



Village of Lombard

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

Minutes

Plan Commission

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

Monday, August 18, 2014

7:30 PM

Village Hall - Board Room

Call to Order

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

Pledge of Allegiance

Chairperson Ryan led the Pledge of Allegiance.

Roll Call of Members

Present 7 - Donald F. Ryan, Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Also present: Jennifer Ganser, Assistant Director of Community Development; Matt Panfil, Sr. Planner, and Mallory Milluzzi, legal counsel to the Plan Commission.

Chairperson Ryan called the order of the agenda.

Ms. Ganser read the Rules of Procedures as written in the Plan Commission By-Laws.

Public Hearings

[140288](#)

PC 14-10: 11-21 E. St. Charles Road - Conditional Use for a Major Amendment to a Planned Development and a Conditional Use for a Parking Lot Expansion (Request to withdraw petition)

The Village of Lombard is requesting the following action be taken for the subject property located within the B5 Central Business District:

1. Pursuant to Section 155.504 (A) of the Lombard Zoning Ordinance, amend the conditional use approval for the Hammerschmidt Planned Development, as established by Ordinance No. 5447, to allow for the property at 11-21 E. St.

Charles Road to be included within the geographical extent of the planned development, with the following deviation:

- a. Approval of a deviation from Section 155.602 (B) to reduce the required number of accessible parking spaces from five (5) to zero (0);
2. Grant a conditional use per Section 155.410 (C) to allow for a parking lot expansion on the 11-21 E. St. Charles Road property;
3. Approval of a variation from Section 155.706 to reduce the required amount of parking lot landscaping; and
4. Grant site plan approval authority to the Plan Commission for any future development activity within the planned development. (DISTRICT #4)

A motion was made by Commissioner Sweetser, seconded by Commissioner Mrofcza, to withdraw this petition. The motion carried by the following vote:

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

[140242](#)

PC 14-13: 1-378 Yorktown Center (Yorktown Mall) (Request to continue to the September 15, 2014 meeting)

Requests approval of a major change to the approved Yorktown Center Planned Development, located within the B3 Community Shopping District. The petition seeks approval of an amended roadway configuration for the perimeter ring road and the Fairfield Avenue entrance. (DISTRICT #3)

A motion was made by Commissioner Burke, seconded by Commissioner Flint, to continue this petition to the September 15, 2014 meeting. The motion carried by the following vote:

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

[140315](#)

PC 14-22: 328 Eisenhower Lane North

Requests that the Village grant a conditional use, pursuant to Section 155.420 (C) of the Zoning Ordinance, to allow for contractor's, architect's, and engineer's equipment and material storage yards within the I Limited Industrial District. (DISTRICT #3)

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment.

Chairperson Ryan read the Commissions Procedures and asked if anyone other than the Petitioner intends to cross examine, and, hearing none, he proceeded with the petition.

Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development, and the petitioner, Bob Stenstrom, Stenstrom Petroleum Services, Rockford IL. Mr. Stenstrom stated they are requesting a conditional use pursuant to Section 155.420(C) for 328 Eisenhower Lane North to allow for storage of construction equipment and materials. Stenstrom Companies was founded in 1953 and a petroleum division was created in 1982. The petroleum division would be moving into the Lombard location. Within the division there will be eight (8) office personnel and seven (7) field personnel working at this location. The field personnel come to the office about twice a week. The outdoor storage is needed to store job trailers, construction materials, and new gas dispensers. The petroleum division constructs fueling facilities such as gas stations, municipal fueling stations and emergency generators. There is a service division that services the equipment they installed. Also, there is an environmental compliance division that ensures owners of the equipment are following the regulations set by the State Fire Marshall and the EPA. There is no petroleum being handled by their division as they do not handle gas or oil. They hire subcontractors that have been certified to handle that type of material. The work is only in fuel handling systems, and the major part of their work is at retail gas stations. Stenstrom verifies that the point of sale system works properly and that the gas pumps give you the correct amount of gas as well as handle credit card transactions. Mr. Stenstrom said again that there is no petroleum product or hazardous material on site. Any construction material that will be stored is new and has never had any petroleum product flowing through it.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment.

William LoPresto, Lombard IL, stated the townhome building he lives along with several other residents is immediately behind, or north, of the property. He said he didn't know what was going into the building and asked if there is going to be any type of privacy fence installed.

Mr. Stenstrom explained they plan to have a privacy fence installed. He noted they have standard office hours Monday through Friday from 7 a.m. to 5 p.m. It is extremely important to their operation they are organized because they deal with a lot of

equipment and materials.

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

Ms. Ganser, Assistant Director of Community Development, presented the staff report, which was submitted to the public record in its entirety.

In addition, she presented an Opposition to Petition PC 14-22 for a Conditional Use that staff received earlier in the day. She explained the petitioner, Stenstrom Petroleum Services, requests that the Village grant a conditional use to allow for contractors, architects, and engineers equipment and material storage yards within the I - Limited Industrial District.

The business is a single tenant industrial building, in the Yorkbrook Business Park, and needs to utilize the outdoor space for storage. No petroleum would be stored outside or inside the building. If this petition is approved, the petitioner plans on constructing an eight (8) foot fence to screen the materials.

Staff notes the property to the north is residential and the building at 328 Eisenhower Lane North is set back more than the required distance of forty-five (45) feet and includes a fifteen (15) foot transitional landscape yard.

The Comprehensive Plan does recommend mixed office and industrial uses for this site which the Yorkbrook Business Park currently comprises.

The petitioner is aware that they will need to conform to the Village of Lombard and DuPage County stormwater regulations for any increased impervious surface. The petitioner is also aware they are required to add one ADA parking space to the site's parking lot.

Numerous petitions have gone before the Plan Commission for the Yorkbrook Business Park that is detailed in the staff report. Several of the petitions were for a contractors, architects, and engineers equipment and material storage yard.

Staff finds that the proposed contractors, architects, and engineers equipment and material storage yard is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance.

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

Commissioner Olbrysh stated that due to the nature of the business and size of some of the equipment, it is critical the petitioner install an eight (8) foot fence. He questioned that condition two (2) in the report states the petitioner must obtain a permit for and construct a solid fence between six (6) and eight (8) feet in height. He asked if we could make the requirement eight (8) feet. Ms. Ganser explained they worded it that way because that is how it is stated in the zoning code but the Plan Commission could amend it to eight (8) feet.

Commissioner Sweetser referenced the petition from the neighbors and said that it comments about potential noise in the area. She said the petition also refers to the yard and how it would be maintained.

The petitioner, Mr. Stenstrom, explained they are going to invest a significant amount of money to improve the building and the surrounding landscape. The property will look considerably better than it currently does and will be kept that way. He said in regards to the noise, there isn't a significant amount of equipment stored on site. The majority of the noise would be from gasoline vans and pick-up trucks during normal business hours. No construction equipment will be stored on site.

Commissioner Sweetser said the 7:00 a.m. start time was not anticipated. A lot of noise can occur in the morning when deliveries are taken or trucks are leaving so this would be a point of consideration.

Mr. Stenstrom explained that the vehicles would not create more noise at 7:00 a.m. than any other parking lot where people are coming to work.

Commissioner Burke asked if the Village has a noise ordinance. Ms. Ganser explained in the I District Zoning Ordinance there is

the Industrial District Performance Standards which covers noise limitations. She read from the performance standards. She said if the Village received a complaint about noise these standards are what they would go by. Commissioner Burke asked that every business in town was required to meet IEPA. Ms. Ganser said they are required.

A motion was made by Commissioner Olbrysh, seconded by Commissioner Flint, that this petition be recommended to the Corporate Authorities for approval subject to conditions:

1. That this relief is limited to the operation of a contractors, architects, and engineers equipment and material storage yards only, and any physical site improvement or alterations to the Subject Property require approval through the Village;
2. That the petitioner must obtain a permit for and construct a solid fence eight (8) feet in height;
3. That the materials stored outside will not be visible above the fence;
4. That the petitioner shall develop the Subject Property in accordance with plans submitted as part of this request;
5. The parking lot shall be configured so as to meet all Illinois Accessibility Code requirements, including but not limited to (a.) one (1) sixteen (16) foot wide parking spaces with either an eight (8) foot or five (5) foot wide diagonally striped access aisle; (b.) accessible parking on level pavement on the shortest accessible route to an accessible entrance; and (c.) a U.S. Department of Transportation R7-8 (Reserved Parking) and an R7-1101 (\$250 Fine) sign must be permanently mounted in the center of the sixteen (16) foot wide accessible parking space, and the signs shall be no more than five (5) feet from the front of the parking space, with the bottom of the R7-8 sign being five (5) feet from the pavement;
6. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
7. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the contractor's yard is not established by said date, this relief shall be deemed null and void; and
8. That the petitioner will comply with all the Village noise limitations.

The motion carried by the following vote:

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

[140316](#)

PC 14-23: Text Amendments to the Zoning Code

Requests an amendment to Section 155.418 (C) of the Lombard

Zoning Ordinance to allow “physical culture and massage establishment” to be listed as a conditional use within the B5 Zoning District. (DISTRICTS #1 & #4)

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development, and the petitioner Davonia Dirr, Lombard, IL.

Ms. Dirr said she was representing her business and proposing a text amendment for physical culture and massage establishments as a conditional use in the B5 zoning district. She stated that this is a conditional use in the B3 and B4A zoning districts. Ms. Dirr said she believes there will not be any non-conformity issues. There are numerous day spas and salons that already do massage therapy as an ancillary use. She stated this text amendment would be consistent with businesses in the district.

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

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. She stated the petitioner has submitted this request for a text amendment in the B5 zoning district. Physical culture and massage establishments are a conditional use in the B3, B4 and B4A districts. A text amendment was established in 1994 for the conditional use in the B3 and B4. The petitioner provided the responses for standards for a text amendment and staff offers additional information. The proposed text amendment will not benefit a specific property as it would benefit the district as a whole. This text amendment would allow for a business focused on massage therapy, as opposed to an ancillary use. Staff finds the proposed conditional use would be similar in a land use perspective to other uses such as hair salons and medical offices. The text amendment is additive in nature and a public hearing would be required for future petitions.

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

A motion was made by Commissioner Sweetser, seconded by Commissioner Burke, to recommend to the Corporate Authorities approval of this petition. The motion carried by the following vote:

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

[140317](#)

PC 14-24: 9 N. Main Street - Conditional Use for a Physical Culture and Massage Establishment

Requests that the Village grant approval of a conditional use, pursuant to Section 155.418 (C) of the Village of Lombard Zoning Ordinance, to allow for a physical culture and massage establishment (as defined and regulated by Title XI, Chapter 122 of the Code of Ordinances) within the B5 Community Shopping District. (DISTRICT #4)

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on August 18, 2014. Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development and the petitioner, Davonia Dirr, Lombard, IL.

Ms. Dirr began by stating that she is seeking a conditional use permit for a massage therapy business at 9 N. Main Street, units 6 and 7. She has been a licensed massage therapist for five and a half years. Ms. Dirr mentioned that her credentials adhere to State and Board requirements. The proposed business would operate on a smaller scale since Ms. Dirr would be the business' sole owner and operator. The establishment would be an individual practice. Ms. Dirr explained the services she would offer at the business. She also explained she would like to incorporate green business practices. Scheduling would be by appointment only. She stated hours of operation will be compliant with Village Code. Ms. Dirr said no structural changes need to be made and there is sufficient parking.

Chairperson Ryan asked for public comment, and, hearing none, he asked for the staff report.

Ms. Ganser, Assistant Director of Community Development, presented the staff report, which was submitted to the public record in its entirety. The petitioner is proposing a massage and bodyworks studio at 9 N. Main Street in approximately four hundred and thirty seven (437) square feet. Massage establishments are regulated by Title 11, Section 122 of the Code of Ordinances. The business is a sole proprietorship and the parking demand would be met. The Comprehensive Plan supports retail and service businesses in the B5 zoning district. The building at 9 N. Main Street is a multi-tenant building constructed prior to 1950.

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

A motion was made by Commissioner Cooper, seconded by Commissioner Burke, that this petition be recommended to the Corporate Authorities for approval subject to conditions:

- 1. That this relief is limited to the operation of a physical culture and massage**

establishment at 9 N. Main Street, Suite 6 and 7. Any expansion, physical site improvement or alterations require approval through the Village;

2. That the operator of the physical culture and massage establishment apply for and receive a physical culture and massage establishment permit, per the provisions of Section 122 of the Village Code, with said permit and operation remaining in good standing;

3. That the petitioner shall develop the site in accordance with plans submitted as part of this request;

4. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the physical culture and massage establishment is not established by said date, this relief shall be deemed null and void; and

5. The petitioner shall be required to apply for and receive a building permit for any improvements to the interior of the space prior to starting the build-out of the tenant space.

The motion carried by the following vote:

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

[140318](#)

PC 14-25: Text Amendments to the Zoning Code - Clear Line of Sight

Requests an amendment to Section 155.207 (and any other relevant sections for clarity) of the Lombard Zoning Ordinance to establish and clarify that the clear line of sight area provisions are not applicable in the B5 Central Business Zoning District. (DISTRICTS #1 AND #4)

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment.

Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development.

Chairperson Ryan asked for public comment, and, hearing none, he asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. This request for a text amendment, an amendment to Section 155.207 (and any other relevant sections for clarity) of the Lombard Zoning Ordinance, is to establish and clarify that the clear line of sight area provisions are not applicable in the B5 Central Business Zoning District. Per Section 155.207(C) buildings and structures shall not be located in the clear line of sight area, except in the B5 Central Business District. Upon reviewing the terms buildings and structures it can be considered unclear if signage or other improvements would be allowed in the clear line of sight area. Staff requests this text amendment to clarify the clear line of sight area

in B5 District. She referred to the graphic attached to the staff report that defines the clear line of sight area.

Ms. Ganser said the Inter-Departmental Review committee had no issues or concerns regarding the project at this time.

Ms. Ganser cited staff has provided response to the standards for a text amendment. Staff also supports amending the Zoning Ordinance to clarify the clear line of sight regulations in the B5 Zoning District. This would benefit Village properties in the B5 zoning district only, and not a specific property. This text amendment refers mainly to signage and other improvements as buildings and structures are already allowed in the clear line of sight in the B5 District. The B5 District is pedestrian oriented in nature.

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

Commissioner Burke stated that part of this is counterintuitive because the reason for the clear line of sight is based on vehicle and pedestrian traffic. He said the B5 district has an abundant vehicle and pedestrian traffic and didn't understand the last statement.

Ms. Ganser agreed the B5 District is pedestrian in nature and explained that the traffic in the B5 District tends to move a little slower. Staff brought this petition forward as a text amendment because a building or permanent structure could be put in the clear line of sight but signs would not be allowed.

Commissioner Burke referred to the B5 District specifically the area of the barber shop and Archdiocese building as well as the parking lot behind the building. He questioned if the parking lot property was developed are we allowing them to forgo the clear line of sight. Ms. Ganser replied if a building was constructed the current code states that they could put it in the clear line of sight area. Commissioner Burke asked is someone wanted to develop that property then they could develop it out to the street. Ms. Ganser said that was correct, there is no clear line of sight provision they would need to follow. Commissioner Burke stated that in theory anyone exiting the property would be going directly on the sidewalk.

Mr. Panfil stated as a point of clarification there are no setbacks in the B5 zoning district. The text amendment applies to signs and other improvements.

Commissioner Burke referred to the same piece of property and asked if someone wanted to put a sign in the general line of sight if it would

be allowed with the new text amendment. Ms. Ganser said it would be allowed and clarified the way the code is written now, buildings and structures would be allowed in the clear line of sight. She explained that when staff reviewed the code it was unclear what would be considered a structure. Commissioner Burke stated his concern isn't so much with the buildings but the parking lots exiting out to the street and allowing the signage to block the clear line of sight. He said there is an abundance of foot traffic and there is also a lot of car traffic and that this doesn't make sense for some of the parking lots in that area.

Commissioner Cooper asked if "except in street level parking lots" could be added to the text amendment. Ms. Ganser replied staff would need to specify the signage or other improvements and what would not be allowed in those parking lots.

Commissioner Burke stated that based on the foot traffic and the amount of cars nothing should be in the line of sight.

Ms. Ganser said staff was thinking that if someone wanted to put an informational sign to help guide traffic it would not be allowed and this text amendment would allow the sign.

Chairperson Ryan asked if staff is trying to approve directional signs. Ms. Ganser said that was one example. Chairperson Ryan suggested the text should be clearer if this allowing any type of sign.

Commissioner Burke suggested continuing the petition in order to give it more thought and look at some of the circumstances in the B5 district and the effect this may have.

Commissioner Sweetser agreed to somehow narrow the definition. She said most people have experience coming out of parking garages downtown Chicago or in similar situations and a small reminder could help guide them.

Mr. Panfil said one of the things they will have to look at is what can be included versus excluded. Staff will also have to look at any nonconformity that could be created by the proposed changes.

Commissioner Burke said he didn't have an answer as to what they are trying to avoid.

Chairperson Ryan said it would be interesting to see what nonconformities will come from this and thought the result is going to be more dramatic than anticipated.

Mr. Panfil asked should sandwich boards be allowed because they are

directional and informational and popular in the B5 district.

Commissioner Sweetser asked if the boards are permanent.

Ms. Ganser said the sandwich boards are not a permanent structure and are brought in at night. The propped text amendment would allow someone to put a sandwich board in the clear line of sight during the day and asked if this is something for staff to review.

Commissioner Sweetser said it would depend how big is the sign, what's on the board and where it is placed.

Commissioner Burke said it would also depend on the height of the sign.

Mr. Panfil said there is a four foot (4') height maximum and it would have to be within ten feet (10') feet of the front entrance. He said because many of the structures have a zero lot line they are either on our public right of way or beyond the clear line of sight.

Chairperson Ryan thought the height regulation would prevent that from being a problem. He also thought the placement of the sandwich board was voted on a year ago and should be within four feet (4') of the street line.

Commissioner Burke referred to the diagram and said if the sign was within four feet (4') of the street line and on the corner it would be in the line of sight.

Chairperson Ryan asked if the only place a sandwich board would be a problem would be on the corner.

Mr. Panfil explained there are properties that have their own curb cut so they would have to follow to clear line of sight. It also impacts the neighboring property that has a sandwich board.

Chairperson Ryan said this would be one of the things to look for as nonconformities in the proposed text amendment.

Commissioner Sweetser asked if there was information of any instances of accidents where pedestrians were affected by the lack of information.

Ms. Ganser said staff could look into it.

A motion was made by Commissioner Burke, seconded by Commissioner Flint,

to continue this petition to the September 15, 2014 meeting. The motion carried by the following vote:

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

Business Meeting

The business meeting convened at 8:25 p.m.

Approval of Minutes

Commissioner Olbrysh noted in the July 21, 2014 minutes there should be a correction on page 9 changing the word conquered to concurred.

On a motion by Commissioner Mrofcza, and seconded by Commissioner Sweetser, the minutes of the July 21, 2014 meeting were approved with the aforementioned correction. The motion carried by the following vote:

Aye: 4 - Ronald Olbrysh, Andrea Cooper, John Mrofcza, and Stephen Flint

Abstain: 2 - Martin Burke, and Ruth Sweetser

On a motion by Commissioner Mrofcza, and seconded by Commissioner Olbrysh, the minutes of the July 28, 2014 meeting were approved.

The motion carried by the following vote:

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

Public Participation

There was no public participation.

DuPage County Hearings

There were no DuPage County hearings.

Chairperson's Report

The Chairperson deferred to the Assistant Director of Community Development.

Planner's Report

The Assistant Director of Community Development had no report.

Unfinished Business

There was no unfinished business.

New Business

There was no new business.

Subdivision Reports

There were no subdivision reports.

Site Plan Approvals

There were no site plan approvals.

Workshops

There were no workshops.

Adjournment

A motion was made by Commissioner Flint, seconded by Commissioner Sweetser, to adjourn the meeting at 8:29 p.m. The motion carried by the following vote:

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

*Donald F. Ryan, Chairperson
Lombard Plan Commission*

*William J. Heniff, Secretary
Lombard Plan Commission*

