

Village of Lombard

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



Meeting Minutes

Monday, March 21, 2011

7:30 PM

Village Hall

Plan Commission

*Donald F. Ryan, Chairperson
Commissioners: Martin Burke,
Stephen Flint, Ronald Olbrysh,
Ruth Sweetser and Andrea Cooper
Staff Liaison: Christopher Stilling*

Call to Order

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Chairperson Ryan called the meeting to order at 7:30 p.m.

Pledge of Allegiance

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Chairperson Ryan led the Pledge of Allegiance.

Roll Call of Members

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Present: Chairperson Donald F. Ryan, Commissioner Stephen Flint, Commissioner Ruth Sweetser, Commissioner Martin Burke and Commissioner Andrea Cooper

Absent: Commissioner Ronald Olbrysh

Also present: Christopher Stilling, AICP, Assistant Director of Community Development; Michael Toth, Planner I; and George Wagner, legal counsel to the Plan Commission.

Chairperson Ryan called the order of the agenda.

[100746](#)

PC 10-20: 215 and 220 S. Lincoln Street - Request to Withdraw (Continued from the January 24, 2011 meeting)

Pursuant to Section 155.504(A) of the Lombard Zoning Ordinance (major changes to a planned development), amend the conditions of approval associated with Ordinance 5665 which granted approval of the conditional use for the St. John's Evangelical Lutheran Church & School Planned Development. The petition requests a modification and relaxation to the permissible activities within the old school building, as regulated and restricted by the previous planned development approval. (DISTRICT #1)

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Chairperson Ryan stated that the petitioner requested that this petition be withdrawn.

It was moved by Commissioner Flint, seconded by Commissioner Sweetser, that this matter be withdrawn. The motion carried by the following vote:

Aye: 4 - Flint, Sweetser, Burke and Cooper

Absent: 1 - Olbrysh

Michael Toth read the Rules of Procedures as written in the Plan Commission By-Laws.

Public Hearings

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[110141](#)

PC 11-04: 55 W. 22nd Street, Suite 200

Requests the following actions on the property located within OPD Office Planned Development District:

1. A conditional use per Section 155.412 (C) (18) of the Village of Lombard Zoning

Ordinance for a trade school. (DISTRICT #3)

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Janet Gilbreath, 23W134 Shurebrook Lane, Glen Ellyn and Hana Malik, 1S125 Ingersoll Lane, Villa Park, IL presented the petition. Ms. Gilbreath provided a brief summary of their personal background and experience. Hana and she are partners and seeking to start a nursing school in August. They selected this site to train LPN's and they will do the teaching. It will be a one-year nursing program with a maximum of 24 students in the building at one time. There will be classroom activities and theoretical coursework on site. Clinical work will occur outside the facility.

Ms. Malik provided some additional information about the layout of the facility stating that there will be only one classroom. She further stated that the primary use of this location is for theoretical instruction only. There will be no blood, by-products, chemicals or any type of bio-hazardous materials used on site.

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

No one spoke in favor or against the petition.

Chairperson Ryan then requested the staff report.

Christopher Stilling, Assistant Director of Community Development, presented the report. He stated that the Illinois College of Nursing (ICN) is requesting a conditional use for a trade school in the OPD Office Planned Development District. The primary use of the space will be for office purposes; however, they will have up to 24 nursing students there for theoretical coursework only. They have indicated that all technical training will be provided elsewhere.

The petitioner is seeking to occupy a 2,554 square foot office space in an existing three (3) story office building. Another trade school, the Illinois Center for Broadcasting, used to be located in this building, however they relocated to 455 Eisenhower Lane in 2008. The facility will primarily be used for administrative offices; however there will be one lecture room and a study area for up to twenty-four (24) students. According to the petitioner, only theoretical coursework will be occurring onsite. The clinical training is held elsewhere at hospitals and other healthcare facilities. The O Office district lists both "trade schools" and "colleges and universities" as separate conditional uses. As the proposed use is specific and specialized to nursing, staff considers the use a "trade school". The petitioner has stated that at maximum capacity will be twenty-four (24) students and three (3) employees. They have indicated that classes will be scheduled from 8AM to 2:30PM on weekdays. Staff supports the requested conditional use for the Illinois College of Nursing as it will be a relatively low-impact user and it is compatible with the other tenants on the property. Furthermore, this location has a history of being used for trade schools.

Staff finds that the existing building has sufficient parking to accommodate the proposed use. The subject property is currently improved with a total of 236 parking spaces. The existing building requires a minimum of 208 parking spaces. The proposed use requires 26 spaces (1 space per student and 2 spaces for every 3 employees) for a total required parking of 234 spaces (surplus of 2 parking spaces).

Staff believes the standards have been met and that the use is compatible with the Comprehensive Plan and surrounding land uses and therefore staff recommends approval of the conditional use subject to the conditions noted in the staff report.

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

Commissioner Sweetser stated that this use will be a welcome addition to the Village of Lombard. She also asked about accreditation. Ms. Malik indicated that they are working on that now.

Commissioner Burke asked staff to clarify condition #3. He questioned if staff was just referring to the occupancy comment. Mr. Stilling answered that they will need a life safety inspection noted by the Bureau of Fire Prevention and once they submit for a building permit there might be other comments generated.

It was moved by Commissioner Burke, seconded by Commissioner Sweetser, that this matter be recommended to the Corporate Authorities for approval subject to conditions. The motion carried by the following vote:

Aye: 4 - Flint, Sweetser, Burke and Cooper

Absent: 1 - Olbrysh

1. The petitioner shall develop the space in substantial conformance with the floor plan prepared by DD MR Planning, dated February 2, 2011.

2. Illinois College of Nursing shall be limited to a maximum enrollment of twenty-four (24) students. Should they wish to increase enrollment, the university shall seek a conditional use amendment along with any other necessary zoning relief. Consideration of the requested relief shall be subject to review by the Village as part of a public hearing petition.

3. As part of the approval, the petitioner shall also address the comments included within the IDRC Report.

110143

PC 11-05: 67 W. Eisenhower Lane South

Requests that the Village take the following actions on the subject property located within the I Industrial District:

1. A conditional use, per Section 155.420 (C) (8) of the Village of Lombard Zoning Ordinance, for a catering business. (DISTRICT #3)

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James Marcantonio, 21W533 Monticello Rd., Glen Ellyn, IL presented the petition. He stated that they are seeking to use the property as a catering business. He stated that all cooking will be on the lunch truck and the unit will be used to store the food and cut meat in the morning. When the process is completed, the food is transferred to the truck where it will be sold.

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

No one spoke in favor or against the petition.

Chairperson Ryan then requested the staff report.

Christopher Stilling, Assistant Director of Community Development, presented the report. He stated that the subject property is located within the Yorkbrook Industrial Park, which contains a mix of warehousing, office, light manufacturing and light industrial uses. The petitioner is seeking to occupy a 1,500 square foot tenant space for a catering business. The business will be storing, preparing and packaging food that will be sold off site on a truck. According to the petitioner, all cooking will be on the truck. However, the site will be used to make sandwiches and cut meat. The petitioner has indicated that the vehicles will be stored inside the building. Since this will function as a catering business, conditional use approval is required.

The petitioner is seeking to occupy a 1,500 square foot tenant space for a catering business in an existing 70,000 square foot multi-tenant industrial building. According to the information provided by the petitioner, the business will be storing, preparing and packaging food that will be sold off site on a truck. The interior of the tenant space includes an office, prep kitchen and garage area for the storage of 1 truck. The petitioner plans to only use the space to store products and make sandwiches and cut meat. All cooking would occur on the truck during the day at various locations. The truck will be kept within the enclosed building during the overnight hours.

Pursuant to the Zoning Ordinance, catering businesses require conditional use approval within the I Industrial District. The I Industrial District also lists "Food Manufacture, Packaging & Processing" as a conditional use in the I District. As the proposed use will be selling the prepared food offsite, staff considers the use a catering business. The Plan Commission may recall a similar case heard for the property at 86-88 Eisenhower Lane North (PC 04-14). That petition was approved as a "Food Manufacture, Packaging & Processing" known as Van-Lang Food Products. Similar uses have also been approved in the North Avenue Industrial Park. As the Plan Commission and the Village Board have approved similar cases in the I Industrial District, staff supports the proposed conditional use.

An additional item for consideration pertains to the existing dumpsters on the premises. Right now, there are several dumpsters sitting in various locations throughout the site. Staff recommends that a trash enclosure area be constructed for the petitioner's dumpster, with said enclosure being designed per Village Code (solid fence of 6 to 8 feet in height).

Staff finds the standards have been met and that the use is compatible with the Comprehensive Plan and surrounding land uses and therefore staff recommends approval of the conditional use subject to the conditions noted in the staff report.

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

Commissioner Sweetser questioned condition #4 and asked if that comment included the multiple dumpsters scattered on the site. Mr. Stilling answered that it only applies to the dumpster that is associated with the business and it is a code requirement. Mr. Marcantonio stated that the DuPage County Health Department is also requiring that it be enclosed.

Commissioner Burke asked if the plans meet Health Department requirements. Mr. Stilling stated that they will need a separate permit from the Health Department which is required prior to the issuance of a building permit. Mr. Marcantonio added it has already been approved.

It was moved by Commissioner Sweetser, seconded by Commissioner Flint, that this matter be recommended to the Corporate Authorities for approval subject to conditions. The motion carried by the following vote:

Aye: 4 - Flint, Sweetser, Burke and Cooper

Absent: 1 - Olbrysh

1. The petitioner shall develop the space in substantial conformance with the floor plan attached as Exhibit A to the staff report.

2. This conditional use shall be for the tenant spaces at 67 W Eisenhower Lane South exclusively. Any expansion of the use and/or an increase of more than 1 truck

associated with the business operation shall seek a conditional use amendment along with any other necessary zoning relief. Consideration of the requested relief shall be subject to review by the Village as part of a public hearing petition.

3. As part of the approval, the petitioner shall also address the comments included within the IDRC Report.

4. Any dumpster associated with the petitioner's establishment shall be fully enclosed pursuant to Village Code.

110145

PC 11-06: Text Amendments to the Lombard Zoning Ordinance

The Village of Lombard requests a text amendment to Section 155.413(C) of the Lombard Zoning Ordinance allowing 'Outside service areas for other permitted or conditional uses in this district' to be listed as a conditional use within the B1 - Limited Neighborhood Shopping District. (DISTRICTS - ALL)

Play Video

Michael Toth, Planner I, presented the petition. The Village of Lombard is requesting a text amendment to allow 'Outside service areas for other permitted or conditional uses in this district' to be listed as a conditional use within the B1 - Limited Neighborhood Shopping District.

From a land use perspective, it is staff's opinion that the proposed use is suitable for the B1 District. The Zoning Ordinance describes the B1 - Limited Neighborhood Shopping District as an area intended to provide convenience shopping for persons residing in adjacent residential areas, and to permit only such uses as are necessary to satisfy those basic shopping needs which occur daily or frequently and so require shopping facilities in relative proximity to places of residence. As such, the proposed use is consistent with the intent of the B1 District. Lastly, staff believes that the B1 District does not differ from the B2 - General Neighborhood Shopping District with regard to adjacency to residential properties and potential impacts on such residential properties.

The proposed use is intended to function only as an ancillary use to any business that is legally established within the applicable zoning district. An outside service area can range in the types of activities associated with such use. A restaurant providing outdoor dining could be classified as having an 'outside service area'. As a restaurant is a permitted use in the B1 District, an outside service area would be permissible as a conditional use. The outdoor storage area of related product could also be classified as an outside service area, as long as the use is lawfully established. Designating an outside service area as a conditional use allows for each plan to be assessed on a case-by-case basis. For example, if the outdoor storage area of related product were to be proposed, the conditional use process would allow staff to examine any necessary screening elements associated with such use. Staff notes that an outside service area does not allow for 'Outside display and sales of products the sale of which is a permitted or conditional use in such district' as such use is a separate and distinct use (not in the B1 District).

Similar to the B2 District, the B1 District is already limited to the types of businesses that would not interfere with the residents living in close proximity. Staff has reviewed the list of permitted and conditional uses offered in the B1 District and believes there to be no uses (permitted or conditional) that would create a nuisance by utilizing an outside service area.

Furthermore, staff is recommending approval of PC 11-06.

Chairperson Ryan opened the meeting to the Commissioners.

Commissioner Sweetser stated that the request seems reasonable.

It was moved by Commissioner Flint, seconded by Commissioner Cooper, that this matter be recommended to the Corporate Authorities for approval. The motion carried by the following vote:

Aye: 4 - Flint, Sweetser, Burke and Cooper

Absent: 1 - Olbrysh

110148

PC 11-07: 939 S. Main St. (LaFrance Café)

Requests that the Village grant a conditional use, pursuant to Section 155.413(C) of the Zoning Ordinance to allow 'Outside service areas for other permitted or conditional uses in this district' on the subject property in the B1 - Limited Neighborhood Shopping District. (DISTRICT #6)

Play Video

Ben Mchabcheb, 1015 S. Leslie Lane, Villa Park presented the petition. He stated that his request was to have more space. He stated that he does not have a big outdoor café and wants a European look. His plan is to include approximately two tables and four chairs. He is a small business and he is requesting this in order for a few people to be able to sit outside.

Chairperson Ryan opened the meeting for public comment.

There was no one to speak in favor or against the petition.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. LaFrance Café is requesting a conditional use for an 'Outside service areas for other permitted or conditional uses in this district' in the B1 - Limited Neighborhood Shopping District. The petitioner is requesting such approval to be able to provide outdoor dining at their location. If approved, the petitioner would place two tables, with two chairs each, directly in front of their business. This petition assumes approval of PC 11-06, which would establish 'Outside service areas for other permitted or conditional uses in this district' as a conditional use in the B1 - Limited Neighborhood Shopping District. If PC 11-06 is not approved, this petition cannot be considered, as presented.

The site currently provides a total of 19 parking spaces. The Zoning Ordinance requires a specific amount of handicap accessible parking spaces based on the number of required parking spaces. As 10 regular parking spaces are required on the subject property - one accessible parking space is required per Code. According to the proposed plans, two regular parking spaces would be reconfigured into one accessible space, which would fulfill the required amount of handicap accessible parking on site. A total of 18 parking spaces would then be provided, which would equate to a surplus of eight spaces.

There are currently three dumpsters located in the southeast portion of subject property, which is the rear parking lot. Section 155.710 of the Zoning Ordinance requires that all dumpsters be screened by solid wood fence (or equivalent) to a height of not less than six (6) feet, but not more than eight (8) feet. As the subject business utilizes at least one of the unscreened dumpsters, the requirements of Section 155.710 of the Zoning Ordinance shall be applied as a condition of approval.

The petitioner is proposing to place two tables (with two chairs each) directly in front of

their business. The tables would be placed on the five (5) foot wide curb, directly adjacent to the building (between the building and west parking lot). The curb itself, which is four (4) inches in height, is currently the only barrier that exists between the adjacent parking spaces and the proposed outdoor dining area. To provide another barrier between the adjacent parking spaces and the proposed outdoor dining area, a condition of approval will require that two parking stops be placed on the two adjacent parking spaces.

Office uses about the subject property to the north and south while single-family residences about the subject property to the east and west. LaFrance Café is located in a multi-tenant building, which is shared with one other restaurant use, Zak's Pizza. As part of a separate petition, staff is proposing to include 'Outside service areas for other permitted or conditional uses in this district' as a conditional use in the B1 - Limited Neighborhood Shopping District. If that petition is approved, staff believes that such use is consistent with the intent of the B1 District. The amount of tables and chairs is minimal and will have little impact on adjacent properties.

LaFrance Café is currently open for breakfast, lunch and dinner. The hours of operation are currently as follows: (Tuesday through Saturday 9am - 2pm & 5pm - 9pm, Sunday 9am - 2pm). Staff notes that climate would also be a factor in the usage of the outdoor dining area. Staff did notice that the parking area adjacent to Main Street is typically full. Staff did recommend that additional signage be placed on the property, which informs patrons of additional parking in the rear of the building. Staff notes that this is a recommendation only and will not be considered a condition of approval.

The Comprehensive Plan recommends Office at this location. The current use of the property (restaurant), as well as the proposed use, are both listed as a compatible use to office uses. As such, the proposed use is compatible with the Comprehensive Plan.

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

Commissioner Burke stated that clarification should be made for enforcement purposes limiting the property to two tables with two chairs each. He added that is what the submitted drawing shows.

It was moved by Commissioner Burke, seconded by Commissioner Sweetser, that this matter be Recommended for approval to the Corporate Authorities subject to the amended condition(s). The motion carried by the following vote:

Aye: 4 - Flint, Sweetser, Burke and Cooper

Absent: 1 - Olbrysh

- 1. The subject property shall be developed in substantial compliance with Site Plan, dated February 25, 2011, which shall be limited to two tables with two chairs each.*
- 2. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.*
- 3. All dumpsters located on the subject property shall be screened pursuant to Section 155.710 of the Zoning Ordinance.*
- 4. The petitioner shall secure a building permit from the Village for all required improvements.*
- 5. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees*

prior to the expiration of the ordinance granting the conditional use.

110150**PC 11-08: 435 E. Butterfield Road**

Requests approval of the following variations from Sections 153.303 (B) (9) and 153.237 (E) to provide for more than one temporary sign per street frontage and to exceed thirty-two (32) square feet in area for property located within the O Office District. (DISTRICT #3)

Play Video

Bill Apostolou, 700 N Laramie, Chicago, IL, presented the petition. He stated that he is the general manager at the Carlisle. They are requesting the additional signage because they host 3 large functions in a calendar year and the existing signage provisions are too small to accommodate their needs. He indicated that since they are on a frontage road, the existing signage has not been effective. They are asking for additional signage affixed to their building.

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

No one spoke in favor or against the petition.

Chairperson Ryan then requested the staff report.

Christopher Stilling, Assistant Director of Community Development, presented the report. He stated that the use consists of a large meeting and gathering facility for private single event activities such as weddings, formal balls, business luncheons and dinners and the like. On rare occasion (such as Easter Sunday, Mother's Day and New Year's Eve), the facility is opened for large scale dining activities generally open to the public, similar to a traditional restaurant. The petitioner is seeking two variations from the Sign Ordinance to provide for additional temporary signage and an increase in permissible sign area.

The Carlisle Banquet facility has existed on the subject property since 1976. In 1993, an 18 foot high free-standing sign variation height request was approved for the site to provide for the existing sign on the premises (Ordinance 3720). In the 1980s, Butterfield Road was grade separated at Highland Avenue. Access to the site is provided via a single frontage road access point at Fairfield Avenue to the east. The attached aerial map shows the subject property and the adjacent street network. The petitioner is currently seeking approval of two variations pertaining to temporary banner signage associated with their special dining events at their facility:

They are specifically requesting approval for two banner signs to be placed on the property at one time, as only one is permitted by right. As noted in the attached standards for variations, the subject property has a number of unique geographical limitations that present unique advertising challenges for the property. These challenges include access exclusively from an abutting dead-end frontage road and the physical configuration and design of Butterfield Road abutting and near the subject property.

More importantly, the subject property is not platted and the existing banquet hall orientation is not aligned perpendicular to the adjacent roadway, creating challenges for placing signage on the property that is readable to the public. The Sign Ordinance does not allow for free-standing banner signs; the only legally permissible location to place the temporary signs are on the building or adjacent freestanding sign. Therefore, the petitioner is proposing to affix the banner signs on the existing convex fence north of the drive-up ramp in front of the building, instead of attaching the signs to poles or other temporary devices. Affixing the sign to the building also minimizes its prominence along

the frontage road.

The petitioner is also looking for additional relief for the overall permissible square footage of a given temporary sign. As noted, the primary advertising message is for traffic on Butterfield Road, which the driving lanes are between seventy feet (70') and one hundred seventy feet (170') from the front elevation. Visibility for eastbound traffic is also further obscured by the entrance ramp from Highland Avenue to Butterfield Road, while westbound motorists must look past up to seven distinct lanes of traffic. Moreover, given the prevailing speed of the adjacent Butterfield Road traffic is between 45 and 55 miles per hour, temporary message signs would not be as readable and would therefore be ineffective in conveying the message. The request for up to sixty (60) square feet in sign area would allow for readability at higher prevailing speeds.

Staff finds the standards have been met and that the use is compatible with the Comprehensive Plan and surrounding land uses and therefore staff recommends approval of the conditional use subject to the conditions noted in the staff report.

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

Commissioner Sweetser asked how long a temporary sign can be up. Mr. Stilling stated that a temporary sign can be up for a 120 days in a calendar year.

Commissioner Burke asked if their request to have a sign 3-4 times per year is adequately addressed in the petition. Mr. Stilling stated that code allows up to 8 permits per calendar year. Since they may have it up 4 times per year, each sign could be allowed to be up 30 days each.

It was moved by Commissioner Sweetser, seconded by Commissioner Flint, that this matter be recommended to the Corporate Authorities for approval subject to conditions. The motion carried by the following vote:

Aye: 4 - Flint, Sweetser, Burke and Cooper

Absent: 1 - Olbrysh

1. *The variation for the proposed temporary signage request is based upon the use of the subject property as a banquet facility. Should the use be changed, the relief contained herein shall be null and void.*

2. *Any temporary signage approved as part of the petition shall be securely affixed to the principal building or the existing freestanding sign only.*

3. *Any future temporary signage placed on the subject property shall be subject to a building permit application submittal and approval by the Village.*

110151

SPA 11-01ph: 645 & 665 W. North Avenue

Requests site plan approval for the following signage deviations along the Route 53 entrance within the Heron Point Office Planned Development:

1. To increase the height of a freestanding sign from six (6) feet to fourteen and three-quarters (14.75) feet.
2. To increase the area of a freestanding sign from thirty (30) feet to forty-one and one-quarter (41.25) square feet in area. (DISTRICT #1)

[Play Video](#)

Rick Campbell, 920 W. Agatite, Chicago, stated that sign they are requesting is a double

faced freestanding monument sign to be installed at the Route 53 entrance, which is the side entrance, not the entrance off North Ave. The necessity of the sign is tenant based. Currently if traffic is coming westbound on North Avenue and misses the turn at the light on Route 53, you have to make a complete turnaround. We are proposing a vertical sign that will have good visibility to westbound traffic on North Ave. He then described the sign. The Heron Point and tenant portions of the sign will be illuminated and it will replace the existing horizontal tile sign.

Chairperson Ryan asked if there was anyone to speak in favor or against the petition. There was no one present to speak in favor or against the petition

Chairperson Ryan requested the staff report.

Michael Toth, Planner I, presented the staff report. The petitioner is proposing to remove two freestanding signs and install one new freestanding sign at the Route 53 entrance to the Heron Point Planned Development. As the proposed sign is greater in height and signage area than what is permitted by Code, site plan approval is needed.

The PES Division of Community Development has the following comments on the above captioned petition:

- 1. The Drainage, Conservation and Wetland Easement in this area specifically prohibits signs. Thus, a detailed, scaled site plan showing the proposed location of the sign and the actual limits of the easement shall be provided for review.*
- 2. By Code, all vertical obstructions (signs, light poles, etc.) shall be a minimum 1' from the sidewalk.*
- 3. There is a storm sewer pipe in the area where the proposed sign is located which could interfere with the foundation. Again, the detailed site plan shall show all pertinent information including the easement boundaries, existing utilities and extent of the sidewalk.*

The Corporate Centre at Heron Point Planned Development was reviewed by the Plan Commission on March 4, 1998, April 8, 1998, and August 12, 1998 and was approved by the Board of Trustees on September 3, 1998 (Ordinance 4538). The ordinance was amended in March 1999 (Ordinance 4729). The final plans included a hotel and office building complex with entrances off both North Avenue, and IL Route 53. An exception to the Sign Ordinance was granted in the original planned development ordinance to allow three freestanding signs on North Avenue where one is permitted.

In 2001 (as part of SPA 01-02), the property owner received site plan approval to construct three freestanding signs at the Route 53 entrance to the Heron Point Office Planned Development, where only one sign was permitted. Furthermore, the three freestanding were proposed as follows:

** Two 'Heron Point' freestanding signs with a surface area of thirty-six (36) square feet.*

** One freestanding 'Quality Inn & Suites' logo sign that was nine (9) feet wide and twenty-four (24) feet high. The sign had two sign cabinets for a total one hundred and eight (108) square feet in signage area.*

The two thirty-six (36) square foot 'Heron Point' freestanding signs were subsequently approved (as proposed), but the 'Quality Inn & Suites' logo sign was approved subject to size modifications per staff's recommendation.

The following excerpt was taken directly from the SPA 01-02 IDRC Report:

"Staff does not recommend the proposed 24-foot high Quality Inn sign be approved. This sign is deemed to be out of scale for the property and inconsistent with the surrounding land uses. As an alternative, staff would be supportive of a smaller scale sign of approximately 6 feet by 7 feet (42 square feet) and up to 15 feet in height. Staff would be supportive of this signage, as it is less in sign surface area than could be constructed according to the annexation agreement."

Staff notes that the Quality Inn & Suites sign was approved at the specifications mentioned above; however, the sign was never erected.

The petitioner is proposing to remove the two 'Heron Point' freestanding signs and install a new freestanding sign at a height of fourteen and three-quarters (14.75) feet and forty-one and one-quarter (41.25) square feet in signage area. The sign will contain seven tenant panels and be internally illuminated. The sign would be located twenty-four (24) feet from the nearest property line and be located outside of any clear line of sight areas.

As previously stated, staff originally was supportive of a smaller scale 'Quality Inn' sign of approximately 6 feet by 7 feet (42 square feet) and up to 15 feet in height. As such, the proposed sign is within the size parameters of the previously approved 'Quality Inn' sign. Condition of approval #2 for SPA 01-02, stated 'Quality Inn' sign shall consist of a weathered wood style with exterior up-lighting or down lighted. The proposed sign would be constructed of aluminum and is visually dissimilar from the sign that staff originally approved; therefore, Site Plan Approval is needed for the proposed sign.

Mr. Toth referred to the table on page 4 of the staff report which depicts the freestanding sign requirements as they relate to the proposed freestanding sign at the Route 53 entrance. He noted that the table demonstrates that the removal of the 'Heron Point' signs will reduce the overall square footage from one hundred fourteen (114) to forty-two (42) square feet. As approval was granted to allow for three signs at that location, staff notes that it is not required that the two 'Heron Point' freestanding signs be removed. The petitioner has indicated a desire to visually clean up the Route 53 entrance by reducing visual clutter and providing an updated sign.

Lastly, staff notes that while the proposed sign is within the size parameters of the large freestanding sign that was approved per SPA 01-02, the materials used and the design of the sign differs; therefore, it is a new sign, which requires site plan approval.

In the Standards to Variations, the petitioner discusses a hardship associated with the location of the Route 53 entrance as justification for additional sign size. The petitioner stated that if a patron is driving west on North Avenue towards the subject property they would need to travel past I-355 and complete a turnaround. Having a larger sign on the Route 53 entrance would provide greater visibility to the fact that there is an entrance on Route 53, which could prevent the need for patrons to travel to North Ave.

Staff finds that the proposed freestanding sign would be compatible with the adjacent land uses, the Comprehensive Plan and the overall planned development.

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

Commissioner Cooper reaffirmed the petitioner's testimony on how easy it is to miss the Route 53 entrance as some of her guests have done the same thing. She believes that a new sign would be appropriate and a good use for expanding upon what is allowed for signage.

Commissioner Burke questioned the proposed sign's effectiveness. If you are traveling

westbound on North Avenue and 1,000 feet south of the Route 53 intersection, he didn't think that the sign would be seen in time to avoid a complete turnaround. Mr. Campbell answered that the type size of the sign is visible within 1,000 feet and internally illuminated. If you look at the line of sight the corner is visible from North Avenue east of Route 53. It is not in your direct line of sight but the angle is less than 45 degrees.

Commissioner Burke commented that while he doesn't have an objection to the petition, he didn't feel it will solve their problem.

It was moved by Commissioner Cooper, seconded by Commissioner Flint, that this matter be approved with conditions. The motion carried by the following vote:

Aye: 4 - Flint, Sweetser, Burke and Cooper

Absent: 1 - Olbrysh

1. The sign shall be constructed in conformance Signage Plan and Signage Location Plans, prepared by Doyle Signs, dated February 7, 2011.
2. The proposed sign shall be placed outside of the required clear line of sight area and adjacent drainage, conservation and wetland easement.
3. The petitioner shall satisfactorily address all comments within the IDRC report.
4. The two existing 'Heron Point' freestanding signs, as noted in the petitioner's signage plan dated February 7, 2011, shall be removed within sixty (60) days from the issue date of the permit for the subject sign.

Business Meeting

[Play Video](#)

The business meeting commenced at 8:22 p.m.

Approval of Minutes

[Play Video](#)

Chairperson Ryan indicated that there were two sets of minutes for the Commissioners' consideration - January 24 and February 21, 2011 - which would be voted on separately.

Attorney Wagner clarified that the January 24 minutes were continued from the last meeting because there were not four votes to approve them. Under the Commission's rules, all that is required is a majority of the votes cast. If four Commissioners are present, three votes would be sufficient for approval. Unlike an approval of a petition, it is not necessary that the Commissioner be at the meeting or have witnessed it on video but should have read them. The Commissioner does not need to abstain from voting if they were not in attendance at the meeting, but could if they prefer.

On a motion by Burke and seconded by Sweetser the minutes of the January 24, 2011 meeting were unanimously approved by the members present.

On a motion by Burke and seconded by Flint the minutes of the February 21, 2011 meeting were approved by a 3-0 vote with Commissioner Sweetser abstaining.

Public Participation

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There was no public participation.

DuPage County Hearings

[Play Video](#)**110165****DuPage County Case Z10-098 - 1S438 S. Highland Road (Christadelphian Church)**

Requests conditional use for an electronic message center sign in the R-4 Single Family Residential District. (UNINCORPORATED)

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Michael Toth, Planner I, presented the petition. DuPage County has received a filing for a public hearing for a conditional use for an automatic changeable copy sign for an unincorporated property located at 1S438 S. Highland Rd (Christadelphian Church). As the subject property is located within the ultimate municipal boundaries of the Village of Lombard, the Village has received notice of the public hearing from the County and has been asked to provide comments or concerns regarding this petition.

Staff would like to solicit the input and a recommendation of the Plan Commission regarding this petition. Staff has informed the County that this matter is being brought forward to the Plan Commission and the Village Board for consideration.

Staff has reviewed the proposed plans associated with the above mentioned petition. For clarity purposes, the Village of Lombard's Sign Ordinance recognizes Electronic Message Center signs as Automatic Changeable Copy signs. Therefore this petition will reference the proposed sign as an Automatic Changeable Copy sign. While DuPage County's Zoning Ordinance permits electronic message board signs as a conditional use, the Village of Lombard's Sign Ordinance has specific parameters for which an Automatic Changeable Copy sign is allowed. Staff notes the submitted signage plans do not provide all applicable sign dimensions. Based upon staff's interpretation of the proposed plans, the sign does not meet the following Village of Lombard Codes:

- 1. Pursuant to Lombard Sign Ordinance, Automatic Changeable Copy signs are allowed only in the CR, B3, B4, B4A, and B5 zoning districts on properties with a minimum of 500 feet of lot frontage. If the subject property were to be annexed into the Village of Lombard it would be designated with an R0 - Single Family Residence zoning classification. The subject property has a total frontage of approximately 100 lineal feet. Therefore, these aforementioned provisions would not be met.*
- 2. The Village of Lombard Sign Ordinance states that changeable message boards shall be located between twelve (12) and fifteen (15) feet above grade at the edge of the right-of-way. According to the submitted plans, the proposed sign would be below the twelve (12) foot minimum height requirement.*

Staff finds that the proposed sign is inconsistent with the established codes and ordinances of the Village of Lombard and may present a negative impact upon the adjacent properties. In addition, should the proposed sign be approved by the County, the sign would then be considered legal non-conforming should it ever be incorporated into the Village of Lombard.

Chairperson Ryan then opened the meeting for comments among the Commissioners. The Commissioners had no comments.

It was moved by Commissioner Burke, seconded by Commissioner Flint, that this matter be recommended for a Resolution of Objection to the Corporate Authorities. The motion carried by the following vote:

Aye: 4 - Flint, Sweetser, Burke and Cooper

Absent: 1 - Olbrysh

Chairperson's Report

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The Chairperson deferred to the Assistant Director of Community Development.

Planner's Report

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Mr. Stilling indicated that the Comprehensive Plan amendment public hearing was approved on first reading by the Village Board. He then noted some prospective petitions for next month's meeting which included Chick-Fil-A and Brauer House.

Unfinished Business

[Play Video](#)

There was no unfinished business.

New Business

[Play Video](#)

There was no new business.

Subdivision Reports

[Play Video](#)

There were no subdivision reports.

Site Plan Approvals

[Play Video](#)

There were no site plan approvals.

Workshops

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110162

Average Front Yard Setbacks

Discussion relative to average front yard setbacks in the following regard:

1. Should a cap be placed on the allowable amount of square footage?
2. Should the Code be applied only for the construction of new single-family residences?
3. Should the Code require a maximum building line?

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Michael Toth, Planner I, presented the workshop. He noted that as part of the Village Board of Trustees' 2007 - 2008 Strategic Plan, the Board directed staff to pursue actions to institute better residential design review for residential development. Code changes were then explored as they relate to redevelopment, building additions; setback

requirements comparing averages with a specific limit; restrictions on attached garages in the front of a house; and other engineering and site design issues.

Under the Board's direction, the residential redevelopment items were first introduced to the Plan Commission during the February 18, 2008 Plan Commission workshop. More specific items were then later brought back to the Plan Commission during the June 16, 2008 Plan Commission workshop. In October 2008, the Village Board formally adopted the text amendments associated with residential development (PC 08-21), which included the residential front yard setbacks. As a result of said amendments, setbacks for all detached single-family homes are now required to consider the average front setback of adjacent properties to determine the required front setback for a given property. The following provisions apply to all detached single family dwellings:

1. Front Yards - 30 feet

a. Detached single family dwellings shall meet the following requirements in addition to the required minimum 30 foot front yard setback:

1. When the subject lot abuts, on both sides, lots that have already been developed with detached single family dwellings, the front yard applicable to the subject lot shall be determined by taking the mean of the setbacks of the two abutting dwellings.

2. When the subject lot abuts a lot developed as a use other than a detached single family dwelling, the abutting lot shall be considered to have a default thirty (30) foot setback.

3. When the subject lot abuts a lot that has already been developed as a detached single family dwelling on one side and a publicly dedicated right of way on the other side, the front yard setback shall not be less than the setback of the building on the abutting developed lot.

4. If the subject lot abuts a lot developed with a detached single family dwelling on one side and a vacant lot on the other side, the front yard applicable to the subject lot shall be determined by taking the mean of the setback of the dwelling on the abutting developed lot and the setback of the dwelling on the opposite side of the vacant lot.

5. For purpose of determining setback, lots having single family dwellings located more than fifty (50) feet from the front lot line shall be considered to have a default fifty (50) foot setback.

6. No detached single family shall be constructed more than fifty (50) feet from the front lot line.

Since adoption in 2008, staff has faced a number of challenges with regard to the amended provisions. When the provisions were in the planning phase, staff discussed the permit requirements for new single-family residences and additions and it was decided that each permit applicant would be responsible for verifying that the average front yard setback requirement is being met. However, in practice, we have seen that even when the permit applicant is aware of the average front yard setback requirements, they typically do not submit the data showing the neighboring setbacks. Without survey work, the permit applicant is relying on Village-provided data relative to the neighboring setbacks (plats, etc). The majority of the time staff does not have accurate plats for both adjacent properties and is then forced to rely on aerial photographs, which are not an accurate means of measurement. If surveying work is required (showing such dimensions) for every new home, addition, front porch, etc., the homeowner could be burdened with a significant additional cost. This issue has already

come up multiple times with both builders and residents.

When data is available, staff is then tasked with interpreting such data. The interpretation becomes challenging when the provided data is unclear or inaccurate. As an example, older plats do not provide up-to-date information on a property, especially if undocumented work was done without a permit or if a permit was issued without an accompanying plat. Plats can also be misleading as they do not always decipher the different types of improvements on a property (i.e. permitted encroachments vs. the front wall of the actual structure). In conclusion, staff is put into a situation of trying to establish precise measurements based upon old, inaccurate or unclear data. The absence of reliable data is particularly problematic in those situations where the average front yard setback requirement means the difference between being able to build a project or not build a project.

Furthermore, there have also been a number of concerns relative to the average front yard setbacks from residents and the development community. Staff has internally discussed the different issues relative to the average front yard setbacks and is seeking direction from the Plan Commission on the following topics:

Under the strict interpretation of the average front yard setback provisions, if a residence is considered legal nonconforming (with respects to said provisions), the proposed building addition would be required to meet the required minimum setback. As we have learned from numerous ZBA cases, structural issues and negative aesthetics can result from construction that does not hold an existing building line.

In addition, the average front yard setback provisions have made many existing homes legal nonconforming. This means that in addition to the home itself being nonconforming, the property owner is effectively prevented from making any improvements to the front of the property such as a roofed-over front porch, even though this type of porch was specifically encouraged by the text amendments in PC 02-23. It does not seem as though the intent of the average front yard setback was to limit the construction of front porches on existing residences. Furthermore, homes that are legal non-conforming with regard to the required front yard setback have also had issues when constructing second story additions.

An excerpt from the PC 08-21 staff report states, some of these implications caused by reduced setbacks include a diminished viewshed, canyon effects, and a congested appearance. Moreover, the aforementioned staff report also states, absolute setbacks can also have negative implications in established neighborhoods.

By requiring a fifty (50) foot building line, we have actually created an absolute setback for properties located in neighborhood consisting of properties of greater depth. As an example, a new single-family permit has been submitted; however, it is on hold because the plan has failed to meet the required fifty (50) foot building line. In summation, the property to the north of the subject property has a front yard setback approximately seventy-four (74) feet and the property to the south has a front yard setback of approximately one hundred and twenty (120) feet, which now means the subject property is to be built at exactly fifty (50) feet. As the required fifty (50) foot building line would require that the subject residence be developed in front of both neighboring properties, a diminished viewshed is inevitable and the desired homogeneity of setbacks is not achieved.

Furthermore, if an existing residence has a front setback that is greater than the required fifty (50) foot building line, the residence is rendered non-conforming. If such residence was to propose a building addition - could such building addition be constructed (by right) if the addition does not reach the fifty (50) foot building line?

Under the current provisions, such addition could not be constructed without a variation as the average setback provision states, no detached single family dwelling shall be constructed more than fifty (50) feet from the front lot line. Such addition would also constitute the expansion of a non-conforming structure.

Staff is seeking the thoughts of the Plan Commissionwers with respect to the following issues:

- 1. Should a cap be placed on the allowable amount square footage that could be located on a residence that is considered legal non-conforming with respects to the front yard setback, provided that it still maintains a thirty (30) foot front setback?*
- 2. Should the Code only be applied for the construction of a new single-family residence?*
- 3. Should the Code still require a maximum building line?*

Chairperson Ryan opened the meeting for comments and questions from the Commissioners.

Commissioner Sweetser commented that as more restrictions are put into place and the more things you try to stipulate in order to meet your objectives, the more you are creating a burden which leads to what is currently happening. She is hard pressed to come up with something unless the Commissioners had a variety of choices that would meet all of the criteria you are looking at.

Commissioner Burke agreed with Commissioner Sweetser. He read item #4 as an example to show how the language becomes so difficult and cumbersome to understand.

Commissioner Cooper asked what other communities have the same issue and whether they have found a solution. Mr. Toth indicated that he spoke with staff from the City of Wheaton. They don't have the build to line but they have the authority to render an administrative variation at the staff level if a slight variation is needed. Also, they don't consider front porches as a permanent encroachment so they have more issues with them.

Mr. Stilling explained that Village Code currently allows a porch to encroach 30' in the front yard if it is not enclosed and only if it is a new family residence. When the code was previously amended, the economy subsequently changed in 2008 which resulted in staff seeing a drop off in residential permit applications. People are now beginning to reinvest in their homes and this issue has resurfaced. In the last three weeks staff has been asked to review five or six building permits regarding this. Staff has tried to come up with a more creative interpretation which has resulted in more cost to the homeowner or a design that wasn't aesthetically pleasing to them. He asked the Commissioners if they wanted to consider this only for new homes and do away with the absolute setback. Commissioner Cooper confirmed that the farthest you can go is 50 feet. Mr. Stilling answered yes.

Mr. Toth stated that when you consider the average you are trying to create consistency on the block and not have a house with a viewshed issue. Commissioner Cooper then asked why we have an absolute setback. Mr. Toth answered it was to maintain consistency.

Commissioner Cooper suggested that they do away with an absolute setback. Mr. Stilling noted that staff is looking for general direction and would come back with more

specific language. If two houses exceed the 50' setback then it wouldn't apply. We can have an "out clause".

Commissioner Sweetser asked if it was possible to have objectives stated and give staff the administrative ability to meet those objectives. If staff's objective was not to create a diminished viewshed, you could come up with a scheme with stated objectives. Mr. Stilling answered that is why you end up with the 30' setback - it's up to the neighborhood to dictate. Commissioner Sweetser questioned whether staff, by having administrative powers, would have the ability to move the setback. Mr. Stilling noted that a previous text amendment for administrative variations was considered by the Board of Trustees and ultimately not approved.

Chairperson Ryan agreed with Commissioner Sweetser in that the aesthetics of the neighborhood should dictate and be considered. Mr. Stilling clarified that staff does not want to eliminate the 50' absolute setback but if the homes next to your property are greater than that, it wouldn't apply.

Commissioner Flint indicated that if he was building a house, he would prefer to have it located closer to the front so he could have as much green space in the back.

Commissioner Sweetser suggested that language be crafted that could give administrative powers to staff in order to frame some objectives that would encourage the Board of Trustees to grant them that authority.

Mr. Stilling indicated that staff will come back to the Commissioners with language to eliminate the 50' absolute setback and a formula that would allow some encroachment.

Commissioner Sweetser still urged staff to ask for administrative power in accordance with a set of objectives that the Commissioners could discuss.

Commissioner Burke asked if the Board of Trustees might have an issue with staff having the discretion to apply a rule in one case and not in another. Staff should come up with something that applies to ninety percent of the cases rather than the exception to the rule. Should the Plan Commission have to hear those remaining cases, then that would be acceptable.

Mr. Stilling indicated that there a number of homeowners waiting on the outcome of this text amendment.

Commissioner Cooper asked how readable submitted plats were and if staff had to visit the site to ensure accuracy. Mr. Toth answered that normal procedure is to reference our files first. If the information is unavailable, then there are other means we can use such as the County website and aerial photos. It is difficult to determine measurements using aerial photos which can result in loose interpretations. Mr. Stilling added that staff is pretty confident in what the setback is going to be but the initial burden is on the homeowner as to the neighbor's property which is an additional cost to them.

Mr. Stilling then asked the Commissioners if they wanted to include the unenclosed porch as part of the absolute setback determination. He also suggested staff can eliminate that part and go with just the principal building.

Commissioner Cooper answered that if the front porch is allowed to encroach that is an important piece of information when determining the setbacks.

Commissioner Burke asked if they would this hear again before the actual text amendment. Mr. Stilling stated staff would talk to the applicants and come back with

draft language. He summarized that staff will do away with the maximum building line, have a formula to allow some encroachment and also look at parameters relating to some objectives so it can be approved administratively.

Chairperson Ryan suggested staff follow up with another workshop and incorporate the Commissioners comments and suggestions.

Adjournment

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The meeting adjourned at 8:56 p.m.

*Donald F. Ryan, Chairperson
Lombard Plan Commission*

*Christopher Stilling, Secretary
Lombard Plan Commission*