

January 3, 2008

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 07-33: 5 E. North Avenue

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant a variation from Section 153.505 (B)(6)(d)(2) of the Sign Ordinance to allow for an increase in the height of a freestanding sign from twenty five feet (25) to a height of thirty (30) feet, to the subject property located within the B3 Community Shopping District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition December 17, 2007.

Skip Spanjer of North Shore Signs, 1925 Libertyville, IL presented the petition. Mr. Spanjer stated that his client wishes to increase the height of his freestanding sign from twenty-five (25) feet to thirty (30) feet by adding to the existing steel posts. Mr. Spanjer then mentioned that the existing freestanding sign was erected prior to the barrier wall on North Avenue being built in 2003. He added that the sign is difficult to see while traveling west to east along North Avenue and increasing the height would allow a better viewing distance. Mr. Spanjer then stated that increasing the height would make it easier for potential customers to see the sign then be able to slow down and make a safe turn into the gas station. He added that staff took two excellent pictures of the existing conditions. Mr. Spanjer finished by again stating that an additional five (5) feet in height would help people see the sign while traveling eastbound along North Avenue.

Chairperson Ryan then opened the meeting for public comment.

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Mohammed Hockla, owner of the Philips 66 gas station, at 5 E. North Avenue, Lombard, IL spoke on his concerns of condition number three listed in the staff report, which pertains to the burying of the overhead line. Mr. Hockla stated that the condition to bury the overhead line is already listed as a condition of approval for his 25 E. North Avenue development. He added that condition number three listed in the staff report would only delay his sign permit. Mr. Hockla stated that it would take a lot of time to coordinate the burying of the line.

Chairperson Ryan then requested the staff report.

William Heniff, Senior Planner, presented the staff report which is submitted to the public record. Mr. Heniff stated that the petitioner wishes to increase the height of his freestanding sign from twenty-five (25) to thirty (30) feet. He added that in 2003 a barrier wall was built to the west of the subject property along North Avenue, which creates a visual barrier. Mr. Heniff stated that staff can conceptually support the variation as the hardship was created by the barrier wall and by no actions of the property owner. He added that increasing the visibility of the sign would allow people traveling eastbound along North Avenue to see the sign and slow down in time to make a safe turn into the gas station.

Mr. Heniff then stated that the proposed sign would only create minimal visual or light impacts on the surrounding properties as the sign is approximately 370 feet from the home at 680 N. Charlotte Street. He noted that staff superimposed the sign in Photoshop to illustrate how the neighboring properties would view it.

Mr. Heniff made note to condition three of the staff report, which pertains to the burying of the overhead line. He stated that burying the line would reduce the visual impact of the property, which was required of the 25 E. North Avenue development.

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

Commissioner Sweetser asked how the timeline for condition number three of the staff report would work.

Mr. Heniff stated that permit for burying the overhead line would have to be concurrent with the freestanding sign permit or the development of 25 E. North Ave., whichever is first.

Commissioner Sweetser stated that weather conditions could delay the burial of the overhead line.

Mr. Heniff added that they could not obtain the sign permit without addressing the burial of the overhead line because staff would have no mechanism to ensure that the line actually gets buried.

Commissioner Sweetser stated that she was unsure of the implementation process for the burying of the line.

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Mr. Heniff responded to Commissioner Sweetser's comment by stating that the burial of the cable would have to be done either in conjunction with the sign permit or the 25 E. North development.

Chairperson Ryan stated that getting the electric company out to the site could take time. He then asked how this would affect the sign permit.

Mr. Heniff stated that the petitioner would have to apply for permit for burial permit concurrently with the sign permit. He added that there might be scheduling issues. He then added that the petitioner could get the burial permit before the sign permit is approved. The objective is that staff does not want them to erect the sign without the burial of the overhead line.

Chairperson Ryan then asked if the burial does not have to come before to the sign permit.

Mr. Heniff stated that the permits could be issued at the same time or burial could be done before the sign permit. He then added that there could be no sign permit without the burial permit.

Commissioner Burke added that just because the petitioner gets a permit, it does not mean he has to perform the work. He stated that the petitioner could erect the sign then sit on the burial permit.

Mr. Heniff stated that the Plan Commission could amend condition number three to state that the burial must occur before sign permit is issued.

Chairperson Ryan stated that he was against amending condition number three to state that the burial has to be completed first. He added that the petitioner would be dealing with the electric company, which is already two years behind.

Commissioner Sweetser stated that just because they get a permit doesn't mean that there is a completion date.

Mr. Heniff replied that the permit would have to be completed in a timely manner or it would expire.

Commissioner Sweetser stated that the Commission should determine leverage with a reasonable completion date.

Mr. Heniff added that the Plan Commission would want to make sure there is a nexus to the burial of the line, but take into consideration that this is winter. He stated that an example would be to complete the burial within 6 months.

Commissioner Burke stated that the burial should occur at least within six months, but that provision could be arbitrary and provides no leverage.

Mr. Heniff stated that the Plan Commission should make sure that the conditions are satisfied.

Commissioner Burke then asked how important is it to staff to have cable lines buried.

Mr. Heniff stated that it is very important to get it done because if 25 E. North never gets developed then the line would not get buried.

Commissioner Burke suggested that the conditions should be approved, as written.

Chairperson Ryan stated that if the wall went up after the sign was built then we are penalizing him with this condition. He added that the timeframe for this sign along with the other location would be enough leverage to get the line buried.

Commissioner Burke stated that the petitioner should go ahead and put the sign up then deal with ComEd and attach a fine as an incentive to bury the line.

Mr. Heniff stated that if work is not done then the variation could be revoked which would require the sign to be taken down if the line is not buried.

Commissioner Olbrysh stated that the petitioner should not be penalized if the permit expires because of ComEd.

Chairperson Ryan stated that the Plan Commission should come up with compromise.

Counselor Wagner stated that another alternative would be that the line must be buried within six months to a year.

Commissioner Nelson asked if the Commissioners would even be talking about the burial issue without the signage request.

Mr. Heniff replied that they are two different issues but the burial of the line is a condition of the petition.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed variation does comply with the standards of the Lombard Zoning and Sign Ordinances and is in the public interest. Therefore, the Plan Commission, by a roll call vote of 5-0, recommended to the Corporate Authorities **approval** of the petition associated with PC 07-33 subject to the following conditions, as amended:

1. The approved sign shall be designed and constructed consistent with the drawings of the proposed sign prepared by North Shore Sign, dated November 5, 2007 and the Site Plan, prepared by Illini Consulting Group, Inc, dated January 8, 1998, and shall not exceed thirty feet in height.

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2. The petitioner shall apply for and receive a building permit from the Village prior to making any modifications to the sign.
3. The property owner/petitioner shall bury any electrical service lines required to serve the subject property. Compliance shall consist of the removal of the existing overhead electric line crossing Main Street, which serves the subject property and replacing the overhead line with a buried line to be located underneath Main Street and/or North Avenue, with buried service lines to the buildings and structures on the subject property. The utility line burial shall be completed within one year from the date of Ordinance approval. If the one year completion date cannot be met as a result of actions beyond of the petitioner's control, this time period may be extended by the Director of Community Development. The petitioner shall apply for the utility burial permit concurrent with the sign permit.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission