

Village of Lombard

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



Meeting Agenda

Thursday, November 17, 2011

7:30 PM

Village Hall Board Room

Village Board of Trustees

Village President: William J. Mueller

Village Clerk: Brigitte O'Brien

Trustees: Greg Gron, District One; Keith Giagnorio, District Two;

Zachary Wilson, District Three; Peter Breen, District Four;

Laura Fitzpatrick, District Five; and Bill Ware, District Six

I. Call to Order and Pledge of Allegiance

II. Roll Call

III. Public Hearings

IV. Public Participation

V. Approval of Minutes

VI. Committee Reports

Community Relations Committee - Trustee Keith Giagnorio, Chairperson

Economic/Community Development Committee - Trustee Peter Breen, Chairperson

Environmental Concerns Committee - Trustee Laura Fitzpatrick, Chairperson

Finance Committee - Trustee Greg Gron, Chairperson

Public Works Committee - Trustee Bill Ware, Chairperson

Transportation & Safety Committee - Trustee Zach Wilson, 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. [110670](#) Approval of Accounts Payable
For the period ending November 4, 2011 in the amount of \$340,632.73.
- B. [110675](#) Approval of Village Payroll
For the period ending November 5, 2011 in the amount of \$824,508.85.

- C. [110676](#) Approval of Accounts Payable
For the period ending November 10, 2011 in the amount of
\$172,373.58.

Ordinances on First Reading (Waiver of First Requested)

- D. [060590](#) PC 06-28: 300 West 22nd Street (Covington/Cove Landing Planned
Development)
Granting a fourth 12-month time extension to Ordinance 5950, as
amended by Ordinances 6112, 6277 and 6413 for the property located
at 300 W. 22nd Street and known as the Hunter's Woods Development.
(DISTRICT #3)

Attachments: [APO Letter 06-28.doc](#)
[Cover Sheet.doc](#)
[Cover Sheet.doc](#)
[ORD pd 06-28.doc](#)
[PH notice.doc](#)
[ReferralLetter 06-28.doc](#)
[REPORT 06-28.doc](#)
[WTL referral memo.doc](#)
[ORD 5949.pdf](#)
[ORD 5950.pdf](#)
[Cover Sheet time extension.doc](#)
[WTL memo time extension.doc](#)
[61120001.pdf](#)
[Cover Sheet time extension2.doc](#)
[DAH memo time extension 2.doc](#)
[Ordinance 6277.pdf](#)
[Cover Sheet time extension3.doc](#)
[DAH memo time extension 3.doc](#)
[Ordinance 6413.pdf](#)
[060590.pdf](#)
[060590.pdf](#)
[060590.pdf](#)
[memo.pdf](#)
[060590.pdf](#)
[060590.pdf](#)
[Ordinance 6548.pdf](#)
[060590 BOT11 17 11.pdf](#)
[060590-BOT-11-17-11](#)
[Ordinance 6660](#)

Joe Ash, attorney, 77 W. Washington Street, Chicago, representing Kenar LLC, the contract purchaser and developer of the project, presented the petition. He stated that the property consists of 3.34 acres of vacant land at the northwest corner of 22nd Street and Elizabeth Street. The property is part of a planned development developed with apartments and condominiums.

The petitioner wishes to develop the subject property with a condominium building of five stories in height totaling sixty units and consistent with the planned development. The sixty units on the remaining acreage will be well below of what which was previously approved by the Village. The planned development allows for height of up to fifteen stories and this plan is also well below that. He mentioned the variation requested. Staff has clearly outlined the request in the staff report and the petitioner concurs with the conditions of approval.

He called on Bob Schmude, Director of Land Development of Kenar LLC, 1904 Wright Blvd., Schaumburg, IL to describe the petition in detail. He noted that Kenar is a privately owned Chicagoland builder, with 25 years experience. He also described where they have completed other developments.

Mr. Schmude stated that they are seeking approval of the site plan amendment to the planned development. He referred to the colored rendering of the site plan and landscaping in the common space. He displayed a front color rendering showing the building materials and colors proposed for the site.

He then described the floor plans. One assigned parking space will be provided within the enclosed garage and he mentioned the front spaces for guests. Each unit has a balcony and storage space. A condominium association will be established and a management company will be employed.

He described the site in detail. Half of the total size of the site (the northern portion) is the wetland portion. He has worked with Village and County staff to present and preserve the wetland and buffer area. The County will have regulations and they support the way Kenar is addressing the wetland issues. They will take a 50-foot wide buffer around the wetland and leave it as native vegetation.

The southern portion of the site will include the building. The parking lot will be south of the building, and he noted the points of access. There will be a ramp into the parking garage. The 22nd street access is right-in, right-out due to a raised curb median. Both access points will have stop signs. The last access is the northern access which will provide emergency access only for a fire truck. Stormwater will be provided in an underground storage system.

KLOA, the Village's traffic consultant, analyzed the site and concluded it is a low traffic generator with minimal impact on surrounding properties. The development is required to provide 96 parking spaces. They will provide 116 spaces - 60 within the first floor parking garage, and 55 in the front lot. In closing they feel this is a responsible development as the plan preserves the wetland.

He then introduced Matt Haylock, of Haylock Design, Architect, 1800 National Drive, Gurnee, IL, project architect, who described the building materials. Mr. Haylock noted he has done three buildings similar to this in the community and named Park West, Parkview Point and Lincoln Place - all mixed use developments. They wanted to create something that fit in but also that was more unique. This building will have high-quality materials, using manufactured stone along with real limestone, the base will be rusticated masonry, and the stone treatment will be smooth. They will use three color varieties of brick across the building. The main portion of the building will be light brick. Different heights and styles of parapets which vary in height will provide variety. The first floor is the indoor parking garage. As you move up you see balconies and four floors of condominiums. They will use the same treatment all the way around the building.

Mr. Schmude explained the variance for the front parking lot. The landscape plan is located on south side of the building. There is a required thirty foot landscape setback. The variance is for the southern edge of the parking lot which encroaches six feet into the yard. The property is angled and they are dedicating to the Village that part of their property that is within the 22nd Street

right-of-way. They are exceeding the parking requirement and to preserve the wetland buffer they seek to put the parking lot on the 22nd Street side of the building. At the closest point, the encroachment is about 6-1/2 feet. They want to provide extra parking so as to not impact other properties or the wetland.

Acting Chairperson Sweetser then opened the meeting for public comment.

Linda Needinghouse, 254 W. 20th Street, lives in Elizabeth Crossing. Her concern is with the amount of traffic the development may generate. She predicts they will use 20th Street and traffic is a major concern.

Maryann O'Keefe, 77 W. Arboretum, lives in the condominium development south of the subject property. She noted that their retention pond that has gone in has taken care of the flooding. She noted the impacts on future flood zones in a flood sensitive zone area. She commended the developer for the wetland preservation, but if they develop, how is the stormwater runoff going to be handled?

Michael Salins, 2005 S. Finley, President of the Cove Landing Association, is concerned about the additional traffic. Vehicles will go northbound on Elizabeth Street and cut through their parking area to Finley Road. They have to maintain the asphalt and the extra cars are not welcome. They are already thinking about speed bumps. Another concern is making a left turn over 22nd Street and this could be a major problem.

Dan Toucher, 1343 Fairfield Court, Naperville, noted that this land has been vacant and there are four buildings which border the wetlands. He likes the view, it is serene, and the proposal will take away from the residents who live there. They drove by the property noting that it is not a big piece of land and questioned the buffer area around the site. It will make people come through their land to get northbound on Finley and avoid 22nd Street.

Paula Tumpack, 2175 S. Finley Road, Covington Apartments property manager, stated that she is not thrilled about having to look at the proposed building. She is concerned about traffic. The views they currently have are desirable and they get higher premiums for them. This development will affect her budget.

Joe Ash rebutted, noting that the major issue raised is one of traffic. The Village hired a consultant and they prepared a report which says this development will create minimum impact. The owner has a right to develop the property, the planned development would allow a 15-story building, and they are proposing a 5-story building. They feel they are trying to come up with a plan that will have minimal affect on adjacent properties. The staff report included a thorough analysis and considered the traffic report's findings.

Acting Chairperson Sweetser asked what happens with the stormwater. Mr. Ash noted that they are providing underground detention under the parking lot. He mentioned the Lombard Code which states that after the property is developed, there can be no greater run off than before the development.

Acting Chairperson Sweetser then requested the staff report. William Heniff, Senior Planner, referenced the staff report which is submitted to the public record. The property is within the defined boundaries of the Covington/Cove Landing planned development. The original planned development approval and the amendments established general density and development parameters, but it did not address the future development of the subject property. As such, the

petitioner's plan should be reviewed and approved as an amendment to the original approval, as was done for the Covington Apartments portion of the planned development in the late 1980s.

The petitioner is also seeking relief to allow for parking spaces to be located into a requisite yard. This relief is largely the result of a requested right-of-way dedication by the Village as well as the desire to minimize parking lot impacts on the wetland area.

Lastly, as a companion to this petition, a map amendment to the Comprehensive Plan is proposed. This amendment is intended to designate the property for medium density residential purposes (as noted in the planned development approval) from public and institutional uses.

He noted that the petitioner is meeting the unit count, unit mix, setbacks and building height provisions set forth in the planned development ordinance. The 1966-1968 amendments did not show a building at the proposed location. Staff has been working with the County and petitioner to address any negative impacts of development. The project is oriented toward 22nd Street, away from the rest of the planned development. The building elevations are compatible with recent projects developed along the 22nd Street corridor. Parking will exceed the zoning requirements. The relief is created by the Village's request to have the petition dedicate 22nd Street right-of-way to the Village as a condition of approval. This request would change the front yard dimensions.

Staff has reviewed the standards and they have been met. Staff recommends approval subject to five conditions. KLOA reviewed the traffic generated by the project and they note the impacts of development to be minimal.

He then noted three correspondences received after the staff report was transmitted to the Plan Commission. These concerns included issues about construction traffic on 20th Street, tree preservation, and traffic generation.

Acting Chairperson Sweetser opened the meeting for any comments on the staff report.

Michael Salins questioned the access on Elizabeth Street. Mr. Schmude noted that Elizabeth and 22nd Street is a full access intersection. Access from the building ramp is full access, the parking lot would be controlled by a stop sign. He also responded to the letter about traffic on 20th Street. He said they would not want construction traffic on 20th Street either. They will work with staff during the building permit process and will provide signage prohibiting construction traffic from going that way.

Paula Tumpack asked about the 15-story provision. Mr. Heniff noted that that provision went back to the 1968 planned development approval.

Acting Chairperson Sweetser opened the meeting for Plan Commissioner comments.

Commissioner Burke noted that they workshopped this item and the petitioner has responded to all the issues raised in that discussion. He would like to see a condition added to preclude construction traffic along 20th Street or into Cove Landing. As far as general traffic concerns, the Cove Landing driveways are on private property so they can restrict access, provided that emergency access is maintained.

Commissioner Olbrysh agreed with Commissioner Burke's concerns about traffic considerations. They have to weigh the concerns of both the residents and business. He noted that the development provides for up to 1,200 units by right - the petitioner could construct 608 additional units on the property. However, they are only constructing sixty units. They also complied with height limitations and is impressed with the remaining amount of open space, which will help address the flooding situation.

Other Ordinances on First Reading

- E. [110644](#) ZBA 11-06: 661 N. Charlotte Street
Requests a variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback to fifteen feet (15'), where thirty feet (30') is required to allow for the construction of a screened porch addition in the R2 Single-Family Residence District. (DISTRICT #4)

Attachments: [110644_BOT11_17_11.pdf](#)
[110644Coverpage11-17-11](#)

Chairperson DeFalco opened the meeting for public comment.

The property owner, Matt Berberich, 661 N. Charlotte St., Glen Ellyn, presented the petition. Mr. Berberich stated that he understands why he is before the Zoning Board of Appeals. He then stated that he is a longtime resident of Lombard with three kids. He stated that he is requesting a variation to allow for a screened porch addition because his son has required medical attention twice for mosquito bite allergies. He added that his son also has to miss outdoor activities because of his mosquito allergies. Mr. Berberich then explained that there is a fence that is located six (6) to seven (7) feet inside of his rear property line, which results in a lack of space in his rear yard. He then added that the rear yard drops off to the back of the property. Mr. Berberich then asked the members of the Zoning Board of Appeals if they visited the site.

Chairperson DeFalco and Mr. Bartels responded by stating that they had visited the site.

Mr. Berberich stated that the original deck (that the screen porch addition was built upon) was built with a permit in 2002. He then stated that the screen porch addition is located fifteen (15) feet from the side property line, where only six (6) feet is required. He added that the difference in setback equates to eight-hundred (800) square feet of lot area. Mr. Berberich then referred to the neighbor petition that has been provided to each ZBA member. He stated that none of the neighbors he approached to sign the petition were against his screen porch addition. He then stated that all of his neighbors signed the petition, with the exception of a couple neighbors whose homes were actually being rented out. Mr. Berberich then mentioned that he submitted a doctor's note regarding his son's mosquito allergy and also a picture of his son after a mosquito bite.

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

Ron Schulze, 656 N. Charlotte St., stated that the petitioners did a nice job with

the screen porch addition. He then stated that he also understands the need for zoning laws. Mr. Schulze stated that the laws need to take medical issues into consideration. He added that if this were a handicap ramp that this wouldn't be an issue. He stated that medical conditions should always be taken seriously.

Jennifer Jendras, 664 N. Charlotte St., stated that she is also a longtime resident of Lombard. She stated that she is on the Environmental Concerns Committee and is also on a board for Glen Westlake School so she also understands the need for zoning laws. She stated that setbacks provide privacy and also reduce noise impacts on surrounding properties. She stated that the lot that abuts the rear yard of the subject property has a rear yard setback of seventy-five (75) feet and there is a fence and group of trees so the screen porch is invisible to the property to the rear of the subject property. She then mentioned some of the other setbacks in the surrounding area and stated that she has no issues with the screen porch addition.

Joseph Batka, 669 N. Charlotte St., stated that he lives a couple homes down from the petitioner and is in favor of the variation. He stated that he also understands the rules, but sometimes the rules are meant to address a large group and that the screen porch addition should be an exception to the rules.

Chairperson DeFalco then requested the staff report.

Mr. Toth stated that staff is entering the IDRC Report into the public record in its entirety. The petitioner is requesting a variation to reduce the rear yard setback to fifteen (15) feet to allow for an existing three-hundred (300) square foot (15'x20') screened porch addition. The screened porch was built on top of an existing deck and extends fifteen (15) feet into the thirty (30) foot rear yard setback. The structure is considered to be a building addition, which are not listed as permitted encroachments in the rear yard. As such, a variation is required.

The same property owner petitioned for a variation in 2002 (ZBA 02-21) to allow for a three-hundred (300) square foot (15'x20') screened porch addition fifteen (15) feet into the rear yard. The proposed screened porch addition is the exact size and location that was previously petitioned and was recently constructed over an existing deck. The screened porch addition variation was ultimately denied by the Village Board. The petitioner did receive a permit for the deck in 2002; however, the property owner was recently cited for constructing the screened porch addition over the existing deck without a building permit.

Decks which are open and not over three feet above the average level of the adjoining ground are permitted within the rear yard, provided that a minimum two-foot side yard setback is provided. As the subject screened porch is roofed over and enclosed, it is considered to be an addition to the principal structure. Therefore, the structure must observe the rear yard setback provision required of a principal structure, unless a variation is granted.

The subject property is located in the Providence Glen subdivision. The Providence Glen subdivision received approval to provide for thirty (30) foot rear yards on each of the 32 residential lots within that subdivision, which is five (5) feet less than the thirty-five (35) foot rear yard required on other lots within the R2 Single-Family Residence District.

The principal structure on the subject property is located thirty (30) feet from

the eastern (rear) property line. The addition maintains the existing building line of the home and extends fifteen (15) feet to the east, placing it fifteen (15) from the rear property line and directly outside of the fifteen (15) foot public utility and drainage easement located in the rear of the property. The principal structure is also located fifteen (15) feet from the northern (interior side) property line, where only six (6) feet is required. As the addition holds the same building line as the north elevation, the principal structure and subject addition are located more than double the distance to the adjacent side property line than what is required by Code.

A comprehensive review of all residential properties within the Providence Glen planned development revealed no cases in which zoning relief has been granted for a building addition, including screened porches. The petitioner states that the small lot size precludes him from utilizing his back yard. Staff recognizes that the lot depth is somewhat less than that of the majority of lots in the R2 District; however, that is why the rear yard setback has already been reduced from 35 feet to 30 feet. Each of the lots in the Providence Glen planned development has a 30-foot rear yard, granting the property owners an additional 5 feet of building space that they would not be permitted to build upon on other R2 lots.

To be granted a variation the petitioner must show that they have affirmed each of the "Standards for Variation". Staff has reviewed the petitioner's responses and offers the following comments:

1. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.

The rectangular shape of the petitioner's property is standard for all residential lots within the Village, and there are no topographical conditions that affect the variation request. The petitioner's property is 7,840 square feet and 70 feet wide, which exceeds the R2 District minimum lot sizes of 7,500 square feet and 60 feet wide. As such, the petitioner has not demonstrated any hardship.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

The conditions are not unique to the subject property as each of the 32 lots within the Providence Glen planned development has a 30-foot rear yard.

3. The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.

Staff finds that the ordinance has not caused the hardship as the rear yard setback provision does not prevent the petitioner from utilizing his backyard.

4. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Staff finds that granting the request could be injurious to neighboring properties because it increases bulk on the property and contributes to loss of suburban

character of the neighborhood.

5. The granting of the variation will not alter the essential character of the neighborhood.

There is currently a 30' rear building setback line that extends unbroken from Goebel Drive to North Avenue that is preserved by the Providence Glen property covenants prohibit the construction of any outbuildings such as sheds. Even if there were no such property covenants, granting this variation would create an obstruction within that open space that is larger than any of the accessory structures that would otherwise be permitted by the Zoning Ordinance. Also, granting this variation would set a precedent to allow each of the other properties within Providence Glen to be granted similar variations.

Mr. Toth stated that staff is recommending denial of ZBA 11-06.

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

Ray Bartels asked if open space is an issue on the subject property.

Mr. Toth explained that the screen porch addition was built on top of an existing deck, which was built with a permit. He stated that past policy has dictated that building a structure over an existing structure does not affect open space, therefore open space is not being considered at this time.

Chairperson DeFalco asked if the homeowner's association has any issues with the screen porch addition.

Mr. Berberich stated that two members of the audience are on the association board. He then stated that there aren't any conflicting association rules that they are aware of.

Chairperson DeFalco stated that all of the homes in this subdivision were approved to be built at thirty (30) feet where thirty-five (35) feet is typically required.

Mr. Berberich stated that there have been other variations granted for additions in the rear yard. He then cited some examples. He then added again that there are no association rules that conflict with his project.

Chairperson DeFalco stated that all variations need to meet the required standards. He stated that the case before the ZBA involves a home that has a rear setback of thirty (30) feet where thirty-five (35) feet is typically required so they already have limited space. He added that the addition now consumes fifteen (15) feet of the thirty (30) foot rear yard.

Mr. Bartels asked the petitioner when the screen porch addition was built.

Mr. Berberich replied, July.

Mr. Bedard asked when in July.

Mr. Berberich replied, around the fourth of July. He then added that the addition is not finished.

Mr. Bedard asked if someone complained about the addition.

Mr. Toth replied, yes.

Dr. Corrado asked what would happen if the variation was denied.

Mr. Toth explained that the Building Division has an open property maintenance case on the matter. He then stated that because the petitioner is going through the variation, any such enforcement is deferred pending the outcome of the variation. If the variation was to be denied then the property maintenance case would be revisiting. He stated that he is unaware of what the next step would be, but it may involve fines or having to remove the structure.

Chairperson DeFalco then discussed the Standards to Variations that were mentioned in the staff report as not being met. He stated that there are no uncommon features on the property that warrant a variation. He stated that the addition was built outside of the Village Ordinances. He stated that the topographic features are not uncommon. He added that the rear has already been reduced and the whole neighborhood is the same way. He stated that it may set a bad precedence to approve this petition. He also stated that it isn't permissible to construct an addition in a typical thirty-five (35) foot rear yard. He then restated Jendras' statement about the location of the house to the rear and the fact that the fence blocks the addition from the house to the rear. He then stated everyone has a deck, but the addition would constitute a loss of space and that the loss of space would alter the suburban characteristics of the neighborhood.

Mr. Bedard stated that petition was originally denied in 2002. He then asked the age of the petitioner's son with the mosquito allergies.

Mr. Berberich replied, four.

Mr. Bedard stated that he believes that the screen porch addition encroaches too far into the rear yard.

- F. [110645](#) Tax Levy Ordinance
Providing for the levy and assessment of taxes for the fiscal year beginning June 1, 2011 and ending May 31, 2012 for the Village of Lombard.

Attachments: [110645 Memo.pdf](#)
[110645 Submittal Sheet.pdf](#)
[110645 Ordinance.pdf](#)
[Ordinance 6665](#)
[110645-BOT-12-1-11](#)

Tim Sexton reviewed the Tax Levy with the Committee.

Ordinances on Second Reading

- G. [110632](#) PC 11-22: 777 E. Butterfield Road
Requests that the Village approve the following relief for the subject property, located within the O Office District:
1. A conditional use (per Section 155.412(C) of the Zoning Ordinance)

- to allow for a restaurant; and
- 2, A conditional use (per Section 155.412(C) of the Zoning Ordinance) to allow for an outside service area (outdoor dining); and
 - 3, A conditional use (per Section 155.305 of the Zoning Ordinance) to reestablish a nonconforming parking lot; and
 4. A conditional use (per Section 155.412(C) of the Zoning Ordinance) to allow for off-site parking. (DISTRICT #3)

Attachments: [110632BOT11_03_11.pdf](#)

[110632-Coverpage-11-3-11](#)

[Ordinance 6661](#)

Matt Lewandowski, 1040 W. Bombay Way, Palatine, presented the petition. He stated he is one of the principal investors of this venture. He mentioned his partner, Scott Struchen, who will run the business on a day-to-day basis. They purchased the building from the bank and wish to remodel and reopen the restaurant as an affordable, high-end dining establishment.

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

Chairperson Ryan then requested the staff report.

Jennifer Henaghan, Senior Planner, presented the staff report. The petitioner wishes to re-open the restaurant building including an outdoor dining area on the subject property. As the property has been vacant for more than 12 months, the restaurant will require a new conditional use. The parking lot does not meet current code requirements. However, the nonconforming associated parking may be re-established through a conditional use. An additional conditional use is being sought to formally establish the off-site parking relationship between the restaurant and the adjacent Nicor parcel.

The property at 777 E. Butterfield Road was annexed into the Village in 1981 and granted development approvals together with the restaurant to the west. The public hearing at that time rezoned the property to the O/I District and granted a conditional use for two restaurants. Only 64 on-site parking spaces were provided on the restaurant parcel, creating a nonconforming situation. The Nicor parcel has been used for off-site parking for the restaurant since 1982, pursuant to a lease agreement that runs through June 2024. Although the Homestead Village Planned Development granted a conditional use for off-site parking in 1998, that approval did not specifically tie the off-site parking to the restaurant parcel. The requested conditional use will memorialize the parking rights for the restaurant and add 51 additional parking spaces for a total of 115 spaces provided.

The subject property has been in use as a restaurant with associated parking and outdoor dining since 1983. The requested conditional uses are necessary only because the restaurant has been vacant for more than 12 months, which caused the original conditional use approvals to expire. There is no space on the restaurant parcel to physically accommodate any additional parking.

The outdoor dining area will have approximately 64 seats, and customers will be segregated from the parking lot by a decorative wrought iron-style fence. No other changes are proposed for the exterior of the building, aside from the removal of an existing rooftop deck. Staff is recommending that a condition of

approval be added to require the removal of the deck, which will reduce the amount of parking required by code. Any wall or freestanding signage will meet code. No changes of any kind are proposed to the Nicor parcel, and it will remain as an off-site parking lot serving the restaurant as it has been since 1982.

Staff finds that all of the Standards for Conditional Uses have been met, in that no new development is proposed and the existing buildings and structures are complementary to the surrounding commercial district.

The proposed uses and relief are consistent with the Comprehensive Plan and the surrounding land uses. Staff is recommending approval of this petition, subject to the conditions noted in the staff report.

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

Resolutions

- H. [110661](#) Term Limits Referendum (Tabled November 3, 2011)
Resolution providing for a binding public question concerning limiting the terms of office for elected officials in the Village of Lombard.
Attachments: [tbtermlimitsrefmemo1132011.doc](#)
[tbtermlimitsreferendumresolution1132011.doc](#)
[SUBMITtermlimitsreferendum1132011.doc](#)
[R 47-12](#)
[110661-BOT-11-17-11](#)
[TPB Memo](#)
- I. [110651](#) Lincoln-St. Charles Road Crosswalk, Final Balancing Change Order No. 1
Authorizing an increase to the contract with Lorusso Cement Contractors in the amount of \$2,085.00. (DISTRICT #1)
Attachments: [110651 BOT 11-17-11.pdf](#)
[Change Order 1 Lorusso](#)
[110651-Coverpage-11-17-11](#)
[PO #68834 Lorusso Cement CO#1.pdf](#)
- J. [110678](#) Terrace View Pond Improvements, Final Design Engineering
Authorizing a contract with Christopher B. Burke, Engineering LTD in an amount not to exceed \$111,069.57. (DISTRICT #4)
Attachments: [R 48-12](#)
[Contract SS 11-01](#)
[PO #69107 Christopher Burke.pdf](#)
[110678-BOT-11-17-11](#)
- Other Matters**
- K. [110668](#) FY2012 Liquid Calcium Chloride
Request for a waiver of bids and award of a contract to Sicalco, LTD in an amount not to exceed \$13,000.00. Public Act 85-1295 does not apply. (DISTRICTS - ALL)
Attachments: [PO #69108 Sicalco.pdf](#)
[110668-BOT-11-17-11](#)
- L. [110669](#) FY2012 Salt Brine & Anti-Icing Material
Request for a waiver of bids and award of a contract to Gasaway Distributors, Inc. in an amount not to exceed \$11,000.00. Public Act 85-1295 does not apply. (DISTRICTS - ALL)
Attachments: [PO #69109 Gasaway.pdf](#)
[110669-BOT-11-17-11](#)

- M. [110674](#) FY2012 Sewer Lining Project
Award of a contract to Visu Sewer, the lowest responsible bid of three (3) bidders, in the amount of \$75,079.05. Bid in compliance with Public Act 85-1295.

Attachments: [PO #69110 Visu Sewer FY2012 Sewer Lining.pdf](#)
[110674-BOT-11-17-11](#)
[SAN 12-02 VISU](#)
[PO #069110 Visu-Sewer SAN 12-02 CO #1.pdf](#)
[Change Order One Visu](#)

- N. [110679](#) Road Salt Purchase
Requesting a waiver of bids and award of a contract in conjunction with the State of Illinois to North American Salt Company in an amount not to exceed \$256,400.00. Public Act 85-1295 does not apply. (DISTRICTS - ALL)

Attachments: [110679-BOT-11-17-11](#)
[PO #69111 North American Salt.pdf](#)

- O. [110615](#) Overweight Truck Legislation
Recommendation from the Transportation & Safety Committee to adopt an ordinance that would limit the weight to 5-tons on various streets within the Village. (DISTRICT #4)

Attachments: [Ordinance 6662](#)
[110615-BOT-11-17-11](#)

Deputy Chief Rollins reviewed the item. The issue is large trucks driving down village streets such as LeMoyne, Grace north of North Avenue, etc. Staff is recommending that five signs be installed in four locations. There is currently existing signage throughout the village, this would just require an amendment to the traffic schedule for vehicle weight restrictions. Adams suggested that a sign be installed on North Avenue. Kalisik explained IDOT will not allow it. One is installed on the northeast corner in the hopes that a truck queuing in the left turn lane will see it before they make the turn. Sherretz asked if signs will also need to be installed on Finley Road. Rollins answered that the issue on Finley Road would be permitted under another ordinance regarding the 55' length. Larkin suggested that a sign be installed on south bound Grace north of the train tracks in Addison. Kalisik replied that staff did make a request to the Village of Addison, however, it was denied so it will be installed at the village limit. Chairperson Wilson asked if the Police Department would start with a warning program. Rollins confirmed that they would.

- P. [110673](#) Auditing Services Contract
Authorizing an updated cost proposal reflecting the conversion to a calendar year fiscal year.

Attachments: [Audit Services 11-3-11.docx](#)
[auditing services contract memo.doc](#)
[110673-BOT-11-17-11](#)

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

- A. [110631](#) PC 11-21: 215 & 223 E. Roosevelt, 120-124 E. 13th Street (V-Land Planned Development) (Continued from November 3, 2011)
Requests that the Village take the following actions on the subject properties:
1. Approve an amendment to an annexation agreement;
 2. Pursuant to Section 155.504(A) (major changes to a planned development), an amendment to Ordinance 5878 granting approval of a conditional use for a planned development, amending the maximum number of tenant spaces within the existing retail center;
 3. A conditional use, per Section 155.417(G)(2)(b)(2) of the Village of Lombard Zoning Ordinance, for a financial institution in the B4A Roosevelt Road Corridor District. (DISTRICT #6)

Attachments: [110631BOT11_03_11.pdf](#)

[110631_BOT11_17_11.pdf](#)

[110631-BOT-11-17-11](#)

[Affidavit #1](#)

[Affidavit #2](#)

[Ordinance 6663](#)

[Ordinance 6664](#)

Presenting the petition was Steve Panko, V-Land Corporation, 321 N. Clark, Suite 2440, Chicago, IL. Mr. Panko stated he is the owner of the 215 & 223 E. Roosevelt Road properties. Since 2006 the center has been leased and doing quite well. The Buffalo Wild Wings is doing well and is one of the better Buffalo Wild Wings in the area, along with Hair Cuttery. When our initial petition came forward the economy was good and we agreed upon a limitation of tenants. Since that time, we have tried to find tenants for the last space, which has not happened in five years. Two tenants have now expressed interest in the space so we are requesting relief to the existing planned development and an amendment to the annexation agreement.

George Maurides, attorney for Axis Financial, located at 33 N. LaSalle Street, Chicago, stated he was one of the two tenants that want to relocate into the center. He stated that they have an existing location in Lombard about three blocks away. Because they make loans they are now considered a financial institution. When they originally opened in 1998 they were not required to get a conditional use. The Zoning Ordinance has since changed and as a result of them proposing to move to this location, they would be required to obtain a conditional use. Mr. Maurides stated that they will have the same business operations as they currently have, the hours of operation will be the same, the interior layout will basically be the same, the only difference is that we have to request a conditional use. Lastly, he noted that they meet the criteria for obtaining a conditional use.

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

Chairperson Ryan then requested the staff report.

Christopher Stilling, Assistant Community Development Director, presented the staff report. Staff has prepared the IDRC report to submit to the public record in its entirety. The petitioner is requesting an amendment to an annexation and planned development agreement to allow for the reconfiguration of a multi-tenant building from five (5) tenants spaces to six (6) tenant spaces on the subject property located within the B4A Roosevelt Road Corridor District. The petitioner is also requesting a conditional use, per Section 155.417(G)(2)(b)(2) of the Village of Lombard Zoning Ordinance to allow for a financial institution (Check 'n Go). The proposed financial institution will occupy one of the tenant spaces created as part of the annexation agreement amendment.

The subject property is located at the southwest corner of Highland Avenue and Roosevelt Road and is known as the V-Land Planned Development. In 2002, the Village approved an annexation agreement for the property and created a planned development in order to provide for a new BP service station, mini-mart and a car wash. However, after BP acquired the property, they decided not to proceed with the project. BP did ultimately raze all the structures on the site.

In 2004, V-Land Corporation developed plans for the site and subsequently amended the original annexation agreement (PC 04-25) to reflect a phased development concept. The project was to be developed in phases. Phase I was to consist of the development of a retail center and a bank with a drive-through facility. Also included within Phase I was the requisite stormwater detention and infrastructure improvements. Phase II was to consist of a concept plan for a 6,600 square foot retail and/or restaurant building footprints with associated parking and landscape improvements.

In 2006, the annexation agreement was further amended (PC 06-13) as the V-Land Corporation wished to alter the site plan associated with the 2004 planned development approval (PC 04-25) for the planned development. The amended plan relocated the bank to the corner of Highland Avenue and Roosevelt Road, which in turn shifted the shopping center to the west. The overall size of the commercial center was expanded to provide for 19,629 square feet of retail space in a single building. The southern end of the property along 13th Street would still consist of a stormwater detention outlot and associated parking for the development.

Their redevelopment plan included parcels not originally part of the initial petition that encompassed all but one parcels on the block face. The entire development was completed in 2008 and now consists of a standalone bank, known as Chase Bank, a multi-tenant retail building that currently houses a mix of commercial uses including a Buffalo Wild Wings restaurant, T-Mobile cellular phone store, CD One Price Cleaners dry cleaning service, Hair Cuttery hair salon, a Career Education Corp. (CEC) office and a 3,335 square foot vacant tenant space.

When the development plans were altered in 2006, a condition of PC 06-13, which then became part of the annexation agreement, was amended for the second time to reflect the change in development plan. The condition stated the following: The west-end tenant (currently Buffalo Wild Wings) was to be developed as a sit-down restaurant of at least 5,491 square feet. The remainder of the multi-tenant retail building shall not be subdivided or petitioned to have

more than five (5) separate tenant or business establishments.

As previously mentioned, there is one 3,335 square foot vacant tenant space remaining in the multi-tenant building. The V-Land Corporation is now petitioning to amend the annexation agreement to divide the vacant tenant space and allow six (6) separate tenant spaces. V-Land has two companies under contract to establish business within the multi-tenant building - Jet's Pizza and Check 'n Go. More specifically, Jet's would occupy 1,801 square feet and Check 'n Go would occupy 1,534 square of the divided tenant space.

The Jet's Pizza would operate similarly to that of Domino's Pizza whereas the business would function as a pick-up and delivery location only. The business would be classified as a restaurant, which is a permitted use in the B4A - Roosevelt Road Corridor District.

Check 'n Go, which is currently operating in the High Point Shopping Center would be considered a financial institution per the Zoning Ordinance. Furthermore, financial institutions are listed as a conditional use in the B4A - Roosevelt Road Corridor District. As such, conditional use approval to allow for a financial institution is also being requested under this petition.

The original intent of the cap on the number of overall retail spaces was to minimize "soft" uses and service related businesses from carving the center into many spaces that would not be attractive to retail establishments. By capping the overall number of tenants, it would in theory force the owner to seek out tenants that would be more retail in nature, as opposed to many 1,000 sq. ft. service uses.

The petitioner/owner has stated that the remaining center for a single user has been difficult to find. He also has argued that market conditions and the fact that the space has sat idle since initial construction suggests that the condition be revisited.

Staff is supportive of the one additional tenant space in the multi-tenant building as the size of the tenant spaces would be undesirable for a larger/more-intense use that may negatively affect the planned development. Furthermore, the size of the retail building would not be increased, but rather allow for a greater number of businesses within the V-Land Planned Development.

Check 'n Go received a Certificate of Occupancy on May 5, 1998 to operate at its current location within the High Point Shopping Center. Check 'n Go is now proposing to relocate their business to the V-Land Planned Development. As Check 'n Go's primary business function is conducting financial transactions in the same manner as a bank, it is considered a Financial Institution per the Zoning Ordinance. Furthermore, 'Financial Institutions' are listed as a conditional use within the B4A Roosevelt Road Corridor District.

As previously mentioned, Check 'n Go would occupy 1,534 square feet within the multi-tenant building. The operations would be conducted entirely within the confines of the building with no external operational improvements being utilized. The hours of operation vary from 10:00 a.m. - 6 p.m. Monday through Thursday, 9:00 a.m. - 7:00 p.m. on Friday and 9 a.m. - 1:00 p.m. on Saturday.

The Roosevelt Road access drive is a right-in, right-out facility while the Garfield Street access is used for patrons desiring to turn left onto Roosevelt Road. Cross-access between the Chase Bank site and the retail strip center

allows access to Highland Ave, Roosevelt Rd. and Garfield St. Furthermore, the internal circulation system reduces commercial traffic movements to/from 13th Street. Existing on-site parking facilities provide adequate off-street parking to accommodate any additional traffic demands, which are not anticipated to be significantly increased by the proposed uses.

The Comprehensive Plan recommends community commercial and high density residential for the planned development and community commercial for the subject property. As a supplement to the Comprehensive Plan, the Roosevelt Road Corridor Plan was adopted in 2007. A primary activity of the study was to determine which uses and activities best advance the overall goals of the Village and provide the greatest contribution to the corridor's success. Moreover, Goal #1 of the Roosevelt Road Corridor Plan was to identify preferred land uses and activities along the corridor. A policy recommendation that derived from Goal #1 states, uses such as financial institutions (banks), may be beneficial if they are located within a planned development or as part of a unified redevelopment plan, but they are not as desirable as stand-alone establishments. As the proposed financial institution is a commercial use and is located within a planned development, it is consistent with the Comprehensive Plan and the Roosevelt Road Corridor Plan.

The proposed use is compatible with the surrounding business uses. There are a number of Financial Institutions located along the Roosevelt Road Corridor and one currently located within the V-Land Planned Development.

Staff finds that the proposal meets the standards for conditional uses and planned developments, as submitted by the petitioner, and enhances the overall planned development in the best interest of the Village. Staff also finds that the proposed financial institution is consistent with past approvals and will not have any negative impacts on the surrounding area.

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

Other Ordinances on First Reading

Ordinances on Second Reading

Resolutions

Other Matters

X. Agenda Items for Discussion

XI. Executive Session

XII. Reconvene

XIII Adjournment

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