

# Village of Lombard

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



## Minutes

**Monday, February 21, 2022**

**7:00 PM**

**Village Hall**

## Plan Commission

***Commissioners:***

***Ruth Sweetser, Leigh Giuliano, Bill Johnston,  
Kevin Walker, Tony Invergo,  
Alissa Verson and Robert Spreenber  
Staff Liaison: Jennifer Ganser***

## Call to Order

*Commissioner Sweetser called the meeting to order at 7:08 p.m*

## Pledge of Allegiance

*Commissioner Sweetser led the Pledge of Allegiance*

## Roll Call of Members

**Present** 7 - Ruth Sweetser, Leigh Giuliano, Bill Johnston, Kevin Walker, Tony Invergo, Robert Spreenberg, and Alissa Verson

*Also present: Jennifer Ganser, AICP Assistant Director of Community Development, Anna Papke, AICP, Senior Planner of Community Development, and Anne Skrodzki, Legal Counsel to the Plan Commission.*

*Commissioner Sweetser called the order of the agenda.*

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

## Appoint an Acting Chair

*A motion was made by Commissioner Johnston, seconded by Commissioner Invergo to appoint Commissioner Ruth Sweetser Chair. The motion passed by an unanimous vote.*

## Public Hearings

[220029](#)

### **PC 22-02: Oak View Estates - 400 E. St. Charles Road**

The petitioner requests that the Village take the following actions on the subject property located within the R4PD Planned Development (Oakview Estates Planned Development):

1. Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oakview Estates Planned Development, as established by Ordinance No. 5488 and amended by Ordinance No. 7342, as follows:

- a. For the property located at 400 E. St. Charles, change the use from attached single-family (townhomes) to

multiple-family dwellings. (DISTRICT #4)

*Sworn in to present the petition were: the petitioner, Rodger Brown, with New Directions; and Anna Papke, Senior Planner, Community Development.*

*Acting Chairperson Sweetser read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and proceeded with the petition.*

*Rodger Brown presented the petition. He stated that New Directions proposes to build a three-story, 30-unit apartment complex for senior citizens on the subject property. Mr. Brown showed the plat of survey for the property, which is located at the northeast corner of St. Charles Road and Grace Street. He also showed the proposed site plan, noting there will be 45 surface parking spaces, two outdoor patios, and a trash enclosure.*

*Mr. Brown stated that the footprint of the proposed building will sit entirely within the footprint of a 40-unit condo building that was proposed for the site in 2004 but never developed. He showed floor plans of the building and noted there will be 24 one-bedroom apartments and six two-bedroom apartments. He also showed floorplans of the units, building elevations, and a rendering of the proposed building.*

*Acting Chair Sweetser asked if anyone else intended to cross examine the petitioner. Hearing none, she opened the meeting for public comment.*

*Jonathan Zivojnovic, with River Elm Properties, stated he is the property manager for the condo building at 500 E. St. Charles Road, immediately to the east of the subject property. He said the condo residents are concerned about access to the parking lot on the subject property. He commended staff and the petitioner for working with the condo residents to address this concern.*

*Mr. Zivojnovic said the properties at 400 E. St. Charles and 500 E. St. Charles were both part of a 2004 plan to develop two condo buildings with 80 total units, and 120 parking spaces. Phase I of this project, at 500 E. St. Charles, was completed, at which point the Village granted certificates of occupancy for those condo units. At that time, there was an assumption that there would be covenants and easements in place to allow the residents to park on the parking lot at 400 E. St. Charles*

Road. Such agreements were never finalized, and then the 2004 developer sold the property at 400 E. St. Charles Road to another party.

Mr. Zivojnovic said the condo owners at 500 E. St. Charles Road are concerned that their units will lose value if they are no longer allowed to park on the surface lot at 400 E. St. Charles Road. He said they are also concerned about allowing for cross-access across the shared driveway between the two properties if there is no agreement in place to work on a shared parking arrangement. He said the Village should stick to the 2004 plan as approved, based on two buildings at 400 and 500 E. St. Charles Road with shared parking.

Vin Quach addressed the Plan Commission. He said he was concerned that if parking is not shared between the two sites, there will be a negative impact on property values at 500 E. St. Charles Road.

C. Blanchard addressed the Plan Commission. She stated she is an owner of a condo unit at 500 E. St. Charles Road. She said the Plan Commission should require New Directions to build their own driveway on the subject property rather than using the shared driveway to access the site. She said New Directions should pay for this work. She said a separate driveway would minimize maintenance costs for the owners at 500 E. St. Charles Road. Ms. Blanchard said there is a cable box on the site that should be moved. She said New Directions should build fewer units than proposed.

Ms. Blanchard said that the building at 500 E. St. Charles Road should not be tied to the 2004 plan that included cross-access with the subject property. She said New Directions will not bring tax dollars to the Village. She asked the Plan Commission to reject the proposed development unless it includes a separate driveway for the subject property.

Acting Chair Sweetser asked if members of the public had any additional questions or comments on the petition. Seeing none, she asked for the staff report.

Ms. Papke presented the IDRC report for PC 22-02, which was entered into the public record in its entirety. The petitioner proposes to develop the property at 400 E. St. Charles Road with a 30-unit multiple-family apartment building. The development will consist of one residential building and 45 surface parking spaces.

*This property is located in the Oakview Estates Planned Development. When the planned development was approved in 2004, the developer at the time proposed to build two 40-unit condo buildings on the properties at 400 and 500 E. St. Charles Road. The building at 400 E. St. Charles was never constructed, and the property has remained vacant, with the exception of a surface parking lot, since that time. The current petitioner proposes to build the 30-unit apartment complex within the footprint of the 40-unit condo building approved on the site in 2004.*

*The proposed development is consistent with the zoning relief approved for the condo building in 2004, the majority of which remains in place on the property. The only aspect of the development requiring re-entitlement at this time is the approved land use. In 2017, a potential developer received approvals to develop the subject property with townhomes rather than the multi-family use approved in 2004. Therefore, the current petitioner is seeking to amend the approved land use on the site from attached single-family dwellings (townhomes) back to multi-family dwelling units.*

*The proposed apartment building development is consistent with the Lombard Zoning Ordinance and the ordinance that governs the Oakview Estates Planned Development. The Zoning Ordinance requires the development to provide 45 parking spaces. The development will meet this requirement by using the existing 26-space surface parking lot on the west end of the site and constructing additional surface spaces to the side and rear of the building.*

*The petitioner has had some discussions with the condo residents at 500 E. St. Charles Road with respect to the potential for construction of additional parking spaces on the subject property that could be shared by residents of both developments. Staff notes that the petitioner may elect to construct additional surface parking in the future without needing to appear before the Plan Commission, provided all other zoning and development regulations are met. Construction of such additional parking would be entirely at the discretion of the petitioner, subject to the Village's development regulations. As currently proposed, the 30-unit multi-family development with 45 surface parking spaces is compliant with the parking requirements in the Village Code.*

*Staff finds the petition is consistent with the requirements of the Village Code, and recommended approval of the petition subject to the*

*conditions in the staff report.*

*Ms. Papke stated that staff had received an email from a member of the public concerning this petition, which had been distributed to the Plan Commissions with their packets.*

*Acting Chair Sweetser asked if there were questions or comments for staff.*

*Commissioner Giuliano asked for more details about the parking situation at 500 E. St. Charles Road, and why existing parking is not enough to accommodate the residents of 500 E. St. Charles Road. She was trying to understand why parking issues for 500 E. St. Charles Road are not being remedied at 500 E. St. Charles Road. She asked if there are residents who park at the Lombard Park District facility across St. Charles Road. She wanted to understand why the parking at 500 E. St. Charles is not acceptable to the residents.*

*Ms. Papke said she was not aware of any agreements between the residents and the Park District to allow parking at the facility across St. Charles Road. As far as existing conditions at 500 E. St. Charles Road, Ms. Papke said the building was built as the first phase of the original 2004 development. Staff understood there were currently 58 parking spaces on the site, though Village Code would require 60 parking spaces (1.5 spaces per unit, 40 condo units). Ms. Papke said the existing conditions had occurred as a result of the 2004 developer building a portion of the overall development, then selling off the property at 400 E. St. Charles Road prior to completing the development as planned.*

*Commissioner Giuliano said it seemed there is not enough parking at 500 E. St. Charles Road. If the condo residents cannot park at 400 E. St. Charles Road, where would they park?*

*Ms. Papke said that staff is not aware of any permanent agreements in place to allow for the residents at 500 E. St. Charles Road to park on the surface parking lot at 400 E. St. Charles Road indefinitely.*

*Commissioner Giuliano asked for information on the potential avenues to address a parking shortage at 500 E. St. Charles Road. Ms. Papke said the condo owners could look for opportunities to construct additional surface parking at 500 E. St. Charles Road. She noted that when an owner of the subject property (400 E. St. Charles Road) sought*

*entitlements to build townhomes in 2017, this issue had been discussed, and a number of locations for additional surface parking at 500 E. St. Charles Road had been identified. The condo owners and HOA at 500 E. St. Charles Road would be responsible for pursuing construction of those spaces.*

*Commissioner Giuliano asked how many units are at 500 E. St. Charles Road. Ms. Papke said there are 40.*

*Commissioner Giuliano observed that the 60 spaces required by Village Code to serve a 40-unit condo building may not be adequate as many people have two cars. Ms. Papke responded that the Village Code requirement sets minimums. Whether a particular property and the available parking meets the needs of a prospective purchaser or resident is something the purchaser needs to determine.*

*Commissioner Johnston said that if there are 40 units in the building at 500 E. St. Charles Road, and 58 parking spaces, then some units must have more than one car if there is a parking issue. He asked if the Village knew the source of the parking problem, and why there are more cars than available parking spaces.*

*Ms. Papke said she is not privy to the parking arrangements that individual property owners may have, but she assumed that when condo units are bought and sold, there is an understanding on the part of the sellers and the buyers as to what parking spaces, or rights to parking spaces, are included in the transfer of the property.*

*Commissioner Johnston observed that while the property is short two required spaces (58 provided, 60 required by Code), it appeared that the parking problem is larger than a shortage of two spaces. He noted that it may be necessary to reconsider the parking requirement of 1.5 spaces per dwelling unit. He said that he could understand why there is a parking issue at 500 E. St. Charles Road, but he did not believe it was under the jurisdiction of the Plan Commission to address that issue in the current meeting.*

*Ms. Papke confirmed that the petition before the Plan Commission was the proposed apartment building development at 400 E. St. Charles Road.*

*Commissioner Johnston asked for more information on the shared driveway, and how the discussion of cross-access was relevant to the*

*petition.*

*Ms. Papke said that the petition did not include a request to close off the driveway connection between 400 E. St. Charles Road and 500 E. St. Charles Road. She noted that the fire code prohibits dead-end access roads or driveways longer than 150 feet. Any driveway longer than 150 feet would need to provide a turnaround area for a fire apparatus. If a future petitioner were to advance a request to disconnect the driveway between the two properties, staff would not support such a request as it would not be compliant with the fire code. She noted that this was the case for both properties; disconnecting the driveway between 400 and 500 E. St. Charles Road would result in both properties having dead-end driveways longer than 150 feet.*

*Commissioner Johnston said that the proposed development on 400 E. St. Charles Road will increase traffic on the shared driveway. It would be to the benefit of both properties to have an agreement in place regarding use and maintenance of the driveway. He asked whether the petitioner intended to come to such an agreement with the condo building at 500 E. St. Charles Road. Mr. Brown confirmed his intention to do so.*

*Commissioner Verson asked for clarification on whether the residents at 500 E. St. Charles had been using the parking spaces at 400 E. St. Charles Road since 2006.*

*Mr. Zivojnovic said the condo building entered into a lease agreement with the current owner of the subject property three and a half years ago to allow the condo residents to park at 400 E. St. Charles Road. As far as the number of parking spaces each resident had access to, he said that some units were sold with more than one parking space for exclusive use. He said the surface parking at 400 E. St. Charles Road has been used as guest and overflow parking. The proposed development would result in the loss of the use of that parking area for the residents at 500 E. St. Charles Road.*

*Mr. Zivojnovic addressed the issue of the cross-access and shared driveway. He said there is no formal agreement in place to address this situation. He said the condo building's legal team would not allow the shared driveway to be kept open if there is not an agreement in place. He said without an agreement, there is technically no shared driveway, and approving the proposed project would be in conflict with the fire code.*



*Commissioner Johnston said he was unclear on the conflict that Mr. Zivojnovic was referring to. Commissioner Johnston said that it is not realistic to block off a driveway if it creates an issue for fire protection. He asked for clarification from staff that the access cannot be cut off. Ms. Papke confirmed the Village would not allow the driveway to be cut off.*

*Commissioner Invergo asked for clarification on the sequence of events that led to the current parking situation. Ms. Papke said the two properties at 400 and 500 E. St. Charles Road were under unified ownership when the two condo buildings were approved in 2004. The 2004 plan included a mix of underground parking and surface parking that would presumably have been allocated in some way among residents. After development of the 500 E. St. Charles Road condo building, the property at 400 E. St. Charles was split off and sold to a third party.*

*Acting Chair Sweetser asked for clarification on the location of the surface parking lot and who has access to use it.*

*Ms. Papke said the surface lot is on the 400 E. St. Charles site (subject property). Aside from the lease mentioned by Mr. Zivojnovic allowing short term use of the lot by the residents at 500 E. St. Charles Road, the Village is not aware of any long-term agreements to allow the condo residents to use the lot on 400 E. St. Charles. She noted that any disagreement between the condo residents and the property owner of 400 E. St. Charles with respect to a potential parking agreement would be a civil matter.*

*Commissioner Johnston said one of the residents had raised the issue of constructing a new driveway for use only by future residents at 400 E. St. Charles Road. He noted the property is close to the railroad and the St. Charles Road/Grace Street intersection, and there is existing infrastructure on the subject property. He asked if it is an option to construct a new driveway on the subject property.*

*Ms. Papke said there is currently a driveway connection to St. Charles Road from the 400 E. St. Charles Road property, located between the surface parking lot and the proposed footprint of the building. She said it would be difficult to build an additional driveway or relocate the existing driveway due to proximity to the St. Charles Road/Grace Street intersection and other site constraints.*

*Acting Chair Sweetser noted that there was a lot of information on the parking issues in the addendum to the staff report.*

*Acting Chair Sweetser asked if there was any additional information from staff on the petition. Ms. Papke said staff had no additional information to present.*

*Acting Chair Sweetser asked if there was any additional discussion from the Plan Commissioners, or if anyone was ready to make a motion.*

**On a motion by Commissioner Giuliano, and a second by Commissioner Johnston, the Plan Commission voted 7-0 to recommend that the Village Board approve the petition associated with PC 22-02, subject to the following four (4) conditions:**

- 1. That the petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Code;**
- 2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;**
- 3. That the development establish and maintain compliance with the Fair Housing Act's "Housing for Older Persons" Exemptions pursuant to 24 C.F.R. §§ 100.300-100.308; and**
- 4. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).**

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

**Aye:** 7 - Ruth Sweetser, Leigh Giuliano, Bill Johnston, Kevin Walker, Tony Invergo, Robert Spreenberg, and Alissa Verson

[220049](#)

**PC 22-04: 820 N. Ridge Avenue**

The petitioner, Giovanni Cupello, requests a conditional use pursuant to Section 155.420(C)(21) of the Lombard Village Code to allow for a motor vehicle repair business to operate on the subject property located within the I Limited Industrial District. (DISTRICT #1)

*Sworn in to present the petition were: Giovanni Cupello, petitioner and Jennifer Ganser, Assistant Director of Community Development.*

*Acting Chairperson Sweetser read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine, and proceeded with the petition.*

*Mr. Cupello stated that he plans to open used car dealership and a repair shop in unit E of the building located at 820 N. Ridge. The intention is the business to be low profile and will not use banners, balloons, etc. Advertising will be exclusively online. All customers will be by appointment only therefore a minimum of increased traffic in the area.*

*Commissioner Johnston asked Mr. Cupello to clarify that his request was for sales or repair.*

*Mr. Cupello responded that at this time the request is for sales only but may request repair sometime in the future and apologized for the John Girgis, owner/operator at the property to the south of the subject property, stated that his concern is traffic flow at the loading docks between the two buildings. A past tenant in the subject property's building had multiple cars and semi-trucks blocking access to his tenants' loading docks. Mr. Girgis also questioned the location for car sales since the parking is limited.*

*Mr. Cupello responded that his inventory will mostly be specialty cars and he has an off-site lot elsewhere that houses most of this inventory. Shopping for a car can now be done on a phone through an application on the phone, however, the State of Illinois has specific regulations as to the location of the actual sale of a vehicle. Generally, there may be three cars parked next to the loading dock but most cars will be inside the building. Mr. Cupello mentioned that there is significant amount of debris to the west of this area and he plans to clean it up and keep the outside in order. Mr. Cupello stated that a vehicle will arrive on a one car flat bed truck and will be unloaded up the street and his intention is to work with the other property owners and be a good neighbor.*

*Douglas Lee, 250 W. North Avenue, asked if the petitioner plans to repave the parking lot to display the vehicles for sale and is concerned about any leaking fluids from the repair of any vehicles.*

*Mr. Cupello responded that as he is a tenant of the building and not the owner and he is not aware of any work planned for the parking lot but it would not be on his account. Regarding the fluids question, his request is for sales only and in the future if he were to obtain a conditional use for vehicle repair that a triple basin is required for fluids.*

*Ms. Ganser stated that the petition is for motor vehicle sales only and the repair request was withdrawn by the petitioner after meeting with the*

*Fire Marshall as the petitioner clarified at his introduction. A request for a conditional use to repair vehicles in the future would require another public hearing with notification to the same property owners for a new opportunity to comment or ask questions.*

*Acting Chairperson Sweetser asked if any additional person would like to speak in favor or against this petition, or for public comment. Hearing none, she asked for the staff report.*

*Ms. Ganser presented the IDRC report for PC 22-04, which was entered into the public record in its entirety. The petitioner proposes to operate a car dealership. The petitioner requested to withdraw the request for motor vehicle repair. The requirement of installing a sprinkler system is not feasible at this time. The subject property consists of a multi-tenant building. The majority of the inventory will be inside the building with a maximum of four vehicles for sale parked south of the building.*

*Staff has reviewed the petition and finds it meets the standards for conditional uses. Staff notes that this business is similar to other businesses currently operating in the Industrial District. Staff recommends approval of the petition subject to the conditions in the staff report.*

*Acting Chair Sweetser opened the meeting to discussion by the Plan Commissioners.*

*Acting Chairperson Sweetser asked if there were any additional comments. Hearing none, she asked for a motion from the Commissioners.*

**On a motion by Commissioner Walker, and a second by Commissioner Invergo, the Plan Commission voted 7-0 to recommend that the Village Board approve the petition associated with PC 22-04, subject to the following six (6) conditions:**

- 1. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report, including but not limited to:
  - a. Compliance with the Fire Department and Building Division's comment regarding the no repair of vehicles inside the building unless additional fire protection is installed.****
- 2. All temporary signage associated with the sale of motor vehicles is prohibited;**
- 3. All vehicles are to be loaded and unloaded on the subject property and at no time shall any vehicle be loaded from or unloaded to public right-of-way;**
- 4. All vehicles being detailed shall be performed inside the building only; and**

5. All vehicles to be stored outside shall be limited to a maximum of four (4) and accommodated in designated parking spaces located south of the tenant's leased space identified in Figure 1; and

6. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

The motion carried by the following vote:

Aye: 7 - Ruth Sweetser, Leigh Giuliano, Bill Johnston, Kevin Walker, Tony Invergo, Robert Spreenberg, and Alissa Verson

## **Business Meeting**

### **Approval of Minutes**

A motion was made by Commissioner Johnston, seconded by Commissioner Giuliano, that the minutes of the January 24, 2022 meeting be approved. The motion carried by the following vote

Aye: 7 - Ruth Sweetser, Leigh Giuliano, Bill Johnston, Kevin Walker, Tony Invergo, Robert Spreenberg, and Alissa Verson

### **Public Participation**

There was no public participation

### **DuPage County Hearings**

There was no DuPage County Hearings

### **Chairperson's Report**

The Chairperson deferred to the Director of Community Development

### **Planner's Report**

There was no Planner's report

### **Unfinished Business**

There was no Unfinished Business

### **New Business**

There was no New Business

### **Subdivision Reports**

There was no Subdivision Reports

## **Site Plan Approvals**

There was no Site Plan Approvals

## **Workshops**

There was no Workshops

## **Adjournment**

A motion was made by Commissioner Invergo, seconded by Commissioner Walker, to adjourn the meeting at 8:11 p.m. The motion passed by an unanimous vote.