

Village of Lombard

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



Meeting Agenda

Thursday, November 4, 2010

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

[100587](#) Proclamation - Honoring State Representative Bob Biggins

Attachments: [procbiggins2010.doc](#)

[100616](#) Proclamation - School Board Members Day

Attachments: [procschoolboardmembersday2010.doc](#)

V. Approval of Minutes

VI. Committee Reports

Community Relations Committee - Trustee Laura Fitzpatrick, Chairperson

Economic/Community Development Committee - Trustee Bill Ware, Chairperson

Environmental Concerns Committee - Trustee Dana Moreau, Chairperson

Finance Committee - Trustee Zachary Wilson, Chairperson

Public Works Committee - Trustee Greg Gron, Chairperson

Transportation & Safety Committee - Trustee 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. [100598](#) Approval of Accounts Payable
For the period ending October 22, 2010 in the amount of \$332,885.77.

- B. [100613](#) Approval of Village Payroll
For the period ending October 23, 2010 in the amount of \$801,578.29.
- C. [100614](#) Approval of Accounts Payable
For the period ending October 29, 2010 in the amount of \$815,680.84.

Ordinances on First Reading (Waiver of First Requested)

- D. [100612](#) Liquor License Amendment - Praga, 229 W. St. Charles Road
Amending Title 11, Chapter 112 of the Village Code reflecting a classification change to Pavmar Enterprises Inc. (DISTRICT #1)
- Attachments:** [ordclasschange2.doc](#)
[memo class change.doc](#)
[Agenda Form.doc](#)
[Ordinance 6545.pdf](#)
[100612.pdf](#)

Other Ordinances on First Reading

- E. [100346](#) PC 10-09: Text Amendments to the Sign Ordinance (Sandwich Board Signs)
The Village of Lombard requests text amendments to Section 153.234 of the Lombard Sign Ordinance amending the provisions for Sandwich Board Signs. (DISTRICTS - ALL)

Attachments: [PUBLICNOTICE 10-09.doc](#)
[Referral Letter.doc](#)
[Report 10-09.doc](#)
[DAH referral memo.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo PC 10-09 Remand.doc](#)
[Cover Sheet Remand.doc](#)
[PC memo remand.doc](#)
[Referral Letter \(remand\).doc](#)
[100346.pdf](#)
[Ordinance 6549.pdf](#)

Michael Toth, Planner I, presented the petition. Village staff has been requested by the Lombard Chamber of Commerce to discuss and review aspects of the Sign Ordinance, particularly relating to sandwich board signage. Additionally, staff notes that there have been other practical concerns pertaining to the Village's regulations that warrant additional discussion. As such, staff conducted a workshop session for direction regarding sandwich board signs at the May 17, 2010 Plan Commission meeting. Staff is now bringing forward text amendments to amend the Sandwich Board Sign regulations.

Sandwich Board Signs are primarily intended to guide and provide information

to pedestrian traffic. The Sign Ordinance currently places geographic restrictions on the ability to display a Sandwich Board Sign by requiring that the signs only be displayed in business districts, on public rights of way and adjacent to buildings that meet a maximum setback requirement. Staff believes that these signs can also serve a similar purpose for not only businesses, but any institution. As such, staff is proposing to modify the locational restrictions associated with Sandwich Board Signs.

The only requirement that an establishment must meet in order to display a Sandwich Board Sign is that the establishment itself must be non-residential. This would allow not only businesses to display the sign, but also other religious institutions and like uses.

Rather than the building being required to be setback ten (10) feet from the property line (to be allowed to display a Sandwich Board Sign), the only location requirement is that the sign be located within ten feet (10') of a customer entrance or service window. This amendment keeps with the original intent of the Ordinance, which is to guide pedestrian traffic to a customer entrance or service window and provide subsequent information to patrons, such as daily specials or events.

During the May 17, 2010 workshop session, staff raised a number of issues relative to the current Sandwich Board Signs. While the Plan Commission did not have any issues with changes relative to the duration and location of the signs, they did not want to amend the Sign Ordinance to allow mixed signage (Temporary Signs in conjunction with Sandwich Board Signs). More specifically, the Plan Commission was concerned that mixed signage could create a negative visual impact due to extraneous signage. The Plan Commission also suggested that Sandwich Board Signs in the downtown be allowed additional hours of display. The Plan Commission originally suggested that three (3) additional hours be granted, which would require the signs in the downtown to be brought in at 12 a.m. In keeping with the suggestion of the Plan Commission, staff is proposing to extend the hours in the downtown. However, staff is proposing that the hours be extended to 2 a.m., which coincides with the time that businesses (with liquor licenses) are required to close.

If you go through the amendments you see applicability in that no longer are these signs required to be in a business district but non residential. The location of the sign has to be located within ten feet (10') of a customer entrance or service window. Sandwich board signs may be located partially or entirely on a sidewalk within a public right-of-way. A minimum of four feet (4') of public sidewalk shall remain unobstructed at all times. Mr. Toth exemplified Export Fitness on Roosevelt Road indicating, if the amendments were approved, they could have a sandwich board sign located ten feet (10') from their door but not on the sidewalk along Roosevelt Road.

The allowable size of the signs will remain unchanged. The design can include the "A" frame or a comparable design which would include flat panel signs on a spring mount. The allowable number would stay the same so not more than one sandwich board sign shall be permitted per establishment except when a property abuts two or more rights-of-way, then the business shall be permitted one sign per right-of-way, adjacent to a customer entrance or service window.

Time restrictions would remain unchanged with the exception of the downtown. If located in the B5 or B5A zoning district, you can have a sign until 2:00 a.m.

Concluding, Mr. Toth stated that staff finds that the proposed text amendments meet the standards for text amendments and therefore is recommending approval.

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

Commissioner Sweetser referred to the staff report, page 3, A.2., and the statement that says the establishment has to be on the ground level. She stated that requirement has never been discussed. She is aware of one business in the downtown as well as others around town that are not located on the ground level and are currently using sandwich board signs. She was interested in staff's thinking behind it.

Mr. Toth answered that the statement was part of the original amendment and he was unsure as to why it was in there, but the intent might have been to guide pedestrian traffic. He agreed that there are establishments that have staircases and are not located on the ground level that use sandwich board signs.

Commissioner Sweetser asked if staff would be agreeable to eliminating the statement if there is not a good reason for it. Mr. Toth stated that if those situations are few and far between and the businesses have service entrances on the ground level, he doesn't think that should be a problem. Mr. Stilling stated that the layout of the downtown area is vertical in nature and the concern might have been having multiple signs. He doesn't see that being a problem and suggested that the Plan Commissioners could strike that statement if they chose to.

Commissioner Flint stated that if the entrance is on the ground level and leads to the upper floor, wouldn't that still constitute ten feet (10'). Mr. Toth stated he interprets the statement as meaning that the establishment has to be located and functioning on the ground level. Mr. Stilling indicated that staff might want to understand the historical context of the statement first by researching it. He believes the amendment isn't that old and was incorporated within the last ten years.

Commissioner Sweetser questioned whether the petition could move forward and suggested that if reasonable, give staff the ability to override the statement. Mr. Stilling answered that it could be continued to July if need be. He thought that the statement, when drafted, might have been intended solely for the downtown businesses, so the thought might have been there wasn't a demand or need for them.

Commissioner Sweetser encouraged staff to keep track of any of these situations and requests, do some research, and determine if it is reasonable or not.

Commissioner Sweetser asked if voting signs, which are often located at schools and the library and not necessarily within ten feet (10') from the entrances, are subject to this. Mr. Stilling answered that the types of signs they display are treated differently.

Commissioner Flint asked if Lombard Town Centre has a second floor. Mr. Stilling answered yes. Commissioner Flint added that should they want to promote themselves, that might be an example of not having an opportunity to utilize a sandwich board sign.

The Commissioners agreed to leave the wording as is, but that staff should research and analyze the amendment. If staff finds that the statement needs to be amended, the wording can be changed at a later date.

Director of Community Development Bill Heniff indicated this matter had come to the Village Board via a request by the Chamber and some businesses. He noted sandwich boards are the portable A-frame signs that are generally used to advertise a specific event or sale. These signs are meant to be business friendly and to relax some of the standards with regard to these signs. The signs are required to be moved by 9 pm each day. He spoke of the signs being placed ten feet from the front entrance of a business or establishment.

Trustee Wilson did not feel that this resolved the issue and referred to the meeting with the church regarding signage. He felt the signs should be out at the curb to draw attention to the passers-by. He felt ten feet from the front entrance did not help businesses like X-Sport which is located a couple hundred feet from Roosevelt Road.

Director Heniff indicated this could be referred back to the Plan Commission, but that the Plan Commission did not want to give blanket approval on the signs. It had been suggested to do a case-by-case evaluation and specific site plan approval. He noted the church's needs would be addressed as well as X-Sport's. He noted there are other means of advertising including banners. Trustee Wilson did not feel this allowed enough flexibility. He noted the Statue of Liberty in front of tax offices. He felt the ordinance could be left alone and variances granted.

Trustee Gron agreed with Trustee Wilson and questioned businesses that do not have entrances on the visible or traffic side of the property such as Capone's. Trustee Ware stated he also agreed with Trustee Wilson and was concerned about the ten foot requirement.

Trustee Gron questioned the one sign limit.

Director Heniff indicated it was a limit of one sign. He stated the Board could refer this back to the Plan Commission. He noted that the sandwich board signs were exclusive to the right-of-way. The banner provisions would work for businesses along Roosevelt Road and temporary signage was also a possibility. He stated sandwich board signs were more to entice pedestrian traffic and used to draw attention to the business.

President Mueller questioned if the Board wanted to refer this back to the Plan Commission.

Trustee Wilson inquired about banner signs.

Director Heniff stated that they are temporary signs of wood or fabric and they can be affixed to another sign.

Trustee Wilson stated that this does not allow for the quick set up and take down option. He spoke of the issue of the sandwich board at the church.

Trustee Moreau requested clarification. She felt the modifications did not address the problems on Roosevelt Road. She indicated she was not familiar with the church issue.

Trustee Wilson reported the church issue was that Christ the King Church is set back off of Main Street and every Monday from 11 am to 1 pm they are open to help the underprivileged. Having the sign ten feet from the door does not get the attention that is needed to advertise this assistance.

Trustee Moreau felt this should be referred back to the Plan Commission for modifications. She wanted to see the emphasis on walk-ability.

Trustee Wilson felt that any business located on a second floor would not receive any benefit as well as any businesses with back entrances.

President Mueller felt that not-for-profit also needed to be addressed.

Trustee Gron questioned section H regarding signs going up an hour before the event and coming down an hour after the event. He stated that not all entrances

to businesses are on the main street. He asked that the ten foot requirement be addressed. He noted some businesses downtown do not have entrances on the main street. The idea of the sandwich board is for people to see it and to draw attention to the business. He talked about businesses that are set back from the street. He felt all of these concerns should be addressed.

President Mueller asked how this would be addressed.

Director Heniff stated this ordinance was intended to relax requirements for sandwich boards. He noted that Capone's could have a banner or they could have a sandwich board within ten feet of the main entrance. Sandwich boards are intended more for the pedestrian and banners are intended more for the vehicular traffic.

Village Manager Hulseberg stated another option is to give authority to the Director of Community Development to approve permits.

Christopher Stilling, Assistant Director of Community Development, presented the petition on behalf of the Village. He gave a brief history of the petition noting that the Plan Commission at their June 21, 2010 meeting reviewed the petition and made a recommendation to the Village Board.

At the August 19, 2010 Village Board meeting, the Village Board remanded PC 10-09 back to the Plan Commission for further consideration and discussion related to the following specific issues:

1. Should all non-residential establishments in the downtown have the ability to display a Sandwich Board Sign adjacent to the right of way, regardless of where their customer entrance is located? The Village Board raised concerns about the proposed text amendments with regard to the ten feet (10') setback requirement adjacent to customer service entrances or windows. The Board stated that there are businesses located in the downtown, which would not benefit from the proposed text amendments as their customer service entrances or windows are located a greater distance from the sidewalk.

2. Should all non-residential establishments (outside of the downtown area) have the ability to display a Sandwich Board Sign adjacent to the right of way, regardless of where their customer entrance is located? The Village Board stated that the proposed ten (10) foot setback from the customer service entrance or window area may not provide adequate right of way exposure for all non-residential establishments, specifically those located along Roosevelt Road. The Board cited X-Sport Fitness and other businesses located within the Hobby Lobby Plaza Shopping Center.

3. Should establishments that are not located on ground floor have rights to display a Sandwich Board Sign? The Village Board raised concerns about whether or not businesses that are not located on the ground level should be afforded rights to a Sandwich Board Sign.

The Plan Commissioners are asked to review this information and offer a recommendation back to the Village Board accordingly. He stated that any comments should be related to these items.

Mr. Stilling then summarized the first item:

1. Should all non-residential establishments in the downtown have the ability to display a Sandwich Board Sign adjacent to the right of way, regardless of where their customer entrance is located?

Mr. Stilling provided additional background on the matter stating that the

Village Board raised concerns about the proposed text amendments with regard to the ten foot (10') setback requirement adjacent to customer service entrances or windows. The Board stated that there are businesses located in the downtown, which would not benefit from the proposed text amendments as their customer service entrances or windows are located a greater distance from the sidewalk, such as Capone's or Praga/Bon Ton. Staff believes that Sandwich Board Signs are intended to address pedestrian-oriented traffic. As the downtown caters to pedestrian traffic, staff believes that non-residential establishments in the downtown should be afforded the right to display a Sandwich Board Sign adjacent to the sidewalk. As such, staff has further amended the proposed text amendments to allow non-residential establishments the ability to display a Sandwich Board Sign adjacent to the "establishment", rather than the customer service entrance or window.

Mr. Stilling referenced some draft language provided by staff stating that this revision allows businesses within the downtown area to display Sandwich Board Signs directly adjacent to their building or tenant space frontage - therefore closer to the sidewalk. For example, Capone's Restaurant is located along St. Charles, with the building and tenant space located up along the right of way. However, their customer entrance is greater than 40' away. Under the previous provisions, Capone's would not have been able to have a Sandwich Board Sign on or near the sidewalk. The revised text amendment would allow them to now have a sandwich board sign within the sidewalk, to the north of their building. Staff notes that this amendment would also apply to all non-residential establishments that are eligible to display a Sandwich Board Sign.

Chairperson Ryan then opened the meeting for comments among the Commissioners relative to item #1.

Chairperson Ryan asked staff to clarify if the proposed changes to the "establishment", meant that some businesses located in the downtown that are located towards the back of the building would still not be able to have a sign within the right-of-way. Mr. Stilling clarified by stating that some businesses, such as Capone's, have direct frontage along the street, but their entrance is further back. The proposed new language would allow them to now have a sign. However other businesses, which do not have frontage on the street, would be allowed to have a sign, provided that it was within 10' of their tenant space.

Commissioner Sweetser supported the proposed new language stating that certain businesses that have direct frontage along the street paid a premium for that exposure.

Commissioner Burke agreed and said that he would not want to see the sidewalk lined up with sandwich board signs for all businesses, unless they are within 10 feet.

The Plan Commission recommended approval to amend the proposed language to allow all non-residential establishments, regardless of their zoning, the ability to display a Sandwich Board Sign within ten feet (10') of the "establishment and/or outdoor service area". The proposed amendment would address the concern raised by the Village Board for businesses whose tenant space is adjacent to the right-of-way, but their customer entrance is setback greater than 10'. The proposed amendment would apply to all zoning districts.

Mr. Stilling summarized item #2:

2. *Should all non-residential establishments (outside of the downtown area) have the ability to display a Sandwich Board Sign adjacent to the right of way, regardless of where their customer entrance is located?*

Mr. Stilling said that the Village Board stated that the proposed ten (10') foot setback from the customer service entrance or window area may not provide adequate right of way exposure for all non-residential establishments, specifically those located along Roosevelt Road. The Board cited X-Sport Fitness and other businesses located within the Hobby Lobby Plaza Shopping Center as an example. As previously stated, staff believes that Sandwich Board Signs are intended to address pedestrian-oriented traffic. On the contrary, staff feels that non-residential establishments located outside of the downtown already have sufficient signage mechanisms, such as banners, which are specifically intended to capture the attention of automobile traffic. Furthermore, the current permanent signage provisions allow businesses outside the downtown area, greater rights to larger freestanding and wall signs. Additional rights are also afforded to a business if they are setback at greater distances.

Mr. Stilling stated that staff believes those establishments located outside of the downtown should not be able to display a Sandwich Board Sign any closer to the street than allowed (10' away from the establishment) as it could create visual clutter along the right of way. The intent to allow Sandwich Board Signs in other areas outside of the downtown was to cater to the customers already within the shopping center. Staff notes that the Code does not allow establishments, which display a sandwich board sign, the right to display any other temporary sign. Therefore, if a business was displaying a banner (or other temporary sign) they could not display a Sandwich Board Sign. Mr. Stilling asked the Commissioners if they supported granting additional rights to non-residential establishments to allow all of them the ability to have a sandwich board sign up along the right-of-way.

Chairperson Ryan then opened the meeting for comments among the Commissioners relative to item #2.

The Plan Commission unanimously recommended against allowing non residential businesses the ability to display a Sandwich Board Sign any closer to the street than allowed (10' away from the "establishment"). The Plan Commission felt that allowing all businesses the ability to have a Sandwich Board Sign, regardless of its location to the establishment, adjacent to the right-of-way, could create visual clutter.

Mr. Stilling summarized item #3:

3. *Should establishments that are not located on ground floor have rights to display a Sandwich Board Sign?*

Mr. Stilling stated that the Village Board raised concerns about whether or not businesses that are not located on the ground level should be afforded rights to a Sandwich Board Sign. The Code has always required establishments must to be located on ground level in order to display a Sandwich Board Sign. The proposed text amendments did not change this provision. There are a number of businesses in Lombard that are either located on a second floor (or higher) or below ground level. Staff believes that maintaining this provision in its current state will prevent unnecessary visual clutter that could be a result of an excessive amount of Sandwich Board Signs. If the Plan Commission finds that non-residential establishments, not located on the ground level, should be

afforded rights to a Sandwich Board Sign, the provision should only be applicable to properties within the B5 and B5A districts. Staff also referenced some draft language for the Plan Commission to consider.

Chairperson Ryan then opened the meeting for comments among the Commissioners relative to item #3.

Commissioner Sweetser stated that there are a few businesses within the downtown that are located on the lower level of the building and that their only sign is a sandwich board sign. She expressed a concern about limiting it to only businesses on the ground level. Mr. Stilling also reference the building at 3-15 N Main Street which has several businesses located on the second floor.

Several of the Commissioners supported allowing businesses not on the ground level the ability to have a sandwich board sign. They cited that the provisions still require a permit and staff has the ability to work with them to ensure signs are placed in the proper locations.

The Plan Commission agreed with the draft language provided by staff and recommended approval to amend the proposed language to allow non-residential establishments not located on the ground level in the B5 & B5A Zoning Districts only, the ability to have a Sandwich Board Sign.

F. [100549](#)

Pleasant Lane School
Recommendation from the Transportation & Safety Committee limiting parking on one side of Charlotte north and south of Pleasant Lane School and designating Berkshire as a one-way street during school hours. (DISTRICT #4)

Attachments: [100549.pdf](#)
[Ordinance 6550.pdf](#)

Kalisik reviewed the item. The one side parking, north bound, will force the traffic away from the school instead of into the congestion. The resident that requested action, wants Charlotte one-way northbound, but that may be too restrictive. The Committee can revisit the item if this doesn't work.

Kalisik suggested and the Committee occurred that the one-way be posted for Berkshire between Main and Charlotte instead of all the way to Garfield.

G. [100550](#)

Glenbard East High School
Recommendation from the Transportation & Safety Committee extending parking limitations on Elizabeth Street from Harrison to Madison. (DISTRICT #2)

Attachments: [100550.pdf](#)
[Ordinance 6551.pdf](#)

Kalisik reviewed the item. The issue is cars parking on both sides of Elizabeth between Harrison and Harding. One of the concerns is if there is parking on both sides it restricts traffic and Elizabeth is a heavily travelled road. Madison School is also in the vicinity. The recommendation is to extend the No Parking on Elizabeth. Schwarz asked if the students were able to park at Sunset Knolls. Chairperson Giagnorio answered that to date, only five spaces have been sold. Glenbard East High School started selling those spots three weeks into the school year for \$100, which is the same cost to park on campus.

Ms. Glazier pointed out that there could also be an issue with the snow plows getting through and it's a bus route. Chairperson Giagnorio said that there are only two houses directly affected and they do not have any problem with restricting the parking to Harding. Schwarz asked if the no parking should extend to Madison. When it's posted between Harding and Harrison they will move north.

H. [100568](#)**PC 10-19: 11 S. Eisenhower Lane**

Requests that the Village approve a conditional use to allow a contractors material storage yard for the subject property located within the I - Limited Industrial District along with the following variations:

1. A variation from Section 155.210(A)(3)(b) of the Lombard Zoning Ordinance to allow an accessory structure to exceed seventeen (17) feet.
2. A variation from Section 155.420(J) of the Lombard Zoning Ordinance to reduce the required transitional building setback from forty-five (45) feet to twenty (20) feet.
3. A variation from Section 155.420(J) of the Lombard Zoning Ordinance to reduce the required transitional landscape yard from thirty (30) feet to twenty (20) feet.
4. A variation from Section 155.205(A)(3)(c)(i) of the Lombard Zoning Ordinance to increase the maximum allowable fence height from ten (10) feet to fifteen (15) feet. (DISTRICT #3)

Attachments: [APO Letter PC 10-19.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PUBLICNOTICE 10-19.doc](#)
[Referral Letter 10-19.doc](#)
[Report 10-19.doc](#)
[100568.pdf](#)
[Ordinance 6552.pdf](#)

Jeff Baity, Matocha Associates, 5846 Sunrise Ave, Clarendon Hills presented the petition on behalf of Gasaway Maintenance Co, located at 11 S. Eisenhower Lane. Mr. Baity indicated that they are proposing to construct an outdoor salt storage bin and outdoor brine storage tanks. The property currently has an outdoor storage yard, which is completely fenced in. The intent of this design is to install the salt storage dome at the southeast corner of property, slightly increase the outdoor yard area and install a two-bin salt storage bin. The intent of the storage bin is to protect the storage of the bulk salt. They will divide the bin into two. Mr. Baity stated that the first variance they are requesting is for the height of the building. The height of the building is approximately 34' in front and will taper down to 25' in height toward the back and is 35' wide at its opening. He then mentioned that the height of the building is indicative of how it will function. In order for the dump truck to raise up, it has to clear the overhang; consequently, the height in the front of the building is designed to be taller in order to provide enough clearance.

To be good neighbors to the residential area to the east they will alleviate the impact of the building by making use of the topography. He explained how the property has a radical vertical rise - 26' -30' at the rear of the building and is

well vegetative. Currently, there is vegetation, an unimproved right-of-way and another row of vegetation between the subject property and the residential properties to the east. Mr. Baity then mentioned that they have a unique situation on the property because their interior side yard abuts the rear yard of the property to the south because of its configuration. He added that the property to the east and south are owned by the Village of Lombard. They want to bring the building towards the rear of the property for access purposes. This will result in not having to modifying or disrupt the cross over to the building. Mr. Baity then discussed the variations being requested. He stated that bringing the building back would hide it from the eastern and southern properties. He added that they will make use of the vegetative berm as a screen. He also mentioned that they are also proposing four brine storage tanks on the property.

David Gasaway, 8534 Thistlewood, Darien (owner of Gasaway Maintenance Co.) stated that the brine tanks will contain only salt brine. He noted they distribute products to various villages, including Lombard. Salt brine is used to energize rock salt to make it work faster. The biggest products they have in the tanks are salt brine and magnesium chloride. All these products are non-placard (non-hazardous) products. Everything they deal with (both dry and liquid) are non-hazardous.

Mr. Baity finished their presentation by stating that they want to move the proposed building far enough away so as to not impede the operation because they are forced to use their side and rear yards. Lastly, he stated that they're increasing the existing storage yard by 1000 square feet. That back area is currently fenced in and we are increasing that area.

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

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. The petitioner is proposing to construct two covered salt storage bins and four brine storage tanks. The salt bins would be constructed adjacent to the southern portion of the existing building and the brine storage tanks would be constructed adjacent to the eastern portion of the existing building. The salt storage bins would be constructed to a height of thirty-four (34) feet. As such, a variation is required to allow an accessory structure to exceed the maximum height of seventeen (17) feet.

Properties located within the I - District, which abut properties in a residence district, are required to provide a forty-five (45) foot transitional building setback and a thirty (30) foot transitional landscape yard. The eastern property line of the subject property abuts property in the R4 - Limited General Residential; therefore, the transitional yards are required. The transitional building setback includes accessory structures and the transitional landscape yard requires that the designated area be free of any improved surfaces and/or structures. The proposed salt bins are located twenty (20) feet from the eastern property line; as such, they are located within the required transitional building setback and transitional landscape yard. The brine storage tanks are located forty-two (42) feet from the eastern property line; therefore, they are located within the required transitional building setback, but outside of the required transitional landscape yard.

Lastly, the petitioner has been operating on the subject property as a

Contractors office since 2009. With the inclusion of the proposed outdoor amenities, the use of the property transitions to become a 'Contractors office and yard', which requires conditional use approval in the I - Limited Industrial District.

The Gasaway Maintenance Company has been working in the pavement maintenance industry (snow removal, dust control & bulk water delivery) for almost thirty years. The subject property is primarily used for off-season storage and support activities for their main location in Romeoville, IL. During the winter months, the plow trucks and salt trucks that service the Lombard/Oak Brook area operate out of the subject property. The loaders and heavy pieces of equipment are kept at the job sites, when in operation, but are returned to storage in April. Furthermore, the 14,000 square foot warehouse space is used for inside storage of snow removal equipment and other miscellaneous articles. The 6,000 square foot office is used by sales representatives on an as-needed basis.

As previously mentioned, the petitioner has been operating on the subject property as a Contractors office since 2009. With the inclusion of two covered salt storage bins and four brine storage tanks, the use of the property transitions to now be considered a 'Contractors office and yard', which requires conditional use approval in the I - Limited Industrial District.

The salt bins would be constructed adjacent to the southern portion of the existing building and the brine storage tanks would be constructed adjacent to the eastern portion of the existing building. With the inclusion of these structures, additional outdoor on-site activities would occur. As the proposed structures would contain elements that are used in the snow removal/de-icing process, they will be primarily used in the winter months during snow and ice events. The hours of operation could fluctuate drastically, depending upon the time of a storm occurrence. Moreover, there is no set timeframe to which the on-site activities could be fully operational. Due to the configuration of the subject property the proposed structures would be located adjacent to the property lines that abut Village-owned properties. As such, the additional outdoor on-site operations would most impact Village-owned property. Staff also notes that both Village-owned properties are currently vacant.

Lastly, the previous tenant that conducted business on the subject property, Pyramid Stone, received conditional use approval to operate a concrete and stone fabrication and molding facility in 2004 (PC 04-32). As such, the site has a history of conditional use approval for outdoor 'yard' activities.

The intent of a transitional yard is to provide a buffer area between two differing land uses, one of which is more intensely used than the other. The subject industrial property abuts property in the R4 - Limited General Residential; however, the abutting property is actually a forty-three (43) foot wide unimproved strip of Main Street, which is owned by the Village and is heavily vegetated. The unimproved portion of Main Street spans the entire length of the eastern property line of the subject property and acts as a natural buffer between the subject property and the residential properties to the east. The petitioner has indicated that the proposed location of the salt bins was specifically chosen in order provide safe maneuvering and mobility space for vehicles. Essentially, pushing back the salt bins towards the east will allow the existing south side overhead door, which provides access to the main building, to remain clear of any structures and allow for optimal vehicular maneuverability.

The salt storage bins would be constructed to a height of thirty-four (34) feet. The salt storage bins would be connected to the principal structure by means of a small enclosed addition. As the storage bins are functionally considered incidental to the principal building, they are still considered to be accessory structures and therefore must meet the seventeen (17) foot height requirement. Although the height variation being requested is double than that permitted by code, the topography of the property significantly minimizes the affect that a taller structure would have on adjacent properties. As previously mentioned, the salt bins would be constructed adjacent to the southern portion of the existing building. As such, those structures would be located closest to the southern and eastern property lines of the subject property. Moreover, both adjacent properties that abut the southern and eastern property lines of the subject property are vacant and owned by the Village. Furthermore, there is a significant grade change on the eastern portion of the property that would diminish the affects of the salt domes from the residential properties that are located to the east of the unimproved portion of Main Street.

Staff is supportive of the conditional use and associated variations. If approved, the additional outdoor operations created by the conditional use would not have a significant impact on adjacent properties. The unimproved portion of Main Street acts as a natural buffer between the subject property and the residential property to the east. The change in grade on the eastern portion of the subject property minimizes the height impact of the proposed accessory structures. As such, the geographic and topographic conditions on the subject property reduce the impact that the variations would create on the surrounding area. The petitioner has provided a response to the Standards for Conditional Uses and Variations. Staff finds that those standards have been met. Staff is recommending approval of this petition, subject to six conditions.

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

Commissioner Sweetser stated that it seems like everything is straight forward and the rationale is very reasonable.

Commissioner Burke questioned the petitioner's testimony in that moving the building to the east and into the berm area, reduces the affect on the adjacent property. He commented that statement was subjective. Even if you move it closer to the back and bury it in the berm, it is still 34' in height. He asked how this will have less affect on the neighbors and requested an explanation.

Mr. Baity stated that there is no neighbor to the south except for the Village owned property, which is vacant. The front of the salt bin will be 34' high and the back will get buried. Rather than have a large building and see complete mass, they have the ability to bury it into the berm and minimize the overall visual effect of the storage bins.

Mr. Toth distributed a picture of the subject property from a westward perspective. He stated that the picture was taken when he was standing on the unimproved portion of Main Street with the vegetative buffer in front and behind him and the residential properties located at his back. The picture demonstrates how much of a grade change there is and how the vegetative buffers play a significant role in the screening.

Commissioner Burke stated that he is not suggesting that it is not going to be

visible but by asking for a variance to move it closer to the property line makes it less expensive for the petitioner because they will not have to change the existing building around. It won't be visible meeting our ordinances for setbacks, so moving it back won't make it less visible. There were two reasons the petitioner gave for the variance. One is that it would be less visible from the Village right of way and the other was that it saved on site costs with regard to not having to change the facility. He wasn't sure that either reason is a legitimate reason for our standards for variations.

Christopher Stilling, Assistant Community Development Director, answered that there is cost involved, but given the location, grade change and the distance to the residential property, staff felt comfortable supporting the petition.

Commissioner Burke questioned the standards for variations and stated that the testimony isn't accurate in that there is a financial benefit for the petitioner for this variation for on site improvements. He added that the variations aren't necessary and added that there is no direct benefit to placing them at their proposed location.

Mr. Gasaway stated that there is a 45' to 50' radius they are putting into the hill so you don't see the back of the structure, which makes it less noticeable. We need this because of the rotation of the wheel loader and trucks at the side door. That southern door cannot be moved to the west because there is a 6" main coming into the building. He added that they tried to make the plan functional and they are only asking for relief in what they really need.

Mr. Baity mentioned that they are unique in that area because they are the only lot that abuts the R4 in the back yard. Because of the required transitional setback, they are required to be set back 45'. If they were on the next lot, they could build 15' from the lot line because that lot is not adjacent to the R4 District.

Commissioner Sweetser stated that she understands Commissioner Burke's point but believes that it has to do with how the petitioner presented his testimony specifically the statement about the visibility. She added that a new piece of information was just provided regarding how the fire requirements preclude the entrance from being changed, which could be a mitigating factor. She stated that she doesn't object to this, but needs clarification and justification as to the testimony.

George Wagner, Village Attorney, referred to the standards for variations. One of the issues was if there was a basis to financial gain. The standards say there cannot be a primary basis for financial gain but there can be other valid reasons; so, the standards can still be met.

Commissioner Burke stated one of the reasons the petitioner gave isn't legitimate in that the testimony says moving the building makes it less visible when further testimony stated that it would never be visible.

Attorney Wagner addressed the fire main issue. He stated that it could be moved so you still get into whether that is a specific condition of the land and unique to cause the reason for the salt bin to be located where it is.

Mr. Stilling stated that staff's position is based upon the given circumstances of the existing building. He added that this is the most suitable location for the salt bins and brine tanks and staff is supportive of it.

Attorney Wagner added that is based on the uniqueness of the land. That because of the vegetation and the affect it has and where the salt bin would be located in relation to Village property, would weigh in to the uniqueness of the land and could result in a hardship to relocate it. The hardship might be on their operations but also it sill might affect how it will be seen from the outside.

Commissioner Burke stated that it can be reworded. He added that all he is saying is that the request and the testimony are not jiving.

Chairperson Ryan stated that if the rewording the standards based upon the testimony provided, there is no objection to it.

Attorney Wagner stated that they can add that to the standards to reflect the testimony.

Ordinances on Second Reading

- I. [100546](#) Westmore School
Staff recommendation to expand No Parking Zone times on streets surrounding Westmore School. (DISTRICT #5)
Attachments: [Ordinance 6546.pdf](#)
[100546.pdf](#)
Kalisik reviewed the item.
- J. [100565](#) Senior Citizen RTA Passes
Implementation of a fee for non-resident applicants for Seniors Ride Free Program through the Regional Transportation Authority (RTA).
Attachments: [Ordinance 65471.pdf](#)
[100565.pdf](#)

Resolutions

- K. [100570](#) DuPage County Case Z10-045 - 21W133 Kensington Road
Resolution of Objection to a request for a variation to reduce the interior side yard setback to one (1) foot from the required three (3) feet to allow for an existing shed in an R-4 Single Family Residence District (UNINCORPORATED)
Attachments: [PC Memo Z10-045.doc](#)
[BOT Memo Z10-045.doc](#)
[Referral Letter DuPage County Z10-045.doc](#)
[SUBMITresolutionofobjection.doc](#)
[Letter.doc](#)
[R 45-11.pdf](#)
[100570.pdf](#)

Christopher Stilling, Assistant Community Development Director, presented the petition. DuPage County has received a filing for a public hearing for a variation to reduce the interior side yard setback to 1 foot from the required 3

feet to allow for an existing shed in an R-4 Single Family Residence District. The petition is for the property at 21W133 Kensington Road. As the subject property is located within the ultimate municipal boundaries of the Village of Lombard, the Village has received notice of the public hearing from the County and has been asked to provide comments or concerns regarding this petition.

Staff would like to solicit the input and a recommendation of the Plan Commission regarding this petition. Staff has informed the County that this matter is being brought forward to the Plan Commission and the Village Board for consideration.

According to discussions with the County representatives, the existing shed on the property does not achieve code compliance concerning County and Village Codes. Both the Village Code and County Codes require a minimum 3 foot setback for accessory structures.

As the petitioner's plan shows, the property is 10,050 square feet in size (75' wide by 134' deep). The property is bordered by single family residences on all sides. The Village's Comprehensive Plan included the subject property and identifies the site for Low Density Residential use.

Staff finds that based upon the site plan, a great deal of flexibility exists for the property owner to locate the shed to an area that meets County and Village Codes. Furthermore, staff finds that the shed's current location may present a negative impact upon the adjacent property owners. Based upon established County and Village codes, there are alternative locations to construct the shed within the buildable area of the lot. Staff also finds that the need for the variation is created by the petitioner and is not unique to the property. Moreover, the variation may also establish a precedent for yard setback relief for other properties in the area. As a practical matter, reductions in side yard setbacks can give an appearance of overcrowding within a subdivision.

Lastly, the existing shed does encroach into an existing public utility easement. Staff does not object to the encroachment so long as it is not permanently affixed to a foundation.

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

Commissioner Sweetser stated she agreed with staff.

- L. [100571](#) Du Page County Case Z10-065 - 1215 S. Highland Avenue
Resolution of Objection to a request for a conditional use for an
electronic message center sign. (UNINCORPORATED)

Attachments: [PC Memo Z10-065.doc](#)
[BOT Memo Z10-065.doc](#)
[Referral Letter DuPage County Z10-065.doc](#)
[SUBMITresolutionofobjection.doc](#)
[Letter.doc](#)
[R 46-11.pdf](#)
[100571.pdf](#)

Christopher Stilling, Assistant Community Development Director, presented the

petition. DuPage County has received a filing for a public hearing for a conditional use for an automatic changeable copy sign for an unincorporated property located at 1215 S Highland Ave (U-Store-It). As the subject property is located within the ultimate municipal boundaries of the Village of Lombard, the Village has received notice of the public hearing from the County and has been asked to provide comments or concerns regarding this petition.

Staff would like to solicit the input and a recommendation of the Plan Commission regarding this petition. Staff has informed the County that this matter is being brought forward to the Plan Commission and the Village Board for consideration.

Staff has reviewed the proposed plans associated with the above mentioned petition. For clarity purposes, the Village of Lombard's Sign Ordinance recognizes Electronic Message Center signs as Automatic Changeable Copy signs. Therefore this memo will reference the proposed sign as an Automatic Changeable Copy sign. While DuPage County's Zoning Ordinance permits electronic message board signs as a conditional use, the Village of Lombard's Sign Ordinance has specific parameters for which an Automatic Changeable Copy sign is allowed. Staff notes that the proposed sign does not meet the following Village of Lombard Codes:

- 1. Pursuant to Lombard Sign Ordinance, a minimum of 500 feet of lot frontage is required for any parcel to be allowed to have an Automatic Changeable Copy sign. Staff finds that the existing lot has a frontage of approximately 105 feet. Therefore this provision would not be met.*
- 2. The Village of Lombard Sign Ordinance restricts the overall area of a freestanding sign at this location to 50 square feet. The addition of the Automatic Changeable Copy sign to the existing freestanding sign would increase the overall area of the sign to over 80 square feet in area, exceeding what is allowed by the Village of Lombard Sign Ordinance.*
- 3. The Village of Lombard Sign Ordinance states that changeable message boards shall not exceed two (2) feet in height, with the display screen not to exceed eighteen (18) inches in height. The proposed sign exceeds both these provisions.*
- 4. The Village of Lombard Sign Ordinance states that changeable message boards shall be located between twelve (12) and fifteen (15) feet above grade at the edge of the right-of-way. The proposed sign would be approximately 16 feet above grade.*

In addition to the above mentioned provisions not being met, the Village of Lombard Sign Ordinance requires that any property seeking to have an Automatic Changeable Copy sign must have all other signs in compliance with the Sign Ordinance. Staff finds that the existing freestanding sign does not meet the following provisions:

- 1. The Village of Lombard Sign Ordinance requires freestanding signs to be setback a minimum of 75 feet from the centerline of the right-of-way. Based on the site plan submitted, it appears that the sign is setback approximately 70 feet.*
- 2. The Village of Lombard Sign Ordinance prohibits any sign located within the 30' clear line of site area. Based on the site plan submitted, the existing sign is within the 30' clear line of site area.*

In summary, staff finds that the proposed sign is inconsistent with the established codes and ordinances of the Village of Lombard and may present a negative impact upon the adjacent properties. In addition, should the proposed sign be approved by the County, the sign would then be considered legal non-conforming should it ever be incorporated into the Village of Lombard.

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

M. [100611](#)

Holiday Decorations 2010 Contract

Authorizing a 1 year contract with Folgers Flag and Decorating in an amount not to exceed \$14,860 (\$4,130 each from TIF Districts 1 & 2, and \$6,600 from the Downtown TIF District), for live greenery roping, light and bow decorations. (DISTRICTS #1, #4, and #5)

Attachments: [R 47-11.pdf](#)

[Contract with Folgers.pdf](#)

[100611.pdf](#)

Other Matters

- N.** [100563](#) Storm Debris Management Policy
Recommendation from the Public Works Committee to adopt a Storm
Debris Management Policy.

Attachments: [100563.pdf](#)

Goldsmith: passed out the current policy to the committee members. As you can see, there is not very much direction in this policy. Reviewed what is provided in the Waste Management contract regarding brush. Noted that the Village does pay \$5800.00 for curbside brush pickup - needs to be cut to their requirements. Kaforski: if you have a disaster, this is basically useless. If there are more than 200 homes that have sustained damage, then the Village will pick it up and be flexible. Goldsmith: I truly feel that we have an obligation to pick up storm damage that is at the curb. I do feel that there is some responsibility that the resident needs to bear. Committee felt that the Localized Response needs to state "all conditions at the discretion of the Public Works Director". Preins: how does the Village verify that more than 200 homes have been affected? Goldsmith: through phone calls and visual observation. Kuehl: questioned the sticker provision. Goldsmith: want to be able to distinguish the storm stickers from the regular debris stickers. Gron: addressed some issues with the dumpsters. Arnold: I am not really in favor of putting dumpsters around town especially with sewage backup. Kaforski: think it is more of a health hazard to have the storm debris sitting out in front of their homes than to drag it and put it into a dumpster. Discussion ensued regarding the communication during storms. Goldsmith: working with the Finance Director on a notification system. What staff is really looking for is a policy that everyone is on board with. When a resident calls they will be given the same response no matter who it is that they speak with. Discussion took place regarding Code Red system. Mahal: how long have they been around? Goldsmith: with this specific product about 9 years. Preins: no matter what we do there will be some people that come in and claim that they do not know anything about the policies. I feel the way that Dave Arnold does about the dumpsters. Goldsmith: we can provide stickers and dumpsters. Mahal: would like the distribution of stickers into the Village response area along with the dumpsters and I think that the policy is great. Gron: questioned the Mutual Aid Agreements. Goldsmith: basically a disaster would need to be declared.

- O.** [100564](#) Clear Water Disconnect Program Policy Revisions
Recommendation from the Public Works Committee to amend the
policy.

Attachments: [100564.pdf](#)

Goldsmith: reviewed the memo and enforcement that needs to take place. Also reviewed triggers and options available. Preins: any idea on how many homes really do need to be disconnected? Goldsmith: conservatively 15-25% of the homes in the Village. Preins: so probably around 3000 homes. This is an important program. Kaforski: we are looking at basically downspouts and basement sump pumps. Would like to see us eliminate downspouts from any funding but they would still have disconnect. Arnold: Option #5 gives us the most houses for the money available. Goldsmith: we have enough people being triggered by the permits. We can capture more people with the triggers. Kaforski: so you are saying with these triggers we can see compliance quicker? Goldsmith: yes. Preins: there is no easy answer. It would be great if we could

knock out 3000 homes but the funding just isn't available. Kaforski: how many permits have we had that would have qualified? Goldsmith: probably about 50% of them. Arnold: we go in and find a problem, make the resident pump out into the yard, and then the neighbor starts flooding on his property. Problem is where is all of the water going to go? Goldsmith: we are just addressing the grant program here, not the policy. Bochner: would this be just for target areas, or Village wide? Goldsmith: definitely Village wide. The committee felt that the issue of downspouts should not be included in any grant funding.

- P. [100615](#) Vehicle Sticker Renewal Period
Recommendation from the Finance Committee to reduce the period for the purchase of vehicle stickers from two months to 45 days due to the additional payment and purchase options.
Attachments: [Vehicle Sticker Renewal Period Change Memo.doc](#)
[Vehicle Sticker Renewal Period.doc](#)
[100615.pdf](#)
- Q. [100617](#) Overhead Sewer Grant Program
Staff request for additional funding in the amount of \$100,000.00.
Attachments: [100617.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

X. Agenda Items for Discussion

- A. [100589](#) Lombard Fire Department Operational Assessment
Presentation by Interim Fire Chief Bill Balling on the operational assessment of the Lombard Fire Department.
Attachments: [operationalassessment.pdf](#)
[Power Point.pdf](#)
[100589.pdf](#)

XI. Executive Session

XII. Reconvene

XIII Adjournment

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