

Village of Lombard

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



Meeting Agenda

Thursday, November 19, 2009

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

[090740](#) Proclamation - Lombard Park District Gold Medal Award

Attachments: [090740.pdf](#)

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 Dick Tross, Chairperson

Board of Local Improvements - Trustee Richard J. Tross, 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. [090707](#) Approval of Accounts Payable
For the period ending November 6, 2009 in the amount of \$238,199.64.

- B. [090730](#) Approval of Village Payroll
For the period ending November 7, 2009 in the amount of \$864,358.47.
- C. [090731](#) Approval of Accounts Payable
For the period ending November 13, 2009 in the amount of \$342,521.29.

Ordinances on First Reading (Waiver of First Requested)

- D. [090601](#) PC 09-26: Text Amendments to the Lombard Sign Ordinance
The Village of Lombard is proposing text amendments to the Lombard Sign Ordinance with regard to temporary signage.

Attachments: [DAH referral memo.doc](#)
[Cover Sheet.doc](#)
[PUBLIC NOTICE 09-26.doc](#)
[ReferralLetter 09-26.doc](#)
[Report 09-26 3.doc](#)
[Presentation BOT.ppt](#)
[Presentation2.ppt](#)
[Ordinance 6412.pdf](#)
[090601.pdf](#)
[090601-II.pdf](#)
[090601.pdf](#)

Christopher Stilling, Assistant Director of Community Development, presented the petition. He stated that he will be providing a PowerPoint presentation to discuss the proposed text amendments. He said the goals of the proposed amendments to the Sign Ordinance is to create consistency, while still keeping with the intent and format of the existing Ordinance with regards to size, location and permitted number of signs.

Mr. Stilling explained some of the current inconsistencies with the Sign Ordinance related to real estate, political campaign, development, and "other temporary signs (banner, window, inflatable, etc)".

Mr. Stilling indicated that the proposed changes would create more consistency and that real estate, political campaign, development, and "other temporary signs (banner, window, inflatable, etc)" would still remain as separate categories. However, regulations will be based on land use. Mr. Stilling then explained the changes made for each section of the Code.

Mr. Stilling explained that certain definitions were amended or created where necessary to ensure consistency and clarity. Lastly, Mr. Stilling discussed how the proposed text amendments addressed the comments and concerns raised at the Plan Commission workshop held on August 17, 2009 particularly as they relate to signage on residential properties as it relates to different land uses (churches, schools, etc), creating definitions for the temporary signage and illumination of signage.

Mr. Stilling stated that staff has addressed the required standards for the text amendments and that staff recommends that the Plan Commission approve the

changes as proposed.

Chairperson Ryan then opened the meeting for public comment. No one spoke for or against the petition.

Chairperson Ryan opened the meeting for comments from the Plan Commission.

Commissioner Sweetser stated that the new changes would prohibit inflatable signs in the attached, detached and two-family dwelling units. She then asked staff to clarify the definitions for balloons signs and inflatable signs for easier reading.

President Mueller noted that Trustee Moreau and Trustee Fitzpatrick had both requested this item be removed from Consent Agenda.

Manager Dave Hulseberg indicated staff would answer any questions.

Trustee Moreau questioned the size of signage to be allowed and also the time limits.

Trustee Fitzpatrick commented regarding political signs and questioned the time limit for leaving political signs up. She questioned the proposed changes compared to other municipalities in the area. She felt the maximum should be sixteen square feet and no longer than sixty days for political signs. She felt ninety days was too long.

Director Heniff indicated that staff was working to try and improve the sign ordinance. The intent was to ensure that the Village has some levels of uniformity regarding sign provisions and the proposed changes were attempting to generate parameters that were previously set but also areas that need strengthening. He felt this would tie the zoning regulations into a more definitive criteria. He stated staff was looking at the square footage of signs and not the content of the sign whether it was political or real estate related. Trustee Fitzpatrick felt the Village's sign ordinance did not compare to other surrounding village's sign ordinances. She felt 16 square foot signs should be allowed and that 60 days should be the maximum, that 90 days was too long. She noted that it would be easier for political candidates if the sign ordinances for all of the municipalities were the same. She felt 10 days to remove the sign was adequate.

Trustee Ware spoke regarding signs in residential areas such as multi-family units, small condos and two, three and four-flats. He also spoke about signs on North Avenue and Roosevelt Road.

Trustee Wilson questioned the difference in sizes for the political signs versus the real estate signs and thought the size should not be contingent upon the content.

Director Heniff stated staff was trying to strike a balance and was looking at temporary signage and permanent signage.

Trustee Wilson questioned if there would be variances allowed from time to time.

Director Heniff indicated anyone can apply for a variance.

Trustee Wilson questioned if there was a constitutional question regarding political signs and real estate signs.

Attorney Tom Bayer felt the temporary signs should be uniform no matter what the content. He stated if we had different regulations for different types it could be viewed as unconstitutional.

Trustee Tross felt the signs should be 12 square feet and supported the 60 day time limit. He questioned the difference between political signs and real estate signs. He noted the Village Board debated this same issue 25 years ago.

Trustee Gron noted that 5 municipalities had no sign regulations as noted in the survey. He stated there was no consistency with the Village sign ordinance and sign ordinances in other municipalities. He suggested reworking the proposed

changes.

Trustee Ware felt large signs should not be allowed in residential neighborhoods where there were multi-family dwellings.

Trustee Fitzpatrick asked that other sign ordinances be analyzed and compared to the proposed Lombard ordinance.

Attorney Bayer indicated changes to the zoning ordinance requires a public hearing and that was done. The ordinance can be revised and returned to the Village Board for action.

Trustee Wilson questioned large signs on North Avenue and Roosevelt Road and the possibility of blocking the red light cameras or causing a sight issue. He noted that private property goes up to the sidewalk and was concerned that large signs may block the view of drivers.

Director Heniff indicated the clear line of sight would be addressed.

President Mueller indicated that during election he received more complaints about political signs in residential areas. He felt the signs were not attractive and he was opposed to the 32 square foot signs. He felt the 90 days was too long. He noted that an election in April would allow signs to go up in January. He felt the real estate signs should also be address at large complexes as the due to the economy there are constant vacancies at large developments. He felt that at some point these signs need to be taken down and not be allowed to remain up consistently. He stated some of these large real estate signs have been up for years. He felt the owners needed to find other way to market the properties. President Mueller suggested that the Village Board not take action on the proposed changes and that staff re-visit the proposed changes and they be brought back at the first meeting in November. He asked that each Village Board member contact Director Heniff soon and give comments regarding this matter. He asked Director Heniff to then coordinate the proposed changes with legal council.

Trustee Moreau suggested that this be added to the Village website for comments.

Other Ordinances on First Reading

Ordinances on Second Reading

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

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

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

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

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

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

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

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

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

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

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

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

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

Acting Chairperson Sweetser then opened the meeting for public comment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acting Chairperson Sweetser opened the meeting for Plan Commissioner comments.

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

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

- F. [090585](#) Snow Removal in Municipal Parking Lots
Recommendation to limit parking in municipal parking lots during significant snow events. (DISTRICTS #1 & #4)

Attachments: [090585.pdf](#)
[Ordinance 6414.pdf](#)

Kalisik reviewed the item. Snead asked what the procedure would be for having vehicles removed. Chairperson Tross answered that as a rule, Lombard does not tow vehicles because by the time they came to tow, the plow will have moved on. The vehicles would be plowed around and ticketed. Chairperson Tross also requested Staff double-check the Park Ave Condos parking agreement for North Park Parking Lot prior to sending this item to the Board of Trustees.

- *G. PC 09-28: Text Amendments to the Lombard Sign, Subdivision and Development, and Zoning Ordinances (Moved to IX-B)**

- H. [090687](#) 1420 S. Meyers Road and 919 E. 14th Street
1. Authorizing the Purchase of the South Booster Station Easement Property, the Contemporaneous Termination of the Booster Station Easement in connection with purchase and approval and execution of an Access Easement Agreement for the Reciprocal Use of the Driveway on a portion of the South Booster Station Easement Property and the adjacent land thereto.
 2. Motion approving a Reciprocal Access Easement. (DISTRICT #3)

Attachments: [DAH memo- prop acquisition & easement.doc](#)
[Booster Station purchase and reciprocal access easement.doc](#)
[6415 Take 2.pdf](#)
[090687.pdf](#)

Resolutions

- I. [090701](#) 130-132 W. St. Charles Road - Downtown Retail Business Grant
Authorizing signatures of the Village President and Village Clerk on an Agreement authorizing the reimbursement of funds for a Downtown Retail Business Grant in an amount not to exceed \$20,000 for the property located at 130-132 W. St. Charles Road and known as Bricks Wood Fired Pizza. (DISTRICT #1)

Attachments: [Agreement Downtown Retail Business Prgm.pdf](#)
[R 48-10.pdf](#)
[090701.pdf](#)

Mr. Stilling summarized the request by stating that Bricks intends to relocate from their current location at 104 W. St. Charles Road to 130-132 W. St. Charles Road (most recently occupied by A La Mode Ice Cream Shop). While their business operation will remain largely the same, this relocation will allow Bricks to expand their customer seating from eight to approximately 45.

Mr. Stilling explained that renovations to the tenant space will occur mainly in the front half of the space, consisting of improvements to the dining area and food preparation/checkout area. The submitted costs estimates include \$40,815 in potentially eligible build-out, moving, signage, and rent expenditures. The applicant is eligible to receive up to \$20,000 from the Downtown Retail Business Grant program. Because the request is over \$10,000, it will require approval from the Board of Trustees. If the application is approved, Bricks will need to provide all necessary paid invoices, receipts, and waivers of lien from all contractors prior to any reimbursement.

Bill Wilson, owner of Bricks, provided some additional information to the Committee regarding the grant request. He stated that the biggest difference will be that they will have more seats and serve beer and wine.

Mr. Irion asked if the parking in the rear could be used by customers. Mr. Masterson, property owner, responded stating the parking in the rear is only for employees.

Mr. Grant asked if they intend to have any wait staff. Mr. Wilson stated that they

may have servers in the future.

- J. [090706](#) Main Street Lighting, Final Balancing Change Order No. 7
Authorizing an increase to the contract with Utility Dynamics in the amount of \$15,871.82. (DISTRICTS #1, #2, #4, #5 & #6)

Attachments: [R 49-10.pdf](#)
[Change Order 1 Utility Dynamic.pdf](#)
[090706.pdf](#)

Dratnol: last remaining item on this project.

***K. PC 05-42: 218-226 W. St. Charles Road (Moved to IX-C)**

- L. [090739](#) Signatories on Village Accounts
Regarding the designation of signatories on Village accounts due to the appointment of Brian Koehler as Assistant Finance Director.

Attachments: [R 50-10.pdf](#)
[090739.pdf](#)

Other Matters

- M. [090732](#) Sewer Root Control Chemical Treatment
Request for a waiver of bids and award of a contract to Duke's Root Control, Inc. in the amount of \$45,000.00. Public Act 85-1295 does not apply.

Attachments: [090732.pdf](#)
[Agreement Sewer Root Control.pdf](#)
[Prices.pdf](#)

- N. [090671](#) Auditing Services Contract
Authorizing a contract with Lauterbach & Amen, LLP for auditing services for FYE's 2010, 2011 and 2012 with a three year option to renew for FYE's 2013, 2014 and 2015.

Attachments: [Auditing Services Contract Memo.doc](#)
[Auditing Services Contract.pdf](#)
[Auditing Proposal.pdf](#)
[090671.pdf](#)

Director of Finance Tim Sexton explained that we are recommending that a contract be awarded to Lauterbach & Amen for the above mentioned periods based on the Village's excellent working relationship with the firm and based on a comparison of fees from a prior RFP. He explained that Lauterbach & Amen specializes in the government sector and its two partners have over 40 combined years of experience in managing government audits and are very much involved in the audit process, ensuring high-quality work is being performed. Also, the fees for the first year of the contract will not increase from current fees, and the additional years will all increase by less than 3%. Additional discussion followed.

- O. [090726](#) 147 E. Prairie Avenue

Motion to approve a Plat of Easement for a portion of a new sidewalk along the frontage of 147 E. Prairie Avenue. (DISTRICT #4)

Attachments: [BOT Memo.doc](#)
[Cover sheet.doc](#)
[090726.pdf](#)

***P. Video Gaming Survey (Moved to IX-D)**

Q. [090738](#) 2010 Strategic Plan
Request for approval of the Village of Lombard 2010 Strategic Plan.

Attachments: [SUBMIT3.doc](#)
[stratplan2010memotovb111109.doc](#)
[090738.pdf](#)

R. [090742](#) Appointments & Re-appointments - Transportation & Safety Committee and Lombard Circulator Sub-committee
Request for concurrence in the appointments of Jerry Shaefer and Geri Kuehl to the Transportation & Safety Committee and the re-appointments of Dick Tross, Jean Nolan, Dennis McNicholas, Mary Beth Lynch, Lea Anne Randell, Ron Madsen, Nicole Baker, Rebecca Smith and Jerry Buhr to the Lombard Circulator Sub-committee.

Attachments: [submitbrds11109.DOC](#)
[Committe Appointment letters 11-19.pdf](#)

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

A. [090674](#) ZBA 09-10: 418 W. Wilson Avenue
Requests that the Village approve the following actions for the subject property located within the R2 Single-Family Residence District:

1. A variation from Section 155.407(H) of the Lombard Zoning Ordinance to reduce the minimum required open space on the subject property from fifty percent (50%) to forty-two and fifty-five one-hundredths percent (42.55%).
2. A variation from Section 155.212, Table 2.1, Footnote (A) of the Lombard Zoning Ordinance to reduce the required interior side yard setback to 0.35 feet (0.35') where two feet (2') is required to allow for an open deck not over three feet (3') above the average level of the adjoining ground. (DISTRICT #2)

Attachments: [Ordinance 6420.pdf](#)
[PUBLICNOTICE 09-10.doc](#)
[apoletter 09-10.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[Referral Let 09-10.doc](#)
[Report 09-10 \(2\).doc](#)
[090674.pdf](#)

Chairperson DeFalco opened the meeting for public comment. Jack Kozar, the petitioner's attorney, 250 E. St. Charles Rd., presented the petition. He stated that his client has been before the ZBA about six months ago with a similar request. Since that time, they have talked with the Village and the neighbors. Today, they are requesting a compromise. They believe they have found a solution and are asking for the ZBA's blessing. He stated the Vittorini's wish to stay in their current residence where they have invested in their property. He stated that the first variation request is to address the open space on the property which is less than fifty percent. The second variation is to address the setback of the deck which is about one-half foot from the side property line.

Mr. Kozar addressed the first variation request. He stated that the property was non-conforming before 1990 when the open space requirement was added to the code. The property has been less than 40% open space for the past thirty years. He stated that many of the neighbors are also non-conforming. The neighbors concerns include water absorption and drainage. However, he stated that the brick pavers on the property are somewhat pervious, that the property's natural slope has not been changed, and that the petitioner has changed his gutters so that they flow away from the eastern neighbor. The last remaining gutter to be changed would go from the front of the house under the driveway to drain into the front yard. He stated that no neighbor has objected to excessive bulk on the property as identified by the Village. He stated that the first survey that was presented shows what the property has looked like for thirty years. The second survey shows what the petitioner is proposing to remove to get to 42.55% open space.

Mr. Kozar addressed the second variation request. He stated that the paver patio was built in almost exactly the same footprint as the original wood deck on the property. He stated that the issues regarding setbacks that staff has pointed out are not present in this case. He then submitted a letter from the neighbor to the west at 422 W. Wilson Avenue, Sharie Sisiliano, stating that she does not object to the variation. He stated that building the deck to two feet would cause a safety issue by creating a small ravine. The deck is not visible because of the adjacent six foot fence and should not be considered a detriment to neighbors.

Chairperson DeFalco then requested the staff report. Stuart Moynihan, Associate Planner, introduced Nick Hatfield as the Village's Private Development Engineer who was present to answer questions about drainage. Mr. Moynihan then read the staff report. The petitioner is requesting the open space and setback variations to address improvements that were made in excess of what is permitted by code, along with certain improvements made without a permit. In particular, the open deck, constructed from brick pavers, was built without a permit and is located within the required interior side yard setback. The deck, along with other recently constructed improvements, contributes to

the deficiency in open space on the property.

This petition is a follow-up on a previous petition, ZBA 09-01, which requested similar zoning relief. As part of ZBA 09-01, the petition requested a variation from the required fifty percent (50%) open space on the property to thirty-six and one-half percent (36.5%). Though the property remains currently at 36.5% open space, the petitioner has proposed to remove some impervious surfaces on the property that will bring the open space percentage up to forty-two and fifty-five one-hundredths percent (42.55%).

On June 4, 2008, a permit was issued for a garage to replace one that was destroyed by fire. The garage was to be built on the existing concrete slab. These site improvements were drawn on a plat of survey and were calculated by staff as occupying 3,779 square feet of the zoning lot. The garage permit was issued with a sticker which indicated: "Improvements shown on these plans will leave the lot with the minimum 50% required open space. No further lot coverage is permitted."

On September 16, 2008, a permit was issued to allow the replacement of the existing driveway. The permit indicated that the driveway must be constructed with the same dimensions shown on the plat of survey with the exception of a thirty (30) foot by four (4) foot parking area in the front yard. This additional parking area was allowed because the contractor verbally indicated that the deck had been removed.

Upon an inspection of the lot by Building Division staff, it was discovered that additional impervious surfaces had been constructed which were not depicted on any of the permit applications. These surfaces consist of:

- A. A two and one half foot strip of asphalt located along the eastern property line*
- B. Asphalt paving behind and to the east of the garage*
- C. A brick paver deck occupying the area to the rear and west of the residence*
- D. A brick walkway from the garage to the deck.*

As a result of this inspection, the petitioner was informed that his property did not meet the required 50% open space. Therefore, removal of impervious surfaces or a variation request would be necessary. The petitioner chose to request a variation and included a survey of the property as part of his petition. The survey indicated that the additional impervious surfaces brought the property to 36.5% open space. From the survey, staff determined that a second variation would be necessary as the brick paver deck was built 0.35 feet from the side property line where two (2) feet is required. The deck was constructed without a permit.

The petitioner applied for the two required variations and a public hearing, ZBA 09-01, was held on April 13, 2009. The Zoning Board of Appeals recommended denial of both variation requests. The Board of Trustees subsequently denied the petition on May 7, 2009.

On May 26, 2009, Village staff met with the petitioner's attorney. The attorney presented a calculation showing what the petitioner believes the open space percentage on the property was prior to the garage fire. The petitioner states that the coverage on the property was 60.34% or 4590.36 square feet. Staff calculations from the survey provided indicate that this calculation is slightly off, the coverage being 59.72% or 4543.65 square feet. However, as all of the

areas in question are proposed to be removed by the petitioner, the discrepancy does not alter the percentage of open space being requested by the petitioner. Staff is unable to confirm or deny the previous open space percentage on the property. However, it is the opinion of staff that the property probably was deficient in open space to some degree. When the fifty percent (50%) open space requirement was added to the Zoning Ordinance in 1990, the subject property became non-conforming.

The petitioner has proposed the removal of:

- A. Asphalt paving behind and to the east of the garage;
- B. Twenty feet of the brick walkway from the garage to the deck;
- C. A one-half foot strip of asphalt located along the eastern property line; and
- D. A two and one-half foot strip of asphalt located along the western edge of the driveway.

Previous to the construction of the brick paver deck at the rear of the home, a wooden deck was located in a similar position. The petitioner has indicated that this wooden deck was more than thirty years old and abutted the western property line. The 1978 Zoning Ordinance lists open terraces not over three (3) feet in height as a permitted encroachment in all required yards. No minimum side yard setback was associated with this provision. However, at the time the wooden deck was removed from the property it was a legal non-conforming structure with regard to the interior side yard setback. The removal of this deck has two effects regarding non-conformities on the subject property:

1. The property was brought into closer compliance with the requirement for fifty percent (50%) open space.
2. The legal non-conforming status of the wooden deck was brought into compliance.

Section 155.303(C) of the Zoning Ordinance states: "In the event that any nonconforming building or structure is damaged or destroyed, by any means, to the extent of more than fifty (50%) of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure shall thereafter conform to all regulations of the zoning district in which such building or structure and use are located."

Staff is not supportive of the open space variation for the following reasons:

- * The open space requirements of the Zoning Ordinance are set for the provision of open space, to preserve green space, and to maintain the aesthetics of a suburban setting.
- * The open space standards within the R2 District help to ensure that lots do not have the appearance of being overbuilt and that a more intensive use of the property is prevented.
- * The request for an open space percentage of 42.55% is substantial.
- * Impervious surfaces can inhibit the absorption of stormwater which results in additional runoff. The additional runoff can cause flooding on the subject property and surrounding properties.

For reference purposes, staff attached a table of recent cases involving open space variation requests. Staff has supported several of these cases, each for unique reasons. However, staff does not support open space variations in areas prone to flooding. Flooding in the area around 418 W. Wilson Avenue has been

documented to Private Engineering Services. Staff feels that this is a significant concern and, therefore, does not recommend approval.

Staff is not supportive of the setback variation for the deck. The required setback for decks is necessary to limit bulk on the property, to protect the privacy of neighbors, and to prevent encroachment on neighboring properties.

Mr. Moynihan addressed deficiencies in the Standards for Variations which were identified in the staff report. He also indicated that staff has included five conditions that the ZBA should consider should they decide to recommend approval.

Chairperson DeFalco asked for comments from the members of the ZBA.

Mr. Tap asked if the neighbor to the west is the same as during the first request.

Mr. Kozar stated that it is.

Chairperson DeFalco asked if the driveway was originally permitted as two and one-half feet from the property line.

Mr. Moynihan stated that this was what the permit depicted. However, the petitioner had provided some pictures during the last public hearing that indicated that it had been closer to the property line.

Mr. Kozar stated that the petitioner would remove one-half foot of this area and some area on the west side of the driveway.

Chairperson DeFalco asked if the gutters on the garage had been adjusted.

Mr. Kozar stated that they had been made to discharge into the backyard.

Mrs. Newman stated that this would just delay the water moving to the east.

Mr. Kozar stated that this is the natural drainage flow but some water would be absorbed in the backyard.

Mr. Newman stated that the open space was still an issue.

Mr. Kozar stated that there is not much else to remove in the backyard except the garage.

Mr. Tap asked about the validity of the survey from the previous public hearing case.

Mr. Kozar stated that an accurate survey was provided then and now. There were some inaccuracies in the permitting process that were at issue.

Chairperson DeFalco asked Nick Hatfield if he had viewed the property.

Mr. Hatfield stated that he had done so.

Chairperson DeFalco asked if the driveway was pitched to the east.

Mr. Hatfield stated that there was some pitch and that some water had been moving to the east when it was raining during his visit.

Chairperson DeFalco asked if removing the one-half foot would present any opportunity to fix the problem.

Mr. Hatfield stated that a trench backfilled with stone could be installed where the driveway was being removed to help direct some water toward the street.

Chairperson DeFalco asked about the \$10,000 backyard drainage grant.

Mr. Hatfield stated that this is a 50% reimbursement and would be applied to the backyard issue specifically.

Mr. Vittorini stated that installing something in his backyard probably wouldn't help his neighbors because he is higher up than them.

Mr. Hatfield stated that this statement was accurate. He suggested that Mr. Vittorini work with his neighbors to install something in the low spot of the area.

Chairperson DeFalco asked if the neighbor to the east was present.

Al Rutherford, 414 W. Wilson Ave., stated that he is the neighbor to the east. He stated that the issue is the way the driveway is sloped from the front to the backyard. He asked that the driveway be returned to level from east to west.

Chairperson DeFalco asked him about Mr. Hatfield's trenching suggestion.

Mr. Rutherford stated that he did not think this would help much as the issue primarily occurs from the front of the house back to the garage where the driveway is sloped toward his property.

Mr. Vittorini stated that this slope was not changed. He stated that the garage had to be raised as part of the reconstruction.

Chairperson DeFalco stated that it sounded like the driveway is pitching to the east and the north. He asked Mr. Hatfield if trenching would work better if it started at the garage rather than the fence which is further south.

Mr. Hatfield stated that this would probably add some benefit but water would still end up at the low point of the neighborhood.

Mr. Kozar asked Mr. Rutherford if he has had any standing water since the gutters had been moved.

Mr. Rutherford stated that he had not had very much.

Mr. Kozar asked if he has had any water in his house.

Mr. Rutherford stated that he had not.

Mr. Tap asked if the high point of the driveway was where the end of the fence is located.

Mr. Vittorini stated that it is pretty close.

Mr. Tap asked if it would be possible to extend the trench past the fence to the garage.

Mr. Vittorini stated that he would have to remove his fence to do that.

Chairperson DeFalco asked if anyone was ready to make a motion. He stated that he did not see an issue with approving the first variation.

Mr. Tap stated that he would be more comfortable if some progress was made toward alleviating the flooding in the area.

Chairperson DeFalco stated that he thought the Board of Trustees should direct staff to work with the neighbors on this issue if appropriate.

Mr. Tap suggested that the trenching be added as a condition in the staff report.

Ordinances on Second Reading

- *B. [090665](#) PC 09-28: Text Amendments to the Lombard Sign, Subdivision and Development, and Zoning Ordinances
The Village of Lombard requests text amendments to the following relevant chapters and definition of the Lombard Code of Ordinances: Chapter 153: Signs, Chapter 154: Subdivisions and Development, and Chapter 155: Zoning Code. These text amendments are intended to: address the proper roles and responsibilities of Lombard staff, correct references pertaining to the Illinois Compiled Statutes, and update definitions for clarity and consistency. (DISTRICTS - ALL)

Attachments: [Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PUBLIC NOTICE 09-16.doc](#)
[ReferralLetter 09-28.doc](#)
[Report 09-28.doc](#)
[Ordinance 6416.pdf](#)
[Ordinance 6417.pdf](#)
[Ordinance 6418.pdf](#)
[Ordinance 6419.pdf](#)
[090665.pdf](#)

Chairperson Ryan reread the public hearing request and indicated to staff that the word compiled in the public hearing agenda should be compiled.

Stuart Moynihan, Associate Planner, presented the petition. The text amendments are intended to address the proper roles and responsibilities of Lombard staff, correct references pertaining to the Illinois Compiled Statutes and update definitions for clarity and consistency.

The Department of Community Development has reviewed the above indicated ordinances, along with Chapter 151: Flood Control and Chapter 152: Planning, as a result of the recent movement of the Building Division, formerly the Bureau of Inspectional Services (BIS), into the Department of Community Development. Staff has specifically looked for references to BIS and for now obsolete references relating to administrative procedures and personnel

responsibilities. Staff has also looked for references to the Illinois Compiled Statutes for necessary corrections. For instances in which there were references to procedures and staff responsibilities that were unclear or incorrect, the Director of Community Development has determined how such procedures and responsibilities will be performed and by whom. Companion changes to Chapter 150: Building were adopted by the Village Board in September, 2009. Edits to Chapters 151: Flood Control and 152: Planning are not reviewed by the Plan Commission but will be transmitted concurrently with the other text amendments to Board of Trustees.

On August 23, 2009, the Bureau of Inspectional Services (BIS) was moved from the Fire Department into the Department of Community Development. The Bureau of Inspectional Services (BIS) is now referred to as the Building Division of the Department of Community Development. As a result, a number of references within the Lombard Code of Ordinances have become incorrect or obsolete. These references most often pertain to the roles and responsibilities of Lombard staff within the Fire Department and the Department of Community Development. Also, direct references to BIS are proposed to be revised to refer to the Building Division.

Staff has reviewed Chapter 153: Signs, Chapter 154: Subdivisions and Development, and Chapter 155: Zoning Code for such references relating to administrative procedures and personnel responsibilities. Staff has also looked for references to the Illinois Revised Statutes/Illinois Compiled Statutes for necessary corrections. Further, staff is proposing text amendments to the definitional sections of these Chapters as necessary for clarity and consistency. Staff is proposing to add definitions for specific staff positions in the definitional section of the Zoning Ordinance and Sign Ordinance.

Staff read from the Standards for Text Amendments. The proposed amendments are not intended to benefit any specific property but would correct and/or clarify the responsibilities of Village staff. These amendments are being proposed in order to allow for proper functioning of Village staff and the proper application of Village codes. The zoning district regulations will only be affected with regard to application and enforcement. The proposed amendment would not create any non-conforming situations. The proposed amendments would not make Village codes more or less permissive. Staff believes that the proposed text amendments are consistent with the Comprehensive Plan. The amendment is intended to ensure that Village staff can apply Village codes in a manner consistent with the Plan. The amendments are consistent with the staffing directives set forth by the Village Manager and previously approved by the Village Board.

Mr. Moynihan stated that staff recommends that the Plan Commission approve the changes as proposed.

Chairperson Ryan then opened the meeting for public comment. No one spoke for or against the petition.

Chairperson Ryan opened the meeting for comments from the Plan Commission.

The Commissioners had no comments.

Resolutions

- *C. [090728](#) PC 05-42: 218-226 W. St. Charles Road
Authorizing signature of the Village President on a Letter of Support for
Application to the Illinois Housing Development Authority. (DISTRICT
#1)
- Attachments:** [R 51-10.pdf](#)
 [Letter.pdf](#)
 [CoverSheet Letter of Support for funding.doc](#)
 [DAH memo IHDA support letter.doc](#)
 [090728.pdf](#)

Other Matters

- *D. [090727](#) Video Gaming Survey
Request to post a Video Gaming Survey on the Village's website to
solicit input from Village residents.
- Attachments:** [090727.pdf](#)

X. Agenda Items for Discussion**XI. Executive Session****XII. Reconvene****XIII Adjournment**

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