

# Village of Lombard

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



## Meeting Agenda

**Thursday, September 16, 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**

- [100479](#) President's Community Service Award  
Request to present the President's Community Service Award to Kathi Grummel for her contributions to the Susan G. Komen Foundation.  
**Attachments:** [100479.pdf](#)
- [100493](#) Presentation - Rochelle and James Pokorn  
**Attachments:** [certificateofappreciationmemo.doc](#)
- [100490](#) Proclamation - Kiwanis Peanut Days  
**Attachments:** [prockiwanis2010.doc](#)
- [100491](#) Proclamation - Walk To School Day  
**Attachments:** [procwalktoscholiday210.doc](#)
- [100492](#) Proclamation - Chamber of Commerce Week  
**Attachments:** [procchamber2010.doc](#)
- [100498](#) Proclamation - Prairie Days  
**Attachments:** [100498.pdf](#)
- [100500](#) \* Proclamation - Mary Jo Arndt Day  
**Attachments:** [procmarijoarndt2010.doc](#)

**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 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. [100467](#) Approval of Village Payroll  
For the period ending August 28, 2010 in the amount of \$790,411.66.
- B. [100468](#) Approval of Accounts Payable  
For the period ending September 3, 2010 in the amount of \$237,310.57.
- C. [100485](#) Approval of Accounts Payable  
For the period ending September 10, 2010 in the amount of  
\$1,091,330.99.

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

- \*D. **Text Amendments to the Sign Ordinance - Political Campaign Signs (Moved to IX-A1)**
- \*E. **Text Amendments to the Lombard Village Code - Temporary Signs (Moved to IX-A2)**
- F. [100436](#) National Electrical Code (NEC)  
Granting approval of text amendments to Title 15, Chapter 150, Sections 150.060 through 150.066 of the Lombard Village Code to provide for the adoption of the 2008 National Electrical Code (NEC) with local amendments. (DISTRICTS - ALL)  
*Attachments:* [Ordinance 6522.pdf](#)  
[100436.pdf](#)  
Len Farina went over proposed changes to the Village Electrical Ordinance based on the 2008 National Electrical Code, with the intention of adopting that as the code for the Village of Lombard.

When Mr. Farina reviewed Article 230.1, John Foulkes suggested that aluminum be included in the prohibition of aluminum on Bus Ways. Mr. Farina explained why it was not prohibited.

Keith Steiskal requested that Mr. Farina explain that the requirement for low voltage fire alarm wire to be in conduit has been removed. Mr. Farina gave an explanation of why that change has occurred. Battalion Chief Torrence agreed with the change.

Mr. Foulkes requested to review section 150.062 - Ordinance states that electricians must furnish a copy of current registration or license issued by any City, Village or Town in State of Illinois that was obtained only after the passage of a recognized written test. Mr. Foulkes stated at this time that he believes that some of the tests in the past were too easy. Mr. Farina explained that there is no State license, and as such, the system in place was the best available.

### Other Ordinances on First Reading

- G. [100437](#) ZBA 10-07: 103 W. Collen Drive  
The petitioner requests a variation to Section 155.407(F)(2) to reduce the corner side yard setback from twenty feet (20') to fourteen and one-half feet (14.5') to allow for the construction of an addition in the R2 Single Family Residential District. (DISTRICT #3)

**Attachments:** [100437.pdf](#)  
[Ordinance 6530.pdf](#)

*Kevin Kellerman, 103 W. Collen Drive, presented the petition. Mr. Kellerman stated that he is requesting a variation to allow for the construction of a sunroom. He stated that he purchased the house in 1993 and he and his wife have been planning to construct a sunroom. He stated that when his builder brought the plans into the Village, it was discovered that there were setback issues. Mr. Kellerman stated that there is a concrete staircase located on the west side of the rear of the house. He added that there is a sliding glass door located on the eastern portion of the rear of the house. He stated that if the corner side yard setback requirement was to be met, the addition would be placed directly over the sliding glass door. He added that they are maintaining the existing building line. Lastly, Mr. Kellerman stated that the original plans did not meet the required rear yard setback; as such, the plans were altered to meet this requirement.*

*Michael Toth affirmed that the petitioner did alter the plans to meet the required thirty-five (35) foot rear setback.*

*Michael Toth, Planner I, presented the staff report. The subject property is*

located at the southwest corner of Collen Drive and June Lane. The existing residence is currently situated fourteen and sixty-one hundredths feet (14.61') from the eastern property line along June Lane.

The petitioner wishes to maintain the current building line and construct a one-story addition. Because the proposed addition has a corner side yard setback of fourteen and sixty-one hundredths feet (14.61') where twenty (20) feet is required, a variation is needed.

As referenced in the petitioner's response to the standards for variations, the only possible location for the three-season room to be constructed would be the proposed location at the southeast portion of the residence. The southwest portion of the residence contains a concrete staircase, which provides access to the basement of the house. Also, a sliding glass door is located five (5) feet from the east edge of the rear of the house. If the proposed addition were to be setback to the required twenty (20) feet, the addition would be placed directly on the sliding glass door. This would require that the sliding glass door be relocated. It is important to note that the existing residence does not run parallel to the eastern property line, but actually angles away from the property line. As such, the proposed addition would actually be located further from the eastern property line as it moves to the south. At the furthest point, the proposed addition would be actually located sixteen (16) feet from the eastern property line.

There are several ZBA cases that provide precedence for the requested variation where an addition maintains the building line of the existing residence and does not further encroach into the requisite corner side yard. The property at 101 S. Chase received a variation to reduce the required corner side yard setback from twenty feet (20') to ten feet (10') for a residential addition (ZBA 03-26). In 2006, a variation was granted to reduce the corner side yard setback from twenty feet (20') to fourteen feet - eight inches (14'8") to allow for the construction of an addition (ZBA 06-26).

The proposed addition would maintain the building line of the existing structure and will not encroach further into the requisite corner side yard. Also, due to the layout of the property in accordance with the construction of the existing residence, any alternative locations for the proposed addition are not feasible. As such, staff recommends approval.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-07, subject to the four conditions outlined in the staff report.

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

Mrs. Newman asked about the size of the proposed addition.

Mr. Toth stated that the proposed addition is twenty-two (22) feet by twenty-two (22) feet or four hundred and eighty-four (484) square feet.

Mr. Tap asked if the principal structure was legal non-conforming.

Mr. Toth replied, yes, the principal structure is considered legal non-conforming with respect to the required corner side yard setback.

Mr. Tap asked what year the house was built and when the corner side yard

setback provisions were adopted.

Mr. Kellerman stated that (he believed) the house was built in 1967.

Chairperson DeFalco stated that entire neighborhood was constructed with those setbacks. He also added that the rear setback used to be thirty (30) feet, but was later changed. He then stated that he doesn't know when the corner side yard setback provisions were changed.

Mr. Toth stated that he did not know when the corner side yard setback provisions were adopted, but did state that those provisions were adopted to allow for a greater buildable area, for homes located on corner lots.

Mr. Bedard asked when the property was incorporated into the Village.

Mr. Toth stated that he did not know when the property was incorporated into the Village.

Chairperson DeFalco stated that the ZBA should focus on the variation at hand. He then described the conditions of approval that would apply to the case, should it be approved.

Mr. Bartels asked about the awnings of the addition.

Mr. Toth stated that if the awnings were to slightly extend out, it would be acceptable, as awnings are permitted to encroach three (3) feet into any requisite yard.

H. [100438](#)

ZBA 10-10: 460 S. Main Street (Babcock's Grove) Cemetery

Requests approval of 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)(4) of the Lombard Zoning Ordinance to allow a fence within a front yard to exceed four feet (4') in height.
2. A variation from Section 153.219(B) of the Lombard Sign Ordinance to allow a freestanding sign to exceed six feet (6') in height. (DISTRICT #6)

**Attachments:** [Ordinance 6534.pdf](#)  
[apoletter.doc](#)  
[Cover Sheet.doc](#)  
[DAH referral memo.doc](#)  
[PUBLICNOTICE.doc](#)  
[Referral Let.doc](#)  
[Report.doc](#)  
[100438.pdf](#)

Michael Toth, Planner I, stated that staff will be petitioner for this case. He then presented the staff report. The subject property is located at 460 S. Main Street, the intersection of West Washington Boulevard and South Main Street, which is known as the Lombard Cemetery. For the past few years, the property has been updated with numerous improvements. The most recent is an arch to be installed over the entrance gate of the cemetery. The arch will contain

lettering, which will read "Lombard Cemetery". The arch will be supported by posts, which extend up from the fence/gate. For purposes of clarity staff is considering the arch to be a sign, but also an extension of the fence.

The proposed arch is affiliated with a public institution and contains text; therefore, it is considered an 'Institutional Sign'. According to the Sign Ordinance, freestanding institutional signs shall not exceed six (6) feet in height. The proposed arch is 7.4 feet above grade, thus requiring a height variation. The proposed arch is twenty-six (26) feet in area. Institutional Signs shall not exceed thirty-two square feet; therefore, the signage portion of the arch is within the size parameters. The proposed arch meets all other Sign Ordinance requirements.

The subject property is located in the R2 - Single Family District. The proposed arch is to be located in the front yard of the subject property. According to the Zoning Ordinance, fences located in the front yard of a residential district shall not exceed four (4) feet in height. As previously mentioned the arch will be supported by posts, which extend up from the fence/gate. Therefore, staff is considering the arch to also be an extension of the existing fence. The proposed arch is 7.4 feet above grade, thus also requiring a fence height variation.

There are no previous cases that provide precedence in this particular matter. However, staff believes that the sign is well integrated into the existing fence. Furthermore, staff is supportive of the proposed variation due to the historic significance of the site.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-10, subject to the two conditions outlined in the staff report.

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

Mrs. Newman asked why the height variation was needed.

Mr. Toth stated that the height of the arch element created the need for the variation.

Dr. Corrado asked why the sign does not say 'Babcock's Grove'.

Tom Fetters, of the Lombard Historical Commission, discussed the significance of the different cemetery names and mentioned that there are plans to place an additional sign on the property using the 'Babcock's Grove' name.

Jeanne Schultz Angel, Executive Director of the Lombard Historical Society, also discussed the naming of the cemetery.

Mr. Bartels asked about the historic significance of the site.

Jeanne Schultz Angel stated that the cemetery was established in 1871, but is not a registered historic landmark. She added that the cemetery does play an important role in the education of the history of the Village of Lombard.

Dr. Corrado asked when the last burial occurred.

Tom Fetters discussed the logistics of the most recent burials and added that, technically, the last burial was last month.

*Chairperson DeFalco asked about the hardship associated with the variation.*

*Jeanne Schultz Angel stated that the cemetery is used for public awareness and discussed the different restoration projects that have been recently completed. She added that the cemetery is a "point of pride" and that the construction of the proposed sign is typical to the time period. She then stated that 15,000 cars drive by the cemetery each day.*

*Mr. Toth stated that there are two hardships associated with the case. He stated that the first hardship involves the use of the property - the hardship has less to do with the historic significance of the sign and more to do with the historic significance of the property itself. He added that there are a limited number of cemeteries in the Village and none as historic as this. The second hardship involved the change in grade. Mr. Toth stated that the grade, where the arch sign is to be located, is almost a foot lower than surrounding grade where the fence is located.*

*Chairperson DeFalco then discussed the recent ZBA case that involved the Lombard Cemetery. He stated that the fence and column project was completed before zoning relief was obtained. He thanked the petitioner for requesting approval prior to starting the project. He then added that he didn't believe that that sign is of any historic significance because the sign is not recreating anything that once existed. He then asked the petitioner if the sign could be placed on the fence, within the parameters of Code.*

*Jeanne Schultz Angel stated that the Historical Commission explored placing the lettering on the fence, but decided to go with the proposed construction. She added that the sign would be more visible as proposed. She added that the arch element could be seen through the night sky at its proposed location.*

*Mr. Bedard asked about the grade change on the subject property.*

*Chairperson DeFalco stated that the Zoning Ordinance allows fences to fluctuate three inches to accommodate grade changes.*

*Mr. Toth stated that the three inch provision is meant to address drainage under the fence and decorative elements on top of the fence - not to accommodate grade change. The grade change hardship has been established in past cases involving fence height.*

*Mr. Bedard asked if any precedence has been established for this sort of case.*

*Mr. Toth stated that this is a unique case and there is no similar precedence established.*

*Mr. Young stated that the use of the property is non-residential, but is in the R2 District. He added that it is important to note (for purposes of precedence) that the property is non-residential.*

*Chairperson DeFalco asked about the number of signs that could be permitted on the subject property.*

*Mr. Toth stated that the Sign Ordinance allows one freestanding sign per street frontage in residential districts. He added that the subject property has four street frontages and could therefore erect four freestanding signs.*



*Mrs. Newman asked about the hardship at placing the sign at six (6) feet.*

*Mr. Bartels responded that the added height is caused by the arch of the sign. He then stated that the entire sign is not at 7.4 feet.*

*Mr. Toth stated that the ZBA has considered grade changes as a hardship in recent cases.*

*Mr. Bartels asked if the sign was to be illuminated.*

*Tom Fetters stated that the sign will be non-illuminated, but the arch element would allow it to be illuminated by the moonlight.*

*Jeanne Schultz Angel stated that the property is in contention for the Governors Award.*

*Chairperson DeFalco asked if the award could be obtained without the sign.*

*Tom Fetters replied, yes.*

*Lastly, Chairperson DeFalco stated that the case before the ZBA involves a sign over a gate to name a cemetery. He added that (in his opinion) the variation is not required. He then stated that there is no hardship and the proposed sign is a preference based upon aesthetics.*

## Ordinances on Second Reading

- I. [100345](#) PC 10-08: Text Amendments to the Zoning Ordinance (Green Code)  
The Village of Lombard is proposing text amendments to the Lombard Zoning Ordinance, amending Section 155.200 to establish provisions for geothermal systems, rain barrels, cisterns, Small Scale Wind Energy Systems and solar panels, Section 155.212 to establish geothermal systems, rain barrels, cisterns and solar panels as permitted obstructions in certain required yards and Section 155.800 establishing definitions for Small Scale Energy Systems while amending the definition of "Rooftop Mechanical Equipment". (DISTRICTS - ALL)

**Attachments:** [PUBLICNOTICE 10-08.doc](#)

[Referral Letter.doc](#)

[Report 10-08.doc](#)

[DAH referral memo.doc](#)

[Cover Sheet.doc](#)

[Ordinance 6523.pdf](#)

[100345.pdf](#)

[Memo.pdf](#)

*Michael Toth, Planner I, presented the petition. The Zoning Ordinance does not specifically address alternative energy structures. However, one can place such structures on their property as they are considered "accessory structures" to principal uses and regulated as such. Due to increased energy costs and the demand for alternative energy solutions, the Village wishes to take a proactive*

*stance and update the Zoning Ordinance to allow these structures to be placed in their niche locations. Through text amendments to the Zoning Ordinance, solar panels, wind turbines, rain barrels and cisterns would all been given special consideration in order to encourage residents to utilize their beneficial attributes.*

*During the April 19, 2010 workshop session, the Plan Commission raised a number of issues relative to the proposed text amendments. While the Plan Commission did not raise any issues with geothermal systems, rain barrels and cisterns, there were a number of issues raised pertaining to solar panels and wind turbines (Small Scale Wind Energy Systems). More specifically, the Plan Commission was concerned of the impact that solar panels and wind turbines could have on residential neighborhoods. With regard to solar panels, it was the Plan Commission's opinion that ground mounted solar panels could produce excessive bulk on a property and roof mounted solar panels could also become an aesthetic issue - if placed too high above the principal structure. The Plan Commission felt that wind turbines could produce unwanted noise, which could have a detrimental impact on surrounding properties. The Plan Commission also instructed staff to look into placing a cap on the permitted number of these devices.*

*The Plan Commission also recommended that staff research the topic based upon findings of surrounding communities. The proposed text amendments are a result of the Plan Commission comments and findings from surrounding communities. Those communities include: Oswego, IL; Lincolnshire, IL; and, the Wind Energy Task Force of Lake County Communities. Please note, staff did originally propose text amendments relative to ground mounted Small Scale Wind Energy Systems; however, those amendments are no longer being proposed. Text amendments particularly relating to ground mounted Small Scale Wind Energy Systems may come at a later date, when more information is available on the structures and when there is an increased demand for such structures.*

*Mr. Toth indicated that he prepared a PowerPoint presentation in order to provide a visual image for the proposed amendments.*

*The first slide shows solar panel application examples. For a single family application a five foot (5') pitch would be allowed to accommodate flat roofs. For commercial, industrial, office and multiple family dwellings, a ten foot (10') pitch would be allowed to accommodate flat roofs.*

*The second slide shows that solar panels having a five foot (5') maximum pitch would be acceptable for single family, attached and two-family dwellings. This pitch allows for the structure itself to be pitched toward the sun.*

*The third slide shows a ten foot (10') maximum pitch which would be acceptable for solar panels on commercial, industrial, office and multiple-family dwellings. As these structures are not located in residential neighborhoods, the allowable pitch would not be an aesthetic issue.*

*The next few slides address small scale wind energy systems or wind turbines as it relates to their allowable location, size, height and sound levels. As previously mentioned, ground mounted structures are not being proposed at this time and possibly could resurrect at a later date when more information is available and there is an increased demand.*

*The first slide shows a few examples of the technology being used. The horizontal wind turbine type is primarily used on wind farms. The vertical type is popular with residential and business uses and does not have the same impact as the horizontal type.*

*Location - This slide shows the acceptable location for roof mounted small scale wind energy systems which will be permitted in all zoning districts as accessory structures. It shall not project into any requisite yard and would have to stay within the buildable area of the lot.*

*Size - This slide illustrates the allowable size. The maximum rotor diameter will be capped at ten feet (10').*

*Mr. Toth mentioned that the amendments being proposed are a culmination of the different languages found. There wasn't much language found from adjacent communities so in order to be proactive, we used language from the Village of Oswego for the ten feet (10').*

*Height - This language came from Lincolnshire in regard to the allowable height of ten feet (10') above the maximum building height. To capture the essence of the technology, it is crucial to have the structure project above the tree lines in order for it to operate successfully.*

*Sound Levels - This was taken from the Village of Lincolnshire. On the left of the slide shows what we are proposing and to the right a sound comparison chart was provided from the City of Naperville's Zoning Ordinance. It gives an example of what decibel levels are on the property.*

*Appearance and lighting standards were taken from the Oswego model. This allows our building department to have access to these devices for maintenance.*

*The permitted structures remain the same from the workshop itself as it relates to geothermal systems, rain barrels and cisterns, and solar panels.*

*We added a definition for small scale energy systems and had to amend the definition for rooftop mechanical equipment to exclude these energy systems.*

*Concluding, Mr. Toth stated that staff finds that the proposed text amendments meet the standards for text amendments and is recommending approval.*

*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 opened the meeting for comments among the Commissioners.*

*Commissioner Olbrysh asked staff to repeat the numbers associated with the amount of sound that comes from air conditioner units versus the wind turbines. Mr. Toth stated that the example gave 60 decibels at 10 feet away. It would be comparable to the number used for setbacks. These structures cannot be placed in interior yards but set back just like an air condenser can.*

*Commissioner Olbrysh commented that he did not have a problem with solar panels but was concerned about wind turbines. His research indicates that roof mounted wind turbines would have to be a 100' high tower to do its job; otherwise, with these types of home units it is like prepaying your electric bill*

for 20 years. On average the cost is \$7,000 - \$10,000 and it would take a long time in order to recoup your investment. He questioned whether any one in Lombard had one. Mr. Toth answered that he wasn't aware of any residential applications but there are industrial applications. The height regulation goes back to 30-40' tall so there is clearance from the ground for them to be effective.

Commissioner Olbrysh stated that his research indicates that to be effective they need to be at least 30' above the tree line. He stated that it is good to be proactive but questioned if this type of energy is useful or just for show. He was also concerned about vibration and noise as most of lot widths in Lombard average 60' whereas most of the western communities have larger lots. Mr. Toth answered that was why we excluded ground mounted types. We found that the information pertained to larger lots with different characteristics than Lombard's. We found that what they allowed didn't work here. The technology might evolve in the future to where it can accommodate the smaller lot areas.

Commissioner Olbrysh asked what happens if someone wants to mount one today. Mr. Toth answered that it would be considered an accessory structure and would follow those regulations. Mr. Stilling noted that staff is taking a baby step as we do not know where the technology is going. We would rather take our research and make it available should inquiries arise. As time goes by, we can assess this and if we need to change our code, we can take it into consideration.

Commissioner Olbrysh asked if it was staff's opinion that it was better to do this as a text amendment rather than on a case-by-case basis. Mr. Stilling stated that right now we are being proactive with building provisions and are comfortable with what we have come up with by meeting the intent of the Zoning Ordinance. If someone wants to go beyond that, for instance, have two units instead of one, they would have to get a variation. Mr. Toth added that this would be similar to a pilot program and staff will see where the market takes us. If we find that we have a lot of variations coming through, we can evolve (along with the market) and allow something above and beyond classifying it as an accessory structure.

Commissioner Sweetser stated that this is a great first step and is in favor of it as there is no definitive information about height and cost effectiveness. She suggested that when staff begins to get requests for this technology, that there be as much information available to inform people about statistics and background information. Mr. Toth referenced the green building handbook that was introduced earlier. He added that some municipalities are being reactionary and scrambling to incorporate these elements into their code. He is hoping to see more commitment between the municipalities to share this information with each other. CMAP is currently working to get communities to cull information, but topography will ultimately be the determining factor of what is in demand and what is not.

Commissioner Cooper referred to the table in the staff report, page 3 Section 155.212, water collection, about rain barrels and cisterns. She asked for clarification in that they are not permitted in the front and corner side yards. Mr. Toth answered that it is true, that is in the yard itself a rain barrel or cistern could be put on the side of your house. The more buildable area you have the larger the barrel you can have. He explained that the structure cannot encroach more than two feet into the side yard. In the front and corner side yards we do not list it as a permitted encroachment due to aesthetics but there is no specification in the rear yard. Mrs. Stilling added that it depends on the

*setback of your house - you are allowed a 2' encroachment.*

*Commissioner Cooper stated that she did not see a problem in having them located within the 30' front yard setback because now you are minimizing and prohibiting water collection points around the home.*

*Commissioner Olbrysh commented that it is good that the Village is taking a proactive approach. He is hoping that everyone will do research to determine if a roof mounted wind turbine is right for them. His research does show that for this area, size does matter. The bigger it is, the better chance of recouping your investment in a shorter period of time.*

**J. [100378](#)**

PC 10-11: 600 W. North Ave (Shell Gas Station)

Requests amendments to Ordinance #4920 to provide for the following variations from the Lombard Sign Ordinance for the property located within the B4 Corridor Commercial District:

1. A variation from Section 153.210 to allow for an Automatic Changeable Copy Sign to be located on a property with less than 500 lineal front footage;
2. A variation from Section 153.210(D) to allow for a changeable message board of an Automatic Changeable Copy Sign to exceed two (2) feet in height;
3. A variation from Section 153.210(D) to allow for a display screen of an Automatic Changeable Copy Sign to exceed eighteen (18) inches in height;
4. A variation from Section 153.210(F) to allow for a changeable message board of an Automatic Changeable Copy Sign to be located outside of the twelve (12) foot to fifteen (15) foot height range;
5. A further variation to Section 153.505(B)(19)(a)(2)(a) to increase the total number of wall signs on the subject property to a total of ten (10) signs. (DISTRICT #1)

**Attachments:** [apoletter 10-11.doc](#)

[Continuance MEMO 10-11.doc](#)

[PUBLIC NOTICE 10-11.doc](#)

[Ordinance 6524.pdf](#)

[100378.pdf](#)

[Ordinance 6524.pdf](#)

*Chairperson Ryan stated that the petitioner has requested a continuance to the August 16, 2010 meeting.*

*Auna Foote, 5308 N. Northwest Highway, Chicago, presented the petition. Due to a revenue split with Circle K, Shell is proposing signage changes to two of their gas stations, one located on North Avenue and the other located on Roosevelt Road. The food and the car wash revenue would go to Circle K and Shell would get the revenues from the sale of gasoline.*

*Chairperson Ryan requested that she limit her presentation to the North Avenue location as the Roosevelt Road location is a separate petition and would be discussed following this petition and voted on separately.*

*Continuing, Ms. Foote acknowledged that the property size is below the*

minimum for an LED price board. Their signage package includes the price board being part of the LED sign. They are requesting this type of sign not only for structural reasons but also for safety, accuracy, environmental and technological reasons. The LED boards are changed automatically the evening before, by plugging in the new gas prices. These new prices are then displayed the following morning. As gas prices can fluctuate daily, this method ensures accuracy as to the current gas price. This method also eliminates the possibility of the wind blowing price cards away. As such, there is no possibility of damage to vehicles from price cards falling onto them. It is mandatory that the gas stations have the right price at all times, which is why they want to convert all stations over to LED. The LED boards will use lower power consumption and are environmentally efficient compared to fluorescent bulbs. The LED sign will not blink, flash, flutter or give the appearance of movement. It will just display the price. She noted that price boards are moving toward this type of technology and there will be a point in time when the price cards will become obsolete. Ms. Foote referred to the table in the staff report which outlines requests from other petitioners for LED signs. She stated that their sign is proposed to be static and just relay the price and will not contain a message.

Lastly, she noted that the sign did not meet the 12 to 15 feet height range so they reduced the square footage by 21.7 square feet from their initial proposal in order to bring the LED up higher and reduce the square footage. This reduction brings the sign into closer compliance with code.

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.

Michael Toth, Planner I, presented the staff report. The subject property is located at the northwest corner of North Avenue (IL Route 64) and IL Route 53 and improved with a Shell gas station. Shell is currently in the process of reimagining their Circle K corporate identity standard in conjunction with the carwash and building signage. As part of their corporate reimagining process, the petitioner is requesting approval of a unified signage package.

The proposed signage package will include the expansion of existing signage, the addition of new signage on the car wash and the integration of an automatic change copy element on the existing freestanding sign. There were a number of past approvals associated with signage on the subject property. As part of this petition, signage associated with the past approvals will be further amended and the remaining signs will require additional signage relief, where applicable.

There are a total of four (4) variations associated with the proposed Automatic Changeable Copy sign - the first relates to the insufficient size of the property and the remaining three variations pertain to the design of the sign.

The Sign Ordinance limits automatic changeable copy signs to properties in the CR, B3, B4, B4A and B5 zoning districts on lots with a minimum of 500 lineal front footage. The subject property is located in the B4 Corridor Commercial District, but has a linear front footage of only 433 feet, a deficiency of 67 feet. Therefore, the Automatic Changeable Copy Sign automatically cannot be done as-of-right.

The Sign Ordinance restricts the message board component of an Automatic Changeable Copy Sign to two (2) feet tall and the display screen to 18-inches in

height. The proposed Automatic Changeable Copy Sign message board is three-and-one-half (3.5) in height (see Exhibit 'A'). The intent of the height provision is to ensure that the automatic changeable copy element does not become the principal component of the freestanding sign.

The proposed display screen is twenty-six (26) inches in height where only a maximum of eighteen (18) inches is permitted. Since 2000, the Village has had four requests for automatic changeable copy signs exceeding code and he referred to Table 1.1. The Village has historically not supported variations relative to the size of Automatic Changeable Copy Sign message screens. Staff supported the variation request for Heritage Cadillac (PC 03-40) because of the unique characteristics and history of the subject property.

Section 153.210(F) of the Sign Ordinance states that the changeable message board of an Automatic Changeable Copy Sign must be located between twelve (12) feet to fifteen (15) feet above grade. The subject message board is proposed to be between ten (10) feet and thirteen-and-a-half (13.5) feet above grade. As such, the message board extends one (1) foot below the required height range.

Staff recognizes that the proposed Automatic Changeable Copy Sign would only advertise motor fuel rates; however, the Sign Ordinance is not intended not regulate the actual message displayed on the signage, but rather the medium that the message is displayed upon. In the Standards for Variations, the petitioner states that LED is more aesthetically pleasing than the traditional manual copy change. The petitioner also indicated that manual copies can blow away in the wind, which can be costly to repair. Lastly, safety is cited as a basis for the variation - stating that changing a manual copy sign can be dangerous. While staff recognizes these issues, the proposed signage is a matter of preference and the indicated hardships do not constitute a physical hardship associated with the property. Moreover, there are four variations associated with a sign that cannot be done as-of-right, which also demonstrates that the construction of the sign is also a matter of preference.

Ordinance #4920 granted signage relief to increase the number of permitted wall signs on the subject property from two (2) to five (5). The original approval specifically allowed one sign on each building (carwash and gas station) and a sign on each of three sides of the canopy. Through the petitioner's reimagining efforts, the existing fifty (50) square foot wall sign on the gas station will be replaced with a twenty-five (25) foot sign (see Exhibit 'B'). The fueling canopy will retain the three (3) original wall signs and the number of wall signs associated with the carwash would be increased from four (4) to six (6) (see Exhibit 'C'). Staff notes that all six (6) signs on the carwash will be new and are intended to accommodate corporate standards.

Staff notes that there are no past approvals associated with the three (3) additional wall signs that are currently located on the carwash. They are all shown on the approved elevations plans, but are not specifically mentioned in the approvals. As they are all less than ten (10) inches in height, they may have been perceived to be Valance Signs. However, these signs are not attached to the valance of an awning or canopy and are affixed directly to the building; therefore, they are considered Wall Signs. As such, approval is now being requested to allow six (6) signs where only one (1) wall sign was approved. Therefore, the request for additional wall signage in this case pertains only to the proposed signage associated with the carwash.

As the submitted plans indicate, a red and white banding element has also been

included around the gas station building and carwash. Staff notes that the proposed banding is not considered wall signage and is not factored into the overall calculation of the proposed wall signage. The banding is considered only to be a design aesthetic.

As Table 1.2 depicts, the proposed signage is a significant increase from the existing signage. When observing the raw numbers the signage is larger; however, without any quantifiable numbers to tie to any past approvals, staff examined the Sign Ordinance requirements. The Sign Ordinance requires that wall signs on properties with multiple tenant buildings be no more than one times the lineal foot frontage of tenant space. Staff referenced this provision as an example because the Sign Ordinance establishes a direct correlation between façade size and the square footage of wall signs.

When factoring the lineal foot frontage of each carwash elevation, none of the proposed wall signs are larger in area than the respective lineal footage of each building elevation. Also, due to the number of structures and on-site activities, gas stations provide rather unique signage issues. Staff has supported additional signage for gas stations in the past and believes that the proposed wall signage request is reasonable.

Staff has reviewed the standards for variations and finds that the proposed wall signs meet the standards for variations, but the proposed automatic changeable copy sign and freestanding sign do not meet the standards for variations and therefore recommends partial approval of this petition.

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

Commissioner Sweetser stated that the idea of the changeable message board has come up before. She noted that there is a difference between a message that repeats and runs continually versus something static. She suggested that it would be useful, due to the evolution of these signs, to differentiate between a message board and a changeable copy panel that would only be changed once every 24 hours and just show a price. She understands why staff would not want a running message, but she was inclined to permit one that would not change frequently and just display a price.

Chairperson Ryan agreed with Commissioner Sweetser about the difference between a running message versus a static one, but indicated the height of the sign is also not in compliance with code.

Commissioner Sweetser stated that there possibly could be some consideration given if there is no running message and the sign was brought up to an acceptable height range. If the panel needs to be a certain size in order to be readable, the smaller height size for a running message should not dominate the sign. It might be helpful to sort it out. Mr. Toth stated that the message board and screen have two separate height requirements.

Commissioner Burke clarified the issues at hand. He referred to the staff report, which stated that the proposed message board is 3.5 feet tall, but looking at the drawings, it appears that the LED display is much smaller than that 3.5 foot panel. He asked the petitioner what the size of the message was. Ms. Foote answered that she thought it to be 18" or 24" tall. Commissioner Burke then asked staff if that fell into the desired range. Mr. Stilling answered that 18" is the maximum allowed. Mr. Toth stated that the plans show the LED portion to



be 26" in height.

Commissioner Burke stated if the petitioner had the ability to reduce it to an acceptable standard, it wouldn't be a big issue. He sees this in other communities and feels that it is a better way to display gas pricing than the current way. The other issue at hand is the height. He confirmed with staff that the height was lower than code, which is just the opposite of what is usually proposed. He felt that was more an issue of Village ordinance and he doesn't see the height they are proposing as being objectionable.

Commissioner Burke stated he doesn't have an objection to the petition other than the size of the display itself.

Chairperson Ryan referred to the two pictures of the automatic changeable copy signs. He noted that it appeared that the existing price board sign was larger than what was being proposed and asked staff if that was the case. He also noted that the allowable square footage of the proposed sign is smaller due to it being a message sign. Mr. Stilling answered that the existing manual copy change sign is larger.

Commissioner Flint asked if that was within code. Ms. Stilling noted that the matter at hand was that the property did not have the required 500' frontage as well as the size of the message board. He stated that nothing prevents the petitioner from having the sign, except the lack of frontage of the subject property.

Commissioner Burke stated that variances are granted to make signs more efficient, attractive and practical. He noted that the pricing portion was now smaller because of the Circle K logo and if we are specifically talking about the pricing portion only, it is smaller, more attractive and practical.

Chairperson Ryan noted that they have to address the issue of the 500' lineal frontage. If the Plan Commission agrees that it is okay to have the sign, we are saying it is acceptable even though it doesn't meet the 500'.

Commissioner Sweetser stated that the basic reason for using the 500' delineation is that it provides a physical buffer between message boards. Having less than 500' could be confusing as the messages would be difficult to process because it is constantly moving. She noted that is not the case in this situation as the message board is not changing and therefore would not apply.

Commissioner Flint agreed with Commissioner Sweetser.

Commissioner Burke suggested that if the petitioner could make the actual price size smaller, it would be acceptable. Ms. Foote thought that if she went back to Circle K she thought they might fluctuate on the size, especially if the LED sign was approved.

Commissioner Burke then questioned if it would be visible if it were made smaller.

Chairperson Ryan thought that since the proposed flexible sign was smaller than the existing sign and by allowing the proposed 26" sign we would be cleaning it up, he doesn't have a problem with it, but would have trouble with having them bring it down to 18".

*After some discussion about the wording of the motion, Attorney Wagner suggested that the Commissioners make two votes, one for the LED sign and one for the wall signs. He also suggested that they have discussion to address the wall signs before that particular vote.*

*Chairperson Ryan then opened the meeting for discussion to address the ten wall signs.*

*Commissioner Sweetser stated that if staff recommended approval of the number of wall signs and had good reason for it, then she had no objection.*

**K. [100379](#)**

PC 10-12: 930 E. Roosevelt Rd. (Shell Gas Station)

Requests amendments to Ordinance #5120 to provide for the following variations from the Lombard Sign Ordinance for the property located within the B4A Roosevelt Road Corridor District:

1. A variation from Section 153.210 to allow for an Automatic Changeable Copy Sign to be located on a property with less than 500 lineal front footage;
2. A variation from Section 153.210(F) to allow for a changeable message board of an Automatic Changeable Copy Sign to be located outside of the required twelve (12) foot to fifteen (15) foot height range;
3. A variation from Section 153.505(B)(6)(e) to allow more than one freestanding sign on the subject property.
4. A further variation to Section 153.505(B)(19)(a)(2)(a) to increase the total amount of wall signs on the subject property to a total of nine (9) signs. (DISTRICT #6)

**Attachments:** [apoletter 10-12.doc](#)

[Continuance MEMO 10-12.doc](#)

[PUBLIC NOTICE 10-12.doc](#)

[100379.pdf](#)

[Ordinance 6525.pdf](#)

*Chairperson Ryan stated that the petitioner has requested a continuance to the August 16, 2010 meeting.*

*Auna Foote, 5308 N. Northwest Highway, Chicago, presented the petition. Ms. Foote stated that this petition's information is basically the same as the previous petition, PC 10-11. Circle K would be responsible for the building and car wash. The signage package for the building and car wash has been reduced 73.21 square feet than what was originally proposed. All things are the same for the LED message board in that it cannot flash, flicker or change messages, but instead display the price. The price will switch over at 2 a.m. every day. This automatic changeable copy sign has the same square footage as mentioned in the previous petition. We did not reduce the sign itself.*

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

*Chairperson Ryan then requested the staff report.*

*Michael Toth, Planner I, presented the staff report. He stated that the subject Shell Gas Station is located at the northwest corner of Roosevelt Road and Westmore-Meyers Road. Shell is currently in the process of reimagining their Circle K corporate identity standard in conjunction with the carwash and*

building signage. As part of their corporate reimagining process, the petitioner is requesting approval of a unified signage package.

The proposed signage package will include the expansion of existing signage, the addition of one freestanding sign and the addition of new signage on the car wash. An Automatic Changeable Copy element is also being proposed to be integrated into the existing freestanding sign. There were a number of past approvals associated with signage on the subject property. As part of this petition, signage associated with the past approvals will be further amended and the remaining signs will require additional signage relief, where applicable.

There are a total of two (2) variations associated with the proposed Automatic Changeable Copy sign - the first relates to the insufficient size of the property and the remaining variation relates to the design of the sign.

The Sign Ordinance limits automatic changeable copy signs to properties in the CR, B3, B4, B4A and B5 zoning districts on lots with a minimum of 500 lineal front footage. The subject property is located in the B4A Roosevelt Road Corridor District, but has a linear front footage of only 385 feet, a deficiency of 115 feet. Therefore, the Automatic Changeable Copy Sign automatically cannot be done as-of-right.

Section 153.210(F) of the Sign Ordinance states that the changeable message board of an Automatic Changeable Copy Sign must be located between twelve (12) feet to fifteen (15) feet above grade. The subject message board is proposed to be between ten (10) feet and eleven (11) feet above grade (as seen in Exhibit 'A'). As such, the message board extends one (1) foot below the required height range

Staff recognizes that the proposed Automatic Changeable Copy Sign would only advertise motor fuel rates; however, the Sign Ordinance is not intended to regulate the actual message displayed on the signage, but rather the medium that the message is displayed upon. In the Standards for Variations, the petitioner states that LED is more aesthetically pleasing than the traditional manual copy change. The petitioner also indicates that manual copies can blow away in the wind, which can be costly to repair. Lastly, safety is cited as a basis for the variation - stating that changing a manual copy sign can be dangerous. While staff recognizes these issues, the proposed signage is a matter of preference and the indicated hardships do not constitute a physical hardship associated with the property.

The petitioner is proposing to remove directional signage associated with the car wash and increase the size of double-sided "vacuum" sign, which are located above the actual vacuum cleaners located on site. The existing vacuum signs are three (3) square feet in area and the petitioner is proposing to increase the size of each sign to thirty-seven (37) square feet. As the previous signs were only three (3) feet in area, they were classified as "Incidental Signs" because they were small in size and informed the public of services available on the premises. However; as the new sign is thirty-seven (37) square feet and is used to advertise the vacuums to off-site patrons, it is classified as a Freestanding Sign. According to the Sign Ordinance, no more than one freestanding sign shall be maintained on any one parcel of land in the B4A - Roosevelt Road Corridor District. Staff believes that placing an additional Freestanding Sign on the property to advertise the on-site vacuums is excessive. An incidental sign is currently being displayed over the vacuums, which staff believes is appropriate.

*Ordinance #5120 (PC 02-16) granted signage relief to allow for more than one (1) wall sign per street front exposure. Moreover, the staff report associated with PC 02-16 specifically states that the variation granted an increased number of permitted wall signs from two (2) to seven (7). According to the PC 02-16 staff report, the fueling canopy had two (2) wall signs and the convenience mart located under the canopy had one (1) sign. The separate building containing the car wash had a total of four (4) signs, two of which distinguish the points of ingress and egress. For purposes of clarity, staff notes that the carwash is currently only displaying a total of three (3) wall signs, for a total of six (6) wall signs on the subject property.*

*Through the petitioner's reimagining efforts, the existing "Food Mart" wall sign on the gas station building would be replaced with two (2) 'Circle K' logo wall signs - one on the north elevation of the building and the other on the south (see Exhibit 'C'). The fueling canopy would retain the two (2) original wall signs. The number of wall signs associated with the carwash would be increased from three (3) to five (5) (see Exhibit 'D'). As such, there are a total of nine (9) wall signs proposed for the subject property as part of the submitted signage plan.*

*As the submitted plans indicate, a red and white banding element has also been included around the gas station building and carwash. Staff notes that the proposed banding is not considered wall signage and is not factored into the overall calculation of the proposed wall signage. The banding is considered only to be a design aesthetic.*

*As Table 1.1 depicts, the proposed signage is a significant increase from the current signage. When observing the raw numbers the signage is larger; however, without any quantifiable numbers to tie to any past approvals, staff examined the Sign Ordinance requirements. The Sign Ordinance requires that wall signs on properties with multiple tenant buildings be no more than one times the lineal foot frontage of tenant space. Staff referenced this provision as an example because the Sign Ordinance establishes a direct correlation between façade size and the square footage of wall signs.*

*When factoring the lineal foot frontage of each carwash elevation, none of the proposed wall signs are larger in area than the respective lineal footage of each building elevation. Also, due to the number of structures and on-site activities, gas stations provide rather unique signage issues. Staff has supported additional signage for gas stations in the past and believes that the proposed wall signage request is reasonable. Furthermore, Ordinance #5120 granted signage relief to allow for more than one (1) wall sign per street front exposure on the subject property. Without any specified limitation with regard to the number of signs mentioned in the approving ordinance, it could be interpreted that an unlimited number of wall signs could be permitted on the subject property. As such, staff would like to take this opportunity to establish a specified number of permissible wall signs on the subject property*

*Staff has reviewed the standards for variations and finds that the proposed wall signs meet the standards for variations, but the proposed automatic changeable copy sign and freestanding sign do not meet the standards for variations and therefore recommends partial approval of this petition.*

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

Commissioner Sweetser stated that the discussion from the prior petition would pertain to this one, but she wondered if staff wanted a specified number of permissible signs on the property and asked if that has been done. Mr. Toth answered they are proposing nine signs, which includes the existing and proposed signage. Commissioner Sweetser asked if that number needed to be stated. Mr. Toth answered that it would tie back to the approval of the variation for the nine signs.

Commissioner Burke stated he was agreeable to the automatic changeable copy sign.

Chairperson Ryan stated that along with the changeable copy sign there is also a request for a freestanding sign known as the vacuum sign. They are proposing to increase its size from 3' to 37', which he thought is excessive. He cautioned that this signage package is different than the previous petition and the motions needed to be adjusted accordingly.

Commissioner Burke clarified the types of signs being proposed mentioning the automatic changeable copy sign, freestanding vacuum sign and the wall signs.

Attorney Wagner stated that it would be easier to address each sign and make three separate motions.

- L. [100442](#) Liquor License Amendment - Beacon Hill, 2400 S. Finley Road Amending Title 11, Chapter 112 of the Village Code reflecting an increase in the Class "I" liquor license category. (DISTRICT #3)  
**Attachments:** [Agenda Form.doc](#)  
[memoincrease.doc](#)  
[ordinincrease.doc](#)  
[Ordinance 6526.pdf](#)  
[100442.pdf](#)
- M. [100453](#) Amending Title 9, Chapter 98 of the Village Code (Amusement Tax) Further amending Title 9, Chapter 98, Section 98.114(A)(1) of the Lombard Village Code to include archery, shooting galleries and shooting ranges with the list of sport or games subject to the amusement tax. (DISTRICTS - ALL)  
**Attachments:** [Ordinance 6527.pdf](#)  
[100453.pdf](#)

## Resolutions

- N. [100364](#) Release of Executive Session Minutes  
Resolution authorizing the Village Clerk to make certain closed session meeting minutes available for public inspection.  
**Attachments:** [R 27-11.pdf](#)  
[100364.pdf](#)
- O. [100473](#) 2011 Concrete Rehabilitation and Utility Cuts Patching Change Order No. 2

Reflecting an increase in the amount of \$183,495.00 to the contract with G & M Cement Construction. (DISTRICTS - ALL)

**Attachments:** [100473.pdf](#)

[R 28-11.pdf](#)

[Change Order 2 G&M Gement.pdf](#)

*Dratnol: passed out a revised change order to committee members. Reviewed the change order items with committee.*

- P. [100476](#) Route 53 Storm Water Pump Station, Design Engineering Amendment No. 1  
Authorizing an increase in the amount of \$19,807.00 to the contract with Baxter & Woodman, Inc. (DISTRICT #1)

**Attachments:** [100476.pdf](#)

[Agreement to Amend Contract.pdf](#)

[R 29-11.pdf](#)

- Q. [100484](#) Olde Towne East, Phase 5, Change Order No. 2  
Reflecting a decrease to the contract with ALamp Concrete Contractors in the amount of \$12,650.92. (DISTRICT #4)

**Attachments:** [100484.pdf](#)

[R 30-11.pdf](#)

[Change Order 2- Alamp.pdf](#)

*Dratnol reviewed the item with committee.*

- R. [100487](#) Regency Place Development - Grant of Easement  
Authorizing signatures of the Village President and Clerk on a Grant of Easement Agreement relative to the construction of watermain and fire hydrants on the Regency Place development located in the City of Oakbrook Terrace. (DISTRICT - OUTSIDE VILLAGE LIMITS)

**Attachments:** [Grant of Easement.pdf](#)

[100487.pdf](#)

[R 31-11.pdf](#)

- S. [100488](#) Regency Place Development - Public Improvements  
Accepting Public Watermain and Fire Hydrants at Regency Place within the Corporate Boundaries of Oakbrook Terrace. (DISTRICT - OUTSIDE VILLAGE LIMITS)

**Attachments:** [R 32-11.pdf](#)

[Certificate of Completions.pdf](#)

[100488.pdf](#)

- T. [100489](#) Elizabeth Street Interconnect With Union Pacific Railroad, Design Engineering Amendment No. 1  
Authorizing an increase in the amount of \$4,081.17 to the contract with V3 Companies. (DISTRICT #1)

**Attachments:** [100489.pdf](#)  
[R 33-11.pdf](#)  
[Agreement to amend contract V3.pdf](#)  
[Amendment to Contract V3.pdf](#)

- U.**     [100494](#)     Agreement Between RedSpeed Illinois, LLC and the Village of Lombard Resolution authorizing the termination of the Agreement between the RedSpeed Illinois, LLC and the Village of Lombard for an Automated Traffic Law Enforcement System.

**Attachments:** [Notice of Termination.pdf](#)  
[100494.pdf](#)  
[R 33A-11.pdf](#)

### Other Matters

- V.**     [100472](#)     2011 Sewer Televising And Cleaning  
Award of a contract to United Septic, the lowest responsible bid of six bidders, in the amount of \$105,000.00. Bid in compliance with Public Act 85-1295.

**Attachments:** [100472.pdf](#)  
[Contract # SAN-11-01.pdf](#)

- W.**     [100499](#)     1141 S. Main Street (Jaycees Haunted House and Signage)  
Motion granting an extension of a temporary special event permit for the Jaycees Haunted House for the period October 8 to October 31, 2010 and allowing the use of temporary signage in the public right-of-way to November 1, 2010. (DISTRICT #6)

**Attachments:** [100499.pdf](#)

- \*X.**     [100477](#)     Alley Improvements (Lombard To Elm)  
Staff recommendation to reject all bids and enter into negotiations with John Neri Construction Co., Inc. Bid in compliance with Public Act 85-1295. (DISTRICT #5)

**Attachments:** [100477.pdf](#)

## IX. Items for Separate Action

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

- \*A1.**    [100386](#)     Text Amendments to the Sign Ordinance - Political Campaign Signs Amending Title 15, Chapter 153 of the Lombard Village Code with regard to prohibiting time restraints on political campaign signs located on residential properties. These amendments are to ensure compatibility with Public Act 96-904 with an effective date of January 1, 2011. (DISTRICTS - ALL)

**Attachments:** [Political Sign Text Amendments.doc](#)

[Amending Sign Ord - Political Campaign Signs - Public Act 96-904.doc](#)

[Ordinance 6528.pdf](#)

[100386.pdf](#)

*Village Manager Hulseberg indicated that the ordinance revisions are intended to match the Village Code with the State Law that will take effect January 1, 2011.*

*Trustee Wilson inquired if the Village can be more restrictive than the State.*

*Village Attorney Tom Bayer indicated State Law supercedes.*

*Trustee Fitzpatrick indicated this may be premature as this policy was discussed and some changes have been made. She felt this was too complicated and too problematic. The question is the length of time signs can be up and the size. She recommended postponing action.*

*President Mueller suggested postponing this to the second meeting in October and have all of the Board members present.*

*Trustee Fitzpatrick suggested tabling action to September 16th.*

**\*A2.** [100486](#)

Text Amendments to the Lombard Village Code - Temporary Signs  
Amending Title 15, Chapter 153 of the Lombard Village Code with  
regard to Temporary Signs. (DISTRICTS - ALL)

**Attachments:** [Ordinance 6529.pdf](#)

[100486.pdf](#)



**Other Ordinances on First Reading**

- A. [100425](#) SPA 10-02ph: 215 E. Roosevelt (V-Land Highland/Roosevelt Planned Development)  
Requests site plan approval of a deviation from Section 153.505(B)(19)(b)(1)(a) of the Lombard Sign Ordinance to increase the maximum allowable area of a wall sign from thirty-two and one-half (32.5) square feet to no larger than forty-eight (48) square feet in the B4APD Roosevelt Road Corridor District, Planned Development. (DISTRICT #6)

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

[Cover Sheet.doc](#)

[DAH referral memo.doc](#)

[DAH referral memo2.doc](#)

[DAH referral memo3.doc](#)

[PH notice SPA 10-02ph.doc](#)

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

[Report SPA 10-02ph.doc](#)

[100425.pdf](#)

[Ordinance 6535.pdf](#)

*Terry Doyle of Doyle Signs, 232 Interstate Road, Addison, IL, is representing the contract for CD One Price Cleaners. CD One Price Cleaners opened their 215 E. Roosevelt location in April 2008. The location is a high profile location and should generate a reasonable amount of business. This location has been struggling to survive. The people that operate CD One Price Cleaners have 30 stores in the metro area. This particular location is 18% below average revenue than the 5 other stores that are located closest to the Lombard area. The most apparent difference is that the Lombard store has the smallest exterior identification sign of all 30 locations. When considering that this location is in the Roosevelt Road Corridor, is set back 75 feet from the property line and has a façade area of 837 square feet you would expect that this business would be allowed a sign that is somewhat larger than the Village Code permits. The Village Code states that if your business is located in the B4A District, the size and scale is greater than what is permitted in other districts. This sounds reasonable and appropriate. If you are a small business with 32'6" of frontage on Roosevelt Road and are setback 75 feet from the property line, the same ordinance restricts your wall sign area to the same size sign of that of a business (on the sidewalk) of the B5 District. This does not make sense and is the complete opposite of what the ordinance states. The existing sign for CD One Price Cleaners is less than 4% of the façade area of the storefront façade. It's too small. It should be larger than a sign permitted in the downtown with the same frontage. The proposed replacement sign is composed of a 3'6" opaque logo with silhouette illumination and a set of individual "CD One Price Cleaners" illuminated letters. The Village interpretation is that the sign is 88.4 square feet of area (in a rectangle). This includes 42.3 square feet of blank brick wall. If you measure the area of the actual sign it is only 46.1 square feet. Is that too much to ask for if the sign is in the Roosevelt Road Corridor and set back 75 feet? The 75 foot setback is 62% of the 120 foot setback where the ordinance allows the sign to automatically double in size. The ordinance agrees that the further the sign is set back the more difficult it is to read. If the sign area*

permitted in the B5 downtown (for businesses located at the sidewalk) is the same size that is allowed for a business on Roosevelt Road, it makes sense to allow an increase in sign area and not restrict every business that doesn't have a 120 setback to the size allowed in the B5. It doesn't make any sense and the ordinance is an imperfect guideline for sign sizes, especially wall signs.

Mr. Doyle stated that the staff report indicates that we have not met the standards for variations, more specifically 1, 2 and 4. He referred to standard #1 and stated that it is unfair that the signage is more restricted at their location than it is in the downtown central core. It is a hardship to a business located on Roosevelt Road. Referring to standard #2, he mentioned another sign variation that was granted to the business to the west. He stated that the variation was granted for a 160 square foot sign with only 60 feet of frontage. The CD building façade is 28' in height and the sign is lost in the façade. Referring to standard #4, he stated that the hardship is caused by the ordinance because it limits the size of a sign on Roosevelt Road to that of a sign in the downtown business core (located at the sidewalk), obviously contradicting statements of both zoning districts.

Mr. Doyle then referred to the photos and architect line drawings of the sign and stated that the photos are all in scale and that you can see the existing and proposed signs. It's the same size sign that exists on another CD One Price Cleaners on Roosevelt Road about 5 miles to the west. We believe that it is a reasonable request based upon the setback, size of the façade and surrounding conditions on the Roosevelt Road location. Unfortunately, CD One Price Cleaners has a handicap because their name is long, but all other conditions are reasonable for the variation request.

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

Chairperson Ryan then requested the staff report.

Christopher Stilling, Assistant Community Development Director, presented the staff report. Doyle Signs is proposing to replace an existing wall sign and install a larger wall sign for the tenant space being occupied by CD One Price Cleaners located at 215 E. Roosevelt Road. The proposed sign on the building's front façade is approximately eighty-eight and four-tenths (88.4) square feet where a maximum of thirty-two and one half (32.5) square feet is permitted by the Sign Ordinance. Therefore, a site plan approval with a deviation for sign size is required.

The existing CD One Price Cleaners is seeking to replace their existing wall sign with a larger sign of similar design. The existing sign is approximately 32.5 square feet in area which is the maximum allowed by code. The petitioner is seeking to increase the size of the sign to 88.4 square feet in area.

In the B4A Roosevelt Road Corridor District, when a tenant's wall sign is less than one-hundred twenty feet (120') from the nearest property line, the maximum size of a wall sign for a multi-tenant unit is one times the lineal front footage of the tenant space. As the proposed wall sign will be approximately seventy feet (70') from the front property line along Roosevelt Road and the tenant space is approximately thirty-two and one half (32.5) lineal feet, the tenant would be entitled to thirty-two and one half (32.5) feet of signage area.

The petitioner's proposed wall sign on the building's front façade is

*approximately eighty-eight and four-tenths (88.4) square feet. In the Standards to Variations, the petitioner states that the request for additional square footage is to allow the wall sign to be more legible as thirty-two and one half (32.5) feet of signage area is not effective or easily readable from Roosevelt Road.*

*In 2006, staff initiated PC 06-26, which proposed text amendments to the Sign Ordinance to clarify that the area of a wall sign should be calculated as the smallest rectangular shape that could completely enclose the sign. Staff had historically performed the calculations of signage area in the same manner. These amendments were proposed and adopted to prevent applicants from using another geometric shape, such as a polygon, as the basis for additional signage area.*

*The proposed sign contains the business' name "CD One Price Cleaners" as well as the corporate logo. The logo itself is three-and one-half feet in height, while the text is twenty (20) inches in height. The relative size of the logo is the direct cause of the excessive square footage. Wall signage relief had been granted to the Buffalo Wild Wings located to the west at 207 E Roosevelt (SPA 08-02ph). In that case, the wall signage was supported because the actual size of the illuminated sign was less than what was allowed by the Sign Ordinance. The relief was granted to address the trade dress, consisting of the yellow and black/white checkerboard painted on the building itself. In that case both staff and the Plan Commission felt that relief did not have the same visual effect as standard signage. Another notable case in the Village includes the recently closed Hollywood Video within the High Point Shopping Center, which consisted of several unique color schemes unique to their building prototype. When viewed in that context, the proposed sign package was deemed not to be intrusive and was approved.*

*Staff finds that the existing sign is already legible from Roosevelt Road and the proposed signage is a matter of preference. Also, the indicated hardships do not constitute a physical hardship associated with the property as all businesses along Roosevelt Road are required to meet the same wall sign size provisions. The Plan Commission recently denied a request by Cricket Wireless for a wall sign deviation in the High Pointe Shopping Center. As in this case, the Cricket sign exceeded code because of the corporate "K" logo.*

*The Comprehensive Plan identifies the site for Community Commercial uses. The existing use is therefore consistent with the Comprehensive Plan.*

*The subject property is bordered on the east and west by other existing retail commercial uses. Roosevelt Road has traditionally included a substantial number of stand-alone and integrated shopping center developments. While selected establishments within the corridor have received signage variations, the petitioner's request would not be consistent with the planned development in which it exists.*

*Staff offers the following responses to the Standards for Variation:*

*1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

*Staff finds that there are no conditions related to the property that prevent compliance with the signage size regulations. The subject tenant space does not*

*have physical surroundings, shape, or topographical features that differ substantially from other corner tenant spaces within the planned development or those otherwise in close proximity. Furthermore, each tenant spaces in the planned development are located within close proximity to Roosevelt Road. Other tenants located in this building have successfully operated with wall signs of twenty-five (25) square feet or less.*

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

*Staff finds that there are no conditions unique to the subject property. There are many tenant spaces within the planned development and nearby on Roosevelt Road that have the similar configurations and are subject to the same signage regulations.*

*4. The alleged difficulty or hardship is caused by this ordinance and has not been create by any person presently having an interest in the property.*

*Staff finds that the sign could be constructed per the ordinance requirements either by reducing the overall size of the sign or reducing the height of the logo. The hardship has been created by the tenant as a result of the preference for a particular letter in this sign's design.*

*Staff has concerns about the precedent that would be established if the proposed request was to be granted. Multiple other tenants within the planned development, including those adjacent to the subject tenant space and others located further away from Roosevelt Road, have been able to meet the established signage size regulations. Should this request be granted, it would strengthen the case of similar requests for other such tenant spaces.*

*Staff also notes that if this request were granted, future occupants of the subject tenant space would maintain the rights to a larger wall sign. Future signs could potentially have greater bulk than the one proposed as future tenants could make use of surface area that the CD One Price Cleaners sign would leave vacant.*

*The Department of Community Development has determined that the information presented has not affirmed the Standards for Variations. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion denying the aforementioned deviation.*

*Mr. Stilling noted that the Plan Commission has the final decision in this case, unless the petitioner files an appeal, at which point it would go to the Village Board.*

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

*Commissioner Burke stated he agreed with the staff report.*

*Commissioner Flint stated he understood the petitioner's position and situation but felt that this would be setting a precedence.*

*Commissioner Sweetser questioned what the square footage of the sign would be*

*without the logo. Mr. Stilling stated that even if the logo were to be removed, the sign would be around forty-seven square feet, which is still too large. Village Manager David Hulseberg noted he had no comments. Trustee Ware stated that he met with staff and requested that this matter be tabled to September 16.*

**Ordinances on Second Reading**

**Resolutions**

**Other Matters**

**X. Agenda Items for Discussion**

**XI. Executive Session**

**XII. Reconvene**

**XIII Adjournment**

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