

# Village of Lombard

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



## Minutes

**Monday, July 15, 2024**

**7:00 PM**

**Village Hall Board Room**

## Plan Commission

*Leigh Giuliano, Chairperson*

*Commissioners:*

*Ruth Sweetser, Bill Johnston, Tony Invergo,*

*Alissa Verson and Robert Spreenber*

*Staff Liaison: Anna Papke*

## Call to Order

*Chairperson Giuliano called the meeting to order at 7:00 p.m*

## Pledge of Allegiance

*Chairperson Giuliano led the Pledge of Allegiance*

## Roll Call of Members

**Present** 5 - Ruth Sweetser, Leigh Giuliano, Bill Johnston, Robert Spreenberg, and Alissa Verson

**Absent** 1 - Tony Invergo

*Also present: William Heniff, AICP, Director Community Development, Anna Papke, AICP, Planning & Zoning Manager Community Development.*

*Chairperson Giuliano called the order of the agenda.*

*Ms. Papke read the Rules and Procedures as written by the Plan Commission.*

## Public Hearings

[240215](#)

### **SPA 24-01ph: 94 Yorktown Shopping Center**

The petitioner, Empire Burger, requests that the Village take the following actions on the subject property located within the B3PD Community Shopping Planned Development District:

Pursuant to Sections 155.504(C) and 155.511 of the Lombard Village Code, amend the Yorktown Shopping Center Planned Development, as established by SPA 05-04ph for wall signage of up to 209 square feet, to approve a new site plan with signage deviations from Section 153.505(B)(17) of the Lombard Village Code allowing wall signs with a total sign surface area of 294 square feet. (DISTRICT #3)

*Sworn in to present the petition was Anna Papke, Planning and Zoning Manager, William Heniff, Director of Community Development and the petitioners Vini Tonelli and Leslie McCracken of Omega Sign & Lighting Inc. on behalf of Empire Burgers.*

*Chairperson Giuliano read the Plan Commission procedures and*

*asked if anyone other than the petitioner intended to cross examine and, hearing none, she proceeded with the petition.*

*Ms. McCracken stated that they are requesting additional sign square footage Empire Burgers. The total sign package is 294 square feet. The request is for two signs located on the north and west elevations of the building. The signs will aid in the navigation to the restaurant and increase visibility of the business. Mr. Tonelli added that the signs are not illuminated and manufactured out of acrylic.*

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

*Ms. Papke entered the IDRC report for SPA 24-01ph into the public record in its entirety. The subject property is an outlot on the perimeter of Yorktown Center with frontage on Highland Avenue. The Sign Ordinance permits 100 square feet of wall signage on the property as a function of the frontage on Highland Avenue. A previous tenant of the site, Rock Bottom Brewery, received signage deviations in 2005 to permit up to 209 square feet of wall signage on the building. The incoming tenant, Empire Burger, proposes to install 294 square feet of signage on the building. The petitioner is requesting an additional deviation to allow for the 85 square feet of additional wall signage.*

*The subject property is one of several outlots located along the perimeter of Yorktown Center. Most of these outlots have frontage on one public street (either Highland Avenue or Butterfield Road), plus frontage on the internal ring road located between the outlot and Yorktown Center mall. Many of the outlot tenants have sought and been granted signage deviations under the rationale that the ring road functions as street frontage. In this case, the subject property has frontage on Highland, the ring road, and an entrance drive from Highland into Yorktown Center. Access to the property is provided by the ring road. Given these circumstances, staff finds the request for additional signage is reasonable and warranted. The amount of signage proposed by the petitioner is consistent with the amount of signage granted to other Yorktown outlots. Staff supports the requested deviation.*

*Chairperson Giuliano asked if there were any questions or comments on the staff report. Hearing none, Chairperson Giuliano opened the meeting to comments from the commissioners to the petitioner.*

*Commissioner Sweetser asked if the proposed signage will be illuminated from another source of light. Ms. McCracken responded that the letters will be acrylic and the "E" logo will be aluminum. There will be no spotlighting or uplighting. Mr. Tonelli added that the lights shown on the plans are decorative and not meant to illuminate the signs.*

*Commissioner Johnson asked if there are illuminated signs and how many.*

*Ms. Papke noted that there is a permit for three illuminated signs because they are within the allowable square footage granted to Rock Bottom Brewery (SPA05-04ph).*

**On a motion by Commissioner Johnson, and a second by Commissioner Spreenberg, the Plan Commission voted 5-0 to approve the petition associated with SPA 24-01ph subject to the four (4) conditions in the staff report:**

- 1. The petitioner shall develop the site in substantial conformance with the plans submitted as part of this request and referenced in this Inter-Departmental Report;**
- 2. The petitioner shall apply for and receive building permits for the proposed signage;**
- 3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and**
- 4. The relief for 294 square feet of wall signage shall be valid for a period of one year from the date of approval of the petition. If the signage is not constructed by said date, this relief shall be deemed null and void.**

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

**Aye:** 5 - Ruth Sweetser, Leigh Giuliano, Bill Johnston, Robert Spreenberg, and Alissa Verson

**Absent:** 1 - Tony Invergo

## **Business Meeting**

### **Approval of Minutes**

**A motion was made by Commissioner Sweetser, seconded by Commissioner Johnston, that the minutes of the May 20, 2024, June 3, 2024 and June 17, 2024 meetings be approved.**

**The motion carried by the following vote**

**Aye:** 5 - Ruth Sweetser, Leigh Giuliano, Bill Johnston, Robert Spreenberg, and Alissa Verson

**Absent:** 1 - Tony Invergo

## Public Participation

There was no Public Participation

## DuPage County Hearings

There were no DuPage County Hearings

## Chairperson's Report

There was no Chairperson's Report

## Planner's Report

There was no Planner's 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

### 1. Trash Enclosures and Refuse Disposal Areas:

*Ms. Papke presented the workshop. She explained that the Village Code requires screening around trash collection areas for nonresidential development. These provisions have been in place since 1990. Some existing developments in the Village do not have screening around trash collection areas, either because they were developed prior to 1990 or because they were developed in DuPage County and subsequently annexed into the Village in an as-is condition. Such trash collection areas are considered legal nonconforming under the Zoning Ordinance, meaning they are allowed*

*to continue as-is until the property owner undertakes an action that would require bringing the trash collection area into compliance. With respect to nonconforming trash collection areas, staff has considered redevelopment or a change in tenant that increases the amount of waste generated on a property to be triggers for updating nonconforming trash collection areas.*

*Ms. Papke said that regulation of nonconforming trash enclosures is subject to staff interpretation of the Zoning Ordinance provisions for nonconformities. Staff proposes to amend the Zoning Ordinance to clearly spell out expectations for nonconforming trash collection areas, and is seeking feedback from the Plan Commission on proposed amendments in anticipation of a future staff-initiated text amendment.*

*Ms. Papke summarize proposed amendments as follows:*

- Add a definition of “dumpster” to the Zoning Ordinance.*
- Adopt refuse area enclosure requirements, including an applicability statement, description of other containers that would need to be enclosed within the trash enclosure, and description of acceptable materials for screening.*
- Adopt standards that describe when nonconforming trash collection areas need to be brought into code compliance, including changes in business operations or tenants that result in an increase in trash generation.*
- Site requirements and specifications for trash enclosures.*
- Possibly adopt an amortization schedule for nonconforming trash enclosure areas.*

*Staff is also seeking feedback on a number of related issues, including 64-gallon totes, requirements specific to restaurants and industrial land uses, and whether multifamily apartments should be included or excluded from a potential amortization schedule.*

*Commissioner Spreenberg asked if the definition of “dumpster” presented in the staff memo is the final definition and if it is consistent with other definitions in Village Code. Ms. Papke said the definition in the memo is a starting point, and staff would research and refine the definition prior to presenting a text amendment.*

*Commissioner Sweetser asked about issues related to disposal of different types of items, and would the Village regulate the types of items disposed. She also asked if the amendments would address who would make improvements to trash collection areas if required, whether it would be the property owner or a tenant. Ms. Papke said the Village’s*

waste hauler contract specifies the types of items eligible for regular pickup, with property owners/businesses needing to make other arrangements for items not eligible for regular pickup. She said if the Village adopted requirements for trash collection areas to come into compliance, the regulations would not specify who would whether landlords or tenants would need to make the improvements, but the property owner would ultimately be responsible for ensuring the improvements are made.

Mr. Heniff said that Chapter 92 of Village Code contains provisions for disposal of waste that applies to all properties. Chapter 92 plus the waste hauling contract would speak to what types of waste can be disposed of through the standard collection process. Mr. Heniff said the focus of the workshop is potential zoning regulations that would bring unscreened trash collection areas into compliance with current screening provisions. He said any potential regulations would be reviewed with other Village departments to ensure consistency across all sections of Village Code.

Commissioner Johnston said he supported the concept of bringing nonconforming trash areas into compliance with the current Code. He asked how businesses determine what size waste disposal container (dumpster or can) is required. He said it would be good to ensure these areas are secure from animals. He asked for confirmation that the Village cannot determine whether a business recycles, and Mr. Heniff confirmed this is so. Commissioner Johnston said it is important to ensure businesses have an appropriate timeframe to comply. He said he supports the idea of requiring compliance.

Commissioner Spreenberg suggested an amortization period of five years, which would be consistent with tax regulations for waivers on improvements. He asked what would happen if a property adding an enclosure introduced additional issues or nonconformities. Mr. Heniff said property owners could seek a variance if the need for an enclosure introduced additional nonconformities. Variances would be reviewed on a case-by-case basis.

Commissioner Spreenberg suggested if there was an amortization period of five years, there could also be a requirement for property owners to come up with a plan for the dumpster enclosure within two or three years to ensure there was room on the site for a dumpster enclosure and no variances were needed, rather than waiting the full five years and finding they needed to go through a variance process at

*the very end. Mr. Heniff said staff could look at that possibility.*

*Commissioner Spreenberg asked if the amortization schedule would address a situation where a property was annexed to the Village after the amortization schedule was adopted. Mr. Heniff said such a situation could be addressed in an annexation agreement. Commissioner Spreenberg noted that the drafter of the annexation agreement would need to remember to include the dumpster provision in the document.*

*Chair Giuliano raised the question about whether the regulations should require screening for 64-gallon toters. Commissioner Spreenberg raised the issue of a small apartment building having multiple toters, and asked if there was a threshold where a property was required to have a dumpster rather than multiple toters. Commissioner Johnston added that it would be nice not to see multiple toters on a property. Mr. Heniff said the contract with the waste hauler may speak to that issue, as it may be spelled out in the contract. He noted there may be small commercial businesses that only need one toter. He said staff would look into these issues while drafting proposed amendments.*

*Commissioner Verson sought clarification that the waste hauler would not allow a property to have 30 toters rather than a dumpster. Mr. Heniff said this was correct, as it would not be efficient for the waste hauler to empty that number of toters.*

*Commissioner Johnston said he supported the overall concept of bringing trash collection areas into compliance with screening requirements, and that it was not desirable to continue indefinitely with an as-is situation for unscreened trash areas. He said he understood that there would need to be a timeframe for compliance, and possibly variances on a case-by-case basis.*

*Commissioner Verson said she agreed with Commissioner Spreenberg that five years would be a reasonable amortization period. She noted property owners may need to plan for the expense associated with constructing an enclosure.*

*Mr. Heniff said the goal was to make the expectations for dumpster enclosures clear in the Village Code.*

*Commissioner Johnston said the Village needs to be reasonable and flexible, but also to have clear guidelines about expectations.*



*Commissioner Verson said the proposed amendments are a great idea.*

*Chair Giuliano asked if there were any comments on allowing shared dumpsters for multiple businesses. She said she would support allowing shared dumpsters. Commissioner Spreenberg agreed.*

*Commissioner Spreenberg asked about a statement made by staff that perhaps there would be different standards for commercial and multifamily residential properties. Mr. Heniff said this statement was to introduce the idea that there could be different standards if the Plan Commission identified issues that would affect one type of development but not the other.*

*Commissioner Spreenberg said he thinks it makes sense to include multifamily developments in the text amendments requiring enclosure of existing trash collection areas. He said that exempting out toters would address some smaller buildings that did not need dumpsters.*

*Commissioner Sweetser asked if the main concern was aesthetics. She noted there could be other issues related to waste collection.*

*Mr. Heniff said the proposed amendments would be consistent with existing requirements. He said the main concern was ensuring trash areas were well kept and visually screened.*

## **Adjournment**

**A motion was made by Commissioner Verson, seconded by Commissioner Johnston, to adjourn the meeting at 8:03 p.m. The motion passed by an unanimous vote.**