

March 20, 2007

Mr. William J. Mueller,  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: PC 07-07: Text Amendments to the Lombard Zoning Ordinance**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. Village staff requests Zoning Ordinance text amendments to Section 155.210 establishing regulations pertaining to the size and location of Above Ground Utility Cabinets (AGUC). The intent would be to establish regulations for the size and placement of Above Ground Utility Cabinets as well as establish definitions for 'Above Ground Utility Cabinet', 'Service Entity', and amend the definition of 'Private Utilities'.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 19, 2007. Michael Toth, Associate Planner, presented the petition. He provided a general description of the cause for concern regarding this issue. Toth provided background information pertaining to Project Lightspeed, which is a generic example as to why the text amendment is being proposed. Toth then presented pictures and pointed out the mock AGUC that was displayed in the Board Room. While showing examples, Toth discussed the intent of the text amendment. Toth then continued with the staff report by discussing the rationale for regulating AGUC as accessory structures. He continued with the staff report by discussing Public Works portion of the project and the proposed text amendments being presented to the Plan Commission. Toth also added that both petitions (Planning Services & Public Works) will be submitted together to the Board of Trustees. He ended his presentation by mentioning the revisions that were made to the proposed text amendments by counsel.

Staff recommended approval of the staff report and additional comments made by counsel.

Chairperson Ryan opened the meeting for public comment. No one spoke in favor or against this petition. He then opened the meeting for comments from the Plan Commission members.

Re: PC 07-07

April 5, 2007

Page 2

Commissioner Olbrysh stated that these Above Ground Utility Cabinets are ugly and obnoxious. He also declared that these are not compatible in front yard, but in the back yard they should not be a problem. He then referenced the illustrations from Appendix B of the staff report.

Commissioner Nelson pointed out that in the bottom two pictures (from the staff report) the AGUC are right in middle of the right of way. He said that he wouldn't want those in front of his house. Michael Toth replied that one of the main reasons for the text amendment is to force AGUC into the rear yard where they can be screened by fencing and vegetation (to avoid the 2<sup>nd</sup> and 3<sup>rd</sup> picture).

Commissioner Sweetser mentioned that this should work because some people might be willing to place AGUC on their property because they can accommodate the size requirement in exchange for the location discretion on their property. William Heniff added that there could potentially be 35-40 AGUC in the community and future technology. He also said that they should be in rear yards and treated as sheds.

Commissioner Sweetser asked the hypothetical question - suppose that there weren't enough backyards for these AGUC, does the village have any liability? William Heniff responded, no direct liability; we will only trying to minimize the number of AGUC in the public rights of way. Also, because of the pending legislation with AT&T, we are looking to relax the standards for Project Lightspeed. Regardless, we want to be proactive and begin to designate where the utility companies can place the AGUC.

Commissioner Sweetser shared her thoughts on technology advances pertaining to Project Lightspeed. She said that there may be the need for these kinds of things but not at the size they desire. Any thoughts of how that might be handled? William Heniff stated that we are addressing what is being built now, but trying to keep discretion in regards to location and keeping them out of the rights of way.

Commissioner Olbrysh stated that this text amendment would allow location discretion to keep the AGUC out of the public view. William Heniff responded that by relaxing the standards for rear yard placement, they can be more discreetly placed throughout the village. Commissioner Sweetser replied that there could be a number of structures in the backyard and that would be okay. William Heniff then added - based on technology, each cabinet would feed 300-400 residential units whereby there could be two cabinets in one yard. The Above Ground Utility Cabinets will be considered accessory structures by the Zoning Ordinance provisions in regards to lot area and coverage.

Chairperson Ryan asked if it's structurally capable to place one of top of each other. William Heniff responded that they could be next to each other, but not on top of each other.

William Heniff mentioned that we want to bring to Transportation & Safety and to have sufficient time will bring to the April 19, 2007 meeting.

Re: PC 07-07

April 5, 2007

Page 3

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendment complies with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 4 to 0, recommended to the Corporate Authorities, **approval** of the petition associated with PC 07-07.

Respectfully,

**VILLAGE OF LOMBARD**

Donald Ryan, Chairperson  
Lombard Plan Commission

att-

c. Petitioner  
Lombard Plan Commission

H:\CD\WORDUSER\PCCASES\2007\PC 07-07\Reflet\_07-07.doc