

# Village of Lombard

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



## Meeting Agenda

**Thursday, March 18, 2010**

**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**

[100106](#) Proclamation - Mayors for Meals Day

Attachments: [procmayorsformealsday2010.doc](#)

[100107](#) Proclamation - Earth Hour Day

**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 Dana Moreau, Chairperson

Finance Committee - Trustee Zachary Wilson, Chairperson

Public Works Committee - Trustee Greg Gron, Chairperson

Transportation & Safety Committee - Trustee Richard Tross, Chairperson

Board of Local Improvements - Trustee Richard Tross, President

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

Lombard Historical Commission - Clerk Brigitte O'Brien

US Census Complete Count Ad Hoc Committee - Trustee Laura Fitzpatrick,  
Chairperson

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

## VIII Consent Agenda

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### Payroll/Accounts Payable

- A. [100097](#) Approval of Village Payroll  
For the period ending February 27, 2010 in the amount of \$826,713.74.
- B. [100098](#) Approval of Accounts Payable  
For the period ending March 5, 2010 in the amount of \$166,256.41.
- C. [100114](#) Approval of Accounts Payable  
For the period ending March 12, 2010 in the amount of \$600,068.92.

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

- D. [100089](#) Sale of Surplus Equipment  
Declaring fourteen (14) Village-owned vehicles as surplus equipment and authorizing their sale. Staff is requesting a waiver of first reading.  
**Attachments:** [100089.pdf](#)  
[Auction.pdf](#)
- E. [100092](#) Liquor License Amendments  
Amending Title 11, Chapter 112 of the Village Code with regard to opening hours on Sundays and the location of purchasing packaged goods. (DISTRICTS - ALL)  
**Attachments:** [Liquor.pdf](#)  
[100092.pdf](#)
- F. [100115](#) Amending Title 3, Chapter 31 of the Lombard Village Code  
Relating to the appointment of the Deputy Village Clerk and increasing the number to two Deputy Clerks.  
**Attachments:** [Deputy Clerk.pdf](#)  
[100115.pdf](#)

### Other Ordinances on First Reading

- G. [100116](#) Amending Title 15, Chapter 150 of the Code of Lombard (Exterior Window Permit Replacement)  
Approving text amendments to the Lombard Building Code Title 15, Chapter 150 of the Code of Lombard relative to establishing permitting provisions and fees for windows as mandated by the Energy Efficient Commercial Building Act. (DISTRICTS - ALL)

**Attachments:** [Ordinance 6461.pdf](#)  
[DAH referral letter Res Energy Code Amendments Windows.doc](#)  
[title 15 chapter 150 building code window replacement.doc](#)  
[100116.pdf](#)

## Ordinances on Second Reading

- H. [090018](#) PC 09-03: 500 E. Roosevelt Road (Westgate Lincoln Mercury)  
(Continued from April 1, 2010)  
Granting a time extension to Ordinance 6312 extending the time period for construction of the conditional use for motor vehicle sales, service and repair in the B4APD Roosevelt Road Corridor District Planned Development for a ninety (90) day period subject to certain timelines and compliance with provisions. (DISTRICT #6)

**Attachments:** [APO letter 09-03.doc](#)  
[Cover Sheet.doc](#)  
[PUBLIC NOTICE 09-03.doc](#)  
[Referral Letter 09-03.doc](#)  
[Report 09-03.doc](#)  
[WTL referral memo.doc](#)  
[Ordinance 6312.pdf](#)  
[BOT ext memo.doc](#)  
[Cover Sheet ext 1.doc](#)  
[BOT ext memo continue2.doc](#)  
[BOT ext memo continue.doc](#)  
[BOT ext memo final 4-15-2010.doc](#)  
[500 E. Conditional use Extension.pdf](#)  
[090018.pdf](#)  
[090018.pdf](#)  
[090018.pdf](#)  
[Ordinance 6464.pdf](#)

*John Moroni, 605 Midwest Club, Oak Brook, IL, stated that he is owner of subject property and owner of the former Westgate Lincoln Mercury dealership. Mr. Moroni stated that he wishes to reopen the auto dealership at 500 E. Roosevelt for used vehicle sales, light service and maintenance repairs. He added that the operation would be the same as before without the new vehicle franchise. He mentioned that there will be no structural changes, except that they will put the light poles back up on the north side of the facility that was removed. Mr. Moroni stated that they have not decided on the name of the facility - it may be called "Westgate", it may not. He added that he will let the Village know at later date. Lastly, Mr. Moroni stated that nothing will be different from before.*

*Chairperson Ryan opened the meeting for public comment.*

*Steve Benthine, 1171 S. Fairfield Lombard, IL, stated that he lives directly north of the subject property and is not opposed to the dealership reopening. Mr. Benthine mentioned that he purchased the property in 2007. He added that there is a retaining wall that runs along his driveway, which the maintenance of is his biggest concern. Mr. Benthine wanted to ask the petitioner if the retaining wall will be maintained. He also added that there is some drainage issues related to the retaining wall. Mr. Benthine also mentioned the shrubbery along the retaining wall. He added that if someone drove by they would think the shrubbery is on his property. Mr. Benthine questioned whether the facade of the retaining wall will be maintained and also mentioned that the petitioner did a fine job of taking care of the shrubbery after Code Enforcement was contacted.*

*Mr. Moroni stated that he will assure Mr. Benthine that the landscaping will be properly maintained by the petitioner's maintenance person.*

*Mr. Benthine questioned the lighting in the back. He added that those light shine into his kitchen and bedrooms.*

*Mr. Moroni assured Mr. Benthine that the lighting issue will be properly handled by the petitioner's maintenance person.*

*Chairperson Ryan then requested the staff report.*

*Michael Toth, Planner I, presented the staff report. Staff has drafted this IDRC report to submit to the public record in its entirety. Ordinance 5163, which was approved on July 18, 2002 as part of PC 02-22, granted Westgate Lincoln Mercury conditional use approvals for a planned development; the sales, service and repair of automobiles and two principal buildings on a lot of record. Westgate Lincoln Mercury has since closed their business for more than 12 months. The Zoning Ordinance states that conditional use approval shall expire if the conditional use shall cease for more than 12 months for any reason. Westgate Lincoln Mercury plans to reopen their business as it once operated; therefore, conditional use approval is required to reestablish the sales, service and repair of automobiles and maintain two principal buildings on a lot of record on the subject property.*

*The petitioner intends to reopen the existing car sales and automotive repair as previously granted. The petitioner has indicated that it would be for the sale of used cars only; however, new cars may come at a later date. The petitioner anticipates the sales of between 25-30 cars per month after the initial opening. Light auto repair, such as oil changes, brake and tires will also be conducted on-site as it was before. There are currently no plans to make exterior modifications, aside from new signage, which will come at a later date. The subject property has a number of previously approved signage deviations that would still apply today.*

*The Comprehensive Plan recommends that the subject property be developed as a Community Commercial use. The proposed use is therefore compatible with the intent of the Community Commercial designation.*

*Mr. Toth then made reference to a number of the Standards for Conditional Uses that he believed were important to note during the hearing:*

*\* The proposed use has been conducted on the subject property since 1970. Preserving the same automobile sales, service and repair use that has occurred for almost 40 years would maintain consistency in relation to the*

surrounding neighborhood.

\* The petitioner plans to conduct conditional use within the confines of the existing building and current site layout as it was once approved through Ordinance 5163. From a land use perspective, the type of use being proposed is compatible with the surrounding properties; as such, the normal and orderly development and improvement of the surrounding properties would not be adversely affected.

\* The ability to provide adequate parking and loading facilities should be provided for all commercial sites. The subject property is 5.5 acres. Over 75% of the subject property is reserved as parking and staging area for the automobiles, which leaves over 4 acres for parking, staging and sales. The petitioner has indicated that the business will not contain the large sales inventory that it had prior to closing its doors.

\* As is, the site conforms to all requirements set forth in the Zoning Ordinance and all other applicable ordinances. The petitioner would need to receive an updated Certificate of Occupancy/Zoning Certificate that permitted the proposed conditional uses.

Furthermore staff is recommending approval of PC 09-03, subject to the conditions outlined.

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

Commissioner Olbrysh stated that he was pleased that the auto dealership would be reopening, albeit that it is a used car dealership. Commissioner Olbrysh then commended the petitioner for working with the adjacent property owner to address his concerns. He added that he does not have a problem with this petition.

Commissioner Sweetser stated that she was pleased with Mr. Benthine's letter, which addressed the property issues. She stated that she was also pleased with the demeanor of the petitioner to work together with the adjacent property owner to resolve the issues. She added that it is rare to see people work together with such common sense and good will.

- I. [090079](#) PC 09-04: 528 E. Madison Street (Lombard Mennonite Church)  
Granting a further time extension to Ordinance 6321 as amended by Ordinance 6455 extending the time period for construction of the conditional use for an additional twelve month period (April 16, 2012).  
(DISTRICT #5)

**Attachments:** [apoletter.doc](#)  
[Cover Sheet.doc](#)  
[DAH referral memo contin.doc](#)  
[DAH referral memo.doc](#)  
[PUBLIC NOTICE 09-04.doc](#)  
[Referral Letter 09-04.doc](#)  
[REPORT 09-04.doc](#)  
[WTL referral memo.doc](#)  
[Ordinance 6321.pdf](#)  
[BOT\\_ext\\_528 E Madison.doc](#)  
[Cover Sheet ext 1.doc](#)  
[Ordinance 6455.pdf](#)  
[090079.pdf](#)  
[090079.pdf](#)  
[Letter.pdf](#)  
[Cover Sheet ext 2.doc](#)  
[BOT\\_ext\\_528 E MadisonII.doc](#)  
[090079.pdf](#)  
[Ordinance 6601.pdf](#)

*Peter Graber, 537 N Craig Place, Lombard, IL 60148, presented the petition. Mr. Graber stated that the church was seeking the expansion to allow for 3 things; Sunday school classroom space, larger fellowship area and expanded worship area. He further indicated that the church has been considering the expansion for the last 4 years. Mr. Graber further stated that the church held a neighborhood meeting on March 5th with the adjacent neighbors. He said that area residents expressed concern with 3 items; exterior lighting, use of the facility & activities and landscaping.*

*Nevin Hedlund, 7985 Lake Street, River Forest, IL was introduced as the petitioner's architect. Mr. Hedlund referenced a scale model they had prepared which highlights the proposed addition. He stated that much of the addition would not be seen from Madison Street. Mr. Hedlund said that the proposed addition would have setbacks consistent with the existing building and that the proposed addition is proposed to meet the existing needs of the facility. He stated that the church has a stable population with 183 members which matches the required parking. The fellowship space is needed to accommodate tables and chairs so that the members can be in the same room. The addition would be attached to the lower level. It would include 3 classrooms, coat area, kitchen area and storage area. This would match the existing church's needs. Mr. Hedlund referenced the elevations showing a colored rendering. He stated that the elevations would match the existing materials. With reference to engineering issues, Mr. Hedlund indicated that their plan was a work in progress and that they feel they can address all the issues, per staff's request. He said the entire building would be sprinklered. The church has been at their location since 1954 and wishes to stay in Lombard.*

*Vice Chairperson Flint opened the meeting for public comment.*

*Michelle Vossen, 561 S Fairfield, Lombard, IL 60148 stated that she lives directly north of the church and represents many of the neighbors to the north. She said they were concerned about the flooding and referenced several photos she brought highlighting the flooding issues. She also stated that she wanted to make sure that the neighbors had the ability to provide input for any future expansions. She said she likes having them as neighbors and hopes to continue the good relationship.*

*John Lata, 555 S Fairfield, Lombard, IL 60148 stated he lives to the north and he said they experience a lot of flooding as a result of the existing parking lot. He said he does not object to the expansion and just wanted to make sure that the proper drainage is being provided.*

*Mr. Hedlund responded to the neighbor's comments stating that the church plans to add a detention facility to the north which will control the water. He referenced the petitioner's engineering plan which shows a detention facility directly north of the proposed addition. He stated that the detention would not only satisfy the proposed addition, but it would potentially alleviate some of the existing issues from the parking lot. He indicated that staff provided some comments about the engineering plans. He said they are experienced in handling the water issues like this site and thinks this will be a benefit.*

*Michelle Vossen, 561 S Fairfield, Lombard, IL 60148 asked where the detention pond was in relation to the parking lot and that the majority of the water flow is from the parking lot and that the proposed detention location would not alleviate their concerns.*

*Mr. Hedlund responded by saying they want to address the issues and they believe, with staff's help, they will do so and that is their goal.*

*Commissioner Burke asked if the petitioner has to meet the requirement of the DuPage Stormwater Ordinances. Staff replied, yes.*

*Commissioner Cooper asked how the petitioner could address the neighbors concerns about collecting some of the water from the parking lot.*

*Mr. Hedlund discussed their preliminary engineering and grading stating that they do plan to provide some slope from the parking to the detention pond to capture some of the water. He said they are not capturing it all, but they could revise it to capture more.*

*Vice Chairperson Flint then requested the staff report.*

*Christopher Stilling, Assistant Director, presented the staff report. Staff drafted the IDRC report to submit to the public record in its entirety. The petitioner is proposing to construct a 5,500 square foot building addition to the northwest portion of the existing church on the subject property. The addition will serve as an area of congregation (fellowship hall) and will not create any additional seating for the principal use of the facility, which is the church. As the use is currently operating under legal non-conforming status and expansion of the legal non-conforming structure is being proposed, the petitioner is seeking a conditional use for a religious institution to allow the property to operate in compliance with the Zoning Ordinance.*

*Under the guidance of staff, the petitioner is also seeking conditional use*



*approval to establish the subject property as a planned development. The planned development process will provide both the Village and the Church with the ability to review future development plans through a site plan approval process and general parameters can be established to effectuate future development on the property.*

*As the property is cumulatively over one (1) acre and is currently an assortment of assessment plats, the petitioner is seeking major plat of subdivision to establish the subject property as a lot of record.*

*Mr. Stilling stated that staff provided the Commissioners with comments from the Public Works and Building and Fire Departments for inclusion into the IDRC.*

*The Comprehensive Plan identifies this site for Public and Institutional Uses. As the existing religious institution is the principal use of the property, the use of the property adheres to the recommendation of the Comprehensive Plan. The petitioner's site modifications are consistent with the existing institutional nature of the property.*

*The subject property is zoned R2 Single Family Residence District, which generally allows single-family development. The subject property is predominantly surrounded by single family residences; however, a learning center (Creative Montessori Learning Center) is located directly north of the subject property and a public park is located to the south across Madison Street. Religious institutions have historically been considered to be compatible with single family residential uses. Therefore, staff finds the use of the property to be compatible.*

*The proposed building addition will meet all of the bulk requirements of the underlying R2 - Single Family Residential District; as such, staff is supportive of the proposed addition as depicted on the site plan. The pastoral residence on the southeast portion of the subject property is currently located 2.87 feet from the eastern property line where six feet is required. This existing residence would remain legal non-conforming. Any future expansion of this residence would either have to meet the current zoning requirements or seek a variation for the side yard setback.*

*Establishing a planned development for the Lombard Mennonite campus is consistent with other religious institution uses within the Village. The Village previously established planned developments for St. Pius in 2007, St. John's in 2005 and Christ the King in 2004. Multiple principal buildings are only allowed in the R2 Single Family Residential District properties through approval of a planned development (Section 155.208(B) of the Zoning Ordinance). As currently configured, the church, parking lot and pastoral residence are all located on different assessment plats. As such, consolidating the three (3) separate parcels into one lot of record and establishing a planned development would allow Lombard Mennonite to function as a unified campus from a zoning perspective.*

*The Zoning Ordinance requires religious institutions to provide one parking space per three seats in the worship area. The petitioner has indicated to staff that the church has 183 seats, which would require the site to provide 61 parking spaces. According to the site plan, 61 spaces are provided on site, including the required (3) accessible spaces. The proposed building addition is intended to serve as an ancillary space only. The worship area itself will*

remain unaffected by the addition. As the parking requirements are based upon seating in the worship area, no additional parking is required on the premises as part of this addition.

As previously noted, the only improvements proposed for the property specifically relate to the proposed building addition located on the northwest side of the existing structure. At its closest point, the building addition would be setback approximately 33.98' from the western property line. This is consistent with the setbacks of the existing building. As required by Code, the petitioner is also proposing a detention facility to accommodate the addition, as the current property does not have stormwater detention.

The petitioner has submitted conceptual building elevations for the proposed addition. The exterior of the proposed addition will be of masonry construction with a cast stone base, which is consistent with the existing building. The use of clerestory windows will be prominent on the north and west elevations to allow for a greater amount of natural lighting.

During a site visit, it was discovered that the dumpster located on eastern portion of the subject property (next to the garage) was not properly screened per Section 155.710 of the Lombard Zoning Ordinance. According to the Section 155.710 of the Zoning Ordinance, the dumpster shall be screened with a solid six (6) foot fence on all four sides. As the subject dumpster does not have screening on any side, a condition of approval shall require the dumpster to meet all screening provisions set forth in the Zoning Ordinance.

The petitioner has submitted responses to the standards. It is important to note that the standards regarding Planned Deviations are not applicable to this petition and that staff supports their responses provided that response to standard #7 be changed to indicate the legal non-conforming setbacks. Furthermore staff is recommending approval of PC 09-04, subject to the conditions outlined.

In reference to the conditions of approval, Mr. Stilling stated that staff would like to add a condition 4 to read, The existing single family residence located at the southeast corner of the site shall be permitted with respect to the east side yard setback as a legal non-conforming structure.

Vice Chairperson Flint then opened the meeting for comments among the Commissioners.

Commissioner Sweetser stated that she wants to make sure the items raised by the residents are addressed. She asked if there was anything extra planned with regards to lighting.

Mr. Stilling indicated that if they plan to add anything else, they would have to meet the requirements of the Zoning Ordinance.

Commissioner Olbrysh asked about building lighting.

Mr. Hedlund indicated that some lighting over doors would be provided, however it would be shielded to prevent going over onto adjacent properties.

Commissioner Olbrysh asked if the old building and new building would be sprinklered.

*Mr. Stilling indicated that they both would be sprinklered.*

*Commissioner Cooper raised the issues about fire access as it relates to the proposed detention area. She asked if what is shown is sufficient and if not, would the Plan Commission see revised plans prior to proceeding.*

*Mr. Heniff responded by stating that the petitioner would be required to revise their plans as part of their final engineering review.*

*Commissioner Cooper made a motion to continue the item to the April 20, 2009 Plan Commission meeting in order to see the revised plans. As there was no second, the motion failed.*

**J. [100066](#)**

PC 10-02: 1010 E. North Broadway (Continued from March 18, 2010)  
Requests the following actions on the property located within the R2 Single-Family Residence District:

1. Approval of a Comprehensive Plan amendment from Low-Density Residential to Medium-Density Residential;
2. Approval of a map amendment (rezoning) from the R2 Single Family Residence District to the R4 Limited General Residence District;
3. A variation from Section 155.409(F)(4)(c) to reduce the required minimum interior side yard from 15 feet to 9 feet;
4. A variation from Section 155.409(I) to reduce the required minimum transitional building setback from 50 feet to 9 feet; and
5. Variations from Section 155.409(J) and Section 155.707 to eliminate the required 30-foot transitional landscape yard and associated landscaping.(DISTRICT #5)

**Attachments:** [apoletter 10-02.doc](#)

[Cover Sheet.doc](#)

[DAH referral memo.doc](#)

[PUBLIC NOTICE 10-02.doc](#)

[Referral Letter 10-02.doc](#)

[Report 10-02.doc](#)

[DAH referral memo2.doc](#)

[100066.pdf](#)

*Gina Rukower, 4501 Black Partridge Lane, Lisle, IL, presented the petition. She stated that she and her husband are in the process of selling the property. The property was in its current state when they took ownership in 2003 and they were unaware of the zoning issue. They discovered the zoning issue upon applying for an electric permit. They immediately contacted the Village to resolve the matter and were told what they needed to do and what the process was, and they allowed the Village to access the third unit for review.*

*They want to be approved to move from R2 to R4. They believe the use to be compatible as it is adjacent to multifamily and commercial property. The use will not jeopardize anyone, has been in this condition for 30 years and there is sufficient parking on the property. She noted that once they were made aware of the problem, they took all the necessary steps on their own to ensure that they are working to be compliant and safe. They have hired an architect and verified that should they receive approval, the project is workable.*

*Commissioner Olbrysh asked if there is a tenant living in the basement apartment. The petitioner confirmed that there is.*

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

*Chairperson Ryan then requested the staff report.*

*Jennifer Henaghan, Senior Planner, presented the staff report. The subject property is a nonconforming residential three-flat that was built in 1972-1973. At that time, the property was zoned R2 Single Family. However, building permit records indicate that a court order was issued to permit the construction of a two-family residence. At some point following construction, likely during the 1980s, the basement of the building was built-out into a third dwelling unit. No building permit applications were ever submitted in conjunction with this work. The third dwelling unit was discovered by the Village in January 2010 when the current owners applied for an electrical permit.*

*The third unit is not permitted by the underlying zoning (which permits detached single-family residences only) or the court order (which permits a two-flat). Therefore, in order to achieve compliance with Village Code, the third unit would need to be removed or zoning relief would need to be granted to address the nonconforming use and bulk nonconformities.*

*The Private Engineering Services Division noted that the change in zoning will trigger the need for stormwater detention for any future site improvements. The Building Division noted that there is one set of requirements if the rezoning is approved and two options if the rezoning is not approved. Both of these scenarios have been reviewed with the petitioner.*

*The Comprehensive Plan recommends Low-Density Residential uses at this location. Low density is defined within the Comprehensive Plan as a net density of six or fewer dwelling units per acre. The proposed three-flat use would have a net density of 14.6 units per acre, placing it into the Medium-Density Residential category. (The court-ordered two-family use has a net density of 9.8 units per acre, placing it in the Low-Medium Density category.)*

*The plan states that "medium-density residential environments are appropriate within or near high activity centers including commercial and business areas." With the exception of the two Neighborhood Commercial properties at the corner of Westmore/Meyers Road and North Broadway, the entirety of the block on which the subject property is located is recommended for Low-Density Residential uses. The proposed use and proposed relief are therefore inconsistent with the recommendations of the Comprehensive Plan.*

*In addition, the Comprehensive Plan sets forth specific criteria for any Plan amendments. The proposed change is clearly at odds with the Plan recommendation for the neighborhood of Low-Density Residential uses as it would result in a single property being recommended for Medium-Density Residential uses. Furthermore, the proposed plan does not meet the housing and residential land use objectives outlined in the Plan. The proposed Medium-Density Residential area would not be near a high activity center (as called for in the Comprehensive Plan) and would instead be located upon a local street with single-family and two-family land uses.*

*Of the 27 properties on this block, only one property appears to be used legally for multiple-family residences. There is one commercial use and the remaining 25 properties appear to be either single-family residences, two-family residences, or undeveloped. Along North Broadway there are zero properties zoned for multiple-family uses. The proposed use is therefore incompatible with the surrounding land uses.*

*Although the conversion of the subject property into a multiple-family dwelling was not done by the petitioners, the consideration of this petition must be based upon the standards set forth within the Zoning Ordinance. The proposed Comprehensive Plan amendment, map amendment, and associated variations are inconsistent with previous Village actions. They would also set a precedent for allowing additional single-family properties in the neighborhood to be converted to multiple-family uses, thereby altering the essential character of the neighborhood.*

*The R4 District is significantly different from the R2 District in that it has specific setback regulations for each permitted land use. While the subject building was built under the more permissive R2 regulations, the change of zoning and change of use to the R4 District kick in the need for greater side yard setbacks, additional transitional building setbacks, and transitional landscape yards. These provisions are in place to ensure that there is adequate separation between single-family and denser, multiple-family uses. Allowing a high-density use to be located in such close proximity to single-family would be a significant departure from the desired separation of uses that is set forth within the Zoning Ordinance.*

*With regard to the Standards for Map Amendments, staff finds that although there is an abutting property with multiple-family uses, the predominant land use on the block is single-family with some two-family. The proposed multiple-family use is incompatible with the general area. The subject property abuts a property to the north that is zoned R4 and fronts directly on Westmore-Meyers Road. There is a clear demarcation between the multiple-family zoned area on Westmore-Meyers Road and the single-family neighborhood along North Broadway. As currently zoned, the property meets all setback requirements for a single-family residence. It has approximately 46 percent open space, which is slightly below the minimum required 50 percent. The remaining properties along North Broadway are of the same size as the subject property. They are suitable for single-family uses, but none are large enough to accommodate the transitional yards and setback requirements for multiple-family uses. As detailed previously, the proposed rezoning is inconsistent with the recommendations of the Comprehensive Plan. The property is not sufficiently large to accommodate the required 50-foot transitional building setbacks and 30-foot transitional landscape yard. These provisions are in place to ensure that there is adequate separation between single-family and multiple-family uses. Waiving or reducing these requirements places an undue burden upon the neighboring single-family property.*

*With regard to the Standards for Variations, staff finds that the subject property is not physically unique or substantially different from its neighboring properties. The stated hardship is of a financial nature. The petitioner has created the need for the variation for their own financial gain.*

*The reduction of required setbacks and landscaping improvements would set a precedent to allow further zoning relief on neighboring properties, creating a denser environment than that allowed by the underlying zoning or*

*recommended by the Comprehensive Plan.*

*Staff is recommending denial of this petition.*

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

*Commissioner Olbrysh asked when the conversion was done. Ms. Henaghan stated that, based upon their inspection of the basement unit, the Building Division estimated that it was converted sometime during the 1980s.*

*Commission Olbrysh asked why there was a court order issued instead of the property coming before the Plan Commission. Ms. Henaghan stated that we don't have information on what happened in that court case. The court order could not be found by the Clerk of Court although they are currently searching their archives. Since we don't know what the complaint was, we don't know what the process was at that time.*

*Commissioner Burke stated that he was sympathetic to the petitioner especially since they were not aware of the problem. However, he agreed with staff that the quantity and the size of the relief for building setbacks, landscaping and transitional setbacks was too great and they would have to deny the petition.*

*Commission Olbrysh stated that this is a bureaucratic nightmare for the petitioners because when they purchased the property they assumed it was a legal three-unit complex. If this petition were denied, there would be a hardship on two innocent parties, the petitioner and the tenant in the basement. He asked if, aside from the zoning, there was some equitable relief that could be granted. He didn't see anyone in the audience that was objecting to the petition.*

*Chairperson Ryan stated that approving this petition would set precedents for other neighbors. The Village can give the petitioners some time to come into compliance, and the petitioner can go back to the realty company that sold them the property under false pretenses. They need to think for the future of the neighbors in the area.*

*Commissioner Olbrysh asked how Division Street is zoned. Ms. Henaghan stated that Division Street is south of the Illinois Prairie Path and is zoned for multiple-family uses, but she did not know the precise designation.*

*Commissioner Olbrysh stated that there are apartments north of Westmore Liquors. Ms. Henaghan confirmed that those apartments are zoned R4.*

*Commissioner Cooper asked if the property could be grandfathered in. Looking at the site, it fits in nicely with the current land use plan to fit in with the higher density plan. She stated that she sees both sides of coin and the stormwater and landscaping relief is a big issue.*

*Commissioner Burke asked when the lease is up. The petitioner stated that the lease runs through July.*

*Commissioner Burke asked what flexibility the Village Board and staff gave with transitioning this property from three-family to two-family. Chris Stilling, Assistant Director of Community Development, stated that the building matters need to be resolved regardless of the zoning actions. If the petition is denied, the petitioner will need to draw up revised plans, which will take some time. The*

permit review itself will also take time. Staff can work with the petitioner on a reasonable timeline to accommodate them. George Wagner stated that enforcement is a staff issue. The Plan Commission's flexibility lies in granting the requested relief or not. Unless the property is in compliance with zoning the Village cannot issue a permit for the basement to be compliant with building regulations.

Commissioner Burke stated that the petitioner is looking to sell the property and any delay in enforcement will complicate the sale as well as the enforcement.

Commissioner Olbrysh stated that he did not wish to see the zoning change but wished there was some sort of relief for the petitioner, perhaps something only the Village Board can approve.

Chairperson Ryan asked if the Plan Commission recommended denial, could they recommend for staff to work with the petitioner and tenant to achieve a July compliance date.

The petitioner stated that she knows that the financial burden isn't the Village's concern, but they do not wish to proceed with any of the two-family solutions recommended by the Building Division. She understands the concern with setting a precedent, but her property is unique because it has been this way for years and has not caused any problems. She doesn't believe a precedent would be set because the situation is extreme. They are doing their best to comply with a situation they didn't create.

Commission Olbrysh stated that he sympathizes with the petitioner but doesn't think that the Plan Commission can grant any relief.

Commissioner Cooper asked if this was not a unique scenario to not set a precedent, given the length of time the use has been in place.

Chairperson Ryan stated that approving a rezoning request in violation of the Comprehensive Plan recommendations would open the Village up for others to come in and ask for similar relief.

Commissioner Burke stated that, if approved, the sheer scale and significance of the requested variations could be applied piecemeal to other cases as the Plan Commission has seen in other zoning petitions.

- K. [100083](#) Title 9, Chapter 94 of the Lombard Code  
Amending Title 9, Chapter 94 of the Lombard Code in regard to  
nuisance regulations for the outdoor storage of firewood on private  
residential property. (DISTRICTS - ALL)

Attachments: [cover sheet.doc](#)

[DAH Memo nuisance amendments firewood.doc](#)

[Firewood.pdf](#)

[100083.pdf](#)

## Resolutions

- L. [100094](#) FY2010 Road Salt, Change Order No. 2  
Approving an increase to the contract with North American Salt

Company in the amount of \$38,572.00.

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

[100094.pdf](#)

[Change Order 2 North American Road Salt.pdf](#)

**M.**     [100101](#)

Olde Towne East Phase 5, Resident Engineering  
Approving a contract with Baxter and Woodman, Inc. in the amount of  
\$258,126.00. (DISTRICT #4)

**Attachments:** [100101.pdf](#)

[Baxter Woodman.pdf](#)



- N.**     [100102](#)         Repairs to Wells #8, #10 and #11 Change Order No. 1 - Final Authorizing a decrease in the amount of \$62,338.20 and extending the time of the contract with Municipal Well & Pump by 345 days. (DISTRICTS #3 & #6)  
**Attachments:**   [Municipal Well & Pump.pdf](#)  
                          [100102.pdf](#)  
*Goldsmith: reviewed change order with committee members present. The Village still has active wells as back-ups. This work brought them up to EPA standards. Discussion ensued regarding well capacity and mixing of well water with lake water.*
- O.**     [100105](#)         Main Street LAPP, Local Agency Agreement Authorizing the Village President to sign an Agreement with the Illinois Department of Transportation. (DISTRICTS #1 & #4)  
**Attachments:**   [100105.pdf](#)  
                          [Main St. LAPP.pdf](#)  
                          [Main St. LAPP Agreement Signed.pdf](#)  
                          [Letter to Brothers Asphalt.pdf](#)
- P.**     [100110](#)         Trails Ad Hoc Committee Disbanding the committee and commending the committee for their dedication and service to the Village of Lombard.  
**Attachments:**   [Ad Hoc Trails.pdf](#)  
                          [100110.pdf](#)
- Q.**     [100111](#)         FY2010 Sidewalk Snow and Ice Removal, Change Order No. 2 Approving an increase to the contract in the amount of \$2,000. Paverscape  
**Attachments:**   [Snow Ice Removal.pdf](#)  
                          [100111.pdf](#)  
                          [Change Order 2 Paverscape.pdf](#)
- R.**     [100112](#)         2010 Recycling Extravaganza, Electronics Recycling Approving an Agreement with VintageTech to provide Electronics Recycling at a cost of \$1,000.00.  
**Attachments:**   [100030.pdf](#)  
                          [Recyclers.pdf](#)

**Other Matters**

- S.**     [100090](#)         Special Assessment 217C Award of a contract to Abbey Paving Company, the lowest responsible bid of ten bidders, in the amount of \$1,044,657.49. Bid in compliance with Public Act 85-1295. (DISTRICT #4)

**Attachments:** [100090.pdf](#)  
[Contract # ST-10-01.pdf](#)

- T. [100091](#) Snow and Debris Hauling  
Request for a waiver of bids and a one-year extension of an existing contract with Marcott Enterprises, Inc. in an amount not to exceed \$106,000.00. Public Act 85-1295 does not apply.  
**Attachments:** [100091.pdf](#)
- U. [100093](#) FY2011 Coarse Aggregate  
Request for a waiver of bids and extension of an existing contract with KOZ Trucking & Sons, Inc. in an amount not to exceed \$38,430.00. Public Act 85-1295 does not apply.  
**Attachments:** [100093.pdf](#)
- V. [100096](#) Olde Towne East Phase 5  
Request for award of a contract to ALamp Concrete Contractors, the lowest responsible bid of six bidders. Staff recommends award of base bid and Alternate 1 in the amount of \$1,474,276.79. Staff also seeks Board direction regarding reconstructing Windsor Avenue with concrete at an additional cost of approximately \$14,000.00. Bid in compliance with Public Act 85-1295. (DISTRICT #4)  
**Attachments:** [100096.pdf](#)  
[Contract Number St-10-04.pdf](#)

- W. [100099](#) Westmore-Meyers/Roosevelt Road CDBG Sidewalk Project  
Award of a contract to ALamp Concrete Construction, the lowest responsible bid of thirteen bidders, in the amount of \$92,368.00. Bid in compliance with Public Act 85-1295. (DISTRICT #6)  
**Attachments:** [100099.pdf](#)  
[Contract Number ST-10-06.pdf](#)
- X. [100100](#) Craig Place Storm Sewer Improvements  
Award of a contract to TBS Construction, the lowest responsible bid of ten bidders, in the amount of \$30,624.24. Bid in compliance with Public Act 85-1295. (DISTRICT #4)  
**Attachments:** [100100.pdf](#)  
[Contract M-10-06 A.pdf](#)

**\*Y. Purchase of Five Police Squad Cars (Moved to IX-B)**

## **IX. Items for Separate Action**

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

### **Other Ordinances on First Reading**

### **Ordinances on Second Reading**

### **Resolutions**

### **Other Matters**

- A. [100122](#) Taste of Lombard and July 4th Fireworks  
Review of proposal as submitted by the Lombard Jaycees.  
**Attachments:** [tasteoflombardfunding3302010.doc](#)  
[tasteoflombardmemotovb3122010.doc](#)  
[100122.pdf](#)
- B. [100104](#) Purchase of Five Police Squad Cars  
Requesting a waiver of bids and award of a contract to Landmark Ford in the amount of \$109,140. Public Act 85-1295 does not apply.  
**Attachments:** [100104.pdf](#)

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

- A. [100113](#) Annexation and Utilities Service Agreement for Unincorporated Properties near Roosevelt Road  
Discussion and direction to staff relative to utility connection and voluntary/involuntary annexation policies for the following

unincorporated areas:

1. Eastern Unincorporated Area - Non-commercial properties north of 13th Street;
2. Eastern Unincorporated Area - Commercial properties along and north of Roosevelt Road;
3. Western Unincorporated Area East of Interstate 355 - Commercial properties along Roosevelt Road and selected single-family residences abutting the commercial areas.

(UNINCORPORATED/DISTRICTS #2 & #6)

Attachments: [100113.pdf](#)

## **XI. Executive Session**

## **XII. Reconvene**

## **XIII Adjournment**

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