

# Village of Lombard

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



## Meeting Agenda

**Thursday, May 19, 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**

[110270](#) Swearing-in - Deputy Chief Tom Wirsing

**Attachments:** [pdswearinginwirsing592011.doc](#)

[110228](#) Sustainability Award  
Awarded to Dustin Smith, 41 S. 2nd Avenue.

**Attachments:** [110228.pdf](#)

*Gorman reviewed the nomination submitted by Keith Steiskal from the Building Division. He thinks this young couple did all the right things. He thought very highly of their motivation in trying to reuse materials. Cooper commented that he thinks it's a good candidate for residential. Everything they touch on does somewhat break out what they follow for the LEED program. It doesn't have the wow factor, but like Keith said it's attainable and it gets people thinking. Chairperson Moreau asked if the committee would like to present the award at a Board meeting. The members were agreeable.*

[110271](#) Proclamation - DuPage County River Sweep

**Attachments:** [procrivesweep2011.doc](#)

[110272](#) Proclamation - Skin Cancer Detection Month

**Attachments:** [procskincancer2011.doc](#)

[110276](#) Proclamation - National Police Week

**V. Approval of Minutes****VI. Committee Reports**

**Community Relations Committee - Trustee Laura Fitzpatrick, Chairperson**

**Economic/Community Development Committee - Trustee Bill Ware, Chairperson**

**Environmental Concerns Committee - Trustee Laura Fitzpatrick, Alternate Chairperson**

**Finance Committee - Trustee Zachary Wilson, Chairperson**

**Public Works Committee - Trustee Greg Gron, Chairperson**

**Transportation & Safety Committee - Trustee Keith Giagnorio, Chairperson**

**Board of Local Improvements - Trustee Greg Gron, President**

**Community Promotion & Tourism - President William J. Mueller, Chairperson**

**Lombard Historical Commission - Clerk Brigitte O'Brien**

## **VII. Village Manager/Village Board Comments**

## **VIII Consent Agenda**

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### **Payroll/Accounts Payable**

- A. [110265](#) Approval of Accounts Payable  
For the period ending May 6, 2011 in the amount of \$212,020.52.
- B. [110289](#) Approval of Village Payroll  
For the period ending May 7, 2011 in the amount of \$797,320.62.
- C. [110290](#) Approval of Accounts Payable  
For the period ending May 13, 2011 in the amount of \$242,637.80.

### **Ordinances on First Reading (Waiver of First Requested)**

- D. [110215](#) PC 11-10: 1000 N. Rohlwing Road, Suite 13 (Continued from May 5, 2011)  
Requests that the Village grant a conditional use, pursuant to Section 155.415 (C) (20) of the Lombard Zoning Ordinance, to allow outside service areas for outdoor dining for the subject property located within the B3PD Community Shopping Center Planned Development District. (DISTRICT #1)

**Attachments:** [apoletter.doc](#)  
[cont memo.doc](#)  
[Cover Sheet.doc](#)  
[DAH referral memo.doc](#)  
[PUBLIC NOTICE 11-10.doc](#)  
[Referral Letter.doc](#)  
[REPORT 11-10.doc](#)  
[110215.pdf](#)  
[Ordinance 6619.pdf](#)

*Steven Brauer, 1000 N. Rohlwing Rd., Lombard, IL, presented the petition. He stated that they are seeking to have a 700 square foot outdoor dining area on the east side of the existing tenant space which would be used to serve lunch and dinner, weather permitting.*

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

*Chairperson Ryan then requested the staff report.*

*Christopher Stilling, Assistant Director of Community Development, presented the report. He stated that subject property was annexed into the Village in 1990 associated with the approval of the Northgate Shopping Center development. In the late 1990s, the Northgate Theatres ceased operations. In 2003, an anchor tenant of the shopping center, Menard's, closed their operations within the center. Since then, the Menard's space has remained vacant. The theatre site received conditional use approvals for a teen club and a religious institution, but both closed in 2006. The planned development was established in 2006 (PC 06-18) in order to accommodate signage and landscaping modifications. The property is currently occupied by the anchor tenants of Harlem Furniture and Restaurant Depot, as well as smaller tenants, including the Brauer House Restaurant, occupying space at the southern end of the center.*

*The petitioner is proposing to construct a 700 square foot outdoor dining area on the east side of the existing tenant space. The dining area would consist of approximately eight (8) tables with four (4) chairs per table, for a total of thirty-two (32) seats. The dining area would be enclosed with a 4' high ornamental metal fence. The height and style of the fence proposed is consistent with other recently approved outdoor dining areas. The dining area would be covered by the existing canopy running along the east side of the tenant space.*

*There is an existing daycare facility in the tenant space directly north of the outdoor dining area. That facility did receive text amendment and conditional use approval to allow its operation until midnight (PC 03-35 and 03-36). The entrance is over 30' away from the outdoor dining area. The petitioner has agreed to install a privacy wall on the north side of the outdoor dining area, blocking the view to the daycare facility.*

*As noted in the comments by the Building Division, if the petition is approved, the plans will have to be revised to meet the Illinois Accessibility Code. Based on the dimensions shown, it appears that sufficient space is available to accommodate the required spacing. The petitioner has indicated that the hours of operation outside would be consistent with their current hours of operations which are roughly 11AM -11PM, seven (7) days a week.*

*Staff finds the standards have been met and that the use is compatible with the Comprehensive Plan and surrounding land uses and therefore staff recommends approval of the conditional use subject to the conditions noted in the staff report.*

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

*Commissioner Sweetser noted that condition #1 should be changed to reflect a total of 32 chairs if there was going to be 8 tables with 4 chairs each.*

E. [110231](#)

ZBA 11-03: 1147 E. Adams Street

Requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1. A variation from Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a corner side yard from four feet (4') to six feet (6'). (DISTRICT #6)

**Attachments:** [apoletter 11-03.doc](#)

[Cover Sheet.doc](#)

[DAH referral memo.doc](#)

[PUBLICNOTICE 11-03.doc](#)

[Referral Let.doc](#)

[Report 11-03.doc](#)

[110231.pdf](#)

[Ordinance 6620.pdf](#)

*Chairperson DeFalco opened the meeting for public comment.*

*John Schwarz, 1147 E. Adams, presented the petition. Mr. Schwarz stated that his family has lived on the subject property for 23 years and have been residents of Lombard for 35 years. He added that there was a six (6) foot fence at its current location when they purchased the property. He stated that the fence was in a state of disrepair and needed to be replaced. He stated that the Village would not issue him a permit because the fence was too tall in the corner side yard, but he went ahead and did it anyways. He stated that the extra height is needed because their property abuts a five story condo building. He stated that there are no clear line of sight issues. He then stated that the notification letters were all sent to his neighbors and nobody opposed the fence. He added that all of the condo owners were sent the letter and the association did not have a problem with the fence.*

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

*There was nobody in the audience in favor or against the petition. Chairperson DeFalco then requested the staff report.*

*Michael Toth, Planner I, presented the staff report. The subject property is located at the southwest corner of Adams and Addison Streets. The petitioner is requesting a variation to allow for a solid wood fence at a height of six feet (6') in the corner side yard where a maximum height of four feet (4') is permitted. The fence is located along the Addison Street side of the property. The previously existing non-conforming fence was removed by the property owner and reconstructed to its original height. The new fence is required to meet the current zoning ordinance provisions, unless a variation is granted by the Village.*

*The petitioner purchased the subject property in the late 1980's. At the time of purchase, the subject property contained a solid wood fence at six feet (6') in height located within the required twenty (20) foot corner side yard. The petitioner recently removed the old fence and replaced it to its original height and location. Six foot high fences are not permitted within corner side yards due to the visual obstruction they create. As such, the petitioner's replacement*

*of the fence requires that the new fence meet the four-foot height restriction or that a variation be granted. A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from all other properties in the area.*

*Within the response to standards, the petitioner raised concerns relative to the level of privacy between the subject property and that of the multi-family property to the south, known as Jackson Terrace Condominiums. Jackson Terrace Condominiums is a multi-family condominium development located directly to the south of the subject property within the R4 - Limited General Residence District. The Jackson Terrace Condominiums consists of two multi-story buildings - the easternmost building being 5-stories and the westernmost building is 3-stories. The rear yard of the subject property directly abuts the 5-story Jackson Terrace Condominium building.*

*The maximum building height in the R4 - Limited General Residential District is three (3) stories (or 36 feet). As the multi-family building that abuts the subject property is five (5) stories in height, the height of the structure is similar to that of the height restrictions of the R5 - General Residence District. Furthermore, the number of single family properties that directly abuts property in the R5 - General Residence District is very minimal. Mr. Toth added that there are a total of 10,028 R2 - Single-Family Residential parcels in the Village of Lombard. He added that of those 10,028 parcels in the R2, 58 of those lots directly abut a parcel of land in the R4 - Limited General Residential District, which equates to .005%. Furthermore, 32 R2 parcels directly abut a parcel of land in the R5 -General Residential District, which equates to .003%.*

*Diagram 1 in the staff report illustrates the subject six (6) foot fence which acts as a privacy screen between the subject property and the Jackson Terrace Condominiums. The Zoning Ordinance allows privacy fences to be six (6) feet in height in the rear yard, but only four (4) feet in height in the corner side yard. The petitioner desires to maintain the six (6) foot tall fence in the corner side yard to allow for maximum screening from the 5-story condominium building located directly to the south.*

*Staff finds that there is a demonstrated hardship associated with the physical surroundings of the subject property. The Zoning Ordinance recognizes the need for additional fence height (screening) in residential districts when a property abuts a use of higher intensity. When fences or walls in any residential district abuts railroad right-of-way or property(ies) in a business, office, or industrial district, the height of the fence or wall along the property line adjoining such railroad right-of-way or business, office, or industrial district on the residential lot may reach, but not exceed, eight feet (8') in height. As the subject property abuts a five-story multi-family condominium building, staff believes that the additional fence height is warranted.*

*Concluding, Mr. Toth stated that staff is recommending approval of ZBA 11-03, subject to the two conditions outlined in the staff report.*

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

*Mr. Tap asked the petitioner if the fence was already erected.*

*John Schwarz explained that the fence was already erected. He stated that the Village would not issue him a permit because the fence was too tall in the*

corner side yard, but he went ahead and did it anyways because the family dog had broken through the fence. He added that he originally thought he didn't need a permit because he did not need one the last time he replaced the fence. He then stated that it was after the fence was put up that he was told that he needed a variation for the fence because it exceeded the height requirement. He added that he worked with staff to get the variation and would have done it sooner but his wife is dealing with cancer. He then reiterated the fact that there are no clear line of sight issues. He then stated that there are a number of children who pass by his house from Jackson Jr. High. He added the extra height adds privacy to the backyard.

Chairperson DeFalco stated that the old ordinance only allowed for fencing no higher than three (3) in the corner side yard. He then stated that it was later changed to four (4) feet. He mentioned that the Village did catalog the non-conforming fences built before 2000 and stated that the Village then required fence permits after 2000.

F. [110232](#)

ZBA 11-04: 1155 S. Fairfield Avenue

Requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1. A variation from Section 155.407(F)(1)(a)(6) of the Lombard Zoning Ordinance to allow a detached single family residence to be constructed more than fifty (50) feet from the front lot line. (DISTRICT #6)

**Attachments:** [apoletter 11-04.doc](#)

[Cover Sheet.doc](#)

[DAH referral memo.doc](#)

[PUBLICNOTICE 11-04.doc](#)

[Referral Let.doc](#)

[Report 11-04.doc](#)

[110232.pdf](#)

[Ordinance 6621.pdf](#)

Chairperson DeFalco opened the meeting for public comment.

The property owner, Brian Hummert, 1N183 Stacy Ct., Glen Ellyn, presented the petition. Mr. Hummert stated that he is before the Zoning Board to ask for a front yard variation. He stated that he is asking for relief for the placement of the residence for aesthetic reasons and to be able to keep some of the mature trees that are located on the property. He added that he would also like to keep the house aligned with the houses to north of his property.

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

Bob Cunningham, 1161 S. Fairfield, stated that all of the houses on the block should be aligned. He added that the properties to the south of the subject property are all set back a great distance. He stated that the petitioner's residence should also be set back to the distance of the properties to the south of his property to maintain consistency.

Michael Toth, Planner I, stated that the petitioner is proposing to set his house

back to a distance of seventy-two (72) feet from the front lot line. He added that if the variation were to be denied, the residence would be required to be set back fifty (50) feet from the lot line. He stated that this would place the residence even closer to the front property line and in front of both neighboring residences.

Chairperson DeFalco then requested the staff report.

Mr. Toth presented the staff report. The petitioner is proposing to construct a new single-family residence seventy-two (72) feet from the front lot line. Section 155.407(F)(1)(a)(6) of the Lombard Zoning Ordinance states that a detached single family residence shall not be constructed more than fifty (50) feet from the front lot line in the R2 Single-Family Residence District. The new single-family residence is required to meet the current Zoning Ordinance provisions, unless a variation is granted by the Village.

In October 2008, the Village Board formally adopted the text amendments associated with residential development (PC 08-21), which included the residential front yard setbacks. As a result of said amendments, setbacks for all detached single-family homes are now required to consider the average front setback of adjacent properties to determine the required front setback for a given property. In addition to the average setback requirement, the amendments associated with PC 08-21 included a maximum 'build-to' line. The theory was that establishing a maximum front yard setback will help maintain neighborhood homogeneity by over time creating consistent front yard setback parameters. Prior to the amendment; if someone wanted to construct a new attached single family residence deep into the lot, the only limitation would be the thirty-five (35) foot rear yard setback requirement.

#### *Existing Conditions*

The subject property is located on Fairfield Avenue between Central Avenue and Roosevelt Road. The subject property once contained a two-story single family residence that was recently demolished. As such, the lot currently remains vacant. At its longest point, the lot itself is three hundred (300) feet in length. The setback of the previous residence was one hundred and twenty-six (126) feet from the front property line.

#### *Proposed Conditions*

The petitioner is proposing to construct a new two-story single-family residence on the subject property. The abutting property to the north of the subject property has a front yard setback approximately sixty-seven (67) feet and the abutting property to the south has a front yard setback of approximately one hundred and twenty (120) feet. According to Section 155.407(F)(1)(a)(5) of the Zoning Ordinance, lots having single family dwellings located more than fifty (50) feet from the front lot line shall be considered to have a default fifty (50) foot setback. As both abutting properties are greater than fifty (50) feet from the front lot line, they both have a default fifty (50) foot setback. Furthermore, Section 155.407(F)(1)(a)(6) of the Lombard Zoning Ordinance states that a detached single family residence shall be constructed no more than fifty (50) feet from the front lot line, which means that the residence on the subject property would have to be built at exactly fifty (50) feet from the front property line.

#### *Maximum Building Line*

Since adoption in 2008, staff has faced a number of challenges with regard to



*the amended front setback provisions. One of the challenges is the maximum building line. Moreover, by requiring a fifty (50) foot maximum building line, an absolute setback is created for properties located in a neighborhood consisting of properties of greater depth, when neighboring properties are setback greater than fifty (50) feet. This is consistent with the subject variation. Moreover, the PC 08-21 staff report states that absolute setbacks can have negative implications in established neighborhoods. Staff recently conducted a workshop on the specific issues pertaining to average front yard setbacks at the March 21, 2011 Plan Commission meeting. During such meeting, the Plan Commission instructed staff to review the code provisions relative to average setbacks and the maximum building line. Under the Plan Commission's direction, staff will be proposing amendments that refine these regulations.*

*Concluding, Mr. Toth stated that staff is recommending approval of ZBA 11-04, subject to the four conditions outlined in the staff report.*

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

*Chairperson DeFalco stated that the case before them involves a front yard setback that requires a variation because the Zoning Ordinance states that the residence is to be built at exactly fifty (50) feet. He then referred to staff to provide an explanation of the regulations pertaining to average front setbacks.*

*Mr. Toth explained in detail the text amendments that were adopted in 2008 which require average setback and include a maximum build-to line.*

*Chairperson DeFalco questioned the front setbacks of the neighboring properties.*

*Mr. Toth stated that those residences were permitted for construction prior to the Code changes in 2008. As such, they were not subject to the new regulations.*

*Mr. Cunningham discussed the need to keep all of the houses on the block to a consistent setback.*

*Mr. Bartels asked if the petitioner's residence could be setback further. He then asked if the setback would be subject to an average setback.*

*Mr. Toth stated that the petitioner has requested a setback of seventy-two (72) feet for the reasons indicated. The petitioner would not be subject to an average setback because the Zoning Ordinance requires them to be set at exactly fifty (50) feet - no more or no less. He added that after fifty (50) feet the only requirement limiting the location of the house would be the rear yard setback. He again clarified that the petitioner desires to construct the residence at seventy-two (72) feet with reason. He added that the amendments were originally created to get away from absolute setbacks, but as demonstrated in this case, they actually create absolute setbacks.*

*There was then discussion between Messrs. Cunningham and Hummert and the ZBA members relative to the configuration of the residences on S. Fairfield. They all discussed specific residences and how they lined up to one another.*

*Chairperson DeFalco stated that staff is in the process of amending the average front setbacks and maximum building line. He then deferred to staff for more*

*information.*

*Mr. Toth provided an update on the progress of the proposed text amendments. He added that they are currently in the workshop phase with the Plan Commission.*

*Chairperson DeFalco asked if the petition should be tabled until the text amendments are resolved.*

*Mr. Toth stated that he advised against that on account that any text amendments that may occur may not be approved until the end of the summer, if at all. He added that the petitioner has demolished the previous residence and is ready to start construction as soon as possible.*

*Chairperson DeFalco read the four conditions associated with the case.*

**\*G. Salary Ordinance (Moved to IX-A-1)**

- H. [110286](#) Amending Title 11, Chapter 112 of the Lombard Village Code  
Revising the Class "N" liquor license into two categories and revising the  
descriptions and fees. (DISTRICT #1)

**Attachments:** [memo Class N Reclassification.doc](#)  
[Agenda Form.doc](#)  
[Ord re Class N Liquor License.DOC](#)  
[Ordinance 6622.pdf](#)  
[110286.pdf](#)

**Other Ordinances on First Reading**

- I. [090246](#) PC 09-08: 331 W. Madison Street (CPSA)  
Granting a further time extension to Ordinance 6347 extending the time  
period for construction of the conditional use for a planned development  
and a school for an additional twelve month period (June 18, 2012).  
(DISTRICT #6)

**Attachments:** [APO LETTER.doc](#)  
[Cover Sheet.doc](#)  
[DAH referral memo remand.doc](#)  
[DAH referral memo.doc](#)  
[PUBLICNOTICE.doc](#)  
[Referral Letter.doc](#)  
[Report 09-08 \(revised\).doc](#)  
[Ordinance 6347.pdf](#)  
[Ordinance 6346.pdf](#)  
[Cover Sheet ext 1.doc](#)  
[BOT\\_ext\\_331 W Madison.doc](#)  
[Ordinance 6481.pdf](#)  
[090246.pdf](#)  
[090246.pdf](#)  
[Letter to Boards, PC & Village Staff.pdf](#)  
[BOT\\_extII.doc](#)  
[Cover Sheet ext 2.doc](#)  
[Ordinance 6625.pdf](#)  
[090246.pdf](#)

*Andrew Draus, 350 S. Fairfield Avenue, Lombard, attorney for the petitioner presented the petition. He thanked the public for coming regardless of whether they were in support or against his client stating that it is nice to see they are taking an active role in government.*

*Mr. Draus indicated that the subject of the petition tonight is the College Preparatory School of American (CPSA) located at 331 W. Madison Avenue. He indicated that the building has been used primarily by the school district since 1930. He provided the history of the site and how CPSA came to be at this location in 1994. He noted that the current zoning of the parcel is CR, which is what the parcel has been zoned the entire time, and how it is operating as a legal nonconforming use. CPSA has 5 legal lots comprising of approximately 4 acres containing a school building, parking lot, a playground and 450 students.*

*Mr. Draus mentioned how CPSA's curriculum and environment has attributed to the success of its students. He stated that a high percentage of students graduate from CPSA and go on to college. He also mentioned students' achievements and accomplishments such as being National Merit Scholars and being selected to the all American Academic Team, as well as how the students become professional members of the community.*

*The alumni of CPSA represent various professions and they are now sending their children here. CPSA has strict academic standards with people dedicated to these goals. There is no crime, vandalism, or drugs and there very few discipline issues. There has been an increase in demand for enrollment as a result of families who have moved to Lombard so that their children can attend the school. They have conducted various fundraising events in order for the proposed improvements to come to fruition. Representatives of CPSA have been working with Village staff over a period of time in order to bring this plan before you today.*

*Mr. Draus then introduced Jamshid Jahedi, Architect-Engineer, from Dome Structural Engineers who would discuss the proposed plan in further detail.*

*Jamshid Jahedi, Architect and Engineer for the project, 105 Ogden Avenue, Clarendon Hills, thanked everyone. He indicated that he would present a PowerPoint presentation outlining the project.*

*Two years ago their office was asked to create a necessary drawing and design for a new building on campus. The owners' goals were to create a facility that:*

- \* Offers higher standard of K-12 education in a more delightful environment*
- \* Remains neighbor friendly while responding to steady growth of the students body*
- \* Continues adding credential to the school and the Village of Lombard*
- \* Increases the land value of the school and neighboring properties*

*Mr. Jahedi showed an aerial view of the school as well as a zoning map which indicated the school's current zoning - CR. He stated that the property is really more consistent with the surrounding zoning of R2.*

*Next was an aerial of the existing conditions. He explained the orientation of the slide in that Madison Street was to the right. The existing building is very old (90 years) and 32,000 square feet. The site has 80 parking spaces and is served by two access drives -one entrance and one exit. The majority of the students are dropped off in the parking area and he indicated the entrance as well as the exit.*

*The next slide showed the new addition. He explained that it is the same photo, but they superimposed the new building with the existing building. The new building is going to be built where the existing parking is with part of the*

building extending to the south, which is currently a grass area. The exit and entrance will stay the same. The two buildings will be connected by an underground corridor to facilitate travel between the two buildings. He then showed the next slide which was the proposed site plan. The site plan illustrated the two buildings, new parking areas, detention area and baseball field.

The traffic flow slide showed both the existing and proposed traffic patterns, which were indicated with arrows. He showed the traffic flow on the existing site as well as the proposed site and indicated it is pretty much the same. The parking has been moved to a different location and there is a new driveway, which will be strictly used by the Fire Department and is not part of the public drive. This drive was required by the Fire Department.

The existing parking is shaded with color and he indicated the location of the 80 parking spaces. The new parking has the same amount of area, but has been moved from the south of the building to the north of the building. They extended the parking to the east and south. Approximately 19 parking spaces will be added. This is a more efficient design of the site. Mr. Jahedi explained that by having these additional parking spaces on site, it would eliminate the need for parking on the street.

He showed a cross section of the property looking from Madison. They will have landscaping similar to a berm about 2 feet high, which will be complemented with another 2-3 feet of shrubbery. This will total approximately 5-6 feet in height, which is acceptable as a screening device by the Village.

The parking space comparison slide superimposed the existing and proposed parking spaces in order to get a visual indication of how much parking they are adding. He acknowledged they were not adding a significant amount of parking.

The Occupancy & Parking Calculations slide - Mr. Jahedi stated that Village Code requires 80 parking spaces on site. He noted that the number of total parking spaces required for the existing building is 43 and they have 80. With the new facility consisting of two buildings, 32,000 square feet for the existing building and 61,000 square feet for the proposed building, the required number of parking spaces per Village Code is 80. If the Village looks strictly at Code, we are adding 60,000 square feet, but are still within Code by providing only the existing 80 parking spaces. If we use common sense, we see that right now the parking never gets full, but it does get close to maximum capacity. The neighbors would feel better and have more experience in determining whether additional parking spaces should be added to the site or not. CPSA proposes to keep the 19 additional parking spaces in order to negate the spillage of parked cars in the neighborhood. They think that having the additional parking helps the community at large in solving some of the parking problems although they respectfully leave this decision to the discretion of the Plan Commission members.

He described the proposed site plan indicating they have an outdoor sports facility shown as a baseball field, which could also be used by the neighbors. The detention pond located in the northwest part of the site will control stormwater on site.

Mr. Jahedi showed the drainage slide and stated that the site will retain the entire run off provided by a 100-year storm. The detention pond is located on the lowest part of property. The 100-year storm is the maximum amount of

coverage the jurisdiction asked the engineer to design for. The intensity is very high. There are two detention ponds shown, the lower part will handle the 50-year storm event and if higher there is a second detention pond which is part of the sports field. We are improving the drainage of the site much more than currently exists. The neighbors will not see water run off from this property. The light blue line around the site is a swale, which is designed to bring water off the site to the street and into the sewers.

Emphasizing the variances they are asking for he showed the proposed site plan. They are asking for a rezoning from the CR zoning designation to the R2 residential district, a conditional use for a planned development, a variation to the open space and a building height variation to allow 35 feet where 30 feet is allowed.

Simple Rezoning versus PUD - This slide shows a hypothetical analysis of the percentage of open space required when applying for a simple rezoning to the R2 versus applying for a conditional use for a Planned Development. A simple rezoning to the R2 where they connect the two buildings would require they need to meet 50% open space. Their plan provides 47% open space, leaving them 3% short. If we go the other route and apply for a Planned Unit Development with 2 separate buildings, the open space requirement is higher at 62.5%. Their plan proposes 47%, leaving them much shorter. The height restriction of 30' is the same for both routes. The Village prefers they apply for the planned unit development and CPSA prefers the simple rezoning. He asked the Commissioners to think about these two differences, but respectfully leaves this decision to their discretion.

Open Space - Area Calculations - This slide shows the percentage of open space provided by the CPSA's original design versus the percentage of open space needed after factoring in the additional requirements the Village has asked for. By providing impervious roadways and pavement such as the additional driveway the Fire Department requires, as well as the cul-de-sac, this increases the impervious area and result in a larger open space requirement percentage. They are willing to spend additional money and provide green pavement components for the parking lot or the Fire Department access driveway. He mentioned how he is well trained, has appropriate certification and is a very strong advocate of the green building movement. He was disappointed to learn that the Village does not give credit for adding pervious areas. They are still willing to put the pervious pavement in their parking lot in effort to reduce the percentage and increase the open space on site to more than 50%. He asked the Commissioners to look at this concept since they are ready to do it and bring the 50% higher to maybe 62%.

The Height Comparison. Mr. Jahedi stated they are within the 30' height limit for the entire building with the exception of one staircase, which goes up to the roof. The roof consists of fans which blow fresh air into the gym and cafeteria. They will be 3-5' in height and are not included in the building height calculation. They will need a staircase to get up to the roof and this staircase is the result of the extra 5'. They prefer to not incorporate a hatch into the roof, as suggested by Village staff, as the staircase makes easier access. The amount of area that they are taking above 30' is 300 square feet or 1.4% of the footprint. He asked the Plan Commissioners to consider this and compare it for themselves.

The next couple of slides shown were elevations from the northeast, east and south. He commented that they will be 50-70 feet away from the nearest

*residential property line and the other two sides will see green.*

*The basement plan includes an area for the gym, which includes a full basketball court with bleachers and a cafeteria with a kitchen as well other things. The gym and cafeteria are two volumetric designs. They have a large height and in an effort to disguise them they were designed in the basement. As a result the neighbors won't see the gym and the building will be visually pleasing.*

*The first floor plan consists of the upper part of the gym, which is basically open to the basement, a preschool, administrative offices and classrooms. He noted the staircase that goes down to the basement as well as the tunnel that would take students from one building to the other.*

*The second floor plan consists of amenities for the school including: various labs, a library with an atrium, classrooms and a multi-purpose room.*

*Concluding, Mr. Jahedi noted the attributes of project.*

*Attorney Draus noted the storyboards located behind them. Since the Commissioners could not see the storyboards, Mr. Jahedi referred back to his PowerPoint presentation and showed where the height variation would be located on the building. He explained how they calculated the height or average grade of the building. He noted the highest part of the building indicating that this is the stairs, which lead to the roof, are to be used for facilitating the repair and maintenance of the roof. He noted that the stairway was strategically placed in the middle of the building, placed at the furthest distance away from the neighbors.*

*Attorney Draus mentioned the fact that CPSA held neighborhood meetings and they have been meeting with the Village for two years trying to incorporate concerns voiced by both parties. Concluding, Mr. Draus indicated that the board members from CPSA were in the audience and were available to answer any questions on behalf of the owner.*

*Chairperson Ryan opened the meeting for public comment.*

*To speak in favor of the petition were:*

*Fazal Ahmed, 20 W. 17th Street, Lombard, stated that he is a resident of Lombard and has children in the school. The school not only provides an excellent education, but also contributes to a person's physical and mental health. He felt they should not be crammed into a building. He stated the need for a new building, as the existing building is aged. Having the new building is not only advantageous for them, but also for the Village as it will increase property value. He wants to stay in town due to its diversity but they need a better cleaner environment, which will result in making a name for the town.*

*Mohammed Azharuddin, 1069 S. Westmore Avenue, Lombard, stated he lives in the Westmore Avenue Apartment Complex, having moved from Texas because of the school's teachings and credentials. He has two children in the school and their standards are two years above the public school. He requested that they not deny the opportunity for the children to have more labs and a better learning experience.*

*Sabet Siddiqui, 531 W. Harding Road, Lombard, noted his profession and*

mentioned that he was building a house, which is one of the moderate to bigger homes in Yorkshire Woods. He indicated how he used to commute long distances in order to have his children attend the school. He asked the Commissioners to approve the proposal. The school maintains extremely high scores and they need your help to have a decent facility.

Dr. M. Javeed Ansari, 114 Oakton Drive, Lombard, stated that his family consisting of four children moved from Massachusetts for the purpose of attending this school. He mentioned there was a two-year waiting list to get in. The children's education and reputation of the school is nationwide. He has never seen such a school in this area and noted the product the school puts out. He humbly requests the Plan Commissioners to arrive at a favorable decision to help the community and make its citizens proud.

Fatima Nazeer, 43 W. Ann Street, Lombard, indicated she is an alumni of CPSA as is her husband. She stated she attended Benedictine University and he went to Northwestern. They are proud to have been a member of the CPSA community, as the school has had many accomplishments, as well as a citizen of Lombard. She referred to the Character Counts pillars on the wall and indicated that you will find those qualities mentioned at CPSA. She asked the Commissioners to consider everything said.

Mukarram Sheikh, 1328 S. Rebecca Road, Lombard, noted his profession and stated that four years ago he did not know the Village of Lombard. When his family lived in Tennessee they searched for one of the best school in the country where they could maintain their faith as well as obtain the best academic education. They do not have many facilities from which to choose unlike other religions. The program at CPSA made them move here even though the building was something to be desired. They love CPSA, Lombard, the Park District, and the shopping. They are buying property here. He believes that an education is a holistic process and they want to add community service projects, but don't have the available space. They need to go to the next level. He believed that not only will the new proposal benefit them, but will also benefit the neighbors. The school attracts the best in the community and is a win/win situation. He mentioned Daniel Tani and how proud it makes you feel no matter where you came from that he is a product of Lombard who attended Glenbard East. We must be ready so that when the next leader comes, we will all feel proud. He asked the Commissioners to approve the building in order to attract the best talent to Lombard.

Anjum Mirza, 1306 S. Finley Road, Lombard stated he lives in International Village. He has two children in the school. Prior to them moving, his wife had to travel close to 100 miles a day to bring them to school. He humbly requests that they approve the request and give them a chance.

Muddassir Saeed, 2090 S. Valley Road, Lombard, gave his background and educational history. He stated he attended Peter Hoy School, Lombard Jr. High and Glenbard East High School. He loves the community of Lombard as it has a lot to offer and has three children in the school. DuPage County is an affordable place to live and has a good standard and asks that they support the school.

Rashid Zaffer, 1790 Porter Court, stated she lived adjacent to the school and her husband and other family members attended CPSA. It is a great school located in a great community and asks for approval of the request as it will be great for the whole neighborhood.



*M.A. Majeed, 509 W. Wilson Avenue, Lombard, stated that Naperville was recently named the number one city in which to live. He did reside there, but decided to move here instead. He sends his children to CPSA. He emphasized that in the proposed plan there are two issues - the height and the open space. The code requires that they need 80 parking spots and the architect is suggesting 99. We have a choice, as does the Plan Commission and the neighbors, to either contain the parking on the premises or have it spillover onto the streets. There is another school two blocks south and there is no street parking allowed on Madison. There are other schools in the community such as Sacred Heart where street parking is allowed. It comes down to an issue of parking spilling over on the street or having open space. In his opinion, it is better to have the parking contained on the property so the neighborhood won't be affected.*

*Mohammed Kothawala, 213 W. Harding Road, Lombard, stated he lives two blocks behind the school. They built a house and are happy to be in the neighborhood. He has two children in the school. He sees parents come from different directions to drop off their children and as a result, he does not see much of a traffic problem.*

*To speak against the petition were:*

*Ed Pszanka, 615 S. Edson, Lombard, stated he lives adjacent to the school property. He has lived in Lombard for 40 years. He mentioned the new housing that has recently been constructed in the neighborhood. He's tired of constantly looking at a garbage dump and a blank wall. He complained of issues dealing with water run off onto his property, people raising the topography of their land, houses being built too close to property lines and too high. There is a Building Code in place and it should be followed. He stated he was not notified of any of the meetings. He was worried about the retention pond attracting geese, mosquitoes and bugs as well as being unsightly. He is an organic gardener and he does not want that water overflowing onto his property.*

*Chairperson Ryan mentioned that he was notified of this meeting, but there is no requirement that he be notified of meetings between the petitioners and Village staff.*

*Mr. Jahedi responded to Mr. Pszanka's comments about the retention pond. He indicated it will be a dry grassy area with no water. It is engineered to retain water during a storm and within a 24-hour period the water will drain back to the Village system. In this way, we are not overloading the Village system at one time.*

*Mr. Pszanka indicated that when CPSA bought the building in 1994, there was a ditch by the baseball field that took water and brought it along the property line down to Madison. The ditch is now filled up.*

*Attorney Draus indicated that the retention area has a drain in it so it is not designed for the water to remain. It collects excess water from neighboring properties. It is a Village requirement.*

*Candice Rizzo, 308 Harding, Lombard, stated she has been a resident for 25 years and they have recently added onto their home. They have abided by all the Village zoning and guidelines. They are very proud of their home and consider it their major investment. She is also here to speak on behalf of her*

husband and their neighbors. She has a petition opposing the proposal. Their concerns are:

- \* increased traffic on Madison as well as the route that might be taken around the neighborhood to get to the school
- \* the height of the building - her house backs up to it so they would be directly affected
- \* privacy and the use of her property - her backyard is open and the school will have activity year round.
- \* property values haven't increased or decreased, but if they sell their house, the new owner won't want the view of the proposed parking lot with traffic being routed behind the school.
- \* garbage that would be generated.
- \* they should maintain the residential look and appearance of the neighborhood.
- \* the proposal is too large of a building squeezed onto a small piece of property and not becoming to the neighborhood.

She went to houses within a four block radius of the school and is submitting the petition on their behalf relative to those concerns. She asked the Commissioners to consider these issues.

Joe Glazier, Jr., 304 W. Harding, Lombard, asked if they would be able to build future residences on the site without a public hearing if the rezoning to R2 was approved. The northwest corner of his property would be affected by noise and traffic with more being put on the southeast corner of the site. The placement of rooftop mechanicals would be closer to his home and would generate more noise. The placement of the atrium will overlook the surrounding homes and would have a direct site line to his patio eliminating his privacy. They are asking to double the number of students and reduce the open space. There is too much proposed for the space available.

Attorney Draus responded to the rezoning request. He stated that there are no plans to put residential dormitories on the property. That would require another public hearing. Christopher Stilling, Assistant Director, stated that if the rezoning and the planned development were approved, they would not be allowed to build residences. He explained how a planned development is tied to a specific plan and if they deviated from that plan, they would have to come back to the Plan Commission for an amendment to the planned development, which would entail another public hearing.

Mr. Glazier then asked for an explanation about the zoning regulations between an R2 and the CR. Mr. Stilling stated that the CR zoning is intended to provide for the location of such things as public parks, forest preserves, and other open-space uses and is more in line with a publicly-owned facility. The zoning of R2 is in line with private schools and residential areas and is typical of what has been done in the past. Attorney Draus stated that the conditional use request would provide for having a private school.

Fran Pszanka, 615 S. Edson, Lombard, indicated she lives right behind where the retention pond is planned to go and asked if it will come right up to their property line. Also, she asked if there is anything that states that it has to stay away from them. She noted that if the sewer system is not good enough to take the water away, why have the pond? She mentioned previous meetings whereby it was mentioned that something would be done to remove the water. Also, she was concerned about the safety issue with having a pond on the playfield as she heard it was 5' deep. Mr. Stilling responded to the placement of the detention

pond and noted that the petitioner's plan indicates there is a 5' setback. Currently, the property has no controlled detention on site so the water travels with the slope of the property. Water detention is governed by DuPage County as well as the Village.

Mr. Jahedi responded that the detention pond is like a ball so that when there is too much water it is kept in the ball until such time that it drains slowly into the system. This system serves the site better than what it does now. The depth of the pond is 5' and the slope is 3:1, which is the maximum DuPage County allows a slope to be. The slope is walkable and the children can run up and down it. It makes it a good area for play and is not a safety issue.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, introduced two items into the public record: the KLOA traffic report, which is the final version not the draft version as it states, and Response to Standards to Deviations. He noted that only three standards were addressed because they were not met by the petitioner.

Mr. Toth then continued stating that staff has drafted this IDRC report to submit to the public record in its entirety. The College Preparatory School of America (CPSA) has been experiencing an increased demand for classroom space. As such, the school is proposing to construct a second building on the subject property. As proposed, the new building would be approximately 61,000 square feet and located south of the existing building, which would remain. The new building would include a cafeteria, gymnasium, a multi-purpose hall as well as classroom and general office area. To accommodate the increased student population, additional parking would be provided. As a result, the required amount of open space is not being provided. Therefore, the petitioner is seeking a variation to reduce the required amount of open space. In addition, the proposed second building would exceed the maximum allowed building height of thirty (30) feet to thirty-five (35) feet to accommodate a projecting stairway.

As part of their request and at the suggestion of Village staff, CPSA is requesting a map amendment to rezone the subject property from CR - Conservation Recreation District to the R2 - Single-Family Residence District. In addition, the petitioner is seeking a conditional use to establish the property as a planned development.

CPSA obtained a Certificate of Occupancy on February 10, 1993 as an Educational Facility; however, they never obtained conditional use approval to lawfully establish the full-time private school. Therefore, CPSA has been operating under legal non-conforming status since their inception. As part of this petition, CPSA is requesting conditional use approval to legally establish the existing full-time, private school.

use approval to legally establish the existing full-time, private school.

CPSA is located in an established residential neighborhood and is located in close proximity to Madison Elementary School. The hours of operation are similar to the public school hours of 8:00 a.m. to 3:30 p.m. The school year starts in August and ends in June. The addition of the new building will allow 335 more students to attend the school, which would bring the total student population to 785. The drop off/pick up functions would occur between both buildings (central to the subject property) through the use of a twenty-two (22) foot drive aisle. The Fire Department requires that all new buildings provide access to three sides of the new structure(s). As such, CPSA would be required

*to install a drive aisle around the perimeter of the proposed structure. This fire lane will be blocked off at all times, only to be used by the Fire Department.*

*As proposed, the existing building would not require ADA or Life Safety Code improvements to its interior as part of this petition. The petitioner's have indicated that the existing building would remain "as is".*

*The proposed building would have a peak roof height of 35 feet above grade. The R2 - Single Family Residential District permits structures up to 30 feet. The proposed deviation is requested to accommodate an access stairway. The petitioner has stated that the proposed building can be designed without the projecting stairway and still properly function. As such, staff finds that the roof height deviation is a result of an unnecessary desire and therefore, staff does not support the proposed roof height deviation.*

*The underlying R2 - Single Family Residence District regulations require a minimum of 50% open space for each property. Section 155.508(C)(7) requires that open space in a planned development must be at least 25% more than is required in the underlying district if a deviation is associated with the petition. As such, the additional 25% of open space would not be required if the proposed building were to meet the maximum height requirement of thirty (30) feet; however, the 50% minimum open space requirement would still need to be addressed. When combined with the coverage of the existing property improvements, the proposed property improvements would bring the total amount of open space on the subject property to 46.85%. This equates to roughly 5,793 square feet in open space deficiency based on the 50% requirement and 28,768 square feet on the 62.5% requirement.*

*Ninety-nine (99) parking spaces are proposed on site. Pursuant to the Zoning Ordinance, 80 spaces are required. The additional 19 spaces can be considered to be a preferential request made by the petitioner, which represents roughly 3,078 square feet of impervious surface that could be dedicated as open space. Also, during the neighborhood meeting conducted by the petitioner, one of the issues brought up by neighbors was the aesthetic view of the front of the property, more specifically the addition of parking spaces in front of the building. As the northernmost row of parking consists of 24 parking spaces, eliminating some of those parking spaces could allow for additional open space and provide additional landscape buffering. Staff will only support a minimum of 50% open space, which meets the underlying R2 zoning district requirement.*

*The property is currently zoned CR Conservation Recreation District. The CR District, by definition, is intended to provide for the location of public parks, forest preserves, wildlife reservations and ecological sanctuaries and other open-space uses or resources to serve the needs of the citizens of the Village of Lombard. Again, emphasis on public usage.*

*Staff believes that the CPSA property is more consistent with the R2 Single-Family Residence District requirements. The R2 District is intended to accommodate existing single-family neighborhoods in the core of the Village. This zoning designation is consistent with the surrounding neighborhoods. In addition, similar requests have been granted to other private educational institutions located in the Village such as St. Pius X, St. John's, and Sacred Heart. Staff finds that the CPSA property meets the standards for rezoning.*

*An educational institution is listed as a conditional use in the R2 Single-Family Residence District. This request is to provide conforming use status for the*

*school, as it pertains to the Lombard Zoning Ordinance. The operations of the school are typical of most educational institutions. Staff finds that CPSA meets the standards for a conditional use to allow for an educational institution in the R2 District.*

*Establishing a planned development for the CPSA campus is consistent with other private school uses in the Village. The Village previously established planned developments for Christ the King in 2004, St. John's in 2005 and St. Pius X in 2007. As a Planned Development, the site can be brought into closer compliance with current Zoning Ordinance by allowing greater flexibility in site development. It is noted; however, that the planned development is specifically required in this case as the petitioner wishes to keep both principal structures on the property physically separate of one another. Per Section 155.208(B) of the Zoning Ordinance, more than one (1) principal structure on one (1) lot-of-record is not permitted in the R2 - Single Family Residential District, except as part of a planned development. As the subject property is to be used as a master planned campus for a use other than single-family residential, the establishment of a planned development is deemed appropriate to allow the Plan Commission to have the opportunity to approve any future modifications and/or additions to the subject property.*

*Pursuant to the Zoning Ordinance a total of 80 parking spaces are required. The proposed plans indicate a total of 99 parking spaces, which exceeds the amount of parking required by Code by 19 parking spaces. The petitioner has indicated that the additional parking spaces are needed to accommodate any overflow parking situations and prevent spillover parking onto the adjacent neighborhood streets. The petitioner has indicated that high school students do not drive to school. Staff believes that the minimum amount of parking spaces required by the Zoning Ordinance is sufficient. In order to ensure that the amount of parking is sufficient in the future, the number of high school students allowed to attend the CPSA will be capped at 240 students, which is the total number of high school students indicated on the plan.*

*Staff has relayed their concern to the petitioner that the increased number of parking spaces is considered to be one of the factors leading to the deficiency in open space. As such, staff presented a parking versus open space scenario to the Plan Commissioners through a Plan Commission workshop on December 15, 2008. During the workshop, a number of the Plan Commission members had indicated that they favored the extra parking spaces in order to prevent the spillover parking onto adjacent residential properties. However, other members stated that they favored the idea of reducing the amount of proposed parking to meet the open space requirement for the underlying zoning district.*

*The Village's traffic consultant KLOA reviewed the proposed development and conducted traffic counts on the adjacent neighborhood intersections to determine the impacts of the proposed development. They have completed a report which is also transmitted with the staff report. See traffic study.*

*Based on KLOA's observations, the peak time period for drop-off was between 8:00 and 8:30 A.M. During this half hour, KLOA observed a few back-ups extending onto Madison Street with approximately five to six vehicles temporarily waiting to turn left and access the school driveway thus blocking westbound through traffic on Madison Street.*

*The peak time period for pickups occurred between 3:15 and 3:45 P.M. The queues at times extended all the way back around the west end of the building. It*

should be noted that for a few minutes, the backup spilled onto Madison Street and three to four vehicles were temporarily waiting to get in thus blocking Madison Street. The school contracts a Lombard Police Officer to assist in traffic control. The police officer arrived just before 3:15 P.M. to direct approaching vehicle pickups at the back doorway entrance and to safely allow children and adults to use the walkway. Between 3:30 and 4:00 P.M. as many as five vehicles were queuing outside onto Madison Street. It should be noted that pickups were also occurring along the access drives on the west and east side of the building.

CPSA's hours of operation are 8:00 a.m. to 3:30 p.m. The drop off/pick up functions would occur in an area between the new and existing buildings (central to the subject property) through the use of a twenty-two (22) foot drive aisle. As the student population will be increasing from 450 to 785 students (max), the proposed twenty-two (22) foot drive aisle would be wide enough to accommodate a drop off/ pick up lane with adequate space to allow cars to pass one another, which should increase traffic flow. KLOA recommended in the traffic study that strong consideration should be given to internal staggering of classroom starting and ending times, which would alleviate drop-off and pick-up parking, queuing, vehicular/pedestrian conflicts, etc. As mentioned below, CPSA does not plan to stagger school hours unless necessary; however, they have made representation that they plan to stagger start/end times in conjunction with the Madison School, which is east of the subject property on Madison Street.

Based upon the above observations and review of the petitioner's proposed site plan, KLOA made several recommendations in their study. Staff would like to focus on four major internal site considerations addressed in the traffic study.

1) Student Enrollment - Staff worked with the petitioner and KLOA to remediate some of the internal site issues. As the student population affects the amount of vehicular traffic to and from the subject property, CPSA has agreed to cap the number of students. The current student population of CPSA is 450 students. With the addition of the new classrooms, future enrollment is expected to reach 785 students. As such, there will be 335 additional students on the subject property during peak enrollment. CPSA has agreed to place a cap on the number of students enrolled in the school at 785.

2) Staggering of School Hours - As previously mentioned, the peak time period for drop-off was between 8:00 and 8:30 a.m. and the peak time period for pickups occurred between 3:15 and 3:45 p.m. To minimize existing and future potential congestion, KLOA recommended in the traffic study that strong consideration should be given to internal staggering of classroom starting and ending times, which would alleviate drop-off and pick-up parking, queuing, vehicular/pedestrian conflicts, etc. CPSA responded by stating, "If future enrollment dictates a need for CPSA to stagger their school start and end times at the different levels of the school (grade, middle, and high school), then CPSA will do so to alleviate traffic congestion". As such, the petitioner has not provided a detailed plan outlining their proposed staggered start/end times.

3) Drive Aisle Width - On the original site plan submitted by the petitioner, the internal drive aisles were proposed to be eighteen (18) feet wide. According to KLOA, the proposed drop-off lane needs to be at a minimum twenty-two (22) feet wide. When used for pickup in the afternoon, the additional four (4) foot width will provide a passing lane when vehicles are parked waiting for the students. CPSA complied with this recommendation and widened the proposed

drive aisles to a width of twenty-two (22) feet to provide the passing lane that would allow for an increase in traffic flow on the subject property.

4) Cul-de-Sac Bulb - According to the originally submitted site plan, two-way traffic in the proposed parking lot on the southeast portion of the property would have no way of turning around. In the traffic study, KLOA recommended that a cul-de-sac bulb should be designed to provide turnaround at the south end. CPSA complied with this recommendation and added the cul-de-sac to the proposed plans as a means of allowing an increase in traffic flow on the southeastern portion of the subject property.

As previously mentioned, the petitioner held two neighborhood meetings last year to discuss the proposed plans with adjacent property owners. During the meeting, neighbors had the opportunity to comment on the plans and address their concerns with the proposed project. Some of the specific comments made by the neighboring properties included; the impact of more students at CPSA and traffic on Madison Street, the impact of more students on CPSA on parking on neighboring side streets (since there is no parking allowed on Madison Street, the only public access to the site), the aesthetic view of the front of the property (especially with the addition of parking spaces in front of the building) and concerns regarding the impact of construction of the new building (noise, safety, and parking issues) on the neighboring properties.

While staff finds the use to be compatible with adjacent properties and consistent with the locations of other residentially-located private schools throughout the Village, the plan, as proposed with deviations is not compatible with adjacent properties. The petitioner has worked closely with staff in an attempt to address the provisions of the Zoning Ordinance, but staff believes that the proposed project could still be completed without obtaining the building height and open space variations.

The Comprehensive Plan recommends Public and Institutional uses for the subject property. As the principal use of the property is an educational facility, the use of the property adheres to the recommendation of the Comprehensive Plan as an institutional use. The petitioner's site modifications are also consistent with the existing institutional nature of the property.

Staff finds that there are no conditions related to the property that prevent compliance with the established regulations. The property does not have physical surroundings, shape, or topographical features that differ substantially from other lots in the neighborhood. It is solely the demands of the petitioner that have warranted the requested relief.

The number of students enrolled in any school directly affects the amount of space needed on the property for classrooms and other ancillary amenities. As the subject school is a private school, the amount of revenue received by the school is dependant upon the number of students enrolled in the school. Under this principle, revenue would be higher with a higher student population

Staff finds that the difficulties have been created by the petitioner as a result of a preference towards keeping the proposed building separate from the existing building, a desire to exceed the amount of required parking, and an architectural preference that does not allow the proposed building to meet the minimum building height requirement

Staff finds that these variations will alter the essential character of the neighborhood by allowing excessive bulk and impervious surfaces on the subject

property. Staff has identified ways that the building height and open space could be achieved to meet code.

*Standards Not Complied With*

1) Any reduction in the requirements of this Ordinance is in the public interest. The R2 - Single Family Residential District permits structures up to 30 feet. The proposed building would have a peak roof height of 35 feet above grade. The proposed deviation is requested to accommodate an access stairway. The petitioner has represented in their response to standards that the deviation would allow access to the rooftop for maintenance, repair and emergency purposes. However, the petitioner has also stated that the proposed building can be designed without the projecting stairway and still properly function. As such, staff finds that the roof height deviation is a result of an unnecessary desire.

The underlying R2 - Single Family Residence District regulations require a minimum of 50% open space for each property. Section 155.508(C)(7) requires that open space in a planned development must be at least 25% more than is required in the underlying district if a deviation is associated with the petition. As such, the additional 25% of open space would not be required if the proposed building were to meet the maximum height requirement of thirty (30) feet; however, the 50% minimum open space requirement would still need to be addressed. The petitioner has represented in their response to standards that the reduction in open space would allow reduce the amount of on-site parking. Pursuant to the Zoning Ordinance a total of 80 parking spaces are required. The proposed plans indicate a total of 99 parking spaces, which exceeds the amount of parking required by Code by 19 parking spaces. The petitioner has indicated that the additional parking spaces are needed to accommodate any overflow parking situations and prevent spillover parking onto the adjacent neighborhood streets. The petitioner has indicated that high school students do not drive to school. Staff believes that the minimum amount of parking spaces required by the Zoning Ordinance is sufficient.

2) The proposed deviations would not adversely impact the value or use of any other property.

Staff finds that these deviations will alter the essential character of the neighborhood by allowing excessive bulk and impervious surfaces on the subject property. Staff has identified ways that the building height and open space could be achieved to meet code.

3) That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zone district. When combined with the coverage of the existing property improvements, the proposed property improvements would bring the total amount of open space on the subject property to 46.85%. This equates to roughly 5,793 square feet in open space deficiency based on the 50% requirement and 28,768 square feet on the 62.5% requirement. The petitioner stated in their response to standards that they would be unable to meet the 62.5% open space requirement. Although the proposed plans cannot meet the 62.5% open space requirement, staff believes that the petitioner is able to meet the underlying zoning district requirement of 50% open space.

Staff recommends denial of the variation for open space and building height and approval of the planned development, conditional use and rezoning with conditions. He noted that condition #1 should be changed to read:

1. The site shall be developed substantially in accordance with the CPSA



elevation, site, landscaping and floor plans package, prepared by Dome Structural Engineers, dated December 1, 2008, except as they shall be changed to meet Village Codes and the 50% open space and thirty (30) foot building height requirements and shall be subject to the review and approval of the Director of Community Development.

Attorney Draus commented on the staff report stating that the petitioner has worked closely with staff for over two years. Those two variations have been part of the plan since that time and they only found out Thursday that the petition would be approved without the variations. He exemplified the St. John's building, which was a similar situation in which there was a new building with a private school being proposed and staff, the Plan Commission and the Board approved the height and open space variation. Their open space was 30 percent and he asks for equitable treatment today. He reiterated that the request for the height variation only applies to a small portion of the building, 300 square feet, which will be contained to the middle of the property and have minimal effect on surrounding properties. This is important because it is an aesthetically better building which would allow stairwell access to the roof for repairs and maintenance and is more practical than a hatch option.

He then commented on the open space variation. This issue came up several times - the open space has been reduced as a result of a request by the Village to install a cul-de-sac bulb, expanding the entryway to 22' and the requirements by the Fire Department to have a full access around the building. All these requests have reduced the open space percentage. In the cost/benefit analysis, CPSA feels that the more parking spaces that are on the property the better it will be for traffic in the neighborhood. They raised this issue the most and they are trying to minimize traffic on the neighborhood. When there is a need for parking spaces they can be used. They believe that the benefit outweighs the 3% percent open space variation.

Lastly, he commented on the issue that came up in the public comment portion about additional traffic on the south side of the building. The area around the new building to the south is only for Fire Department access. If you are a neighbor on the backside you won't have to worry about cars there.

Concluding, Attorney Draus asked the Plan Commission to consider the plan with the two variations as it would be a better contained site.

Mr. Stilling responded to Attorney Draus by stating that the goal of staff is achieve conformance to Village Code. With regard to the requested expansion of the drive aisles and the fire department access, these are things that are part of a functioning site plan.

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

Commissioner Burke asked staff to confirm the 30% open space variation that Attorney Draus mentioned in regard to other developments in town like St. John's. Mr. Stilling stated he was not sure of the exact number, but there have been more recent petitions that met the open space requirement. Staff tries to see opportunities and if close would help them achieve it. Commissioner Burke stated that the petitioner makes a compelling argument about the roadway surrounding the building as well as the cul-de-sac. The Village's demands have caused them to require the open space request and has exacerbated the project. Mr. Stilling stated that the Fire Department access roadway is directly related

to fire codes and this request is made no matter what. Mr. Toth stated that the petitioner's requests warranted the variations. The petitioner's desire to separate the buildings and add the height variation kicked in the 62.5% open space requirement. It had a trickle effect.

Commissioner Burke commented that the request for the 35' height variation only applies to a 300 square foot portion of building which is insignificant and in line with things we have provided variances for in the past. He asked what the distance is from the location of where the height variation would be on the building to the nearest property line. Mr. Jahedi stated it was approximately 150 feet from the 35 height to the nearest property line.

Commissioner Sweetser agreed with Commissioner Burke's comments relative to the height variation being a relatively small part of the building and she does not find it objectionable. She does however take exception to the open space. With regard to the petitioner's comments about how the Village's requirements contributed to them not meeting the open space requirement, she believed that you don't start a design until you find out the Village's requirements rather than the other way around. Open space could be met by removing a couple of parking spaces. She referred to KLOA's traffic report about the queuing issues and how adding parking spaces won't help the situation. The increased enrollment will also make it worse. During special events the school might need to have extra parking on the streets but this happens often with most schools. She favored the petitioner meeting the open space and was not concerned about the height requirement.

Commissioner Cooper stated she was concerned about the Village's response about the porous pavement. Mr. Stilling indicated that we have spoken with the Fire Marshall and they discourage that kind of application. If a large tower truck was called to the scene and had to extend its outriggers, there could be a pressure point issue and the outriggers could sink into the pavers. Since the building is a multi-story facility they want to err on the side of caution with the use of pervious pavers. He noted that pursuant to the Zoning Ordinance those pavers, though perceived as open space, would not count toward open space calculations.

Commissioner Burke asked what the cul-de-sac was needed for. Mr. Stilling indicated that it would be used as a turn around. If all the parking spaces are occupied in that area, there would be no way for a vehicle to turn around. This came to be the most reasonable solution. Commissioner Burke asked if this was a Fire Department requirement. Mr. Stilling answered no and that it doesn't meet the radius for that.

Commissioner Burke referenced the issue of queuing in the KLOA traffic report. He stated that he is familiar with the routes taken to get to the school and if there is a backup in front of the school it would be similar to any other parochial school in town. As a neighbor you either wait your turn or you take a different route. He doesn't see this as being too much of an issue.

Commissioner Sweetser confirmed that her previous comment was not tied to the queuing even though it might have sounded like it did.

Chairperson Ryan asked if the parking in the front of the building would be used as a drop off. Mr. Stilling stated it could be and suggested that closing off and designating a couple of parking spaces only for drop off and pick up, similar to what Creative Day did, might help. KLOA reviewed all these issues and made

*the recommendation of widening the drive aisle and staggering school hours. If the petitioner does stagger the school hours, queuing should be minimized.*

*Commissioner Sweetser asked if the Village has incorporated LEED standards into Village Code. Mr. Stilling stated that the Village does not have anything specific to that and are not well versed in their building codes or giving bonuses. Commissioner Sweetser commented that LEED standards should be incorporated into Village Code as it is important.*

*Chairperson Ryan referenced the parking in front of the building and how the queuing could go to the front and that could eliminate one issue. If there is no parking in the front, it can be a hazard. As far as the height issue, if the petitioner eliminated the extra height and went with a trap, the open space percentage could drop to 50%. Mr. Stilling stated that if they meet the height and 50% open space, the variation would not be applicable.*

*Commissioner Sweetser asked for clarification on the use of pervious pavers and the objection by the Fire Department. She questioned if their objection was based on possible damage to the Fire Department vehicle or to the surface of the pavers. If it's based on damage to the surface of the pavers, the petitioner would know that going in so if it had to be replaced it could. Mr. Stilling responded that there were a number of factors. Commissioner Sweetser asked if there were any projections about whether the amount of pervious pavement would cause an inability to use the equipment or be a hazard to the firefighters. Mr. Stilling stated they needed 18' for the outriggers. If the parking spaces are all occupied and they have to use the access drive, they preferred to err on the side of caution.*

*Commissioner Sweetser questioned that if the drive along the west and south side is not used by anyone other than the Fire Department and that area was designated pervious pavement is there any way the Fire Department would be in danger. Mr. Stilling stated that the Fire Department was adamant to have it all pavement. Commissioner Sweetser confirmed that staff didn't know the specific reason why. If it's just a matter of the surface being damaged, then it might be worth it to gain the extra area.*

*Commissioner Cooper asked for clarification on the refuse location being in the southeast corner of the building. Mr. Jahedi stated it was to be located in the southwest corner of the building in the middle. Chairperson Ryan indicated it was right before the baseball field. Commissioner Cooper stated her concern for choosing this location due to its close proximity to adjacent properties. She also stated that this location would be in the emergency zone so the Fire Department access driveway would be used on a weekly or biweekly basis. Mr. Jahedi indicated that this road would be chain linked and would have to be opened for trash pickup. Mr. Stilling indicated that this issue was discussed with the Fire Department who indicated that refuse pickup would be okay, but it could not be used for student drop off. Mr. Jahedi stated that the reason that this location was chosen was because of its closeness to the kitchen exit, which would have the most waste.*

*Commissioner Burke also pointed out that the Fire Department access drive would have to be used for deliveries. Mr. Stilling stated that portion of it would be.*

*Commissioner Burke questioned condition number 4 and how the numbers shown did not add up to the cap of 785 students. He asked if staff was adding in*

*the daycare facility. Mr. Toth stated that the numbers were taken off the submitted plan, which is on the cover of the site plan. Mr. Jahedi stated that the cap is 785 students including the preschool. Commissioner Burke questioned the cap and indicated that it could be any number on the preschool. Mr. Toth stated that the condition could be changed to clarify.*

*Commissioner Cooper commented that there is a 5' setback along the site and she questioned the choice of vegetation along the perimeter, which was to act as a buffer. Being that the building is a large structure, it didn't seem that the choice of vegetation would suffice. Mr. Stilling answered that one of our conditions indicates that it be in conformance with the Zoning Ordinance especially along Madison, which has to be screened.*

*Mr. Jahedi stated that the east and south property lines are higher than the property so the slope is from the southeast to the northwest. In those two areas you have an advantage with the topography. He offered to install a fence, if needed. Chairperson Ryan commented that it would be up to the discretion of the Community Development Director.*

*Commissioner Sweetser asked if the screening as it relates to trees on the south and west side would be one every 40 feet. Mr. Stilling explained the Zoning Ordinance requirement as it relates to trees and indicated that the intent is that it be fully screened. If the plant is transparent they will be diligent that the intent of the code is met.*

*Commissioner Sweetser commented on the issue of the fence. She stated she is not insisting that a fence be the solution, but could be an option. Also, as far as the atrium and the neighbor's privacy being compromised, there could be ways to make the lower level windows opaque.*

*Commissioner Cooper asked if the perimeter of the detention pit would have to be fenced. Mr. Jahedi answered that it is a shallow slope 3:1 and does not need a fence. It's a workable slope, looks pleasant, and doesn't need a fence.*

*The Commissioners and legal counsel then discussed how the motion and the conditions should be worded or amended if they wanted to approve the rezoning and conditional use as well as the 35' height variation, but require the petitioner meet 50% open space.*

*Chairperson Ryan asked Commissioners Olbrysh and Flint if they reviewed the tape and looked at the petition information that was presented during the May 4, 2009 Plan Commission meeting as they were absent during that meeting. Both Commissioners stated that they had reviewed the information.*

*Michael Toth, Planner I, presented the case background. At the May 4, 2009 Plan Commission meeting, the Plan Commission held a public hearing to consider zoning actions for the CPSA proposed school expansion project. The Plan Commission considered the petition and public testimony raised at the meeting and through its deliberations recommended approval of the petition, in substantial part, subject to conditions.*

*Subsequent to the Plan Commission and prior to the Village Board meeting, a neighborhood meeting was held with surrounding property owners where some additional comments and concerns regarding the development proposal and its potential impacts on adjacent properties were generated. The nature of the comments and concerns varied; but seemed to focus on adjacent neighbor impacts such as buffering/screening, traffic, building height and operational*

activities.

*The Village Board, at their May 21, 2009 meeting remanded this item back to the Plan Commission in its entirety, to allow an opportunity for the issues raised in subsequent discussions to be considered by the Plan Commission in a public hearing format. This action ensures that the public hearing record has been perfected and that the public hearing provisions established in Klaeren v. Lisle are satisfactorily addressed. It is noted that all testimony presented at the May 4 meeting is applicable to tonight's hearing. He then discussed the meeting format.*

*Mr. Toth then read the meeting format. Staff will outline the reason for the Special Meeting and will note the actions to be considered as part of the meeting. Staff will provide a brief history of the petition and will summarize the zoning actions and development regulations associated with the petition, which he stated that he had already done.*

*1) The petitioner (CPSA) will be given an opportunity to present their petition and offer additional testimony regarding their use and operation. Once completed, an opportunity to cross-*

*examine the petitioner by anyone in the public will be provided and shall relate specifically to the petitioner's presentation and the submitted materials.*

*2) Upon completion of petitioner's cross-examination, if any, any objector will be offered the opportunity to speak. Once completed, an opportunity to cross-examine the objector by anyone in the public will be provided and shall relate specifically to the objector's presentation.*

*3) Staff will present the remand memorandum. Once completed, an opportunity to cross-examine staff by the petitioner and anyone in the public will be provided.*

*4) After completion of the cross-examination, if any, the public participation period will be closed. The Plan Commissioners shall then be given an opportunity to discuss the petition. Questions may be asked to staff, objectors or the petitioner. The Plan Commission should provide a response to each of the issues raised by the petitioner and/or objectors.*

*5) The Plan Commissioners shall then vote to uphold their original recommendation or amend their recommendation as deemed necessary. The Commissioners could amend the language as they deem appropriate, provided that the reasons for approval or denial are tied to the standards for conditional uses, variations, map amendments and planned developments. The Commissioners do have the ability to add any additional conditions they deem appropriate should they recommend approval.*

*6) The recommendation will be forwarded to the Village Board for consideration at their June 18, 2009 meeting.*

*Andy Draus, 350 S. Fairfield, Lombard indicated he is the attorney representing CPSA and presented the petition. He stated that all issues at the May 4, 2009 Plan Commission meeting and the presentations is part of the public record for today so he won't go through all those items, but will highlight some of the major issues and address concerns they received from the neighbors living near the school. The subject building has been a school building since 1930 and was*

*purchased by CPSA in 1994 when they opened 15 years ago. The school is successful, producing many scholars. At the last meeting 11 Lombard residents spoke in favor including former students and parents who moved so their children could attend the school. He stated that the architect and engineer for the school presented the plan for the school, which is a similar request to that of St. John's School and Sacred Heart, private schools approved by the Plan Commission and Village Board for both open space and building height. At the May 4, 2009 Plan Commission meeting the proposed plans were approved and the petition was sent to May 21, 2009 Village Board meeting where it was remanded back to the Plan Commission with no comments. Since that time, the petitioner has received letters from neighbors, including Mr. Glazier and Mr. Doles. CPSA met with staff and Mr. Glazier to address those concerns that weren't explained sufficiently earlier. Tonight CPSA will go through those concerns in greater detail. He introduced Jamshid Jahedi who will give a brief presentation.*

*Jamshid Jahedi, 105 Ogden Ave., Clarendon Hills, architect and engineer on the project, gave a Power Point presentation.*

*Mr. Jahedi gave the Power Point presentation as a follow up to the public hearing on May 4, 2009. The presentation is meant to be a continuation of their original presentation.*

*The first slide addressed some of the issues that were received through letters and complaints from neighbors. Those issues are as follows:*

- 1) Refuse enclosure located to south of property.*
- 2) Noise from garbage truck and smell of dumpster enclosure.*
- 3) Visual screening - privacy for neighbors.*
- 4) Traffic - no truck traffic on the southeast portion of the subject property.*
- 5) Upper windows - open to neighbors, which creates a lack of privacy for property owners and creates distraction for students.*
- 6) Loading dock, which is not needed for the facility, but is a zoning requirement.*
- 7) Building height of over 30'. The height of building is counted from the grade to the top of the roof and not to top of the parapet. All the drawings are given to the top of parapet. Parapet is 3-10" so the building has maximum height of 26'.*
- 8) Roof top units - noise and view.*
- 9) Construction - phases and how long it will take.*
- 10) Parking/lights - will light shine onto neighbors and create nuisance. 0.0 foot candles at the property line.*
- 11) Parking and open space, which was left unresolved by the Plan Commission.*

*The second slide addressed the revised site plan. The first item to be noted is the new location of the dumpster. Mr. Jahedi stated that this is a good location as it is the existing location of the trash bins. Also, by relocating the dumpsters they are eliminating the truck traffic that would have used the roadway near the adjacent property. He added that only the Fire Department will access that drive aisle. Also, the loading dock was a concern as it was thought that semi trailer trucks would be unloading at that location. As the architect, he has to put a loading dock in to satisfy a Zoning Ordinance requirement. They are putting it in just for satisfying the Zoning Ordinance. There are no trucks coming to the facility to unload. They use catering trucks, vans or smaller trucks that don't require a loading dock. He talked to CPSA and they told him*

*that the loading dock will stay empty forever.*

*The next item was the screening from the neighbors. Mr. Jahedi added that on the south and east property lines they will have large trees. They plan to use some type of tree that grows over 5-6 feet with would grow high enough and have a large enough canopy to screen the entire length of the property essentially creating a wall. Staff will be diligent to ensure the right tree species is used.*

*The next item was the southeast corner of the site. Mr. Jahedi stated that he created a view of the southeast corner of the cul-de-sac looking south. The fence will be 6' high all around the south side along the property line. If it makes the neighbors happy, they can go all the way to the end. The larger trees and fence will also be used on the east side. He mentioned the swale and stated that they will eliminate it and put in an underground pipe so the trees will be able to grow.*

*Mr. Jahedi then discussed the second floor windows of the proposed building. They will be made of a semi-translucent material, which transmits light, but cannot be seen through. As an example, he referred to frosted glass in older bathrooms, which are a translucent material. Previously he used the word "opaque" glass in front of the neighbors and admits to his error. Opaque does not transmit light or view. Gypsum board is opaque. For the record, he wanted to correct himself by stating that the material would be translucent, but it will not be see through. They suggest these windows so there is no way of seeing outside or inside. This is also to the benefit of the school so students won't be distracted in the library and other classrooms. This is a mutual benefit.*

*Mr. Jahedi then discussed more of the neighborhood concerns such as questions about sunlight and the building being so high as to create a shadow onto neighbor's yard and blocking the sun. He discussed the shadow effect in the winter months and the angle projected and noted that on the south side you will never have a shadow because the sun comes from the south.*

*Mr. Jahedi then discussed the roof top units and the noise radii and showed how much noise would be generated from various points to the property line.*

*Mr. Jahedi stated that construction will be completed in one phase. His guess is construction will be less than 18 months and not more than 24 months. He added that the Village will bug the owners when the permit is set to expire.*

*Jamshid Jahedi discussed parking lot lighting. He stated that there is concern about spreading the light onto adjacent property, creating a nuisance. He then showed the lighting illustration and explained that it meets Village Code.*

*Jamshid Jahedi addressed the parking/open space issues to the Plan Commission. He stated that he teaches courses at IIT. He mentioned that one of the lessons he teaches deals with zoning ordinance and building codes. This petition is related to the zoning and how the zoning will become a determinant factor in design. He added that zoning was created to preserve the value of the properties in the neighborhood, but it is not a perfect design determinant. That's why they have the conditional use and variation processes. They wish to provide 99 parking spaces because they think it is crucial in order to prevent spillover onto surrounding streets.*

*He then discussed the KLOA traffic study. He added that they strongly believe*

*the 19 additional parking spaces are needed for this operation and want the members of the Plan Commission to consider the matter.*

*Mr. Jahedi then ran through the parking slides. He discussed how the parking situation won't be much different from what they have now.*

*Mr Jahedi then addressed the open space issue. He pleaded that the Plan Commission members act favorably upon the open space variation. He added that the Village requirements do not allow them to meet the open space.*

*Referring to the greenish blue box in the presentation, the Village did not give CPSA credit for pervious pavement in the parking lot, which is according to the green building and LEED certification. He added that it helps to create a better environment and they are being punished for only 3% open space.*

*He concluded his talk and opened the discussion for questions.*

*Attorney Draus addressed other concerns brought up.*

*1) Building height and view of building on surrounding streets - the height of building is 30' and is the normal height of a house. CPSA flew balloons on Saturday and Sunday at the southeast corner to a height of 30' high to get a visual of the height.*

*2) Other activities at the CPSA building - this is a school building and not a church or mosque, which applies to both buildings. There are normal school hours, but students and teachers stay later. It's a religious based school so there are prayers as part of the Muslin religion in which they pray five times a day based on the position of the sun. They conduct prayers at the school, which are not open to public, however, some parents do come in evening. He's been there at night when there are 10-12 people in the classrooms. There are extra curricular activities such as fundraisers and athletic activities.*

*3) Open space - it is their desire that the Plan Commission consider the original plan for 46.85% open space. At the last meeting they approved 50 percent open space, which is a difference of 3.15%. The difference is CPSA would get 99 parking spaces versus 80 parking spaces. Those extra spaces will be needed for extra curricular activities. They believe it is more advantageous to have them on site. Their desire is to get the plan approved with the building height and open space variations.*

*To speak in favor of the petition:*

*Fazal Ahmed, 200 W. 17th Street, Lombard, stated he is a child psychiatrist who moved from Des Plaines so his children could attend CPSA. He has since established his practice in Lombard. His son graduated from CPSA. Their current school is a 1930's building. The learning environment has to be nice so the people can grow and nurture.*

*Rashid Zaffer, 1719 Porter Court, Lombard, moved from Indiana. His taxes here in Illinois are ten times more so from a business perspective it was not a good decision, but when he sees his kids in this school, it was a good decision. The students are second to none. There should be no reservation to favor this decision to allow children the proper environment needed for the citizens of tomorrow.*

*Mohammad Azharuddin, 1069 Westmore-Meyers, Lombard, moved from Texas to Lombard because of the school. He mentioned that he doesn't enjoy the smell*



*of skunk or the winters, but he stays because of school. He has two kids that go there. The school is popular so please help it to expand.*

*Shoeb Jethro Kahn, 414 Harding, Lombard, stated that everyone needs to loosen up and talk to their neighbors. This school has been their for 18 years and graduated over 800 students. He mentioned that the university graduation rate is 100 percent. He had two houses in Oak Brook, but he sold them and moved to Lombard for the school. He has 4 children. He thinks CPSA is a great school. He asked everyone to think outside of the box. They are only doing an addition to accommodate a few more kids. If you take the school out, 300 families would move out. They have highly educated people who live here and improve the quality of life and neighborhood. The school has a zero crime, drug, and alcohol record. He felt that it was important that the neighbors and the school work together and get to know each other. He exampled how the school offered a free medical clinic and only two neighbors showed up. They want to open their doors. They should be proud of this school for what it is doing to the community and nation. He asked for the Commissioners' support.*

*M. Javeed Ansari, 114 Oakton Drive, Lombard, moved here from Massachusetts for the school. He is currently a faculty member at Northwestern University and the sole reason he moved to Lombard was for the school. They waited for two years because there was a waiting list. You've heard how good school is and the reputation of school. At the last public hearing there was a unanimous decision to expand the daycare facility for dogs which is a good thing to take care of animals. At the same time, we should be equally or more generous and welcome people that are trying to be good citizens. He hopes the Commissioners arrive at a favorable decision.*

*Mohammed Kothawala, 213 W. Harding, Lombard, lives two blocks from the school. All the neighbors have been good to him. He has no complaints. He moved to Lombard not only for the school but also for the Village. At 7:57 a.m. the students arrive and by 8 a.m. most of the traffic will be gone so it won't clash with the other schools. In the afternoon CPSA will close earlier than those schools.*

*Abdul Majeed, 509 W. Wilson, Lombard, stated that Naperville was named the best city in entire country to raise a family. Ironically he lived there, but moved here because of the school so his children can come to the school and grow. CPSA had two neighborhood meetings before the petition was even filed and afterward they had two more meetings. They are asking for a simple variation for 35 feet instead of 30 feet. He used St. Johns and Sacred Heart as examples and stated that both are private schools and St. Johns has high towers beyond 35'. He stated without the 19 additional parking spaces on the premises will result in 19 cars that will have to park on the street. The neighbors won't want the cars parked in front of their houses. He asked the height variation, which is one percent of the entire building be approved. They have got on the south side of property 4,000 square feet, which does not belong to anyone, but does contribute to the open space in the area. It is a no man's land. CPSA is ready to withdraw its claim to the neighbors so that the 4,000 square feet could be considered as part of the petition.*

*Sayeed Zaffer, 119 Collen Drive, Lombard, moved to Lombard 2001. His business practice is located in Elmhurst Memorial and he is a member of the Chamber of Commerce. He has three children that attend CPSA. He believes the zoning can be discussed, but at end of day, it's the conscience of all those benefitting from the school and it's the right thing to do.*

*Dr. M.T. Alilviazec, 5382 Galloway Drive, Hoffman Estates, is from the west coast. He stated that the school is known throughout the country and some people oversees. This school has put the Village of Lombard on the map.*

*M. Mukarram Sheikh, 1328 S. Rebecca, Lombard, moved to Lombard from Memphis, TN. He is a physician and is for the school. He came for the school and fell in love with the Village. He has invested in the community and brought financial investments and talent here. He added that people affiliated with CPSA are acquiring new houses in Lombard and they have contributed to this community in different aspects. As the school building has been there since 1930, it is not like CPSA is trying to sneak in a building. They are just asking for help to upgrade the building to a level encompassing modern education. He mentioned how he covers trauma at Loyola and how he sees the results of street crime on a daily basis. We are being trusted in the emergency room to treat you and your families and now we are asking you to help us. He understands the neighbor's concerns and those issues have been addressed. They feel it's their right and their civil right but maybe it's just a personal thing that they do not want to help us build.*

*Speaking against the petition were:*

*Dan Smothers, 560 Green Valley, Lombard, stated that this is not a referendum on CPSA, the school is already there. Local residents do not want the expansion of the school as it will change the face of the neighborhood permanently.*

*Bill Raysby, 580 S. Edson, Lombard, stated that he has four kids that attended the Green Valley School. Referring to page seven of the staff memo regarding phasing, it mentions two items that he had an objection to - the cost to upgrade Green Valley to keep it as a public school and the asbestos abatement. He has never seen or heard that the Village has issued a permit to remove asbestos tile. He is not aware of anything they plan to do with the windows, air conditioners, or asbestos. Right now with the existing building he said that they may or may not upgrade it. It's been an eyesore for some time. They should take care of what they have right now. He said that there is the possibility of tearing the existing building down after the new building goes up, but what about asbestos abatement. He's not sure if they are aware of it. He would like to see that taken care of before the petition is granted.*

*Ed Pszanka, 615 S. Edson, Lombard, stated his property joins the school's property. He has never heard of any incidents. He questioned the expansion and believed it will not stop there. Intelligence is the power to reason. Green Valley School was obsolete and they are still using it. Why waste that money there. He stated that the Commissioners are not doing their job. He asked what each of the Commissioners think about the school. He stated that education is the most important thing. He suggested that they take the school and put it on North Avenue and then you can build another College of DuPage or Harper.*

*Fran Pszanka, 615 S. Edson, Lombard, stated she had issues going back to when the property Joe Schmidt owned, was up for sale. The contractor was going to take the school down and build a few nice houses there, which would bring in tax money for the Village. That project was turned down due to the zoning code. Now we are asking for the Zoning Ordinance to be changed for the school, which doesn't seem right. There are flooding issues in the yards and the retention pond may overflow, which she has seen happen in other places. Is*

*there a guarantee that a child might not fall into it or attract mosquitoes. For the people that have lived here for all these years and all the taxes we have paid for the school, a park should be considered.*

*Joe Glazier Jr., 304 W. Harding, Lombard, thanked the Plan Commission for reviewing this matter, thanked the staff and CPSA for the opportunity sit down and address their concerns. A number of ideas have come out of this meeting. I feel the school should be commended for their success, but should not negatively impact the neighbors. He wanted clarification on staggered hours of drop off and pick up, the length of school year, how the school will increase the property value, religious based school with prayers and times and dates of prayers. Please take these into consideration and ask yourself, would you want a 61,000 square foot building in your backyard.*

*Holly Brazleton, 141 W. Park, Lombard, stated that her biggest concern was the nature and care of the present building. Will the new building be cared for when the old building is not cared for. When activities are occurring at the school, paper plates and other junk can be found on the property to the west of the school. She added that the parking seems to be solved.*

*Carl Schwebl, 614 S. Elizabeth, Lombard, stated that his house backs up directly to school. CPSA paints a nice picture of being wonderful to the community. If you lived in his backyard you would think different. He stated that there are car alarms that go off at 2 a.m. The snow removal comes at 4 a.m. during the winter. His children are not able to walk up and down the street due to the four schools in the area and adding 600 cars so every school being dropped off will be by vehicles at drop off and pick up. The Village of Lombard cannot put a police officer by Madison, now they want to add another 600 cars. He asked how the school benefits Lombard. Construction will go on for more than two years. When he moved to their house in 2001, CPSA refused to mow their lawn and their crews were there at 6 a.m. They are trying to appease their neighbors by dropping off Christmas gifts at Christmas time. He questioned the traffic study. Referring to the traffic study he added that on January 7 and 8 there is no school. A traffic study in May or June would be more accurate. The reality is this will cause more noise, pollution and traffic in Lombard.*

*Jerry Debokisky, 598 S Elizabeth, Lombard, stated that he lives across the street from the school. He moved to the neighborhood in 1992 and observed the school for a long time. If they are remodeling, expanding upon that small property is a waste. He also moved from somewhere, but for some reason for those beautiful properties, spaces, peace of life, slow traffic and now we are doing more of what we don't like. He wishes success for them, but not on that property.*

*Ken Doles, 623 S. Elizabeth, Lombard, has been a resident of Lombard for 39 years. Many of issues have been raised in past and were adequately addressed by the engineer. This is more than a bricks or mortar issue. We are talking about significant skin in this game, more specifically the property investments in the Green Valley area. CPSA's website shows that the school has outstanding credentials and a very successful operation, but it is not meant for that location. Its own success will become its worst enemy. The 785 student cap and open space issues have to be addressed. Progress is necessary, but cannot be made on the backs of the people who have established the neighborhood. He mentioned the Driscoll School. What are the next steps because if they are as successful as they claim, then what about growth, value and quality of life. These are considerations that go beyond zoning, right location, right time and*

*long term consequences.*

*Candice Rizzo, 308 W. Harding, Lombard, lives directly behind the school. She had three concerns that need to be clarified:*

- 1) The "no mans land" - CPSA mentioned they don't want to take it, but they will if they have to. Has that been addressed, is that an issue right now.*
- 2) Parking - 99 spaces will help overflow. As it is now, the students and staff cannot park on streets, the same goes for the residents if they parked on the streets. Not even Lombard residents can park on the streets.*
- 3) Building size - it will impact the residents all the way around. We know the school has been there and there was no infringement. The air conditioning unit will be close to their backyard and she hopes it will be as quiet as they say. She is concerned.*

*Ed Pszanka asked when the Plan Commissioners will tell their point of view. Chairperson Ryan said they will voice their concerns at the appropriate time similar to the last meeting.*

*Ken Doles had a question for the architect/engineer. He asked if the utility lines will have the proper clearance from the proposed landscaping.*

*John Harley, 585 S. Elizabeth, Lombard, asked if there will be security cameras like their school in Villa Park. He personally doesn't like them and feels that is an intrusion into his freedom*

*Attorney Draus made the following comments in regard to the neighbors concerns:*

- 1) He stated that it is nice to speculate on the Driscoll building or North Avenue, but they own this property and they have a right to build on it. It's also their backyard. The plan in front of us today is for this property.*
- 2) CPSA is not affiliated with the school in Villa Park, nor are there are plans for security cameras at CPSA.*
- 3) Drop off/pick up times - will be specifically staggered to avoid the times of Madison School. They will not be set in the plan itself because they need flexibility to determine year to year. Their intention is to alleviate traffic on Madison and to account for their hours and Madison School hours.*
- 4) Length of school year - 168 days long from August or September and ending in June, similar to other schools.*
- 5) Property values - interesting argument, it's all relative and very arguable.*
- 6) Present building - there is a fundraising plan to build this building, which is a modern building. Fundraising will continue to increase the value of the present building including new windows air conditioning and the like.*
- 7) 600 cars - the total increase of students would be 380 over what they have now. It may never happen. They will be capped at 785. There are 400 students now, many of which carpool. There were usually 4-5 students to a car or van that are dropped off and picked up together.*
- 8) The "no mans land" - the 3,400 square foot strip of land between the CPSA property and the neighbors. If you surveyed the two properties, no one party owns that property. We don't know why that is and dates way back. Mr. Sayeed stated that he would like the Plan Commission to take into account the land when considering the open space requirement. CPSA is not making a claim on that land, they will release that claim to the neighbors behind there if they could figure it out.*
- 9) Only two roof top units on top. The rest of HVAC system is based on different systems, which doesn't require a rooftop unit. He then explained the*

- issue in further detail. The decibels are to the best of his knowledge and he stands behind it. He has enough qualification and has a PhD in engineering.
- 10) The development of the property as single family residences. Jamshid Jahedi explained that the situation would be different if the property was developed with a certain amount of houses. What would happen if the same amount of houses along the east line of his property building were built closer to your property and being at higher elevation because it is not a flat roof. The pitched roof would be higher and the volume of the houses would be much larger and taller than what the CPSA has here farther away from the property line.
- 11) Green space - was not your property to start with and was granted to the previous owner.
- 12) Utility lines - They have not designed the detailed engineering plans yet, but they are committed to good screening with a set number of trees to create privacy. Preserving the utility lines is also crucial.

Attorney Draus stated that he is disappointed by some of the comments from the neighbors tonight. He moved to Lombard because of diversity in this town. He always found people to be friendly and down to earth. He added that CPSA held two neighborhood meetings, a Plan Commission hearing and additional talks with neighbors. They remained civil up to tonight and he is saddened by some of their comments.

Chairperson Ryan asked for a response to the tearing down of the existing building. Andy Draus replied that there are no plans to tear down existing building. Mr. Draus added that this is their plan for expansion. If there were additional plans for expansion, it would have to come back before the Plan Commission. Referring to the flooding concern, Jamshid Jahedi stated that under the new plan they guarantee that the existing problem will go away and they will handle the run off better than what it is now.

Chairperson Ryan asked about the care of old building, cleaning up after events as being a good neighbors is an important thing. He also asked about the grass cutting. Andy Draus stated that it goes back to 2001. CPSA cuts the grass and maintained the trees and cleans up after themselves. I'm sure there's no garbage out there now.

Chairperson Ryan asked the petitioner to address the issue of activities occurring at 2-3 a.m. Andy Draus stated that he is not familiar with it. Chairperson Ryan asked if late activities are common. Mohammed Syaeed, 1154 Brighton Place, Glen Ellyn, has been involved with the CPSA Board since day one and is responsible to take care of problems. There are no activities at 2 a.m. or 3 a.m. Once in a while if the Village calls us for the alarm, they will go to fix the problem. There is no activity and no contractor comes before school starts before 7 a.m. The garbage comes on Thursday morning around 6:30 once a week, which is a standard time. Referring to lawn mowing, they have a contractor that comes and mows the lawn. They have gone 8-9 years with no problem because since 2001 they have a contractor for snow and grass.

Commissioner Sweetser mentioned some of the other conditions proposed for this petition, which includes trash collection prior to 8 a.m. and other noise-making operations. She asked the petitioner if they were aware that this condition was added. Mohammed Syaeed stated that he was not aware, but the snow cleaning and other such activities begin before school starts, which is 7:30. Attorney Draus stated that trash removal is through the Village and doesn't believe they start before 8 a.m.

*Chairperson Ryan stated that they can restrict the time of trash removal similar to St. John's. Commissioner Sweetser asked if lawn mowing and snow removal should be also conditioned.*

*Chairperson Ryan mentioned the asbestos issue brought up. Mohammed Syaheed stated that because the building built in 1930, the situation was common back then. When they purchased the school, they had an inspector inspect it and so far the state has never told us any complaint.*

*Village Attorney George Wagner stated that with asbestos, if it's not touched, it doesn't need to be removed. If there is remodeling occurring then it needs to be abated. As long as it's not touched then it's not an issue.*

*Chairperson Ryan deferred the flooding issue to staff. Chris Stilling asked the petitioner to address the design of the pond. Mr. Jahedi stated that the system for stormwater management includes a detention pond. It appears on the plans to be a wet area, but the slope of the sides is very gentle so children can play in it without danger. When there is a storm event greater than a 100-year event, we still have a safety feature that controls water toward the Village stormwater system. It is a dry detention pond that will have short grass in the bottom of it, which makes it a pleasant view. There is no accumulation of standing water on the bottom so mosquitoes being able to breed in the water is not possible.*

*Chairperson Ryan mentioned construction time. He added that the petitioner mentioned 18-24 months. Mr. Stilling stated that the Zoning Ordinance requires that a conditional use be substantially completed within 18 months of approval.*

*Chairperson Ryan mentioned the traffic study. Mr. Stilling stated that the Village hired a third party consultant, KLOA, to prepare and present a traffic study. Those findings and the study are included in the staff report and one of the suggestions was staggering hours of operation. One of the findings of the report indicate that if they address the staggering issue, there should be no impacts to the surrounding properties.*

*Mr. Jahedi wanted the record corrected. The one page he referred to in his presentation was just one page that had particular information he was noting. The traffic consultant's full report is 30-40 pages and is available to the public.*

*Commissioner Sweetser asked Attorney Draus to give the IRS tax status of the school. Attorney Draus stated that CPSA is a not for profit - it's a 501 C3 corporation.*

*Chairperson Ryan wanted to address the number of activities and prayer times as it relates to after hours. Mr. Jahedi stated that the Muslim religion requires everybody to pray 5 times a day. These are based on sun positions or natural appearances. Before sunrise there is a prayer, which will be done at home. The second prayer is at noon which is usually done at work or students perform at school. The third prayer is toward the evening. Some students may or may not be in school. The next two prayers occur in the evening and at night. The night prayer is performed at home, the evening prayer might occur on the school. Mohammed Syaheed stated that there is no prayer that occurs around 2 a.m. or 3 a.m. Chairperson Ryan asked if the students are there at 11 p.m. Mr. Syaheed stated that they may not be there for prayer, but peer tutoring can occur at that*

time.

Chairperson Ryan then requested the staff report.

Mike Toth, Planner I, presented the staff report. He stated that staff has prepared a list of items with responses for the Plan Commission to consider for this petition. These represent some of the various concerns raised by the surrounding residents. He stated that the information is redundant based upon the testimony already provided, but he wanted to read it into the public record.

#### 1. Traffic

##### A. Increased traffic, particularly at the southeast corner of the site.

CPSA indicated that most of the drop off & pick up for the K-12 classes would occur in the middle of the site (in between the two buildings and in the new parking area north of the existing building). CPSA also stated that the preschool drop off & pick up would occur at the southeast corner of the site.

##### B. Traffic backup onto Madison.

A detailed traffic study was completed by the Village's consultant (KLOA), which highlights recommendations that are to be incorporated into CPSA's site plan. Staff gave a copy of the traffic study to some of the adjacent property owners to share with neighbors. The petitioner's current plan does incorporate most of the recommendations; however, the Village still recommends a staggered drop off & pick up schedule as a condition of approval. Per the

Village's consultant, this should eliminate any stacking onto Madison. CPSA has indicated they prefer not to publish a set class schedule at this time. CPSA has agreed to stagger start and end times from those of Madison School. The petitioner has indicated that they would like to retain the flexibility to adjust class schedules and start and end times of different ages based on need, as determined by increased enrollment and/or increased traffic issues. Staff would still recommend that as a condition of approval, the petitioner provide a detailed drop off/pick up schedule based upon the recommendations in the KLOA report and based upon the proposed traffic flow conditions along Madison Street and upon the subject property.

#### 2. Screening

##### A. Not enough screening/landscaping along the eastern and southern property lines.

CPSA has submitted a revised landscape and site plan showing a new six foot (6') solid fence along the eastern portions of the site. The fence would also be located on the along southern lot line, however it would stop at the midpoint. In addition, the revised landscape does show some additional plantings, however details of the type and size of plantings has not been provided. The petitioner has indicated that they are not sure yet if all the neighbors on the south and east want the fence and/or landscaped screening. The petitioner has indicated a willingness to work with the neighbors to provide screening that meets the desires of the neighbors on those sides. Staff recommends that as a condition of approval, all plantings along the parking lot and drive aisles that directly abuts residentially zoned properties be screened with evergreen and/or dense deciduous shrubs across the entire frontage at a planting height of a

*minimum of 4 feet. This is consistent with the requirements of the Zoning Ordinance. In addition, staff recommends that the type of evergreens and/or shrubs shall have the ability to grow to a minimum height of 15 feet.*

*B. Landscaping shall be dense trees/shrubs that can grow higher than a fence. The proposed drainage swale along the east property line will impede the growth of any landscaping.*

*The revised site plan submitted by the petitioner does show the addition of a storm sewer with several inlets along the east property line. In addition, staff recommends that the plant material shall meet the provisions outlined above. Please note that additional comments may be generated during final engineering review regarding the use of a storm sewer in lieu of only a swale. In the event the petition is approved with a condition requiring landscape screening that conflicts with the final engineering plans, the petitioner would still be required to provide the necessary screening. It would be up to the petitioner to revise their plan to meet all conditions of approvals and final engineering requirements.*

### *3. Loading Dock*

*A. Residents along the southern and eastern property lines are concerned about truck traffic and the utilization of the loading dock.*

*CPSA indicated that they will sparingly use the loading dock and that most of their supplies are provided in vans or small trucks only. Please note that the loading dock is a zoning requirement; however, the location of the loading dock was proposed by the petitioner.*

### *4. Garbage Dumpster*

*A. Location of the garage dumpster.*

*CPSA has revised their plans to reflect a new dumpster location. The new dumpster location will be located directly off of the western drive aisle, adjacent to the detention pond. The new location is more centralized on the site, which would place it further away from the residential properties. The Zoning Ordinance requires the dumpster to be fully screened on all four (4) sides. The relocation should mitigate many of the concerns raised by residents. Also, a condition of approval for St. Johns School (PC 05-06) was that trash collection shall not occur on the school property prior to 8:00 a.m. Staff recommends that the same condition of approval required of St. John's will be added as part of this petition.*

### *5. After School Activities*

*A. CPSA has nighttime activities.*

*CPSA has indicated that there will be afterschool activities that would be ancillary to the school, which includes: student projects, sports and awards ceremonies. They do indicate that since it is a religious based school, there are prayer services offered five times a day. However, those participating in prayers are generally students, teachers, administrators, and a few parents who live in the neighborhood. Staff notes that it is the petitioner's intent is to utilize the property as a parochial school as its principal use, similar to other schools in the community. However, if the petitioner were to modify their operations to*



*provide for public assembly for worship purposes, a conditional use for a religious institution would be required. The petitioner has stated that is not the intent of the school addition.*

#### *6. Building Height*

*A. Proposed building height will be higher than the surrounding residences and block sunlight.*

*CPSA has provided a detailed illustration of how the building height will not cast a shadow on the surrounding properties. The illustration demonstrates that even when the sun is at its lowest point, a shadow would be cast at a maximum of fifty-two feet (52') away from the building, which would still be seventeen feet (17) from the nearest property line. It is noted that a building height variation is still needed for the building height as it relates to the access stairway.*

#### *7. HVAC System*

*A. HVAC units will be loud and they will be visible to the neighbors.*

*CPSA indicated that the biggest HVAC unit will be located on the ground floor at the northeast corner of the new building. They also stated that two (2) units will be located on the roof of the new building; however, they will be screened per Section 155.221 of the Zoning Ordinance.*

#### *8. Atrium Window*

*A. Residents along the eastern and southern property lines are concerned about the large widows overlooking their homes.*

*On the newly-submitted elevation plans, CPSA is now proposing semi-translucent windows to block the views onto adjacent properties. The plans now show semi-translucent glass panels on the lower- half of the second story windows and atrium. The petitioner's architect has indicated that this semi-translucent glass will still allow for light to enter the building but will prevent the occupant of the building from looking out onto the adjacent properties.*

#### *9. Capped Student Population*

*A. How will the capping of students be monitored.*

*As a condition of approval, staff recommends that grade school students shall be capped at 450 students and the number of high school students shall be capped at 240 students. The total student population, including the pre-school, shall not exceed 785 students. To monitor this condition, staff can obtain student population numbers through the Illinois State Board of Education and pre-school numbers through DCFS.*

#### *10. Parking Lot Lighting*

*A. Residents are concerned about parking lot lighting spilling over onto the adjacent properties.*

*CPSA will be required to meet the full provisions of Section 155.602(A)(10)(d) of the Zoning Ordinance, which pertain to parking lot lighting standards.*

*Section 155.602(A)(10)(d) specifically states that in no case shall parking lot lighting exceed 0.5 foot-candles at any property line which is shared by a residentially-zoned property. As such, the Ordinance does not allow for excessive light spillover onto residential properties. Furthermore, CPSA will be required to submit a photometric plan, for Village review, as part of their permit submittal.*

#### *11. Phasing & Construction*

*A. Residents were concerned that the project was going to be built in phases over the years.*

*CPSA indicated that the entire project would be built in one (1) phase. Any improvements to the existing building (windows and air-conditioning) may come at a later date, after they are done with the project.*

#### *B. Construction Hours.*

*Village Code restricts construction activity Monday-Sunday 7 a.m. to 8 p.m.*

#### *12. Surveyor's Gap*

*A question was raised regarding the surveying gap located south of the subject property. The plans show that the proposed use will not include the gap area and the petitioner does not intend on including this area as part of their petition.*

#### *13. Fire Access*

*On all new buildings the Fire Department requires at least three sided access. In addition, the Fire Chief may require 'continuous access around a building' or four (4) sided access. Fire Lanes must be a minimum of 18' wide and must be set back 15' from the structure. At times parking lots can meet these two requirements such as St. Johns School did (PC 05-06). In the case of CPSA, the area between the proposed new building and the existing building could not be utilized as fire access land since there is not enough building separation and there are overhead obstructions which would prevent fire apparatus from maneuvering aerial ladders.*

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

*Commissioner Sweetser stated that before we start, it may not be clear to whoever may be listening that we take all the Commissioners take an oath and that oath prevents us from accepting outside issues of the other parties involved. Mr. Stilling stated that when a petition comes forward they have to meet certain standards and criteria, the petitioner and the Plan Commission has to find that they meet those standards.*

*Commissioner Sweetser mentioned several things - the height of building at 26 feet and she asked if that means that the height of the extra piece is still considered 35 feet. Mr. Toth stated that the access stairway is in excess of 30 feet. Mr. Stilling stated that the stairway has always been the same height.*

*Commissioner Olbrysh referred to the large trees on south and east side. He asked if the petitioner was going to bring in mature trees.*

*Mr. Jahedi replied that he is not the Landscape Architect, but there are certain ages of trees you can bring in. The more mature the tree the less of a survival rate it has at planting time; as such, they will bring in the species of trees considered and will not be a mature height but will grow within a few years from planting. It will take 4-5 years before we get the desired screening that the trees will provide.*

*Referring to the illustration, Commissioner Olbrysh implied that those size trees will not be brought in. Mr. Jahedi stated that is his best guess.*

*Referring to the landscape plan, Commissioner Olbrysh asked if there is landscaping and a berm in front of the building.*

*Mr. Stilling replied, yes. Based upon the submitted plans a 2' berm is provided along with landscaping that meets the requirements of the Zoning Ordinance.*

*Mr. Jahedi stated that's exactly correct and mentioned the cross section. The same cross section shows a 2' berm and 4' of plantings, which makes 6' on the Madison side.*

*Commissioner Sweetser referred to the assertions in the neighborhood correspondence that they received as part of the record stating that CPSA is a "business". She noted that they are inaccurate.*

*Village Attorney Wagner replied that CPSA is a tax-exempt organization, which you might equate as a business function, but is a school and is tax exempt.*

*Commissioner Flint stated that he wasn't at the previous public hearing, but he did view the tape, read the minutes and looked over all the correspondence. He added that by coming back here there was a lot of input from the residents to the betterment of the project. One of the improvements to the plan is the moving of the dumpster from the back to the west.*

*Commissioner Burke asked if we are going to move forward with condition #9.*

*Commissioner Sweetser asked if the Commissioners should indicate hours of operation. She added that she didn't think it was necessary but would like to speak to one of the concerns raised by the residents. She wanted to make sure the Commissioners were not perceived as not addressing their concerns. Chairperson Ryan stated that the late night issue has been clarified.*

*Commissioner Olbrysh mentioned the open space issue. He asked if St. Johns was approved for an open space variation. Mr. Stilling stated that it was short on open space. He added that he can't say for certain what that was but mentioned that there were more recent projects that met the open space requirement. In regard to open space deviation, these requests also included parking deviations, but this is a different situation and a balance needs to be maintained. It is staff's goal to achieve conformance in meeting code. The Zoning Ordinance doesn't restrict parking maximums only a minimum. We want compliance with open space.*

*Referring to the open space, Commissioner Sweetser asked about the 3,400 square feet of "no man's land". Since it doesn't belong to anyone and the petitioner wouldn't seek any claim to it, it is there. She asked staff if they saw this area as a way to provide them with any sort of resolution. Mr. Stilling replied that we don't have to address that area and are confined to the*

*property's boundaries.*

*Commissioner Sweetser stated that the subject property is in a residential zoned area which is one of the reasons why staff wanted to limit parking in front and increase open space. Mr. Stilling stated that staff has no preference to where they should remove the parking. He added that the neighbors had concerns about parking in front of the existing building and the appearance it would give so if they removed the parking, it would be good to do it there. Commissioner Sweetser stated that it seems the neighbors would prefer to have the extra parking. Chairperson Ryan stated that they should uphold the open space. From his point of view, he would like it kept at 50 percent.*

*Chairperson Ryan asked who maintains the "no man's land". Mr. Jahedi stated that the land has maintained by the neighbors. He added that they are grateful to them as it is part of their yard as well.*

*Commissioner Sweetser stated that last time there were two motions.*

*Village Attorney Wagner clarified that the recommendation is to provide the variation for the height and then to approve the variation for the open space as to the 25 percent.*

*Chris Stilling explained how they arrived at 62.5 percent open space. He added that condition #1 should reflect the date of the latest plans.*

*Commissioner Burke moved to amend the recommendation to adopt Village Attorney Wagner's conditions.*

**J. [090289](#)**

PC 09-15: 275 W. Roosevelt Road (Roundheads Pizza)  
Granting a further time extension to Ordinance 6341 extending the time period for construction of the conditional use approval of an outdoor dining area for an additional twelve month period (June 3, 2012).  
(DISTRICT #2)

**Attachments:** [DAH referral memo.doc](#)  
[Cover Sheet.doc](#)  
[Referral Letter 09-15.doc](#)  
[REPORT 09-15.doc](#)  
[PUBLIC NOTICE 09-15.doc](#)  
[apoletter.doc](#)  
[Ordinance 6341.pdf](#)  
[Ordinance 6488.pdf](#)  
[Cover Sheetextension.doc](#)  
[DAH referral memo ext.doc](#)  
[090289.pdf](#)  
[090289.pdf](#)  
[Ordinance 6488.pdf](#)  
[DAH referral memo ext2.doc](#)  
[Cover Sheetextension2.doc](#)  
[Ordinance 6626.pdf](#)  
[090289.pdf](#)

## Ordinances on Second Reading

### Resolutions

- K.     [080287](#)     1 E. St. Charles Road  
Authorizing signatures of the President and Clerk on a Temporary  
Construction Easement for the purpose of repairing a decorative privacy  
wall. (DISTRICT #1)

**Attachments:** [1eStCharlesConstEasementBOTsign.doc](#)  
[BOT\\_Memo1eStCharles.doc](#)  
[1\\_E.St.Charles.Road.doc](#)  
[103-080001.pdf](#)  
[080287.pdf](#)  
[Temp Easement 4.27.11.doc](#)  
[DAH referral memo.doc](#)  
[1\\_E.St.Charles.Road2.doc](#)  
[R 105A-11.pdf](#)  
[080287.pdf](#)  
[Temporary Constuction Easement- 1 E. St. Charles.pdf](#)

- L. [110199](#) Lombard Town Centre - Request for Funding  
Providing funding (through the end of the 2011 calendar year) for Lombard Town Centre as the Official Illinois Main Street Program Organization serving the Village of Lombard for FY 2011.

**Attachments:** [LTC FY2012 Funding - first half.doc](#)

[LTC 2010 Goals & Accomplishments.pdf](#)

[LTC 2011 Approved Budget.pdf](#)

[LTC Balance Sheet.pdf](#)

[LTC ED Project Visitation List.pdf](#)

[LTC Update & FY 2011 Funding Memo.pdf](#)

[LTC SMART Goals & Alignment with the Plan.pdf](#)

[LTC end of year 2011 funding Cover Sheet.doc](#)

[R 106-11.pdf](#)

[110199.pdf](#)

*Dan Whittington, President of the Lombard Town Centre, referenced the packet of materials provided and gave an overview of their accomplishments and activities over the past year. He said that Spooktacular is their biggest annual event and that it has grown each year. He said their recruiting efforts for board members have increased and that there is a strong level of support and commitment by the current board. He gave background on the various committees and their accomplishments. He stated that they still do not have a qualified person for the design committee. He also said that they have had some recent success implementing the WiFi for the downtown area. He provided additional information and background on the program.*

*Karen Stonehouse, Executive Director (ED), provided some additional information about her activities over the last 10 months. She cited a list of businesses she has visited as part of her retention visits and a list of prospective businesses that were considering a downtown Lombard location. She also highlighted a calendar of events for the upcoming summer.*

*Mr. Heniff summarized the staff memo. He stated that at the February 16, 2011 Special Meeting of the Economic and Community Development Committee (ECDC) meeting, it was requested that the Lombard Town Centre (LTC) provide the ECDC with a mid-year update on their goals and accomplishments, as they relate to their 2010 funding. This discussion was also intended to serve as a basis for discussion of proposed 2011 funding activities. The LTC is making its request for up to \$40,000 in funding for their 2011 calendar year, based upon the draft budget submitted by the organization. The ECDC and ultimately the Village Board is asked to review the funding request and make a recommendation as to the level of funding support that should be provided accordingly.*

*Mr. Heniff provided some additional background on the history of the organization and its past funding. He stated that the LTC has requested the ECDC and the Village Board also provide direction with regard to future Village funding. This request was made so that they would know which direction to proceed with their activities. They have identified a request of \$40,000 to undertake the activities within their goals.*

Mr. Heniff provided information about their current balance sheet, as of March 23, 2011. According to their balance sheet, the LTC currently has \$45,943 available for their activities. For comparative purposes, the LTC balance sheet had a surplus of \$62,989 as of February 5, 2010. The \$35,000 funding granted by the Village for the LTC was used for the Executive Director costs. The LTC directly expended \$17,046 for all other operations and activities over this time period. He then provided an overview of the proposed budget:

\* 74% of LTC 2010 revenues were derived through the Village grant, 9% was through membership fees and 14% was through various fundraising efforts. Their 2011 budget has similar percentages.

\* Program expenses are anticipated to be 63% higher than 2010 levels (\$8,332 to \$13,297), with the major difference being the WiFi program and organizational (training) funding

\* Overall expenses are 88% higher than 2010 levels, primarily attributable to the LTC ED full-year employment.

Mr. Heniff stated that before the ECDC considers any level of funding, staff and the LTC President have noted that funding consideration for the LTC should be considered in the Fall, rather than the Spring. In the past, LTC funding was always considered in the late winter or spring months. The LTC has historically operated on a calendar year budget and as such the Village funding consideration is occurring three months into their budget year. From the Village's standpoint, the FY2012 budget is largely completed and such funding requests should be considered as part of the overall Village budget discussion. As such, staff recommends that the funding request be considered for the 2011 calendar year only and that any funding requests for 2012 should be made to the Village in October. This request would be considered by the ECDC in November, so that when the overall Community Development budget is considered in December the funding levels are known.

Mr. Heniff stated that as with the 2010 funding request, staff offers the following options for the ECDC:

*Option 1: Deny Funding*

If the ECDC finds that in review of the LTC request and performance that additional funding is not warranted, funding could be denied. It should be noted that if no funding is provided directly by the Village, they estimate that they could continue operations in their current manner for approximately the next ten months, using reserve funds. As an alternate option, if this option was supported, the LTC could still make an application for 2012 program funding, should the Village find that they met their 2011 goals.

*Option 2: Limited Selective Funding*

This option would take a cafeteria approach to funding LTC. Items that the Village cannot or traditionally would not do (such as operate Spooktacular) and could be done with individual requests or as a blanket request for funding. This approach would require the LTC position to be funded through their existing reserves, while the special event activities would be partly funded by the Village. For comparison purposes, some co-sponsored events the Village operates with the Chamber operate in this manner. Based upon the 2011 budget, the Village could provide up to \$13,297 for their events.

*Option 3: Limited Funding - Tie with Reserves*

The LTC budget shows that 2010 and projected 2011 net loss. However, this was covered by a large surplus in reserves from unspent dollars they received

from the Village. Staff also notes that the existing \$45,943 in reserves exceeds their total expenditures in 2010 (\$36,899) and is 66% of their anticipated total expenditures. From an accounting perspective, having a reserve of 25% of annual expenditures is common (and is also used as the standard of the Village). In order to keep the LTC level at the 25% level or above, \$17,368 (of 2011 annual expenditures of \$69,472), would be needed. This option would require funding of \$28,584 for a full year (through the Village's FY2012 budget, or \$14,292 for a half year (until the end of the calendar year).

*Option 4: Full Funding*

*If the ECDC finds that they have met their goals and additional support is warranted, a recommendation for funding of \$40,000 (or \$20,000 for half year) can be made. The ECDC can add any special provisions to the funding grant that would be placed within the final resolution of approval.*

*Mr. Heniff went on to say that if funding is cut or eliminated to the LTC, the following observations are made:*

- \* The LTC could continue on its own, similarly to the manner Downtown Lombard United operated in the 1990s or as the Lombard Area Chamber of Commerce exists. Staff also recognizes that it is not likely that the Executive Director would be able to operate in the same extent or manner.*
- \* Direct impacts on Community Development staffing or operations would not be greatly impacted. Staff currently administers the grant programs directly, is responsible for implementation of the downtown plan and is part of ongoing economic development activities for the overall community. LTC is identified as a partner in the implementation of these activities.*
- \* Outreach to prospective businesses could be handled by Village staff, albeit the degree of outreach would be more limited or accomplished more in concert with general business outreach activities.*
- \* Fund reallocation would likely be made to capital improvements and programs identified in the Plan (such as branding implementation), and staff would play an increased role in its implementation.*
- \* Social and promotional activities would have to be re-evaluated or restructured.*

*Staff recommends that the ECDC should review the materials provided by the LTC and staff and make a finding that it is in the downtown's best interest to continue to provide funding assistance in its operations, and to what extent such funding should be provided is based upon one of the options noted above. As noted earlier, staff recommends that any future funding should be based upon 2011 considerations (i.e., a half year allocation) and that future requests should be considered in the subsequent October.*

*Mr. McNicholas stated that he had to leave the meeting early, but wanted his comments for the record. He provided some history about his role with the past downtown organization, Downtown Lombard United. He said the Village has spent over \$400,000 on funding and said if it was an SSA, more property owners and stakeholders might be involved. He said that property owners need to make an investment as well. He said an SSA could make it self sufficient since it benefits downtown properties. He said any funding should only go through 2011, as proposed by staff.*

*Chairperson Ware said that he also supports 6 month funding and then come back in the fall for a 12 month cycle.*



*Mr. Nielsen said that he supports options 2 or 3.*

*Mr. Whittington said that their reserve balance is high because they did not have an ED for 6-8 months. He said they are requesting funds in an amount similar to what was approved last year.*

*Ms. Gannon asked about their fundraising efforts. Mr. Whittington responded.*

*Mr. Irion asked what would happen if funding is denied. Mr. Whittington said that they will continue until they have no more money.*

*Mr. Glazier said the LTC is important and he supports options 2 or 3.*

*Ms. Gannon suggested that the LTC develop a self funding plan.*

*Mr. Grant said that he is worried that the ECDC decision could be holding the current regime responsible for past regime actions. He said the LTC needs an Executive Director. He said he supports option 3.*

*Most members agreed that option 3 was the best and said that they support the day to day service of the LTC.*

*President Mueller stated that he recently attended the downtown forum and said the meeting went well. He said downtown has always been the heart of Lombard. He asked the ECDC to let him and staff know about any issues and do they still want the regular staff support.*

*Kim Cotton, Vice President of the Lombard Town Centre, said she is the longest member and said that they need to have a full time Executive Director.*

- M.**     [110234](#)     FY2012 Concrete Rehabilitation and Cuts Patching, Change Order No. 1  
Reflecting an increase of \$150,391.20 to the contract with G & M Cement Contractors. (DISTRICTS - ALL)  
**Attachments:**   [R 107-11.pdf](#)  
                          [Change Order #1- Gand M Cement Con.pdf](#)  
                          [110234.pdf](#)  
*Dratnol: reviewed this change order with the committee. \$900,000.00 is the budgeted amount.*
- N.**     [110235](#)     Highland Avenue (22nd-Butterfield) Final Balancing Change Order No. 1  
Reflecting an increase to the contract with Illinois Department of Transportation (IDOT) in the amount of \$130,328.49. (DISTRICT #3)  
**Attachments:**   [110235 BOT 5-19-11.pdf](#)  
                          [R 108-11.pdf](#)  
*Dratnol: final balancing change order/contract with the IDOT. Reviewed the situation involved with this change order.*
- O.**     [110257](#)     2012 Driveway Apron & Sidewalk Restoration Program Change Order No. 1  
Reflecting an increase to the contract with Strada Construction in the amount of \$70,501.00. (DISTRICTS - ALL)

**Attachments:** [110257 BOT 5-19-11.pdf](#)

[R 109-11.pdf](#)

[Change Order #1-Strada Construction.pdf](#)

*Dratmol: a change order to bring contract up to the budgeted amount. The utility restoration is dependent upon how many digs we have and there is a lot of curb and gutter work.*

- P. [110261](#) FY2011 Sewer Lining Program, Change Order No. 1  
Reflecting an increase to the contract with Insituform Technologies USA in the amount of \$21,672.50. (DISTRICTS - ALL)

**Attachments:** [110261 BOT 5-19-11.pdf](#)

[R 110-11.pdf](#)

[Change Order 1- Insituform Tech.pdf](#)

*Dratmol: there is a correction on the cover sheet. The amount should read \$21,672.50. Dratmol explained the sewer lining process to the committee.*

- Q. [110278](#) Agreement with Andy Frain Services, Inc.  
Authorizing the Village Manager to sign an Agreement with Andy Frain Services, Inc. providing for crossing guard services.

**Attachments:** [pdandyfraincontract592011.doc](#)

[pdandyfraincover592011.doc](#)

[pdandyfrainmemo592011.doc](#)

[pdandyfrainres592011.doc](#)

[R 111-11.pdf](#)

[Andy Frain.pdf](#)

[110278.pdf](#)

- R. [110280](#) Northern Illinois Municipal Electric Cooperative (NIMEC)  
Authorizing the Northern Illinois Municipal Electric Cooperative (NIMEC) to serve as the broker for the Village of Lombard with regard to obtaining bids from electricity providers and authorizing the Village Manager or Director of Finance to approve a contract with the lowest cost electricity provider.

**Attachments:** [Electric Submittal - NIMEC Res 5-11.doc](#)

[Electric Resolution - NIMEC 5-11.DOC](#)

[Electric Memo - NIMEC Res 5-11.doc](#)

[R 112-11.pdf](#)

[110280.pdf](#)

- \*R2. [110294](#) Lobbyist Services  
Resolution authorizing an Agreement with Roger C. Marquardt & Company, Inc. for lobbying services from June 1, 2011 through May 31, 2012.

**Attachments:** [R 113-11.pdf](#)  
[110294.pdf](#)  
[Contract Roger C Marquardt 11.pdf](#)

## Other Matters

- S. [110262](#) Water Meter Reading Services  
Request for a waiver of bids and a one-year contract extension for Rickman Contract Service, Inc. in the amount of \$48,960.00. Public Act 85-1295 does not apply.

**Attachments:** [110262 BOT 5-19-11.pdf](#)  
[Contract Extension.pdf](#)

- T. [110263](#) Emergency Water & Sewer Repairs  
Request for a waiver of bids and award of a contract to John Neri Construction Company, Inc. in an amount not to exceed \$75,000.00. Public Act 85-1295 does not apply.  
**Attachments:** [110263 BOT 5-19-11.pdf](#)
- U. [110266](#) Sewer Stub Rodding  
Request for a waiver of bids and award of a contract to All Plumbing & Sewer Services, Inc. in the amount of \$ 50,000.00. Public Act 85-1295 does not apply. (DISTRICTS - ALL)  
**Attachments:** [110266 BOT 5-19-11.pdf](#)
- V. [110267](#) Tree & Stump Removal  
Award of a contract to Ciosek Tree Service, the lowest responsible bid of nine bidders, in the amount of \$27,750.00. Bid in compliance with Public Act 85-1295. (DISTRICTS - ALL)  
**Attachments:** [110267 BOT 5-19-11.pdf](#)  
[ciosek contract.pdf](#)
- W. [110268](#) Parkway Tree Trimming  
Award of a contract to Nels J. Johnson Tree Experts, the lowest responsible bid of nine bidders, in the amount of \$49,030.00. Bid in compliance with Public Act 85-1295. (DISTRICTS - ALL)  
**Attachments:** [110268 BOT 5-19-11.pdf](#)  
[Tree Trimming signed contract.pdf](#)
- X. [110279](#) FY 2012 Asphalt Paving And Patching Program  
Award of a contract to R.W. Dunteman Company, the lowest responsible bid of six bidders, in the amount of \$571,477.43. Bid in compliance with Public Act 85-1295. (DISTRICTS - ALL)  
**Attachments:** [110279.pdf](#)  
[Contract Number ST-12-02.pdf](#)  
[Change Order 1 Dunteman.pdf](#)
- Y. [110288](#) Appointments - Committee Chairpersons and Co-chairpersons  
Appointments of the Committee Chairpersons and Co-Chairpersons for the Village Standing Committees.  
**Attachments:** [apptmemostandingcommitteechairpersons2011.doc](#)  
[submitcommitteechairs2011.DOC](#)
- \*Z. [110256](#) Village Board Policy  
Approving a Communications Response Policy for the Village Board Policy Manual as revised.

**Attachments:** [110256.pdf](#)  
[boardpolicycommunicationsrevised5172011.doc](#)  
[submitvillageboardpolicycommunicationsb.doc](#)  
[dahcommunicationspolicyrevised5172011.doc](#)

## IX. Items for Separate Action

### Ordinances on First Reading (Waiver of First Requested)

- \*A-1. [110281](#) Salary Ordinance  
Approving rates of pay for Village employees.  
**Attachments:** [Revised Sal Ordinance 2011final.doc](#)  
[SalaryIncrOrdinanceCoverSheet20112012.doc](#)

### Other Ordinances on First Reading

- A. [110230](#) ZBA 11-02: 403 W. Ethel Ave.  
Requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:
1. A variation from Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a corner side yard from four feet (4') to six feet (6').
  2. A variation from Section 155.205(A)(1)(e) of the Lombard Zoning Ordinance to allow a solid wood fence six feet (6') in height in the clear line of sight area. (DISTRICT #2)

**Attachments:** [apoletter 11-02.doc](#)  
[Cover Sheet.doc](#)  
[DAH referral memo.doc](#)  
[PUBLICNOTICE 11-02.doc](#)  
[Referral Let.doc](#)  
[Report 11-02.doc](#)  
[110230.pdf](#)  
[Ordinance 6628.pdf](#)

*Chairperson DeFalco opened the meeting for public comment.*

*Eric Nofziger, 403 W. Ethel Ave., presented the petition. Mr. Nofziger stated that there was a six (6) foot fence previously located in the corner side yard of his property. He added that a portion of the fence was destroyed in a recent storm incident. He then stated that they are looking to replace the fence to its original height of six (6) feet. Mr. Nofziger stated that they would like the additional fence height for added privacy and security for his family. He then stated that there are a number of bus routes that circulate through his neighborhood and there are high school students who park and drive through his area. He added that the family has a dog and the additional fence height would prevent the dog from possibly harming a pedestrian.*

*Referring to the clear line of sight variation, Mr. Nofziger prepared a model of the property, which he shared with the ZBA members. He stated that if he were required to meet the clear line of sight requirements, there would not be adequate clearance between the fence and garage. He also stated that there is a plum tree located in the clear line of sight area and if he had to meet the requirement, the tree would be on the outside of the fence. Lastly, Mr. Nofziger stated that he spoke with a number of the neighbors and none of them had an issue with the proposed fence location.*

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

*James and Linda Sochnuk, 403 W. Ethel, stated that they submitted a letter in support of the petition, which Michael Toth, Planner I, had distributed to the ZBA members prior to the meeting.*

*Chairperson DeFalco then requested the staff report.*

*Mr. Toth then presented the staff report. The subject property is located at the southwest corner of Ethel Avenue and Edson Street. The petitioner is requesting a variation to allow for the replacement of an existing solid wood fence six feet (6') in height in the corner side yard where a maximum height of four feet (4') is permitted. The fence is located along the Edson Street side of the property and conflicts with the clear line of sight area where the driveway meets the public right of way. The previously existing non-conforming fence was destroyed by a storm incident. The new fence would be required to meet the current zoning ordinance provisions, unless a variation is granted by the Village.*

*The subject property once contained a solid wood fence six feet (6') in height within the corner side yard and within the clear line of sight area. As the petitioner has indicated, a portion of the previous fence was blown down in a recent storm event. The Zoning Ordinance allows non-conforming fences to remain in existence provided that once a non-conforming fence reaches the end of its useful life any replacement fence will meet current code requirements. In time, this allows for full compliance with the Zoning Ordinance.*

*Six foot high fences are not permitted within corner side yards due to the visual obstruction they create. As such, the petitioner's replacement of the fence requires that the new fence meet the four-foot height restriction or that a variation be granted. A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from all other properties in the area.*

*Within the response to standards, the petitioner has raised concerns regarding safety on the property due to the presence of a canine and safety of their child. Specifically, the petitioner states that the canine would be required to be chained up if they only had a four (4) foot fence and such chain could clothesline their child. While staff recognizes that some of these concerns are reasonable, staff does not believe these concerns are demonstrative of a hardship associated with the geographic state of the property. A clear line of sight area is required when a driveway and the public right-of-way intersect. A triangle is formed with legs extending twenty feet (20') along the property line and twenty feet (20') along the driveway. Within a clear line of sight area fences shall not be greater than two (2) feet in height or of at least 75% open construction. The clear line of sight provisions exist specifically for public safety purposes.*

*The subject property contains two clear line of sight areas - one north and one south of the existing driveway. The petitioner plans to construct a new fence at six (6) feet in height in both of the required clear line of sight areas. Diagram 1 in the staff report shows the proposed fence indicated by the red line. The clear line of sight triangle is shown in green. A portion of the existing fence still stands to north of the driveway, within the clear line of sight triangle. The petitioner plans to remove that portion of fence and install a new portion of six (6) foot fence on a slight angle; however, the fence would still not meet the clear line of sight area requirements as proposed. The portion of fence that was leveled in the storm incident was located in the clear line of sight area south of the driveway. The petitioner plans to replace that portion of fence with a six (6) foot fence on a slight angle. Conversely, similar to the fence to the north of the driveway, the fence would still not meet the clear line of sight area requirements as proposed.*

*Concluding, Mr. Toth stated that staff is recommending denial of both variations associated with ZBA 11-02.*

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

*Ray Bartels stated that there are a number of buses that go through the petitioner's neighborhood and there is a lot of traffic in that area. He then stated that he is okay with the corner side yard fence height variation, but the petitioner should meet the clear line of sight regulations.*

*Chairperson DeFalco discussed the dog issue. He mentioned that the property owner is responsible for the behavior of their pets and owning a dog does not constitute a hardship associated with the property. He then stated that the Village does allow fences of open construction to be placed in a clear line of sight area. He added that an open style fence, such as wrought iron, is also permitted at six (6) feet in the corner side yard.*

*Mr. Nofziger stated that visibility of the dog is an issue; more specifically, if the dog can physically see someone walking by the dog is more apt to try and jump over the fence.*

*Mr. Tap asked the petitioner why he is unable to meet the clear line of sight requirement.*

*Mr. Nofziger stated that there is a nice plum tree located in the clear line of site to the south of the driveway. He stated that if the fence were to be angled to meet the clear line of sight, the plum tree would be on the outside of the fence.*

*Dr. Corrado questioned the six (6) foot height restriction in the corner side yard.*

*Chairperson DeFalco stated that the old ordinance only allowed fencing to go no higher than three (3) in the corner side yard. He then stated that it was later changed to four (4) feet. He added that the idea behind the height restriction is that tall fences in the corner side and front yard can create a fortress effect. He then stated that the clear line of sight issue is a safety concern and there have been children hit by cars when someone backs out of their driveway and can't see the sidewalk.*

*Dr. Corrado stated that the answer would be for the petitioner to construct an ornamental fence that is of open construction.*

*Mr. Toth stated that fences of open construction can be placed in a clear line of sight area and are also permitted at six (6) feet in the corner side yard; however, the petitioner desires to construct a privacy fence for reasons previously discussed.*

*Mr. Young asked the petitioner if they plan to remove the existing fence in the clear line of sight area to the north of the driveway.*

*Mr. Toth stated that the submitted plans indicate that the fence is to be removed and replaced. He added the proposed fence would also be located in the clear line of sight to the north of the driveway.*

*Mr. Young asked if there are two clear line of sight areas next to the driveway.*

*Mr. Toth stated that there is a clear line of sight area to the north and south of the driveway, as outlined in the staff report.*

*Mr. Young stated that the clear line of sight distance is more crucial to pedestrians on the sidewalk than it is to cars on the road.*

*Mr. Nofziger stated that all cars will be required to have back up cameras in the future for this reason.*

*Chairperson DeFalco stated that there are a number of properties in the immediate neighborhood that meet the corner side yard and clear line sight fence provisions.*

*Mrs. Newman asked if the petitioner would be required to alter the existing deck to meet the clear line of sight provision.*

*Mr. Toth stated that if the existing deck were to be removed, it would then have to meet all clear line of sight provisions.*

*Chairperson DeFalco asked the Board Members if they wanted to vote on the petition as a whole or on each variation separately. The ZBA members all agreed to vote on each variation separately.*

*Michael Toth stated that if the clear line of sight variation is to be denied, the petitioner will have to meet the full provisions of the clear line of sight. Moreover, any fencing in the clear line of sight will have to be either two (2) feet or less in height or 75% open construction. He added that if the corner side yard fence height variation were to be approved, that fence would need to be located outside of any clear line of sight areas.*

## **Ordinances on Second Reading**

### **Resolutions**

- \*B.**     [100482](#)           Social Services Program  
Update on the Social Services Program.



**Attachments:** [100482.pdf](#)  
[Submit.doc](#)  
[R 114-11.pdf](#)  
[100482.pdf](#)  
[CSS Contract.pdf](#)

*This item was addressed first during the meeting as a courtesy to Leland Lewis who was present to lend his expertise on the topic and to answer any questions the Committee members may have. The original recommendation to the Village Board needs to be revised as the Tri-Town YMCA funding was not realized and the program is not feasible to the Y without the funding source.*

*Trustee Fitzpatrick reviewed the other options presented in the recommendation and the Committee discussed the remaining options. Kim Angland offered the possibility of getting a college or a graduate student intern to utilize in this capacity. Leland Lewis offered that his opinion was that an intern would not be the way to go. He suggested that hiring a recently retired person would be a great option for the Village. A retired person, who had previously worked in the field, would have made the necessary contacts, presumably have a flexible schedule and would have the experience of the years working in the field.*

*Trustee Fitzpatrick reviewed with the Committee the services of hiring a David Hahn firm at about \$28,000/year. The coverage offered, per their sample contract from Elmhurst, seems about what Lombard would need. Cindy Wellwood-Burke questioned that if a person were to be hired for Lombard, under what department would it be included? Lewis suggested that the person would need to report to someone who has a tie to the topic as he/she will need some supervision. He also advised that if the Village decided to go with a contract, he recommended an early opt out if the arrangement was not working out to the Village's specifications.*

*Trustee Fitzpatrick indicated that in many municipalities the position falls in the police department but tossed around the fire department and the Manger's office as possible places for the position to be included.*

*In the review of possible solutions, Lisa Biegalski asked if the contract route was a team of people, which is was discussed as being. Trustee Fitzpatrick asked staff to develop an RFP to be reviewed at the next Community Relations Committee and then forwarded to the Board of Trustees on what the Village would be looking for in this position. Kim Angland offered that if the Village were to hire a contract company, she was concerned as to whether a resident who called multiple occasions would be treated by the same person each time. She also asked if during the recent flooding if there was someone that people in Lombard could call besides FEMA.*

*Staff submitted a draft report which was distributed to the Committee for review. Everyone took a moment to review it. After the review, Andy Draus asked if we should get a cost associated with this. Cindy Wellwood-Burke questioned what the EAP is and what is its cost. Staff replied that the EAP is a benefit service that is available to employees who may need help in various areas, i.e., counseling, financial issues, etc. She will contact Human Resources to find out the cost associated and report back.*

*Chairperson Trustee Fitzpatrick read over the report and said that the next step would be to come up with a job description.*

*Pam Bedard asked what if it goes over 20 hours per week? Chairperson Trustee Fitzpatrick indicated that the total amount budgeted could be amended at a later date if it goes over the budgeted amount.*

*The Committee discussed the options of an outside agency or an individual social worker. The Committee reviewed the options and Cindy Wellwood-Burke made a phone call that goes to David Hahn and he makes the assignment of the case based on his knowledge of his cases. Cindy would find out how many people.*

*Andy Draus questioned if the agency had more than one person or a social worker position. The Committee's consensus is to hire a consulting firm. If this option did not work out, then there is the option not to renew the contract. Trustee Fitzpatrick explained that the Committee makes a recommendation to the Board of Trustees. If approved, staff will conduct the hiring and interview process to select a firm/company for the services. The personnel involved in the process would include herself and staff, the Police and Fire Chief and the Village Manager.*

*Village Manager David Hulseberg stated this was a recommendation from the Community Relations Committee. He asked Communications Coordinator Joelyn Kott to give an overview.*

*Communications Coordinator Joelyn Kott began by indicating the Community Relations Committee had been reviewing this matter for three years to see how the Village can better provide social services for the residents and the homeless. They have done research and met with representatives of DuPage County, service organizations and other communities. She stated the Village partnered with the Tri-Town Y in an effort to obtain a grant from the United Way for the program, but the grant was not received. The committee then looked at a contract position and is recommending a 20-hour per week position that would be included under the Village Manager's Office. The position can be an individual or a contract agreement with a firm that would provide the same services as delivered by the employees of the firm. She indicated the Village currently has an Employee Assistance Program and this program could be incorporated into the contract.*

*The primary focus of the position would be to help residents in crisis situations such as suicide, domestic abuse and alcohol and substance abuse and can offer support groups and give guidance on assistance and provide counseling. She noted that this position would free up the time of the police and fire department personnel who are now trying to assist in helping residents along these lines and put them back on the street doing their jobs. The committee is recommending that a contract in an amount not to exceed \$28,000 be awarded for this position.*

*Trustee Fitzpatrick thanked Joelyn Kott for all of her work on this. She made a motion to approve funding for the services.*

*Manager Hulseberg questioned if this contract is to begin in this fiscal year or after June 1st. He questioned the funding source.*

*Trustee Wilson stated he had spoken with Trustee Fitzpatrick regarding this matter and felt the funding could be found for this.*

*Trustee Fitzpatrick reported that she did not want to tax the budget at this moment and was OK with this being added to the next year's budget.*

*Trustee Moreau stated that she liked the concept and that it made a lot of sense especially with the citizen assists. She spoke of the research that had been done. She questioned why this would not be under the responsibility of the Fire Department or Police Department.*

*Manager Hulseberg noted that it was not a problem to have this under the*

Manager's Office and this way all departments would have access. He indicated the citizen assists could be revisited. He suggested a Request for Proposal (RFP) be developed and the Village go through the process that way.

Trustee Moreau questioned the \$28,000 figure and asked where that come from. Communications Coordinator Kott noted this was the average that was being paid. She referred to the list of communities and the amounts they were each paying and noted these communities were similar in size to Lombard.

Trustee Moreau questioned how this is handled now.

Manager Hulseberg reported that Paul DiRienzo on the Fire Department has worked with some individuals as has the Police Department.

Chief Byrne stated that the Police Department looks at each case and quite often refers individuals to the County.

Trustee Moreau questioned the use of a bilingual person.

Trustee Fitzpatrick indicated that one agency has bilingual staff. She spoke of the 13 villages offering this service and noted that Oakbrook Terrace has a small contract. She stated services are available on a 24/7 basis. She referred to the flooding and the extreme emotion the flooding created with residents dealing with the aftermath. She spoke of a wide variety of services and indicated the caseworker does follow-up to ensure that all questions had been answered, assistance provided, that a good job had been done and see if counseling will be needed. She questioned if giving a contact to an individual was sufficient and if the person received no response was the ball dropped.

Trustee Giagnorio questioned if the \$28,000 was the ceiling on the salary and the person working 20 hours per week. He asked what happened if the person worked more hours and felt that some cases could require a person spending all day trying to help the individual.

Trustee Fitzpatrick stated this was an average and what the City of Elmhurst is using as a cost for their services.

Trustee Gron spoke about invalid assists and wanted to see more documentation from the Police, Fire Department and Community Development Departments on the number of calls they receive, etc. He questioned the importance of the program with various programs in existence at the county and Township levels. He spoke of volunteers in the community who would be willing to assist seniors and provide services to help others. He spoke of all of the Board members being seniors one day and possibly needing assistance with home and property maintenance.

Trustee Fitzpatrick stated that the first proposal had very in-depth information regarding services and the Village and included information for Police, Fire and Community Development. She indicated this was given to the department chairs. She spoke of non-emergency situations and some properties that had gotten out of control as they were not able to maintain their homes. She talked about these residents needing more help than the Village can provide. She felt a Social Worker would know how to deal with this situation and who should be contacted to provide the necessary assistance. She stated the community is aging and the homes are aging.

Trustee Wilson noted the committee had worked on this for a long time and how government is getting smaller and smaller and doing less. He felt the Village should do something to help the people who need assistance and this is a good way to help those people who have serious issues and no where to go for help. President Mueller noted this would not be a staff person and the Village was not hiring an additional person. He stated this is a contracted service. He complimented staff on the work that they had done in handling these matters. He spoke of staff working through churches and other organizations to provide assistance to residents in the past. He stated a few years ago a young woman who resided in District #5 inherited a family home and was not able to take care of it. He remembered working with staff and a church and assistance was able

*to be provided for her. He stated questions can be answered as the Village moves along with this recommendation. He felt this should be budgeted next year.*

*Trustee Moreau felt that citizen assists take a lot of staff time and felt this program could decrease staff intervention.*

*Trustee Ware commended the Community Relations Committee and Joelyn Kott for the excellent job. He realizes they have spent a lot of time on this. He felt working with families who need assistance and those needing drug and alcohol rehabilitation was great. He questioned assistance for seniors and stated he did not see documentation regarding this. He spoke of the seniors needing assistance with Medicare questions and wanted to see this included.*

*President Mueller stated he did not want to see this program be overlapping what other agencies provide in assistance. He stated York Township provides assistance to seniors with Medicare and taxes. He stated he wanted to see the Village fill the gap in services. He suggested this be included in next year's budget and that staff can answer the questions as the Village proceeds.*

## **Other Matters**

### **X. Agenda Items for Discussion**

### **XI. Executive Session**

### **XII. Reconvene**

### **XIII Adjournment**

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