14_11 Revised.DOC](#)
[Agreement Fourth of July.pdf](#)
[110212.pdf](#)

X. Agenda Items for Discussion

XI. Executive Session

XII. Reconvene

XIII Adjournment

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