

Village of Lombard

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



Meeting Agenda

Thursday, June 18, 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**

[090303](#) Presentation - Elmhurst Symphony

[090357](#) Good Neighbor Award - Steven M. Weidacher

Attachments: [pdgoodneighbor692009.doc](#)
[090357.pdf](#)

[090360](#) Proclamation - Lightning Awareness Week

Attachments: [proclighting2009.doc](#)

[090377](#) *Proclamation - Olympic Day

Attachments: [procolympicday6232009.doc](#)

[090378](#) *Proclamation - Fire Department Fill the Boot Days

Attachments: [procmdafilltheboot2009.doc](#)

V. Approval of Minutes**VI. Committee Reports**

Community Relations Committee - Trustee Laura Fitzpatrick, Chairperson

Economic/Community Development Committee - Trustee Bill Ware, Chairperson

Environmental Concerns Committee - Trustee Dana Moreau, Chairperson

Finance Committee - Trustee Zach 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 Mueller, Chairperson

Lombard Historical Commission - Clerk Brigitte O'Brien, Member

VII. Village Manager/Village Board Comments

VIII Consent Agenda

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Payroll/Accounts Payable

- A. [090334](#) Approval of Accounts Payable
For the period ending June 5, 2009 in the amount of \$897,706.90.
- B. [090365](#) Approval of Village Payroll
For the period ending June 6, 2009 in the amount of \$922,988.90.
- C. [090366](#) Approval of Accounts Payable
For the period ending June 12, 2009 in the amount of \$1,090,543.57.

Ordinances on First Reading (Waiver of First Requested)

- D. [080319](#) PC 08-13: 19W471 Roosevelt Road and 351 E. Roosevelt Road
(Lombard Crossing)
Granting a time extension of Ordinance 6211, as amended by
Ordinances 6344 and 6495, extending the time period in which to start
construction of the approved project at 19W471 Roosevelt Road and
351 East Roosevelt Road for an additional 12-month period. (DISTRICT
#6)

Attachments: [PUBLIC NOTICE 08-13.doc](#)
[apoletter 08-13.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[Referral Letter.doc](#)
[Report 08-13.doc](#)
[6205,6209,6210,6211](#)
[Annexation agreement per Ordinance 6208.pdf](#)
[Certified Copy of Re recored of Ordinance 6209.pdf](#)
[Conditional uses per Ordinance 6211.pdf](#)
[Map Amendment per Ordinance 6210.pdf](#)
[Re record of Ordinance 6209.pdf](#)
[Ordinance 6211.pdf](#)
[Ordinance 6344.pdf](#)
[DAH memo time extension.doc](#)
[Cover Sheet time extension2.doc](#)
[080319.pdf](#)
[080319.pdf](#)
[Ordinance 6495.pdf](#)
[080319.pdf](#)
[DAH memo time extension3.doc](#)
[080319.pdf](#)
[Ordinance 6623.pdf](#)

Drew Friestedt, Centrum Properties, 225 W. Hubbard Street, Chicago, presented the petition for the Lombard Crossings development in a PowerPoint format. He began by stating that he represents Centrum Properties and he gave the company's background and described the types of projects they do as well as the locations of each.

Referring to an aerial view of the proposed site location (which was highlighted in blue) Mr. Friestedt stated that these properties were former known as the Lombard Lanes and the O'Hare Towing properties and the site is approximately 4.6 acres in size. He then showed site photos before the buildings were razed.

He presented the history of the project mentioning that at the August 2007 Plan Commission meeting a proposal was approved and forwarded to the Village Board for final approval. Knowing that they did not have the support of the Village Board, they pulled the petition. Some of the issues that the Village Board had with their proposal were:

- a. did not want a fast food restaurant with a drive through*
- b. compatibility with the Roosevelt Road Corridor Study*
- c. the number and type of uses outlined in the annexation agreement*
- d. the timing of the development outlined in the annexation agreement*

They have since gone back and addressed those issues. He showed the site plan previously approved by the Plan Commission and described the drive-through bank with a fast food tenant, Del Taco. At the back of property was a 95,000 square foot storage facility.

They now have two new site plans, Option A and Option B. The difference between the two is in the location of the sit-down restaurant which affects the drive aisle and parking configurations. He then referred to Option A and described the site. The bank is still in the same location. There will be 12,500 square feet of retail with the retail building in the center. They have changed the fast food restaurant to a 5,700 square foot freestanding sit-down restaurant which was one of the issues the Board had. They spent six months negotiating with the team and came back with a plan for marketing purposes and one that was leasable. They still have the four-story storage use at the back of the property noting that they talked to a number of users for this space but could not attract anyone else to take the space. He then referred to other similar storage users in the area. Mr. Friestedt stated that if they do not have this use, they feel the site could not be marketable. Centrum also agreed to center the building and to limit the retail use to five tenants which is similar to what V-land has. Their original proposal asked for seven tenants.

The next issue was one that concerned Trustee Soderstrom - the timing of the development. The worry was having a bank anchored in the center of the site with a storage use in the back with nothing in the front. To address this concern, they added additional timing and building permit restrictions in the Annexation Agreement. With those three concessions they addressed the issues raised by the Board of Trustees.

He referred to Site Plan - Option B. Because they do not know if the restaurant will be freestanding or attached, they are asking for approval of both plans. Option B includes a reconfiguration of the parking areas by sliding the restaurant building down and integrating it with the retail space. The sit-down restaurant would be 6,000 square feet and would still have the outdoor dining component. The square footage of the retail component would stay the same.

He then showed the street view and bird's eye view renderings of the site. The building materials used are very similar but they incorporated some of staff's comments regarding color. They buildings are predominately brick with an EIFS corner and he proceeded to describe the remainder of the materials. He stated that all the building materials will be consistent.

The retail building elevations were shown next. The petitioner passed around the materials board to the Plan Commissioners and described that they are proposing to break up the retail building both vertically and horizontally and will change the brick color from the field color. They will have a cast stone base and a lintel consistent with the front and side of the building. The back will be mostly brick with a continuation of the precast lintel.

The bank elevations would be similar to the retail building. The color of the brick will match. Staff requested that at the base of the bank to replace the soldier coarse brick to stone.

Referring to the sign design slide he stated that this has not changed. It still matches in terms of color and scale and he described the same. The square footage of the signs are less than what is allowed by code-one is 70 square feet

and the other is 115 square feet.

Mr. Friestedt then addressed how the site complies with the Roosevelt Road Corridor Study and addresses the concerns raised by Trustee Soderstrom. The site has a common and unified development theme, contains harmonious architectural elements, common materials and design color palette, and a shared parking field and shared access points with adjacent shopping center. It also has four-sided building elevations, provides green/open space, is pedestrian friendly, and contains decorative lighting.

He then turned the rest of the presentation over to Scott Novack.

Scott Novack, Centrum Properties, 225 W. Hubbard Street, Chicago, continued with the slide presentation. He stated that everything they are requesting is consistent with what they previously requested in August, 2007. This includes approval of an annexation agreement, annexing the 19W471 site, a map amendment rezoning the site to B4A which is consistent with the Roosevelt Road Corridor District, approval of a conditional use for a planned development with conditional uses, deviations and variations. They will have to subdivide the property into five lots which results in a need for certain deviations and variations such as side yards setbacks and lot deviations. These items are self imposed so the requested relief meets the standards. A slide depicting the five lots of record were shown and he described them.

Lot 1 or Parcel A is the bank parcel. They are requesting a conditional use for a bank as well as for a drive-through facility; deviation of the Sign Ordinance for more than one wall sign per street frontage. He indicated that they originally requested four signs but took the Plan Commissioners comments into consideration and now are only requesting three, one for the north, west and east elevations. They are also asking for a deviation to reduce the minimum lot area from 40,000 square feet to 36,400 square feet and a deviation to reduce the minimum lot width from 150 to 137 feet.

Lot 2 or Parcel B is the retail parcel. They are requesting a conditional use for a shopping center consisting of more than one principal business and a deviation. This was a result of the B4A zoning. They are also requesting a deviation to reduce the required east interior side yard from ten feet to one foot.

Lot 3 or Parcel C is the freestanding sit-down restaurant. They are requesting a conditional use for an outdoor dining area, a deviation from the Sign Ordinance to allow for more than 1 wall sign per street frontage and a deviation reducing the required east interior side yard from 10 feet to 5 feet.

Lot 4 or Parcel D is the back parcel storage area. They are requesting a deviation from the Subdivision and Development Ordinance to allow for a lot without street frontage, a planned development use exception for a storage center in the B4A district with a variation to allow a use exception to exceed 40% of the total floor area of the overall planned development and a conditional use for a 4-story building between 40 and 45 feet in height.

Lot 5 of Parcel E is the detention area. They are requesting a deviation from the Subdivision and Development Ordinance to allow a lot without public street frontage, a deviation to reduce the minimum lot area from 40,000 square feet to 19,000 square feet and a deviation to reduce the minimum lot width from 150 to 131 feet.

Mr. Novack then cited the additional 6 requests from the Zoning and Sign Ordinances.

Concluding, Mr. Novack stated that they have a number of consultants available and would be happy to answer any questions they might have.

Chairperson Ryan then opened the meeting for public comment. There was no one present to speak in favor of or against the petition.

William Heniff presented the staff report, which was submitted to the public record in its entirety. Rather than repeating the petitioner's representations, he referenced many of the zoning actions for the project and selected comments included within the staff report.

He noted that upon annexation, the whole property would need to be zoned into a district that is consistent with the Comprehensive Plan and the Roosevelt Road Plan. Staff believes the property should be rezoned to the B4A District, consistent with the Roosevelt Road Plan recommendations. He also described many of the design elements encouraged or required within the B4 regulations or the Roosevelt Road Corridor report. Establishing a planned development for the entire development is an appropriate way to address the unique site constraints and phasing of the proposed development.

The B4A District lists financial institutions as conditional uses - this differs from the previous petition when banks were permitted by right. This change allows the Village to review the facility relative to the overall development plan. The Roosevelt Road Report noted that banks could provide value to a community if it is part of an overall planned development. While not attached to the retail building, the proposed plan integrates the use into the overall development through its common building design elements, shared access and integrated design.

When the petitioner was seeking initial approval of the development, the property was zoned B3 and the property met the B3 requirements. However, this relief was created as part of the overall B4A district designation. The issue of lot width and area was discussed as part of the Roosevelt Road Ad-Hoc Committee review. The Committee noted that a number of lots do not meet the lot provisions included within the B4A designation. Staff noted that for lots that do not meet the requirements, they could be designed in a manner that would allow the lots to functionally operate as if it was a larger lot.

Regarding the retail center itself, this use was previously a permitted use, but is now a conditional use within the B4A District. This designation allows the Village to look at the overall design of the facility relative to the overall B4A provisions and determine if the proposed design and layout meets the objectives of the Plan. The petitioner is proposing two options - a separate in-line center of 12,500 square feet and a unified center that includes the retail center component anchored by a sit-down restaurant. To address concerns regarding the tenants and uses in the center, the petitioner is amenable to a cap on the total number of tenant spaces at five, excluding the restaurant end-cap use. This was applied to the nearby V-Land Center and is intended to provide for larger store spaces, which may attract more destination related uses and retail businesses.

This interior yard relief is intended to allow the building to be located closer to the east property line of the abutting bank use. Staff finds this relief to be desirable as it allows for the other side of the center to be better utilized for

outdoor dining and additional parking.

At this point in time, the final sit-down restaurant tenant is unknown, but the petitioner is preparing a final list for consideration within the annexation agreement itself. The proposed outdoor seating area location will be a function of the final design plan for the restaurant itself, but it will be located either on the east side of the building (in Plan A) or the west side (in Plan B). As noted in the Roosevelt Road Report, outdoor dining elements associated with restaurant establishments can be considered a desired amenity, provided that they do not create negative impacts on adjacent properties.

The wall sign relief is intended to provide for additional flexibility for the restaurant use, which would likely desire wall signs on the exterior walls visible from Roosevelt Road. Consistent with other restaurant uses and the proposed bank, staff does not object to the request. However such signage would be reviewed as part of the overall restaurant building elevations in the site plan approval process.

Lot 4 requires a deviation from the Subdivision and Development Ordinance to allow a lot without street frontage. Access to Lot 4 will be provided by means of cross access with Lots 1 through 3 of the proposed resubdivision. Lot 5 would be a detention outlot for the stormwater drainage of the project. Given the overall lot configuration, the grade issues and the built-in cross access provisions, and similar relief approved in a couple of other cases, staff does not object to this request.

The petitioner requests the right for a 95,000 square foot storage center to be located on Lot 4 (Parcel D). Storage centers are not listed as permitted or conditional use in the underlying B4A District. The petitioner indicated that they have not finalized a tenant for Lot 4 and have not submitted any building elevations or materials for the proposed building. The petitioner would like to establish the right for the use exception. Staff recommends as a condition of approval that site plan approval be required for Lot 4 to allow the Plan Commission to review building elevations and materials. In addition, should the petitioners choose not to move forward with the use exception for Lot 4, they can seek site plan approval for other uses permitted within the underlying B4A District.

Staff can conceptually support the storage center use given that the subject property is adjacent to two other storage uses including the U-Store-It storage center and the York Township Highway Department facility. Furthermore, there is a substantial change in grade with the elevation at the northern property line being as much as fifteen feet (15') higher than the elevation at the southern property line. The multi-story storage center building will not have as great of an impact when viewed from Roosevelt Road as a result of the grade change. Furthermore, the proposed storage center will provide additional screening of the York Township Highway Department facility to the south of the subject property.

A review of the plans estimated that the proposed Parcel B in Plan A would have about eight percent green space. However, given that the site is part of an overall planned development and the lot lines are intended to be more arbitrary, staff notes that this relief could be supported provided that the overall planned development meets the open space requirements of 12.5% of the area. Staff estimates that the open space will be about 15% of the planned development. This approach and requisite relief was also successfully implemented within the

Highlands of Lombard planned development.

The petitioner's 2007 proposal requested approval of four freestanding signs proposed within the planned development. The new petition decreased the number from four to two. Staff can conceptually support the necessary relief to allow the two shopping center signs located at each of the access drives. Any signage for the bank and storage center will be incorporated into the shopping center signs.

He then reviewed the access and site design issues that were present in the 2007 petition and noted that they have not changed since last year. Staff recommends approval of the petition subject to a number of conditions.

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

Commissioner Olbrysh stated that he liked both site plans and the elevations looked good but thought that the south elevation should be spruced up. He liked their explanations as to the Village Board's concerns. He had assumed that the Village Board did not have any objections to the public storage facility. Mr. Friestedt stated that at the Village Board hearing the Board expressed concerns about having a storage use. Afterward, they went back and came up with the current plan by addressing other issues. By going into the market and testing the plan they believe the Board will now support it.

Commissioner Olbrysh indicated that he was on the Roosevelt Road Ad Hoc Committee and would have had a problem if the storage use was located on Roosevelt Road but since it was set back to the rear of the property you don't actually see the building. Mr. Friestedt mentioned the cross section studies they did and how you can only see the top 10-12 feet of the building based on a person being 6 feet tall. Commissioner Olbrysh stated that it will be very difficult to get anyone back there due to the drop in elevation. He thought it was a perfect use for that location on the site.

Chairperson Ryan commented that he was initially against the idea of a storage facility on the site and still was. He questioned the height of parcel B and how high the strip mall was going to be. Also how much will you see from Parcel D. Mr. Friestedt answered that the height of the parcel was 10-15 feet or a story and a half. The top of the parapet of the retail component could be 20-22 feet from grade so due to it's height as well as the drop in grade, you will only see the top of the storage facility. He stated that they are aware that they will have to come back to the Plan Commission for site plan approval and will adhere to those requirements. It's a challenging piece of the project. Chairperson Ryan stated that when you come back for site plan approval for the storage facility and site elevations, he asked if the looks of it could be diminished. We are trying to build up Roosevelt Road and don't want to turn it into something not wanted.

Chairperson Ryan then stated his preference for Site Plan Option B. The restaurant and retail combined together make it a better looking facility and you can see the outdoor dining from the street. He then questioned how the south elevation might look having five tenants. Mr. Novack indicated they would update the elevation to show the number of doors. Chairperson Ryan indicated that with their previous proposal there were a larger number of doors for each tenant on that elevation which broke up the mass of the building. With five tenants it will be all brick so there is a need to tie it in with the other elevations.

Mr. Novack indicated that using two colors would break up the building similar to the V-land project.

Commissioner Nelson asked about the access into the site when traveling westbound on Roosevelt Road. Mr. Heniff indicated that the center median lets you go either way. Westbound will have a full access or through cross access. Commissioner Nelson asked if there would be a turn lane. Mr. Heniff answered there would not be a dedicated one now just a shared access. IDOT will decide the appropriate striping pattern.

Commissioner Sweetser asked is there is a right turn lane to access the site while traveling eastbound on Roosevelt Road. Mr. Heniff answered that while proceeding east, the full access will not have a right turn lane but the other will. Commissioner Sweetser commented on how the trucks will be using the full access and how unfortunate it is that we cannot change the state route. Mr. Heniff answered that we could look at it as well as IDOT being that York Township would be running tandem trucks from that access. The petitioner will have to secure a permit from IDOT and the turning radii will have to accommodate those trucks.

Commissioner Flint stated he did not have a problem with the storage use being on the site. He mentioned that there is a storage facility to the west. He stated his preference for Option B as it will look better traveling eastbound, he preferred the location of the outdoor dining area and it has a more open feeling. Acting Community Development Director Bill Heniff explained the petition annexing the old O'Hare Towing and Lombard Lanes, the petitioner recently withdrew and with the Board's concerns in mind they are back with modifications, which give the Village more control over the project. There will be a bank with a drive up, a sit down fast food casual restaurant with out door dining and some in-line retail space. He showed illustrations of two proposed foot prints for the project. The restaurant must begin before the storage facility is built, there is a list of approved restaurants, the billboard will later be removed. He said that they are asking for site plan approval by the Plan Commission. He added that the developer has adopted many of the provisions of the Roosevelt Road corridor study.

Trustee Soderstrom said that the petitioner brought this forward before and he had his reservations regarding type or quality of restaurant, the way the retail space would be used, storage on south end of property and was concerned about the phasing so we don't end up with just a bank and vacant land. The restaurant is a much higher quality and the retail spaces are limited to 5. Before they build the bank the retail or restaurant must be underway. He said he thought that the developer had done their due diligence, He said he was satisfied that they have tried to eliminate the storage facility and it is a different program than presented before.

Trustee Soderstrom indicated he wanted to emphasize that the developer and staff worked on all the concerns and he is satisfied and wants to encourage the Board to give unanimous support and approve the annexation agreement. Trustee Tross stated he voted no the last time and is prepared to vote no again. He stated this is the first major development since the Roosevelt Road moratorium and it has 29 variations and 12 conditions. He stated there is a restaurant yet to be identified and a bank with a drive-up and questioned if this was the best proposal for the area.

Trustee Soderstrom stated this is not just retail, but a mix. He stated it was a mirror of V-land development. He contended this was a good use for the Roosevelt Road corridor. He stated this Board approved a development to the

left of it and this one is as good as that one. He asked the Village Board for support of this petition and stated he felt this would enhance the Roosevelt Road corridor.

E. [090080](#)

PC 09-05: 300-312 S. Main Street

Requests that the Village take the following action on the property located within the B5APD Central Business District Planned Development:

Pursuant to Section 155.504(A) of the Lombard Zoning Ordinance (major changes to a planned development), amend the conditional use for the Prairie Path Villas Planned Development, as established by Ordinance 5802, to allow for modifications to the approved signage plan. (DISTRICT #1)

Attachments: [APO LETTER FOR 09-05.doc](#)
[Continuance MEMO 09-05.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PUBLICNOTICE.doc](#)
[Referral Letter 09-05.doc](#)
[Report 09-05.doc](#)
[Ordinance 6345.pdf](#)
[090080.pdf](#)
[090080.pdf](#)

Dan Coffey, 1300 S. Finley Road, Suite 103, Lombard, presented the petition. He explained that he purchased a business condo unit in the Prairie Path Villas for his business. He indicated that about 6 months ago he inquired about signage with the Village and initially thought the panel sign was acceptable. It was not until Mr. Pyter from Olympic Sign submitted details to the Village that the provisions regulating the site came to light. Mr. Coffey explained that David George, the developer of the building, indicated to him that the Planned Development allowed for more signage and awnings. He was not aware of the channel lettering requirement until staff made reference to the planned development ordinance and the Main Street Place requirements. He indicated that these are tough economic times and that the channel letter sign is much more expensive - \$16,500 versus \$3,700. Mr. Coffey said that financing is limited and cannot afford the more expensive sign. He also stated that Mr. George, owner and president of the association, preferred the appearance of the panel sign and having individual letters attached to the wall would create maintenance problems.

He continued that there were concerns about his responses to standards being an obstruction or distraction and don't believe they will do that. He said it is important to have a lit sign because he works late and his patients are accustomed to him staying open until 9 p.m. Without the proper signage, it would make it difficult to find his business. He mentioned the parking being in the back of the building and that his clients may miss the turn onto Ash. He respects Community Development's passion and desires to improve Lombard. He indicated that he plans to be here for many years. He said he is in a bad situation now with financing and so he needs the Commissioners' help. If the petition is denied it will delay his ability to get the proper signage to get

downtown going. He added that he cares about Lombard, serving on the Board of Directors for Chamber of Commerce, Rotary and Lombard Town Centre. He said that he would not let a sign go up that doesn't represent Lombard nor will David George. He believes that the panel type sign would look visually better, satisfy the Commissioners and allow him to support his family and employees with the additional savings.

Chairperson Ryan opened the meeting for public comment.

Tom Knapp spoke in support of the request and provided additional documents. He indicated that he is the architect for Mr. Coffey's office space and is also the Vice President of the Lombard Town Centre. He also stated that he is representing himself and the Lombard Town Centre. He said that although he was only the architect to assist Mr. Coffey with his build-out, he got involved once he learned about the signage issues. He indicated that he contacted staff inquiring about the signage provisions and was told the sign was acceptable. He said that the petitioner proceeded with a sign contractor to put a formal proposal together and submit it to the Village. The sign was rejected and he set up a meeting with Village staff to discuss the matter. He stated that staff did not provide him with anything in writing explaining the requirements. He said the sign meets the zoning requirements and that the Planned Development was unclear. He suggested a better process for business owners with regards to signage approval.

Chairperson Ryan then requested the staff report.

Stuart Moynihan, Associate Planner, presented the staff report. Staff drafted the IDRC report to submit to the public record in its entirety. The petitioner, Dr. Daniel Coffey of D.C. Spinal Wellness and Sport Rehabilitation, is proposing to install a box style wall sign on the eastern façade of the Prairie Path Villas building. Ordinance 5802 (PC 05-43), approved the Prairie Path Villas Planned Development. As part of the approvals, all wall signage associated with the development was to be in accordance with the approved elevation plan as shown on exhibit "A". In addition, as a condition of approval, signage associated with the development was to consist of channel letters. Since the proposed new sign would not be of a design or in a location approved as part of Ordinance 5802, a planned development amendment is required.

Mr. Moynihan stated that the petitioner is proposing to install a box style wall sign at Prairie Path Villas located at 310-312 S. Main St. The wall sign is proposed to be installed on the eastern elevation of the building and will face Main Street. The petitioner is the owner of the far northern commercial condominium unit on the Main Street side of the building. The proposed sign would be installed above the awning just south of the Main Street entrance to this unit. As the sign is proposed to be placed in a location not depicted on the approved building elevations, an amendment to the planned development for signage location would be necessary. In addition, the planned development required that all exterior wall signs on the building be of a channel letter design. As the proposed sign consists of a single interiorly illuminated aluminum cabinet, the petitioner is requesting that the conditional use for a planned development be amended to allow a box style wall sign.

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

The subject property is bordered by other commercial uses, a recreational

pathway, and multi-family housing. The proposed signage is not expected to negatively impact the surrounding land uses. The request is generally compatible with the surrounding land uses.

Compatibility with the Sign Ordinance

In PC 05-43, Prairie Path Villas was granted the following deviations related to signage:

- g) A deviation from Sections 153.211(F) and 153.508(B)(19)(a) of the Sign Ordinance to allow for awning and canopy signs to be displayed in conjunction with wall signs;*
- h) A deviation from Section 153.508(B)(19)(c) to allow for more than one wall sign per street frontage; and*

The deviation for the number of signs was supported by staff to allow a sufficient number of signs to identify the individual commercial tenants in the building. The use of mixed signage was supported by staff to promote the aesthetic effect of breaking up the building's street elevations. The intention was to contribute to the impression of a series of separate buildings, effectively reducing the single, larger building to a more pedestrian scale.

The petitioner's proposed wall sign would be installed on the eastern elevation of Prairie Path Villas. The proposed signage measures four feet (4') by twelve feet (12') for a total of forty-eight (48) square feet. The Sign Ordinance requires that the total sign area of all wall signs on a property in the B5A District shall not exceed one times the lineal front footage of the property and that no one wall sign shall exceed fifty (50) square feet. Therefore, no variation for signage area is necessary as the proposed wall sign does meet the pertinent regulations.

Staff also notes that the petitioner has indicated on his submitted permit plans that his tenant space has sixty feet (60') of frontage along Main Street. The proposed signage area would only make use of forty-eight feet (48') of frontage along Main Street.

Ordinance 5802 which established the Prairie Path Villas Planned Development requires that wall signage be of a channel letter design. The following conditions are applicable to this petition:

- 3. As part of the building permit submittal, the petitioner shall satisfactorily address the comments included as part of the Inter-Departmental Review Report.*
- 9. The proposed wall and awning signs on the building shall be designed and located on the building consistent with the submitted plans.*

Regarding Condition 3, staff made several comments concerning signage in the Inter-Departmental Review Report of PC 05-43. Among those comments were the following:

" Based upon the submitted elevations, two deviations are required - a deviation from Sections 153.211(F) and 153.508(B)(19)(a) of the Sign Ordinance to allow for awning and canopy signs to be displayed in conjunction with wall signs, and a deviation from Section 153.508(B)(19)(c) to allow for more than one wall sign per street frontage."

" The petitioner's request for a mixed sign package is intended to break up the scale of the building along Main Street to give it the appearance of multiple structures at a pedestrian level. The awning signage is meant to "frame" the center façade of the Main Street elevation, while the other wall sign elements identify the respective business establishments."

" Staff would be supportive of this request provided that the wall signage follows the same guidelines the Village has approved for many recent developments, including the Main Street Place planned development (SPA 05-05), kitty-corner to the site. These provisions include the requirement that all wall signage to be installed on the building shall be of a uniform design and shall be placed on the building in accordance with the wall sign package as depicted on the submitted building elevations."

As noted above in the IDRC and as a condition of approval, signage in the Prairie Path Villas Development was to be of a uniform design and placed according to submitted building elevations, same as the guidelines established for Main Street Place at 229 S. Main Street (SPA 05-05). That development was approved with the following condition:

1. All wall signage to be installed on the subject property shall be of a channel letter design and shall be placed on the building in accordance with the wall sign package as depicted on the submitted building elevations.

The approval of Prairie Path Villas was conditioned that it meet the same signage design standards required at Main Street Place, specifically channel letter design, and that the signage be located as depicted on the approved plans. These conditions were recommended by staff and approved by the Village Board as a means to improving the overall quality and uniformity of signage design and to ensure consistency in location. As the approved plans were interpreted during the public hearing to be consistent with the requirement for channel letter signs, there was no condition written as part of Ordinance 5802 which specifically stated that channel letter signs would be required at Prairie Path Villas.

It is the opinion of staff that these amendments could potentially reduce the quality of signage on the building and the quality of the development as a whole. A future tenant could replace this box style wall sign with one of an inferior quality. If other signs on the building are to be channel letter in design, a box style sign would also degrade the uniformity of the signage package which was preferred in PC 05-43. Staff also notes that the approval of these amendments may set a precedent for other tenants in the Prairie Path Villas building and other nearby buildings, such as Main Street Place, should they desire to install box style wall signs.

The Planned Development was designed to ensure unified and compatible design of buildings and signage, as authorized in Section 155.502 (D) of the Zoning Ordinance. Staff finds that the proposed amendment to the Planned Development will reduce the quality of signage on the building and the quality of the development as a whole. Therefore staff recommends denial of the request.

If the Plan Commission does determine that proposed amendments are desirable, the Commissioners may want to consider similar amendments for the entire planned development, allowing for any future signage to only meet the requirements of the Sign Ordinance. This would avoid the possible situation in which public hearings are necessary on a sign by sign basis, should similar signs be requested. The following condition could be added to any motion for approval:

1. But for the two deviations granted by Ordinance 5802, wall signs installed on the exterior elevations of the Prairie Path Villas Planned Development shall be subject only to the requirements of the Sign Ordinance.

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

Commissioner Nelson asked if the sign would be lit. The petitioner indicated it would be lit and that he needed it that way to help direct his customers.

Commissioner Sweetser indicated that since it was not specially stated that channel lettering was required that there might be a good reason for making some adjustments however she was not sure what they would be. She wanted to know if other Commissioners had any thoughts.

Commissioner Cooper suggested that the petitioner consider other types of signage that would be less expensive but still have channel letters such as steel.

Commissioner Burke suggested that the letter be back lit rather than individually lit to save costs. Commissioner Flint agreed and said there could be an alternative cost effective way to light the sign.

Commissioner Burke stated that he would like this to move forward and that he understands the dilemma and confusion, however based on the information they have, the signage is unacceptable and does not go well with the other signage on the building. He indicated that he is sympathetic to the petitioner regarding costs however he felt that the channel letter goes well with the building and other signage and that he was not in favor of the request.

Commissioner Sweetser suggested they grant a time period for this sign to be up and ready to go and be replaced in 2 years. She then stated that the planned development required channel letters and that the box sign appears to be like a billboard on the building. She stated that they should be consistent with the standards of the planned development since this is the first sign. She suggested to staff to review its process of giving information.

Stuart Moynihan, Associate Planner, introduced the petition by relating the background of the petition and the items identified by the Village Board for the Plan Commission's review and recommendation. He then read instructions for the meeting's format.

The format of the Plan Commission meeting will be as follows:

- 1. Staff will outline the reason for the Special Meeting and will note the actions to be considered as part of the meeting. Staff will provide a very brief history of the petition and will summarize the zoning actions and development regulations associated with the petition.*
- 2. The petitioner will be given an opportunity to present their petition as it specifically relates to the Village Board remand. Once completed, an opportunity to cross-examine the petitioner by anyone in the public will be provided and shall relate specifically to the petitioner's presentation and the items set forth by the Village Board.*
- 3. Upon completion of petitioner's cross-examination, any objector will be offered the opportunity to speak. Once completed, an opportunity to cross-examine the objector by anyone in the public will be provided and shall relate specifically to the objector's presentation and the items set forth by the Village Board.*

4. Staff will present the remand memorandum. Once completed, an opportunity to cross-examine staff by the petitioner and anyone in the public will be provided

5. After completion of the cross-examination, the public participation period will be closed. The Plan Commissioners shall then be given an opportunity to discuss the petition. Questions may be asked to staff, objectors or the petitioner. The Plan Commission should provide a response to the additional signage issues raised in the public hearing.

6. The Plan Commissioners shall then vote to uphold their original recommendation or amend their recommendation as deemed necessary. The Commissioners could amend the language as they deem appropriate, provided that the reasons for denial are tied to the standards for conditional uses, variations, map amendments and planned developments. The Commissioners do have the ability to add any conditions they deem appropriate should they recommend approval.

7. The recommendation will be forwarded to the Village Board for consideration at their June 18, 2009 meeting.

The petitioner, Daniel Coffey, 310 S Main St., Unit E stated that he was at the meeting to present a modified version of the panel sign denied previously. He began with a PowerPoint presentation. The initial slide shows two signs. The one he is proposing is to the right, a stretched-out version, which eliminates the phone number and has a different background.

Dr. Coffey outlined his goals for the meeting. Reading from his presentation slides, he asked, what is your definition of high quality signage? He was inspired to cruise around Lombard and take a close look at the signs around town. Regarding channel letter signs, over time these types of signage will lead to pollution, building stains and the quality is not what it could have been. Why channel letters? As he drove around Lombard, he found that it is filled with these and it didn't create higher quality and aesthetics.

Continuing with his presentation, he discussed red channel letters, random fonts, and random alignments. This office has windows filled with letters. That doesn't depict quality.

He showed examples of channel letter signs and asked if they were attractive. He stated that he doesn't see where it's that simple that canopy and channel letters are the answer.

Channel letters aren't any better. We have no consistency, cursive going diagonal, and more random red channel letters. He said they were probably installed before the commissioners' tenure. He stated that this will give new businesses a chance to find quality in the middle.

He stated that more exterior wall damage is caused by channel letter signs. He showed the wall of a strip mall with such damage. You can see how the holes are in the building. That was one of the concerns. Having an attractive panel sign would require less damage and would be better for the building.

He stated that channel letter signs can stick out like a sore thumb. He showed a picture standing at the tunnel looking down Main Street. Individual channel letters attached to a raceway stick out farther from the building. It will not look

attractive the way it sticks out.

On the Exposed Salon canopy sign, if you look close, you can still see Lombard Financial Services and a hole that was patched. He stated that he was not here to criticize but hopes there are future plans to require that the businesses have to up grade their signs. He has invested a lot of money in his space but is disappointed to know this is down the street from him.

Dr. Coffey showed a picture of the awning sign at Ciao Bella restaurant on Roosevelt. He said the sign may be appropriate for a restaurant but a canopy sign won't represent him in a classy way.

He showed a picture of Prairie Path Villas at night. The shot was taken of the building at night on purpose. Because of his hours of operation, it's important that he have lights. Is there any sign of life here? He showed where his unit will be. He hopes that today an attractive sign will be approved that will blend in and look nice with Dr. Colletti's sign across the street and not create damage.

He showed pictures of canopy signs at Countrywide Insurance. He stated that is it very dark. If he chose the canopy signage and what he has on his windows his business would not be visible. Last time it was recommended to have hook lights and that this would be attractive.

He showed a picture of exterior lit signs. He showed a plastic surgery office across the street. You can see how visualized it can be with exterior lights. The lights will have a glare on the sign.

He stated that last time it was stated that his sign looked like a billboard. He stated that he disagrees. However, he has come up with another version of the sign in black.

He showed a recently approved panel sign. He stated that this sign at Progressive Physical Medicine was a great choice. This is a backlight panel sign. Hands down if you take a drive down Main Street when its dark, this sign reflects well; it pops; it's clean.

Dr. Colletti's sign, during the day, is a beautiful sign but is not financially realistic. Mr. Coffey stated that he had it quoted and it would have cost close to \$20,000.

Concluding, Dr. Coffey stated that he was hoping to achieve something attractive and cost effective.

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

Tom Knapp, 320 N. Main Street, stated that he was here representing Lombard Town Centre as the Design Committee Chair. He stated that there are a lot of things about both sides he supports. Prairie Path Villas was a good project and he understands the Commissioners' desire to control the signs. There was some confusion during the public hearing and it did tend to focus people on signage on the canopy itself. It seems to him that the canopy signage is the least preferred signage as they are difficult to see from the street. The development and the signage should be pedestrian oriented. Prairie Path Villa's was designed to look like conglomeration of buildings and a variety of signs would be more appropriate to this goal. As Vice President and design chair, he has

been to design and signage meetings as part of the Main Street program where the state recommends that villages should have more variety in signage, not less.

When looking at regional malls those signs are appropriate, due to being 250 feet back from the roadway. This building is so close to the sidewalk that seeing signage from a car at a tight angle or as a pedestrian down below would be difficult. The canopy signage is a cheap disposable type that weathers quickly and is not a durable, long-lasting thing. In Forest Park, they had a successful downtown renewal. All buildings close to the street that stand out signs and businesses have made a sense of community with signage. In terms of staying with this proposed project, this seems like a very good alternative to where the sign should go on the building while allowing variety. Lombard Town Centre supports this proposal.

No one spoke against the petition.

Mr. Moynihan presented the staff report. Staff has reviewed each of the items identified by the Village Board and offers the following corresponding comments:

1. The petitioner shall present any new information they have in regard to a box sign or other cabinet signs in the Village of Lombard.

The petitioner has provided a copy of their information as part of this memorandum. They will be making a more formal presentation at the Plan Commission meeting.

2. Prepare a building frontage view of the Prairie Path Villas utilizing wall signage to all business condominiums so as to develop a more concrete direction for which staff and the Village Board and Plan Commission can take affirmative action.

Proposed New Sign

The petitioner has submitted a revised plan for signage (attached as Exhibit A1 & A2). Although the petitioner is still seeking to only have 1 sign, they are proposing 2 different signs for the Plan Commission to consider. The first sign would be located in the same area as originally proposed. This sign would be 36 square feet in area and consist of a black background with white lettering. The second sign would be 50 square feet in area and located further north on the building elevation. Although this sign is larger, the Zoning Ordinance allows for a maximum of 50 square feet. The design of the second sign is much more linear in nature to accommodate the required wording for the business. In addition, the majority of the sign has a black background with white lettering. In the event the Plan Commission were to recommend approval of the petitioner's sign request, staff would prefer the second sign location and design due to the more linear nature of the sign. In addition, since the petitioner has such a large tenant space, the second sign is more centered on the tenant space giving the appearance that it is fully occupied. For reference purposes, staff has prepared an Exhibit D which shows the sign on the building, as it relates to the existing signage plan approved.

Building Elevation Exhibit

In addition to the revised sign plans, the petitioner has provided an exhibit showing the location where other businesses who occupy the first floor units could have some additional signage (Exhibit B). The petitioner has indicated

that this exhibit is intended to offer businesses an alternative location for signage. Staff also calls the Plan Commission's attention to an additional exhibit which shows the petitioner's proposed sign in conjunction with channel letter signs for the other tenant spaces.

Staff Review and Comments

Staff has met with the petitioner to review and discuss the proposed exhibits and revised signage plans. Although staff previously provided its recommendation as part of the public record in the IDRC report at the April 20, 2009 Plan Commission, the proposed changes could be considered a suitable compromise if deemed appropriate by the Plan Commission and Village Board. However, staff would recommend the following design criteria (attached as Exhibit C) be established to ensure uniformity and compatibility with the original Planned Development approvals:

1. Zoning- But for the two deviations granted by Ordinance 5802, wall signs installed on the exterior elevations of the Prairie Path Villas Planned Development shall meet the requirements of the Sign Ordinance and the additional provisions below.
2. Location- All signage shall either be located in areas identified and originally approved as part of the Prairie Path Villas Planned Development and identified as sign area #1 and/or located in sign area #2, as identified on Exhibit C. Signage located in sign area #2 shall be located at the lowest point of the approved area and shall not exceed 3 feet in height.
3. Number of Signs Per Tenant Space- Signage for a single tenant space who have the option of placing a sign in either area #1 or area #2 shall only be allowed one (1) sign as a matter of right.
4. Style and Color- Signage located in sign area #1 shall be of a channel lettering design and/or associated with canopy signage. Signage located in area #2 can be either channel lettering or cabinet style. Any cabinet style sign shall have a black background with white lettering, however additional colors may be permitted provided that they do not exceed 25% of the proposed sign area.

The plans submitted by the petitioner would meet the provisions outlined above.

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

Commissioner Olbrysh stated that the petitioner had done his homework regarding signage in Lombard. He stated that the compromise, the second, more linear sign, looks very attractive.

Commissioner Sweetser agreed that she was fine with the compromise.

F. [090246](#)

PC 09-08: 331 W. Madison Street (CPSA)
Granting a further time extension to Ordinance 6347 extending the time period for construction of the conditional use for a planned development and a school for an additional twelve month period (June 18, 2012).
(DISTRICT #6)

Attachments: [APO LETTER.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo remand.doc](#)
[DAH referral memo.doc](#)
[PUBLICNOTICE.doc](#)
[Referral Letter.doc](#)
[Report 09-08 \(revised\).doc](#)
[Ordinance 6347.pdf](#)
[Ordinance 6346.pdf](#)
[Cover Sheet ext 1.doc](#)
[BOT_ext_331 W Madison.doc](#)
[Ordinance 6481.pdf](#)
[090246.pdf](#)
[090246.pdf](#)
[Letter to Boards, PC & Village Staff.pdf](#)
[BOT_extII.doc](#)
[Cover Sheet ext 2.doc](#)
[Ordinance 6625.pdf](#)
[090246.pdf](#)

Andrew Draus, 350 S. Fairfield Avenue, Lombard, attorney for the petitioner presented the petition. He thanked the public for coming regardless of whether they were in support or against his client stating that it is nice to see they are taking an active role in government.

Mr. Draus indicated that the subject of the petition tonight is the College Preparatory School of American (CPSA) located at 331 W. Madison Avenue. He indicated that the building has been used primarily by the school district since 1930. He provided the history of the site and how CPSA came to be at this location in 1994. He noted that the current zoning of the parcel is CR, which is what the parcel has been zoned the entire time, and how it is operating as a legal nonconforming use. CPSA has 5 legal lots comprising of approximately 4 acres containing a school building, parking lot, a playground and 450 students.

Mr. Draus mentioned how CPSA's curriculum and environment has attributed to the success of its students. He stated that a high percentage of students graduate from CPSA and go on to college. He also mentioned students' achievements and accomplishments such as being National Merit Scholars and being selected to the all American Academic Team, as well as how the students become professional members of the community.

The alumni of CPSA represent various professions and they are now sending their children here. CPSA has strict academic standards with people dedicated to these goals. There is no crime, vandalism, or drugs and there very few discipline issues. There has been an increase in demand for enrollment as a result of families who have moved to Lombard so that their children can attend the school. They have conducted various fundraising events in order for the proposed improvements to come to fruition. Representatives of CPSA have been

working with Village staff over a period of time in order to bring this plan before you today.

Mr. Draus then introduced Jamshid Jahedi, Architect-Engineer, from Dome Structural Engineers who would discuss the proposed plan in further detail.

Jamshid Jahedi, Architect and Engineer for the project, 105 Ogden Avenue, Clarendon Hills, thanked everyone. He indicated that he would present a PowerPoint presentation outlining the project.

Two years ago their office was asked to create a necessary drawing and design for a new building on campus. The owners' goals were to create a facility that:

- * Offers higher standard of K-12 education in a more delightful environment
- * Remains neighbor friendly while responding to steady growth of the students body
- * Continues adding credential to the school and the Village of Lombard
- * Increases the land value of the school and neighboring properties

Mr. Jahedi showed an aerial view of the school as well as a zoning map which indicated the school's current zoning - CR. He stated that the property is really more consistent with the surrounding zoning of R2.

Next was an aerial of the existing conditions. He explained the orientation of the slide in that Madison Street was to the right. The existing building is very old (90 years) and 32,000 square feet. The site has 80 parking spaces and is served by two access drives -one entrance and one exit. The majority of the students are dropped off in the parking area and he indicated the entrance as well as the exit.

The next slide showed the new addition. He explained that it is the same photo, but they superimposed the new building with the existing building. The new building is going to be built where the existing parking is with part of the building extending to the south, which is currently a grass area. The exit and entrance will stay the same. The two buildings will be connected by an underground corridor to facilitate travel between the two buildings. He then showed the next slide which was the proposed site plan. The site plan illustrated the two buildings, new parking areas, detention area and baseball field.

The traffic flow slide showed both the existing and proposed traffic patterns, which were indicated with arrows. He showed the traffic flow on the existing site as well as the proposed site and indicated it is pretty much the same. The parking has been moved to a different location and there is a new driveway, which will be strictly used by the Fire Department and is not part of the public drive. This drive was required by the Fire Department.

The existing parking is shaded with color and he indicated the location of the 80 parking spaces. The new parking has the same amount of area, but has been moved from the south of the building to the north of the building. They extended the parking to the east and south. Approximately 19 parking spaces will be added. This is a more efficient design of the site. Mr. Jahedi explained that by having these additional parking spaces on site, it would eliminate the need for parking on the street.

He showed a cross section of the property looking from Madison. They will have landscaping similar to a berm about 2 feet high, which will be

complemented with another 2-3 feet of shrubbery. This will total approximately 5-6 feet in height, which is acceptable as a screening device by the Village.

The parking space comparison slide superimposed the existing and proposed parking spaces in order to get a visual indication of how much parking they are adding. He acknowledged they were not adding a significant amount of parking.

The Occupancy & Parking Calculations slide - Mr. Jahedi stated that Village Code requires 80 parking spaces on site. He noted that the number of total parking spaces required for the existing building is 43 and they have 80. With the new facility consisting of two buildings, 32,000 square feet for the existing building and 61,000 square feet for the proposed building, the required number of parking spaces per Village Code is 80. If the Village looks strictly at Code, we are adding 60,000 square feet, but are still within Code by providing only the existing 80 parking spaces. If we use common sense, we see that right now the parking never gets full, but it does get close to maximum capacity. The neighbors would feel better and have more experience in determining whether additional parking spaces should be added to the site or not. CPUSA proposes to keep the 19 additional parking spaces in order to negate the spillage of parked cars in the neighborhood. They think that having the additional parking helps the community at large in solving some of the parking problems although they respectfully leave this decision to the discretion of the Plan Commission members.

He described the proposed site plan indicating they have an outdoor sports facility shown as a baseball field, which could also be used by the neighbors. The detention pond located in the northwest part of the site will control stormwater on site.

Mr. Jahedi showed the drainage slide and stated that the site will retain the entire run off provided by a 100-year storm. The detention pond is located on the lowest part of property. The 100-year storm is the maximum amount of coverage the jurisdiction asked the engineer to design for. The intensity is very high. There are two detention ponds shown, the lower part will handle the 50-year storm event and if higher there is a second detention pond which is part of the sports field. We are improving the drainage of the site much more than currently exists. The neighbors will not see water run off from this property. The light blue line around the site is a swale, which is designed to bring water off the site to the street and into the sewers.

Emphasizing the variances they are asking for he showed the proposed site plan. They are asking for a rezoning from the CR zoning designation to the R2 residential district, a conditional use for a planned development, a variation to the open space and a building height variation to allow 35 feet where 30 feet is allowed.

Simple Rezoning versus PUD - This slide shows a hypothetical analysis of the percentage of open space required when applying for a simple rezoning to the R2 versus applying for a conditional use for a Planned Development. A simple rezoning to the R2 where they connect the two buildings would require they need to meet 50% open space. Their plan provides 47% open space, leaving them 3% short. If we go the other route and apply for a Planned Unit Development with 2 separate buildings, the open space requirement is higher at 62.5%. Their plan proposes 47%, leaving them much shorter. The height restriction of 30' is the same for both routes. The Village prefers they apply for

the planned unit development and CPSA prefers the simple rezoning. He asked the Commissioners to think about these two differences, but respectfully leaves this decision to their discretion.

Open Space - Area Calculations - This slide shows the percentage of open space provided by the CPSA's original design versus the percentage of open space needed after factoring in the additional requirements the Village has asked for. By providing impervious roadways and pavement such as the additional driveway the Fire Department requires, as well as the cul-de-sac, this increases the impervious area and result in a larger open space requirement percentage. They are willing to spend additional money and provide green pavement components for the parking lot or the Fire Department access driveway. He mentioned how he is well trained, has appropriate certification and is a very strong advocate of the green building movement. He was disappointed to learn that the Village does not give credit for adding pervious areas. They are still willing to put the pervious pavement in their parking lot in effort to reduce the percentage and increase the open space on site to more than 50%. He asked the Commissioners to look at this concept since they are ready to do it and bring the 50% higher to maybe 62%.

The Height Comparison. Mr. Jahedi stated they are within the 30' height limit for the entire building with the exception of one staircase, which goes up to the roof. The roof consists of fans which blow fresh air into the gym and cafeteria. They will be 3-5' in height and are not included in the building height calculation. They will need a staircase to get up to the roof and this staircase is the result of the extra 5'. They prefer to not incorporate a hatch into the roof, as suggested by Village staff, as the staircase makes easier access. The amount of area that they are taking above 30' is 300 square feet or 1.4% of the footprint. He asked the Plan Commissioners to consider this and compare it for themselves.

The next couple of slides shown were elevations from the northeast, east and south. He commented that they will be 50-70 feet away from the nearest residential property line and the other two sides will see green.

The basement plan includes an area for the gym, which includes a full basketball court with bleachers and a cafeteria with a kitchen as well other things. The gym and cafeteria are two volumetric designs. They have a large height and in an effort to disguise them they were designed in the basement. As a result the neighbors won't see the gym and the building will be visually pleasing.

The first floor plan consists of the upper part of the gym, which is basically open to the basement, a preschool, administrative offices and classrooms. He noted the staircase that goes down to the basement as well as the tunnel that would take students from one building to the other.

The second floor plan consists of amenities for the school including: various labs, a library with an atrium, classrooms and a multi-purpose room.

Concluding, Mr. Jahedi noted the attributes of project.

Attorney Draus noted the storyboards located behind them. Since the Commissioners could not see the storyboards, Mr. Jahedi referred back to his PowerPoint presentation and showed where the height variation would be located on the building. He explained how they calculated the height or

average grade of the building. He noted the highest part of the building indicating that this is the stairs, which lead to the roof, are to be used for facilitating the repair and maintenance of the roof. He noted that the stairway was strategically placed in the middle of the building, placed at the furthest distance away from the neighbors.

Attorney Draus mentioned the fact that CPSA held neighborhood meetings and they have been meeting with the Village for two years trying to incorporate concerns voiced by both parties. Concluding, Mr. Draus indicated that the board members from CPSA were in the audience and were available to answer any questions on behalf of the owner.

Chairperson Ryan opened the meeting for public comment.

To speak in favor of the petition were:

Fazal Ahmed, 20 W. 17th Street, Lombard, stated that he is a resident of Lombard and has children in the school. The school not only provides an excellent education, but also contributes to a person's physical and mental health. He felt they should not be crammed into a building. He stated the need for a new building, as the existing building is aged. Having the new building is not only advantageous for them, but also for the Village as it will increase property value. He wants to stay in town due to its diversity but they need a better cleaner environment, which will result in making a name for the town.

Mohammed Azharuddin, 1069 S. Westmore Avenue, Lombard, stated he lives in the Westmore Avenue Apartment Complex, having moved from Texas because of the school's teachings and credentials. He has two children in the school and their standards are two years above the public school. He requested that they not deny the opportunity for the children to have more labs and a better learning experience.

Sabet Siddiqui, 531 W. Harding Road, Lombard, noted his profession and mentioned that he was building a house, which is one of the moderate to bigger homes in Yorkshire Woods. He indicated how he used to commute long distances in order to have his children attend the school. He asked the Commissioners to approve the proposal. The school maintains extremely high scores and they need your help to have a decent facility.

Dr. M. Javeed Ansari, 114 Oakton Drive, Lombard, stated that his family consisting of four children moved from Massachusetts for the purpose of attending this school. He mentioned there was a two-year waiting list to get in. The children's education and reputation of the school is nationwide. He has never seen such a school in this area and noted the product the school puts out. He humbly requests the Plan Commissioners to arrive at a favorable decision to help the community and make its citizens proud.

Fatima Nazeer, 43 W. Ann Street, Lombard, indicated she is an alumni of CPSA as is her husband. She stated she attended Benedictine University and he went to Northwestern. They are proud to have been a member of the CPSA community, as the school has had many accomplishments, as well as a citizen of Lombard. She referred to the Character Counts pillars on the wall and indicated that you will find those qualities mentioned at CPSA. She asked the Commissioners to consider everything said.

Mukarram Sheikh, 1328 S. Rebecca Road, Lombard, noted his profession and

stated that four years ago he did not know the Village of Lombard. When his family lived in Tennessee they searched for one of the best school in the country where they could maintain their faith as well as obtain the best academic education. They do not have many facilities from which to choose unlike other religions. The program at CPSA made them move here even though the building was something to be desired. They love CPSA, Lombard, the Park District, and the shopping. They are buying property here. He believes that an education is a holistic process and they want to add community service projects, but don't have the available space. They need to go to the next level. He believed that not only will the new proposal benefit them, but will also benefit the neighbors. The school attracts the best in the community and is a win/win situation. He mentioned Daniel Tani and how proud it makes you feel no matter where you came from that he is a product of Lombard who attended Glenbard East. We must be ready so that when the next leader comes, we will all feel proud. He asked the Commissioners to approve the building in order to attract the best talent to Lombard.

Anjum Mirza, 1306 S. Finley Road, Lombard stated he lives in International Village. He has two children in the school. Prior to them moving, his wife had to travel close to 100 miles a day to bring them to school. He humbly requests that they approve the request and give them a chance.

Muddassir Saeed, 2090 S. Valley Road, Lombard, gave his background and educational history. He stated he attended Peter Hoy School, Lombard Jr. High and Glenbard East High School. He loves the community of Lombard as it has a lot to offer and has three children in the school. DuPage County is an affordable place to live and has a good standard and asks that they support the school.

Rashid Zaffer, 1790 Porter Court, stated she lived adjacent to the school and her husband and other family members attended CPSA. It is a great school located in a great community and asks for approval of the request as it will be great for the whole neighborhood.

M.A. Majeed, 509 W. Wilson Avenue, Lombard, stated that Naperville was recently named the number one city in which to live. He did reside there, but decided to move here instead. He sends his children to CPSA. He emphasized that in the proposed plan there are two issues - the height and the open space. The code requires that they need 80 parking spots and the architect is suggesting 99. We have a choice, as does the Plan Commission and the neighbors, to either contain the parking on the premises or have it spillover onto the streets. There is another school two blocks south and there is no street parking allowed on Madison. There are other schools in the community such as Sacred Heart where street parking is allowed. It comes down to an issue of parking spilling over on the street or having open space. In his opinion, it is better to have the parking contained on the property so the neighborhood won't be affected.

Mohammed Kothawala, 213 W. Harding Road, Lombard, stated he lives two blocks behind the school. They built a house and are happy to be in the neighborhood. He has two children in the school. He sees parents come from different directions to drop off their children and as a result, he does not see much of a traffic problem.

To speak against the petition were:

Ed Pszanka, 615 S. Edson, Lombard, stated he lives adjacent to the school property. He has lived in Lombard for 40 years. He mentioned the new housing that has recently been constructed in the neighborhood. He's tired of constantly looking at a garbage dump and a blank wall. He complained of issues dealing with water run off onto his property, people raising the topography of their land, houses being built too close to property lines and too high. There is a Building Code in place and it should be followed. He stated he was not notified of any of the meetings. He was worried about the retention pond attracting geese, mosquitoes and bugs as well as being unsightly. He is an organic gardener and he does not want that water overflowing onto his property.

Chairperson Ryan mentioned that he was notified of this meeting, but there is no requirement that he be notified of meetings between the petitioners and Village staff.

Mr. Jahedi responded to Mr. Pszanka's comments about the retention pond. He indicated it will be a dry grassy area with no water. It is engineered to retain water during a storm and within a 24-hour period the water will drain back to the Village system. In this way, we are not overloading the Village system at one time.

Mr. Pszanka indicated that when CPSA bought the building in 1994, there was a ditch by the baseball field that took water and brought it along the property line down to Madison. The ditch is now filled up.

Attorney Draus indicated that the retention area has a drain in it so it is not designed for the water to remain. It collects excess water from neighboring properties. It is a Village requirement.

Candice Rizzo, 308 Harding, Lombard, stated she has been a resident for 25 years and they have recently added onto their home. They have abided by all the Village zoning and guidelines. They are very proud of their home and consider it their major investment. She is also here to speak on behalf of her husband and their neighbors. She has a petition opposing the proposal. Their concerns are:

- * increased traffic on Madison as well as the route that might be taken around the neighborhood to get to the school*
- * the height of the building - her house backs up to it so they would be directly affected*
- * privacy and the use of her property - her backyard is open and the school will have activity year round.*
- * property values haven't increased or decreased, but if they sell their house, the new owner won't want the view of the proposed parking lot with traffic being routed behind the school.*
- * garbage that would be generated.*
- * they should maintain the residential look and appearance of the neighborhood.*
- * the proposal is too large of a building squeezed onto a small piece of property and not becoming to the neighborhood.*

She went to houses within a four block radius of the school and is submitting the petition on their behalf relative to those concerns. She asked the Commissioners to consider these issues.

Joe Glazier, Jr., 304 W. Harding, Lombard, asked if they would be able to build future residences on the site without a public hearing if the rezoning to R2 was

approved. The northwest corner of his property would be affected by noise and traffic with more being put on the southeast corner of the site. The placement of rooftop mechanicals would be closer to his home and would generate more noise. The placement of the atrium will overlook the surrounding homes and would have a direct site line to his patio eliminating his privacy. They are asking to double the number of students and reduce the open space. There is too much proposed for the space available.

Attorney Draus responded to the rezoning request. He stated that there are no plans to put residential dormitories on the property. That would require another public hearing. Christopher Stilling, Assistant Director, stated that if the rezoning and the planned development were approved, they would not be allowed to build residences. He explained how a planned development is tied to a specific plan and if they deviated from that plan, they would have to come back to the Plan Commission for an amendment to the planned development, which would entail another public hearing.

Mr. Glazier then asked for an explanation about the zoning regulations between an R2 and the CR. Mr. Stilling stated that the CR zoning is intended to provide for the location of such things as public parks, forest preserves, and other open-space uses and is more in line with a publicly-owned facility. The zoning of R2 is in line with private schools and residential areas and is typical of what has been done in the past. Attorney Draus stated that the conditional use request would provide for having a private school.

Fran Pszanka, 615 S. Edson, Lombard, indicated she lives right behind where the retention pond is planned to go and asked if it will come right up to their property line. Also, she asked if there is anything that states that it has to stay away from them. She noted that if the sewer system is not good enough to take the water away, why have the pond? She mentioned previous meetings whereby it was mentioned that something would be done to remove the water. Also, she was concerned about the safety issue with having a pond on the playfield as she heard it was 5' deep. Mr. Stilling responded to the placement of the detention pond and noted that the petitioner's plan indicates there is a 5' setback. Currently, the property has no controlled detention on site so the water travels with the slope of the property. Water detention is governed by DuPage County as well as the Village.

Mr. Jahedi responded that the detention pond is like a ball so that when there is too much water it is kept in the ball until such time that it drains slowly into the system. This system serves the site better than what it does now. The depth of the pond is 5' and the slope is 3:1, which is the maximum DuPage County allows a slope to be. The slope is walkable and the children can run up and down it. It makes it a good area for play and is not a safety issue.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, introduced two items into the public record: the KLOA traffic report, which is the final version not the draft version as it states, and Response to Standards to Deviations. He noted that only three standards were addressed because they were not met by the petitioner.

Mr. Toth then continued stating that staff has drafted this IDRC report to submit to the public record in its entirety. The College Preparatory School of America (CPSA) has been experiencing an increased demand for classroom space. As such, the school is proposing to construct a second building on the subject

property. As proposed, the new building would be approximately 61,000 square feet and located south of the existing building, which would remain. The new building would include a cafeteria, gymnasium, a multi-purpose hall as well as classroom and general office area. To accommodate the increased student population, additional parking would be provided. As a result, the required amount of open space is not being provided. Therefore, the petitioner is seeking a variation to reduce the required amount of open space. In addition, the proposed second building would exceed the maximum allowed building height of thirty (30) feet to thirty-five (35) feet to accommodate a projecting stairway.

As part of their request and at the suggestion of Village staff, CPSA is requesting a map amendment to rezone the subject property from CR - Conservation Recreation District to the R2 - Single-Family Residence District. In addition, the petitioner is seeking a conditional use to establish the property as a planned development.

CPSA obtained a Certificate of Occupancy on February 10, 1993 as an Educational Facility; however, they never obtained conditional use approval to lawfully establish the full-time private school. Therefore, CPSA has been operating under legal non-conforming status since their inception. As part of this petition, CPSA is requesting conditional use approval to legally establish the existing full-time, private school.

use approval to legally establish the existing full-time, private school.

CPSA is located in an established residential neighborhood and is located in close proximity to Madison Elementary School. The hours of operation are similar to the public school hours of 8:00 a.m. to 3:30 p.m. The school year starts in August and ends in June. The addition of the new building will allow 335 more students to attend the school, which would bring the total student population to 785. The drop off/pick up functions would occur between both buildings (central to the subject property) through the use of a twenty-two (22) foot drive aisle. The Fire Department requires that all new buildings provide access to three sides of the new structure(s). As such, CPSA would be required to install a drive aisle around the perimeter of the proposed structure. This fire lane will be blocked off at all times, only to be used by the Fire Department.

As proposed, the existing building would not require ADA or Life Safety Code improvements to its interior as part of this petition. The petitioner's have indicated that the existing building would remain "as is".

The proposed building would have a peak roof height of 35 feet above grade. The R2 - Single Family Residential District permits structures up to 30 feet. The proposed deviation is requested to accommodate an access stairway. The petitioner has stated that the proposed building can be designed without the projecting stairway and still properly function. As such, staff finds that the roof height deviation is a result of an unnecessary desire and therefore, staff does not support the proposed roof height deviation.

The underlying R2 - Single Family Residence District regulations require a minimum of 50% open space for each property. Section 155.508(C)(7) requires that open space in a planned development must be at least 25% more than is required in the underlying district if a deviation is associated with the petition. As such, the additional 25% of open space would not be required if the proposed building were to meet the maximum height requirement of thirty (30) feet; however, the 50% minimum open space requirement would still need to be addressed. When combined with the coverage of the existing property

improvements, the proposed property improvements would bring the total amount of open space on the subject property to 46.85%. This equates to roughly 5,793 square feet in open space deficiency based on the 50% requirement and 28,768 square feet on the 62.5% requirement.

Ninety-nine (99) parking spaces are proposed on site. Pursuant to the Zoning Ordinance, 80 spaces are required. The additional 19 spaces can be considered to be a preferential request made by the petitioner, which represents roughly 3,078 square feet of impervious surface that could be dedicated as open space. Also, during the neighborhood meeting conducted by the petitioner, one of the issues brought up by neighbors was the aesthetic view of the front of the property, more specifically the addition of parking spaces in front of the building. As the northernmost row of parking consists of 24 parking spaces, eliminating some of those parking spaces could allow for additional open space and provide additional landscape buffering. Staff will only support a minimum of 50% open space, which meets the underlying R2 zoning district requirement.

The property is currently zoned CR Conservation Recreation District. The CR District, by definition, is intended to provide for the location of public parks, forest preserves, wildlife reservations and ecological sanctuaries and other open-space uses or resources to serve the needs of the citizens of the Village of Lombard. Again, emphasis on public usage.

Staff believes that the CPSA property is more consistent with the R2 Single-Family Residence District requirements. The R2 District is intended to accommodate existing single-family neighborhoods in the core of the Village. This zoning designation is consistent with the surrounding neighborhoods. In addition, similar requests have been granted to other private educational institutions located in the Village such as St. Pius X, St. John's, and Sacred Heart. Staff finds that the CPSA property meets the standards for rezoning.

An educational institution is listed as a conditional use in the R2 Single-Family Residence District. This request is to provide conforming use status for the school, as it pertains to the Lombard Zoning Ordinance. The operations of the school are typical of most educational institutions. Staff finds that CPSA meets the standards for a conditional use to allow for an educational institution in the R2 District.

Establishing a planned development for the CPSA campus is consistent with other private school uses in the Village. The Village previously established planned developments for Christ the King in 2004, St. John's in 2005 and St. Pius X in 2007. As a Planned Development, the site can be brought into closer compliance with current Zoning Ordinance by allowing greater flexibility in site development. It is noted; however, that the planned development is specifically required in this case as the petitioner wishes to keep both principal structures on the property physically separate of one another. Per Section 155.208(B) of the Zoning Ordinance, more than one (1) principal structure on one (1) lot-of-record is not permitted in the R2 - Single Family Residential District, except as part of a planned development. As the subject property is to be used as a master planned campus for a use other than single-family residential, the establishment of a planned development is deemed appropriate to allow the Plan Commission to have the opportunity to approve any future modifications and/or additions to the subject property.

Pursuant to the Zoning Ordinance a total of 80 parking spaces are required. The proposed plans indicate a total of 99 parking spaces, which exceeds the

amount of parking required by Code by 19 parking spaces. The petitioner has indicated that the additional parking spaces are needed to accommodate any overflow parking situations and prevent spillover parking onto the adjacent neighborhood streets. The petitioner has indicated that high school students do not drive to school. Staff believes that the minimum amount of parking spaces required by the Zoning Ordinance is sufficient. In order to ensure that the amount of parking is sufficient in the future, the number of high school students allowed to attend the CPSA will be capped at 240 students, which is the total number of high school students indicated on the plan.

Staff has relayed their concern to the petitioner that the increased number of parking spaces is considered to be one of the factors leading to the deficiency in open space. As such, staff presented a parking versus open space scenario to the Plan Commissioners through a Plan Commission workshop on December 15, 2008. During the workshop, a number of the Plan Commission members had indicated that they favored the extra parking spaces in order to prevent the spillover parking onto adjacent residential properties. However, other members stated that they favored the idea of reducing the amount of proposed parking to meet the open space requirement for the underlying zoning district.

The Village's traffic consultant KLOA reviewed the proposed development and conducted traffic counts on the adjacent neighborhood intersections to determine the impacts of the proposed development. They have completed a report which is also transmitted with the staff report. See traffic study.

Based on KLOA's observations, the peak time period for drop-off was between 8:00 and 8:30 A.M. During this half hour, KLOA observed a few back-ups extending onto Madison Street with approximately five to six vehicles temporarily waiting to turn left and access the school driveway thus blocking westbound through traffic on Madison Street.

The peak time period for pickups occurred between 3:15 and 3:45 P.M. The queues at times extended all the way back around the west end of the building. It should be noted that for a few minutes, the backup spilled onto Madison Street and three to four vehicles were temporarily waiting to get in thus blocking Madison Street. The school contracts a Lombard Police Officer to assist in traffic control. The police officer arrived just before 3:15 P.M. to direct approaching vehicle pickups at the back doorway entrance and to safely allow children and adults to use the walkway. Between 3:30 and 4:00 P.M. as many as five vehicles were queuing outside onto Madison Street. It should be noted that pickups were also occurring along the access drives on the west and east side of the building.

CPSA's hours of operation are 8:00 a.m. to 3:30 p.m. The drop off/pick up functions would occur in an area between the new and existing buildings (central to the subject property) through the use of a twenty-two (22) foot drive aisle. As the student population will be increasing from 450 to 785 students (max), the proposed twenty-two (22) foot drive aisle would be wide enough to accommodate a drop off/ pick up lane with adequate space to allow cars to pass one another, which should increase traffic flow. KLOA recommended in the traffic study that strong consideration should be given to internal staggering of classroom starting and ending times, which would alleviate drop-off and pick-up parking, queuing, vehicular/pedestrian conflicts, etc. As mentioned below, CPSA does not plan to stagger school hours unless necessary; however, they have made representation that they plan to stagger start/end times in conjunction with the Madison School, which is east of the subject property on

Madison Street.

Based upon the above observations and review of the petitioner's proposed site plan, KLOA made several recommendations in their study. Staff would like to focus on four major internal site considerations addressed in the traffic study.

1) Student Enrollment - Staff worked with the petitioner and KLOA to remediate some of the internal site issues. As the student population affects the amount of vehicular traffic to and from the subject property, CPSA has agreed to cap the number of students. The current student population of CPSA is 450 students. With the addition of the new classrooms, future enrollment is expected to reach 785 students. As such, there will be 335 additional students on the subject property during peak enrollment. CPSA has agreed to place a cap on the number of students enrolled in the school at 785.

2) Staggering of School Hours - As previously mentioned, the peak time period for drop-off was between 8:00 and 8:30 a.m. and the peak time period for pickups occurred between 3:15 and 3:45 p.m. To minimize existing and future potential congestion, KLOA recommended in the traffic study that strong consideration should be given to internal staggering of classroom starting and ending times, which would alleviate drop-off and pick-up parking, queuing, vehicular/pedestrian conflicts, etc. CPSA responded by stating, "If future enrollment dictates a need for CPSA to stagger their school start and end times at the different levels of the school (grade, middle, and high school), then CPSA will do so to alleviate traffic congestion". As such, the petitioner has not provided a detailed plan outlining their proposed staggered start/end times.

3) Drive Aisle Width - On the original site plan submitted by the petitioner, the internal drive aisles were proposed to be eighteen (18) feet wide. According to KLOA, the proposed drop-off lane needs to be at a minimum twenty-two (22) feet wide. When used for pickup in the afternoon, the additional four (4) foot width will provide a passing lane when vehicles are parked waiting for the students. CPSA complied with this recommendation and widened the proposed drive aisles to a width of twenty-two (22) feet to provide the passing lane that would allow for an increase in traffic flow on the subject property.

4) Cul-de-Sac Bulb - According to the originally submitted site plan, two-way traffic in the proposed parking lot on the southeast portion of the property would have no way of turning around. In the traffic study, KLOA recommended that a cul-de-sac bulb should be designed to provide turnaround at the south end. CPSA complied with this recommendation and added the cul-de-sac to the proposed plans as a means of allowing an increase in traffic flow on the southeastern portion of the subject property.

As previously mentioned, the petitioner held two neighborhood meetings last year to discuss the proposed plans with adjacent property owners. During the meeting, neighbors had the opportunity to comment on the plans and address their concerns with the proposed project. Some of the specific comments made by the neighboring properties included; the impact of more students at CPSA and traffic on Madison Street, the impact of more students on CPSA on parking on neighboring side streets (since there is no parking allowed on Madison Street, the only public access to the site), the aesthetic view of the front of the property (especially with the addition of parking spaces in front of the building) and concerns regarding the impact of construction of the new building (noise, safety, and parking issues) on the neighboring properties.

While staff finds the use to be compatible with adjacent properties and

consistent with the locations of other residentially-located private schools throughout the Village, the plan, as proposed with deviations is not compatible with adjacent properties. The petitioner has worked closely with staff in an attempt to address the provisions of the Zoning Ordinance, but staff believes that the proposed project could still be completed without obtaining the building height and open space variations.

The Comprehensive Plan recommends Public and Institutional uses for the subject property. As the principal use of the property is an educational facility, the use of the property adheres to the recommendation of the Comprehensive Plan as an institutional use. The petitioner's site modifications are also consistent with the existing institutional nature of the property.

Staff finds that there are no conditions related to the property that prevent compliance with the established regulations. The property does not have physical surroundings, shape, or topographical features that differ substantially from other lots in the neighborhood. It is solely the demands of the petitioner that have warranted the requested relief.

The number of students enrolled in any school directly affects the amount of space needed on the property for classrooms and other ancillary amenities. As the subject school is a private school, the amount of revenue received by the school is dependant upon the number of students enrolled in the school. Under this principle, revenue would be higher with a higher student population

Staff finds that the difficulties have been created by the petitioner as a result of a preference towards keeping the proposed building separate from the existing building, a desire to exceed the amount of required parking, and an architectural preference that does not allow the proposed building to meet the minimum building height requirement

Staff finds that these variations will alter the essential character of the neighborhood by allowing excessive bulk and impervious surfaces on the subject property. Staff has identified ways that the building height and open space could be achieved to meet code.

Standards Not Complied With

1) Any reduction in the requirements of this Ordinance is in the public interest. The R2 - Single Family Residential District permits structures up to 30 feet. The proposed building would have a peak roof height of 35 feet above grade. The proposed deviation is requested to accommodate an access stairway. The petitioner has represented in their response to standards that the deviation would allow access to the rooftop for maintenance, repair and emergency purposes. However, the petitioner has also stated that the proposed building can be designed without the projecting stairway and still properly function. As such, staff finds that the roof height deviation is a result of an unnecessary desire.

The underlying R2 - Single Family Residence District regulations require a minimum of 50% open space for each property. Section 155.508(C)(7) requires that open space in a planned development must be at least 25% more than is required in the underlying district if a deviation is associated with the petition. As such, the additional 25% of open space would not be required if the proposed building were to meet the maximum height requirement of thirty (30) feet; however, the 50% minimum open space requirement would still need to be addressed. The petitioner has represented in their response to standards that the reduction in open space would allow reduce the amount of on-site parking.

Pursuant to the Zoning Ordinance a total of 80 parking spaces are required. The proposed plans indicate a total of 99 parking spaces, which exceeds the amount of parking required by Code by 19 parking spaces. The petitioner has indicated that the additional parking spaces are needed to accommodate any overflow parking situations and prevent spillover parking onto the adjacent neighborhood streets. The petitioner has indicated that high school students do not drive to school. Staff believes that the minimum amount of parking spaces required by the Zoning Ordinance is sufficient.

2) The proposed deviations would not adversely impact the value or use of any other property.

Staff finds that these deviations will alter the essential character of the neighborhood by allowing excessive bulk and impervious surfaces on the subject property. Staff has identified ways that the building height and open space could be achieved to meet code.

3) That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zone district.

When combined with the coverage of the existing property improvements, the proposed property improvements would bring the total amount of open space on the subject property to 46.85%. This equates to roughly 5,793 square feet in open space deficiency based on the 50% requirement and 28,768 square feet on the 62.5% requirement. The petitioner stated in their response to standards that they would be unable to meet the 62.5% open space requirement. Although the proposed plans cannot meet the 62.5% open space requirement, staff believes that the petitioner is able to meet the underlying zoning district requirement of 50% open space.

Staff recommends denial of the variation for open space and building height and approval of the planned development, conditional use and rezoning with conditions. He noted that condition #1 should be changed to read:

1. The site shall be developed substantially in accordance with the CPSA elevation, site, landscaping and floor plans package, prepared by Dome Structural Engineers, dated December 1, 2008, except as they shall be changed to meet Village Codes and the 50% open space and thirty (30) foot building height requirements and shall be subject to the review and approval of the Director of Community Development.

Attorney Draus commented on the staff report stating that the petitioner has worked closely with staff for over two years. Those two variations have been part of the plan since that time and they only found out Thursday that the petition would be approved without the variations. He exemplified the St. John's building, which was a similar situation in which there was a new building with a private school being proposed and staff, the Plan Commission and the Board approved the height and open space variation. Their open space was 30 percent and he asks for equitable treatment today. He reiterated that the request for the height variation only applies to a small portion of the building, 300 square feet, which will be contained to the middle of the property and have minimal effect on surrounding properties. This is important because it is an aesthetically better building which would allow stairwell access to the roof for repairs and maintenance and is more practical than a hatch option.

He then commented on the open space variation. This issue came up several times - the open space has been reduced as a result of a request by the Village to install a cul-de-sac bulb, expanding the entryway to 22' and the requirements

by the Fire Department to have a full access around the building. All these requests have reduced the open space percentage. In the cost/benefit analysis, CPSA feels that the more parking spaces that are on the property the better it will be for traffic in the neighborhood. They raised this issue the most and they are trying to minimize traffic on the neighborhood. When there is a need for parking spaces they can be used. They believe that the benefit outweighs the 3% percent open space variation.

Lastly, he commented on the issue that came up in the public comment portion about additional traffic on the south side of the building. The area around the new building to the south is only for Fire Department access. If you are a neighbor on the backside you won't have to worry about cars there.

Concluding, Attorney Draus asked the Plan Commission to consider the plan with the two variations as it would be a better contained site.

Mr. Stilling responded to Attorney Draus by stating that the goal of staff is achieve conformance to Village Code. With regard to the requested expansion of the drive aisles and the fire department access, these are things that are part of a functioning site plan.

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

Commissioner Burke asked staff to confirm the 30% open space variation that Attorney Draus mentioned in regard to other developments in town like St. John's. Mr. Stilling stated he was not sure of the exact number, but there have been more recent petitions that met the open space requirement. Staff tries to see opportunities and if close would help them achieve it. Commissioner Burke stated that the petitioner makes a compelling argument about the roadway surrounding the building as well as the cul-de-sac. The Village's demands have caused them to require the open space request and has exacerbated the project. Mr. Stilling stated that the Fire Department access roadway is directly related to fire codes and this request is made no matter what. Mr. Toth stated that the petitioner's requests warranted the variations. The petitioner's desire to separate the buildings and add the height variation kicked in the 62.5% open space requirement. It had a trickle effect.

Commissioner Burke commented that the request for the 35' height variation only applies to a 300 square foot portion of building which is insignificant and in line with things we have provided variances for in the past. He asked what the distance is from the location of where the height variation would be on the building to the nearest property line. Mr. Jahedi stated it was approximately 150 feet from the 35 height to the nearest property line.

Commissioner Sweetser agreed with Commissioner Burke's comments relative to the height variation being a relatively small part of the building and she does not find it objectionable. She does however take exception to the open space. With regard to the petitioner's comments about how the Village's requirements contributed to them not meeting the open space requirement, she believed that you don't start a design until you find out the Village's requirements rather than the other way around. Open space could be met by removing a couple of parking spaces. She referred to KLOA's traffic report about the queuing issues and how adding parking spaces won't help the situation. The increased enrollment will also make it worse. During special events the school might need to have extra parking on the streets but this happens often with most schools.

She favored the petitioner meeting the open space and was not concerned about the height requirement.

Commissioner Cooper stated she was concerned about the Village's response about the porous pavement. Mr. Stilling indicated that we have spoken with the Fire Marshall and they discourage that kind of application. If a large tower truck was called to the scene and had to extend its outriggers, there could be a pressure point issue and the outriggers could sink into the pavers. Since the building is a multi-story facility they want to err on the side of caution with the use of pervious pavers. He noted that pursuant to the Zoning Ordinance those pavers, though perceived as open space, would not count toward open space calculations.

Commissioner Burke asked what the cul-de-sac was needed for. Mr. Stilling indicated that it would be used as a turn around. If all the parking spaces are occupied in that area, there would be no way for a vehicle to turn around. This came to be the most reasonable solution. Commissioner Burke asked if this was a Fire Department requirement. Mr. Stilling answered no and that it doesn't meet the radius for that.

Commissioner Burke referenced the issue of queuing in the KLOA traffic report. He stated that he is familiar with the routes taken to get to the school and if there is a backup in front of the school it would be similar to any other parochial school in town. As a neighbor you either wait your turn or you take a different route. He doesn't see this as being too much of an issue.

Commissioner Sweetser confirmed that her previous comment was not tied to the queuing even though it might have sounded like it did.

Chairperson Ryan asked if the parking in the front of the building would be used as a drop off. Mr. Stilling stated it could be and suggested that closing off and designating a couple of parking spaces only for drop off and pick up, similar to what Creative Day did, might help. KLOA reviewed all these issues and made the recommendation of widening the drive aisle and staggering school hours. If the petitioner does stagger the school hours, queuing should be minimized.

Commissioner Sweetser asked if the Village has incorporated LEED standards into Village Code. Mr. Stilling stated that the Village does not have anything specific to that and are not well versed in their building codes or giving bonuses. Commissioner Sweetser commented that LEED standards should be incorporated into Village Code as it is important.

Chairperson Ryan referenced the parking in front of the building and how the queuing could go to the front and that could eliminate one issue. If there is no parking in the front, it can be a hazard. As far as the height issue, if the petitioner eliminated the extra height and went with a trap, the open space percentage could drop to 50%. Mr. Stilling stated that if they meet the height and 50% open space, the variation would not be applicable.

Commissioner Sweetser asked for clarification on the use of pervious pavers and the objection by the Fire Department. She questioned if their objection was based on possible damage to the Fire Department vehicle or to the surface of the pavers. If it's based on damage to the surface of the pavers, the petitioner would know that going in so if it had to be replaced it could. Mr. Stilling responded that there were a number of factors. Commissioner Sweetser asked if there were any projections about whether the amount of pervious pavement

would cause an inability to use the equipment or be a hazard to the firefighters. Mr. Stilling stated they needed 18' for the outriggers. If the parking spaces are all occupied and they have to use the access drive, they preferred to err on the side of caution.

Commissioner Sweetser questioned that if the drive along the west and south side is not used by anyone other than the Fire Department and that area was designated pervious pavement is there any way the Fire Department would be in danger. Mr. Stilling stated that the Fire Department was adamant to have it all pavement. Commissioner Sweetser confirmed that staff didn't know the specific reason why. If it's just a matter of the surface being damaged, then it might be worth it to gain the extra area.

Commissioner Cooper asked for clarification on the refuse location being in the southeast corner of the building. Mr. Jahedi stated it was to be located in the southwest corner of the building in the middle. Chairperson Ryan indicated it was right before the baseball field. Commissioner Cooper stated her concern for choosing this location due to its close proximity to adjacent properties. She also stated that this location would be in the emergency zone so the Fire Department access driveway would be used on a weekly or biweekly basis. Mr. Jahedi indicated that this road would be chain linked and would have to be opened for trash pickup. Mr. Stilling indicated that this issue was discussed with the Fire Department who indicated that refuse pickup would be okay, but it could not be used for student drop off. Mr. Jahedi stated that the reason that this location was chosen was because of its closeness to the kitchen exit, which would have the most waste.

Commissioner Burke also pointed out that the Fire Department access drive would have to be used for deliveries. Mr. Stilling stated that portion of it would be.

Commissioner Burke questioned condition number 4 and how the numbers shown did not add up to the cap of 785 students. He asked if staff was adding in the daycare facility. Mr. Toth stated that the numbers were taken off the submitted plan, which is on the cover of the site plan. Mr. Jahedi stated that the cap is 785 students including the preschool. Commissioner Burke questioned the cap and indicated that it could be any number on the preschool. Mr. Toth stated that the condition could be changed to clarify.

Commissioner Cooper commented that there is a 5' setback along the site and she questioned the choice of vegetation along the perimeter, which was to act as a buffer. Being that the building is a large structure, it didn't seem that the choice of vegetation would suffice. Mr. Stilling answered that one of our conditions indicates that it be in conformance with the Zoning Ordinance especially along Madison, which has to be screened.

Mr. Jahedi stated that the east and south property lines are higher than the property so the slope is from the southeast to the northwest. In those two areas you have an advantage with the topography. He offered to install a fence, if needed. Chairperson Ryan commented that it would be up to the discretion of the Community Development Director.

Commissioner Sweetser asked if the screening as it relates to trees on the south and west side would be one every 40 feet. Mr. Stilling explained the Zoning Ordinance requirement as it relates to trees and indicated that the intent is that it be fully screened. If the plant is transparent they will be diligent that the

intent of the code is met.

Commissioner Sweetser commented on the issue of the fence. She stated she is not insisting that a fence be the solution, but could be an option. Also, as far as the atrium and the neighbor's privacy being compromised, there could be ways to make the lower level windows opaque.

Commissioner Cooper asked if the perimeter of the detention pit would have to be fenced. Mr. Jahedi answered that it is a shallow slope 3:1 and does not need a fence. It's a workable slope, looks pleasant, and doesn't need a fence.

The Commissioners and legal counsel then discussed how the motion and the conditions should be worded or amended if they wanted to approve the rezoning and conditional use as well as the 35' height variation, but require the petitioner meet 50% open space.

Chairperson Ryan asked Commissioners Olbrysh and Flint if they reviewed the tape and looked at the petition information that was presented during the May 4, 2009 Plan Commission meeting as they were absent during that meeting. Both Commissioners stated that they had reviewed the information.

Michael Toth, Planner I, presented the case background. At the May 4, 2009 Plan Commission meeting, the Plan Commission held a public hearing to consider zoning actions for the CPSA proposed school expansion project. The Plan Commission considered the petition and public testimony raised at the meeting and through its deliberations recommended approval of the petition, in substantial part, subject to conditions.

Subsequent to the Plan Commission and prior to the Village Board meeting, a neighborhood meeting was held with surrounding property owners where some additional comments and concerns regarding the development proposal and its potential impacts on adjacent properties were generated. The nature of the comments and concerns varied; but seemed to focus on adjacent neighbor impacts such as buffering/screening, traffic, building height and operational activities.

The Village Board, at their May 21, 2009 meeting remanded this item back to the Plan Commission in its entirety, to allow an opportunity for the issues raised in subsequent discussions to be considered by the Plan Commission in a public hearing format. This action ensures that the public hearing record has been perfected and that the public hearing provisions established in Klaeren v. Lisle are satisfactorily addressed. It is noted that all testimony presented at the May 4 meeting is applicable to tonight's hearing. He then discussed the meeting format.

Mr. Toth then read the meeting format. Staff will outline the reason for the Special Meeting and will note the actions to be considered as part of the meeting. Staff will provide a brief history of the petition and will summarize the zoning actions and development regulations associated with the petition, which he stated that he had already done.

1) The petitioner (CPSA) will be given an opportunity to present their petition and offer additional testimony regarding their use and operation. Once completed, an opportunity to cross-

examine the petitioner by anyone in the public will be provided and shall relate specifically to the petitioner's presentation and the submitted materials.

2) Upon completion of petitioner's cross-examination, if any, any objector will be offered the opportunity to speak. Once completed, an opportunity to cross-examine the objector by anyone in the public will be provided and shall relate specifically to the objector's presentation.

3) Staff will present the remand memorandum. Once completed, an opportunity to cross-examine staff by the petitioner and anyone in the public will be provided.

4) After completion of the cross-examination, if any, the public participation period will be closed. The Plan Commissioners shall then be given an opportunity to discuss the petition. Questions may be asked to staff, objectors or the petitioner. The Plan Commission should provide a response to each of the issues raised by the petitioner and/or objectors.

5) The Plan Commissioners shall then vote to uphold their original recommendation or amend their recommendation as deemed necessary. The Commissioners could amend the language as they deem appropriate, provided that the reasons for approval or denial are tied to the standards for conditional uses, variations, map amendments and planned developments. The Commissioners do have the ability to add any additional conditions they deem appropriate should they recommend approval.

6) The recommendation will be forwarded to the Village Board for consideration at their June 18, 2009 meeting.

Andy Draus, 350 S. Fairfield, Lombard indicated he is the attorney representing CPSA and presented the petition. He stated that all issues at the May 4, 2009 Plan Commission meeting and the presentations is part of the public record for today so he won't go through all those items, but will highlight some of the major issues and address concerns they received from the neighbors living near the school. The subject building has been a school building since 1930 and was purchased by CPSA in 1994 when they opened 15 years ago. The school is successful, producing many scholars. At the last meeting 11 Lombard residents spoke in favor including former students and parents who moved so their children could attend the school. He stated that the architect and engineer for the school presented the plan for the school, which is a similar request to that of St. John's School and Sacred Heart, private schools approved by the Plan Commission and Village Board for both open space and building height. At the May 4, 2009 Plan Commission meeting the proposed plans were approved and the petition was sent to May 21, 2009 Village Board meeting where it was remanded back to the Plan Commission with no comments. Since that time, the petitioner has received letters from neighbors, including Mr. Glazier and Mr. Doles. CPSA met with staff and Mr. Glazier to address those concerns that weren't explained sufficiently earlier. Tonight CPSA will go through those concerns in greater detail. He introduced Jamshid Jahedi who will give a brief presentation.

Jamshid Jahedi, 105 Ogden Ave., Clarendon Hills, architect and engineer on the project, gave a Power Point presentation.

Mr. Jahedi gave the Power Point presentation as a follow up to the public hearing on May 4, 2009. The presentation is meant to be a continuation of their original presentation.

The first slide addressed some of the issues that were received through letters and complaints from neighbors. Those issues are as follows:

- 1) Refuse enclosure located to south of property.*
- 2) Noise from garbage truck and smell of dumpster enclosure.*
- 3) Visual screening - privacy for neighbors.*
- 4) Traffic - no truck traffic on the southeast portion of the subject property.*
- 5) Upper windows - open to neighbors, which creates a lack of privacy for property owners and creates distraction for students.*
- 6) Loading dock, which is not needed for the facility, but is a zoning requirement.*
- 7) Building height of over 30'. The height of building is counted from the grade to the top of the roof and not to top of the parapet. All the drawings are given to the top of parapet. Parapet is 3-10" so the building has maximum height of 26'.*
- 8) Roof top units - noise and view.*
- 9) Construction - phases and how long it will take.*
- 10) Parking/lights - will light shine onto neighbors and create nuisance. 0.0 foot candles at the property line.*
- 11) Parking and open space, which was left unresolved by the Plan Commission.*

The second slide addressed the revised site plan. The first item to be noted is the new location of the dumpster. Mr. Jahedi stated that this is a good location as it is the existing location of the trash bins. Also, by relocating the dumpsters they are eliminating the truck traffic that would have used the roadway near the adjacent property. He added that only the Fire Department will access that drive aisle. Also, the loading dock was a concern as it was thought that semi trailer trucks would be unloading at that location. As the architect, he has to put a loading dock in to satisfy a Zoning Ordinance requirement. They are putting it in just for satisfying the Zoning Ordinance. There are no trucks coming to the facility to unload. They use catering trucks, vans or smaller trucks that don't require a loading dock. He talked to CPSA and they told him that the loading dock will stay empty forever.

The next item was the screening from the neighbors. Mr. Jahedi added that on the south and east property lines they will have large trees. They plan to use some type of tree that grows over 5-6 feet with would grow high enough and have a large enough canopy to screen the entire length of the property essentially creating a wall. Staff will be diligent to ensure the right tree species is used.

The next item was the southeast corner of the site. Mr. Jahedi stated that he created a view of the southeast corner of the cul-de-sac looking south. The fence will be 6' high all around the south side along the property line. If it makes the neighbors happy, they can go all the way to the end. The larger trees and fence will also be used on the east side. He mentioned the swale and stated that they will eliminate it and put in an underground pipe so the trees will be able to grow.

Mr. Jahedi then discussed the second floor windows of the proposed building. They will be made of a semi-translucent material, which transmits light, but cannot be seen through. As an example, he referred to frosted glass in older bathrooms, which are a translucent material. Previously he used the word "opaque" glass in front of the neighbors and admits to his error. Opaque does not transmit light or view. Gypsum board is opaque. For the record, he wanted

to correct himself by stating that the material would be translucent, but it will not be see through. They suggest these windows so there is no way of seeing outside or inside. This is also to the benefit of the school so students won't be distracted in the library and other classrooms. This is a mutual benefit.

Mr. Jahedi then discussed more of the neighborhood concerns such as questions about sunlight and the building being so high as to create a shadow onto neighbor's yard and blocking the sun. He discussed the shadow effect in the winter months and the angle projected and noted that on the south side you will never have a shadow because the sun comes from the south.

Mr. Jahedi then discussed the roof top units and the noise radii and showed how much noise would be generated from various points to the property line.

Mr. Jahedi stated that construction will be completed in one phase. His guess is construction will be less than 18 months and not more than 24 months. He added that the Village will bug the owners when the permit is set to expire.

Jamshid Jahedi discussed parking lot lighting. He stated that there is concern about spreading the light onto adjacent property, creating a nuisance. He then showed the lighting illustration and explained that it meets Village Code.

Jamshid Jahedi addressed the parking/open space issues to the Plan Commission. He stated that he teaches courses at IIT. He mentioned that one of the lessons he teaches deals with zoning ordinance and building codes. This petition is related to the zoning and how the zoning will become a determinant factor in design. He added that zoning was created to preserve the value of the properties in the neighborhood, but it is not a perfect design determinant. That's why they have the conditional use and variation processes. They wish to provide 99 parking spaces because they think it is crucial in order to prevent spillover onto surrounding streets.

He then discussed the KLOA traffic study. He added that they strongly believe the 19 additional parking spaces are needed for this operation and want the members of the Plan Commission to consider the matter.

Mr. Jahedi then ran through the parking slides. He discussed how the parking situation won't be much different from what they have now.

Mr Jahedi then addressed the open space issue. He pleaded that the Plan Commission members act favorably upon the open space variation. He added that the Village requirements do not allow them to meet the open space.

Referring to the greenish blue box in the presentation, the Village did not give CPSA credit for pervious pavement in the parking lot, which is according to the green building and LEED certification. He added that it helps to create a better environment and they are being punished for only 3% open space.

He concluded his talk and opened the discussion for questions.

Attorney Draus addressed other concerns brought up.

1) Building height and view of building on surrounding streets - the height of building is 30' and is the normal height of a house. CPSA flew balloons on Saturday and Sunday at the southeast corner to a height of 30' high to get a visual of the height.

2) *Other activities at the CPSA building - this is a school building and not a church or mosque, which applies to both buildings. There are normal school hours, but students and teachers stay later. It's a religious based school so there are prayers as part of the Muslim religion in which they pray five times a day based on the position of the sun. They conduct prayers at the school, which are not open to public, however, some parents do come in evening. He's been there at night when there are 10-12 people in the classrooms. There are extra curricular activities such as fundraisers and athletic activities.*

3) *Open space - it is their desire that the Plan Commission consider the original plan for 46.85% open space. At the last meeting they approved 50 percent open space, which is a difference of 3.15%. The difference is CPSA would get 99 parking spaces versus 80 parking spaces. Those extra spaces will be needed for extra curricular activities. They believe it is more advantageous to have them on site. Their desire is to get the plan approved with the building height and open space variations.*

To speak in favor of the petition:

Fazal Ahmed, 200 W. 17th Street, Lombard, stated he is a child psychiatrist who moved from Des Plaines so his children could attend CPSA. He has since established his practice in Lombard. His son graduated from CPSA. Their current school is a 1930's building. The learning environment has to be nice so the people can grow and nurture.

Rashid Zaffer, 1719 Porter Court, Lombard, moved from Indiana. His taxes here in Illinois are ten times more so from a business perspective it was not a good decision, but when he sees his kids in this school, it was a good decision. The students are second to none. There should be no reservation to favor this decision to allow children the proper environment needed for the citizens of tomorrow.

Mohammad Azharuddin, 1069 Westmore-Meyers, Lombard, moved from Texas to Lombard because of the school. He mentioned that he doesn't enjoy the smell of skunk or the winters, but he stays because of school. He has two kids that go there. The school is popular so please help it to expand.

Shoeb Jethro Kahn, 414 Harding, Lombard, stated that everyone needs to loosen up and talk to their neighbors. This school has been their for 18 years and graduated over 800 students. He mentioned that the university graduation rate is 100 percent. He had two houses in Oak Brook, but he sold them and moved to Lombard for the school. He has 4 children. He thinks CPSA is a great school. He asked everyone to think outside of the box. They are only doing an addition to accommodate a few more kids. If you take the school out, 300 families would move out. They have highly educated people who live here and improve the quality of life and neighborhood. The school has a zero crime, drug, and alcohol record. He felt that it was important that the neighbors and the school work together and get to know each other. He exemplified how the school offered a free medical clinic and only two neighbors showed up. They want to open their doors. They should be proud of this school for what it is doing to the community and nation. He asked for the Commissioners' support.

M. Javeed Ansari, 114 Oakton Drive, Lombard, moved here from Massachusetts for the school. He is currently a faculty member at Northwestern University and the sole reason he moved to Lombard was for the school. They waited for two years because there was a waiting list. You've heard how good school is and the reputation of school. At the last public hearing there was a unanimous

decision to expand the daycare facility for dogs which is a good thing to take care of animals. At the same time, we should be equally or more generous and welcome people that are trying to be good citizens. He hopes the Commissioners arrive at a favorable decision.

Mohammed Kothawala, 213 W. Harding, Lombard, lives two blocks from the school. All the neighbors have been good to him. He has no complaints. He moved to Lombard not only for the school but also for the Village. At 7:57 a.m. the students arrive and by 8 a.m. most of the traffic will be gone so it won't clash with the other schools. In the afternoon CPSA will close earlier than those schools.

Abdul Majeed, 509 W. Wilson, Lombard, stated that Naperville was named the best city in entire country to raise a family. Ironically he lived there, but moved here because of the school so his children can come to the school and grow. CPSA had two neighborhood meetings before the petition was even filed and afterward they had two more meetings. They are asking for a simple variation for 35 feet instead of 30 feet. He used St. Johns and Sacred Heart as examples and stated that both are private schools and St. Johns has high towers beyond 35'. He stated without the 19 additional parking spaces on the premises will result in 19 cars that will have to park on the street. The neighbors won't want the cars parked in front of their houses. He asked the height variation, which is one percent of the entire building be approved. They have got on the south side of property 4,000 square feet, which does not belong to anyone, but does contribute to the open space in the area. It is a no man's land. CPSA is ready to withdraw its claim to the neighbors so that the 4,000 square feet could be considered as part of the petition.

Sayed Zaffer, 119 Collen Drive, Lombard, moved to Lombard 2001. His business practice is located in Elmhurst Memorial and he is a member of the Chamber of Commerce. He has three children that attend CPSA. He believes the zoning can be discussed, but at end of day, it's the conscience of all those benefitting from the school and it's the right thing to do.

Dr. M.T. Alilvazec, 5382 Galloway Drive, Hoffman Estates, is from the west coast. He stated that the school is known throughout the country and some people oversees. This school has put the Village of Lombard on the map.

M. Mukarram Sheikh, 1328 S. Rebecca, Lombard, moved to Lombard from Memphis, TN. He is a physician and is for the school. He came for the school and fell in love with the Village. He has invested in the community and brought financial investments and talent here. He added that people affiliated with CPSA are acquiring new houses in Lombard and they have contributed to this community in different aspects. As the school building has been there since 1930, it is not like CPSA is trying to sneak in a building. They are just asking for help to upgrade the building to a level encompassing modern education. He mentioned how he covers trauma at Loyola and how he sees the results of street crime on a daily basis. We are being trusted in the emergency room to treat you and your families and now we are asking you to help us. He understands the neighbor's concerns and those issues have been addressed. They feel it's their right and their civil right but maybe it's just a personal thing that they do not want to help us build.

Speaking against the petition were:

Dan Smothers, 560 Green Valley, Lombard, stated that this is not a referendum

on CPSA, the school is already there. Local residents do not want the expansion of the school as it will change the face of the neighborhood permanently.

Bill Raysby, 580 S. Edson, Lombard, stated that he has four kids that attended the Green Valley School. Referring to page seven of the staff memo regarding phasing, it mentions two items that he had an objection to - the cost to upgrade Green Valley to keep it as a public school and the asbestos abatement. He has never seen or heard that the Village has issued a permit to remove asbestos tile. He is not aware of anything they plan to do with the windows, air conditioners, or asbestos. Right now with the existing building he said that they may or may not upgrade it. It's been an eyesore for some time. They should take care of what they have right now. He said that there is the possibility of tearing the existing building down after the new building goes up, but what about asbestos abatement. He's not sure if they are aware of it. He would like to see that taken care of before the petition is granted.

Ed Pszanka, 615 S. Edson, Lombard, stated his property joins the school's property. He has never heard of any incidents. He questioned the expansion and believed it will not stop there. Intelligence is the power to reason. Green Valley School was obsolete and they are still using it. Why waste that money there. He stated that the Commissioners are not doing their job. He asked what each of the Commissioners think about the school. He stated that education is the most important thing. He suggested that they take the school and put it on North Avenue and then you can build another College of DuPage or Harper.

Fran Pszanka, 615 S. Edson, Lombard, stated she had issues going back to when the property Joe Schmidt owned, was up for sale. The contractor was going to take the school down and build a few nice houses there, which would bring in tax money for the Village. That project was turned down due to the zoning code. Now we are asking for the Zoning Ordinance to be changed for the school, which doesn't seem right. There are flooding issues in the yards and the retention pond may overflow, which she has seen happen in other places. Is there a guarantee that a child might not fall into it or attract mosquitoes. For the people that have lived here for all these years and all the taxes we have paid for the school, a park should be considered.

Joe Glazier Jr., 304 W. Harding, Lombard, thanked the Plan Commission for reviewing this matter, thanked the staff and CPSA for the opportunity sit down and address their concerns. A number of ideas have come out of this meeting. I feel the school should be commended for their success, but should not negatively impact the neighbors. He wanted clarification on staggered hours of drop off and pick up, the length of school year, how the school will increase the property value, religious based school with prayers and times and dates of prayers. Please take these into consideration and ask yourself, would you want a 61,000 square foot building in your backyard.

Holly Brazleton, 141 W. Park, Lombard, stated that her biggest concern was the nature and care of the present building. Will the new building be cared for when the old building is not cared for. When activities are occurring at the school, paper plates and other junk can be found on the property to the west of the school. She added that the parking seems to be solved.

Carl Schwebl, 614 S. Elizabeth, Lombard, stated that his house backs up directly to school. CPSA paints a nice picture of being wonderful to the community. If you lived in his backyard you would think different. He stated

that there are car alarms that go off at 2 a.m. The snow removal comes at 4 a.m. during the winter. His children are not able to walk up and down the street due to the four schools in the area and adding 600 cars so every school being dropped off will be by vehicles at drop off and pick up. The Village of Lombard cannot put a police officer by Madison, now they want to add another 600 cars. He asked how the school benefits Lombard. Construction will go on for more than two years. When he moved to their house in 2001, CPSA refused to mow their lawn and their crews were there at 6 a.m. They are trying to appease their neighbors by dropping off Christmas gifts at Christmas time. He questioned the traffic study. Referring to the traffic study he added that on January 7 and 8 there is no school. A traffic study in May or June would be more accurate. The reality is this will cause more noise, pollution and traffic in Lombard.

Jerry Debokisky, 598 S Elizabeth, Lombard, stated that he lives across the street from the school. He moved to the neighborhood in 1992 and observed the school for a long time. If they are remodeling, expanding upon that small property is a waste. He also moved from somewhere, but for some reason for those beautiful properties, spaces, peace of life, slow traffic and now we are doing more of what we don't like. He wishes success for them, but not on that property.

Ken Doles, 623 S. Elizabeth, Lombard, has been a resident of Lombard for 39 years. Many of issues have been raised in past and were adequately addressed by the engineer. This is more than a bricks or mortar issue. We are talking about significant skin in this game, more specifically the property investments in the Green Valley area. CPSA's website shows that the school has outstanding credentials and a very successful operation, but it is not meant for that location. Its own success will become its worst enemy. The 785 student cap and open space issues have to be addressed. Progress is necessary, but cannot be made on the backs of the people who have established the neighborhood. He mentioned the Driscoll School. What are the next steps because if they are as successful as they claim, then what about growth, value and quality of life. These are considerations that go beyond zoning, right location, right time and long term consequences.

Candice Rizzo, 308 W. Harding, Lombard, lives directly behind the school. She had three concerns that need to be clarified:

- 1) The "no mans land" - CPSA mentioned they don't want to take it, but they will if they have to. Has that been addressed, is that an issue right now.
- 2) Parking - 99 spaces will help overflow. As it is now, the students and staff cannot park on streets, the same goes for the residents if they parked on the streets. Not even Lombard residents can park on the streets.
- 3) Building size - it will impact the residents all the way around. We know the school has been there and there was no infringement. The air conditioning unit will be close to their backyard and she hopes it will be as quiet as they say. She is concerned.

Ed Pszanka asked when the Plan Commissioners will tell their point of view. Chairperson Ryan said they will voice their concerns at the appropriate time similar to the last meeting.

Ken Doles had a question for the architect/engineer. He asked if the utility lines will have the proper clearance from the proposed landscaping.

John Harley, 585 S. Elizabeth, Lombard, asked if there will be security cameras like their school in Villa Park. He personally doesn't like them and feels that is

an intrusion into his freedom

Attorney Draus made the following comments in regard to the neighbors concerns:

- 1) He stated that it is nice to speculate on the Driscoll building or North Avenue, but they own this property and they have a right to build on it. It's also their backyard. The plan in front of us today is for this property.*
- 2) CPSA is not affiliated with the school in Villa Park, nor are there are plans for security cameras at CPSA.*
- 3) Drop off/pick up times - will be specifically staggered to avoid the times of Madison School. They will not be set in the plan itself because they need flexibility to determine year to year. Their intention is to alleviate traffic on Madison and to account for their hours and Madison School hours.*
- 4) Length of school year - 168 days long from August or September and ending in June, similar to other schools.*
- 5) Property values - interesting argument, it's all relative and very arguable.*
- 6) Present building - there is a fundraising plan to build this building, which is a modern building. Fundraising will continue to increase the value of the present building including new windows air conditioning and the like.*
- 7) 600 cars - the total increase of students would be 380 over what they have now. It may never happen. They will be capped at 785. There are 400 students now, many of which carpool. There were usually 4-5 students to a car or van that are dropped off and picked up together.*
- 8) The "no mans land" - the 3,400 square foot strip of land between the CPSA property and the neighbors. If you surveyed the two properties, no one party owns that property. We don't know why that is and dates way back. Mr. Sayeed stated that he would like the Plan Commission to take into account the land when considering the open space requirement. CPSA is not making a claim on that land, they will release that claim to the neighbors behind there if they could figure it out.*
- 9) Only two roof top units on top. The rest of HVAC system is based on different systems, which doesn't require a rooftop unit. He then explained the issue in further detail. The decibels are to the best of his knowledge and he stands behind it. He has enough qualification and has a PhD in engineering.*
- 10) The development of the property as single family residences. Jamshid Jahedi explained that the situation would be different if the property was developed with a certain amount of houses. What would happen if the same amount of houses along the east line of his property building were built closer to your property and being at higher elevation because it is not a flat roof. The pitched roof would be higher and the volume of the houses would be much larger and taller than what the CPSA has here farther away from the property line.*
- 11) Green space - was not your property to start with and was granted to the previous owner.*
- 12) Utility lines - They have not designed the detailed engineering plans yet, but they are committed to good screening with a set number of trees to create privacy. Preserving the utility lines is also crucial.*

Attorney Draus stated that he is disappointed by some of the comments from the neighbors tonight. He moved to Lombard because of diversity in this town. He always found people to be friendly and down to earth. He added that CPSA held two neighborhood meetings, a Plan Commission hearing and additional talks with neighbors. They remained civil up to tonight and he is saddened by some of their comments.

Chairperson Ryan asked for a response to the tearing down of the existing building. Andy Draus replied that there are no plans to tear down existing building. Mr. Draus added that this is their plan for expansion. If there were additional plans for expansion, it would have to come back before the Plan Commission. Referring to the flooding concern, Jamshid Jahedi stated that under the new plan they guarantee that the existing problem will go away and they will handle the run off better than what it is now.

Chairperson Ryan asked about the care of old building, cleaning up after events as being a good neighbors is an important thing. He also asked about the grass cutting. Andy Draus stated that it goes back to 2001. CPSA cuts the grass and maintained the trees and cleans up after themselves. I'm sure there's no garbage out there now.

Chairperson Ryan asked the petitioner to address the issue of activities occurring at 2-3 a.m. Andy Draus stated that he is not familiar with it. Chairperson Ryan asked if late activities are common. Mohammed Syaeed, 1154 Brighton Place, Glen Ellyn, has been involved with the CPSA Board since day one and is responsible to take care of problems. There are no activities at 2 a.m. or 3 a.m. Once in a while if the Village calls us for the alarm, they will go to fix the problem. There is no activity and no contractor comes before school starts before 7 a.m. The garbage comes on Thursday morning around 6:30 once a week, which is a standard time. Referring to lawn mowing, they have a contractor that comes and mows the lawn. They have gone 8-9 years with no problem because since 2001 they have a contractor for snow and grass.

Commissioner Sweetser mentioned some of the other conditions proposed for this petition, which includes trash collection prior to 8 a.m. and other noise-making operations. She asked the petitioner if they were aware that this condition was added. Mohammed Syaeed stated that he was not aware, but the snow cleaning and other such activities begin before school starts, which is 7:30. Attorney Draus stated that trash removal is through the Village and doesn't believe they start before 8 a.m.

Chairperson Ryan stated that they can restrict the time of trash removal similar to St. John's. Commissioner Sweetser asked if lawn mowing and snow removal should be also conditioned.

Chairperson Ryan mentioned the asbestos issue brought up. Mohammed Syaeed stated that because the building built in 1930, the situation was common back then. When they purchased the school, they had an inspector inspect it and so far the state has never told us any complaint.

Village Attorney George Wagner stated that with asbestos, if it's not touched, it doesn't need to be removed. If there is remodeling occurring then it needs to be abated. As long as it's not touched then it's not an issue.

Chairperson Ryan deferred the flooding issue to staff. Chris Stilling asked the petitioner to address the design of the pond. Mr. Jahedi stated that the system for stormwater management includes a detention pond. It appears on the plans to be a wet area, but the slope of the sides is very gentle so children can play in it without danger. When there is a storm event greater than a 100-year event, we still have a safety feature that controls water toward the Village stormwater system. It is a dry detention pond that will have short grass in the bottom of it, which makes it a pleasant view. There is no accumulation of standing water on the bottom so mosquitoes being able to breed in the water is

not possible.

Chairperson Ryan mentioned construction time. He added that the petitioner mentioned 18-24 months. Mr. Stilling stated that the Zoning Ordinance requires that a conditional use be substantially completed within 18 months of approval.

Chairperson Ryan mentioned the traffic study. Mr. Stilling stated that the Village hired a third party consultant, KLOA, to prepare and present a traffic study. Those findings and the study are included in the staff report and one of the suggestions was staggering hours of operation. One of the findings of the report indicate that if they address the staggering issue, there should be no impacts to the surrounding properties.

Mr. Jahedi wanted the record corrected. The one page he referred to in his presentation was just one page that had particular information he was noting. The traffic consultant's full report is 30-40 pages and is available to the public.

Commissioner Sweetser asked Attorney Draus to give the IRS tax status of the school. Attorney Draus stated that CPSA is a not for profit - it's a 501 C3 corporation.

Chairperson Ryan wanted to address the number of activities and prayer times as it relates to after hours. Mr. Jahedi stated that the Muslim religion requires everybody to pray 5 times a day. These are based on sun positions or natural appearances. Before sunrise there is a prayer, which will be done at home. The second prayer is at noon which is usually done at work or students perform at school. The third prayer is toward the evening. Some students may or may not be in school. The next two prayers occur in the evening and at night. The night prayer is performed at home, the evening prayer might occur on the school. Mohammed Syaheed stated that there is no prayer that occurs around 2 a.m. or 3 a.m. Chairperson Ryan asked if the students are there at 11 p.m. Mr. Syaheed stated that they may not be there for prayer, but peer tutoring can occur at that time.

Chairperson Ryan then requested the staff report.

Mike Toth, Planner I, presented the staff report. He stated that staff has prepared a list of items with responses for the Plan Commission to consider for this petition. These represent some of the various concerns raised by the surrounding residents. He stated that the information is redundant based upon the testimony already provided, but he wanted to read it into the public record.

1. Traffic

A. Increased traffic, particularly at the southeast corner of the site.

CPSA indicated that most of the drop off & pick up for the K-12 classes would occur in the middle of the site (in between the two buildings and in the new parking area north of the existing building). CPSA also stated that the preschool drop off & pick up would occur at the southeast corner of the site.

B. Traffic backup onto Madison.

A detailed traffic study was completed by the Village's consultant (KLOA), which highlights recommendations that are to be incorporated into CPSA's site

plan. Staff gave a copy of the traffic study to some of the adjacent property owners to share with neighbors. The petitioner's current plan does incorporate most of the recommendations; however, the Village still recommends a staggered drop off & pick up schedule as a condition of approval. Per the

Village's consultant, this should eliminate any stacking onto Madison. CPSA has indicated they prefer not to publish a set class schedule at this time. CPSA has agreed to stagger start and end times from those of Madison School. The petitioner has indicated that they would like to retain the flexibility to adjust class schedules and start and end times of different ages based on need, as determined by increased enrollment and/or increased traffic issues. Staff would still recommend that as a condition of approval, the petitioner provide a detailed drop off/pick up schedule based upon the recommendations in the KLOA report and based upon the proposed traffic flow conditions along Madison Street and upon the subject property.

2. Screening

A. Not enough screening/landscaping along the eastern and southern property lines.

CPSA has submitted a revised landscape and site plan showing a new six foot (6') solid fence along the eastern portions of the site. The fence would also be located on the along southern lot line, however it would stop at the midpoint. In addition, the revised landscape does show some additional plantings, however details of the type and size of plantings has not been provided. The petitioner has indicated that they are not sure yet if all the neighbors on the south and east want the fence and/or landscaped screening. The petitioner has indicated a willingness to work with the neighbors to provide screening that meets the desires of the neighbors on those sides. Staff recommends that as a condition of approval, all plantings along the parking lot and drive aisles that directly abuts residentially zoned properties be screened with evergreen and/or dense deciduous shrubs across the entire frontage at a planting height of a minimum of 4 feet. This is consistent with the requirements of the Zoning Ordinance. In addition, staff recommends that the type of evergreens and/or shrubs shall have the ability to grow to a minimum height of 15 feet.

B. Landscaping shall be dense trees/shrubs that can grow higher than a fence. The proposed drainage swale along the east property line will impede the growth of any landscaping.

The revised site plan submitted by the petitioner does show the addition of a storm sewer with several inlets along the east property line. In addition, staff recommends that the plant material shall meet the provisions outlined above. Please note that additional comments may be generated during final engineering review regarding the use of a storm sewer in lieu of only a swale. In the event the petition is approved with a condition requiring landscape screening that conflicts with the final engineering plans, the petitioner would still be required to provide the necessary screening. It would be up to the petitioner to revise their plan to meet all conditions of approvals and final engineering requirements.

3. Loading Dock

A. Residents along the southern and eastern property lines are concerned about truck traffic and the utilization of the loading dock.

CPSA indicated that they will sparingly use the loading dock and that most of their supplies are provided in vans or small trucks only. Please note that the loading dock is a zoning requirement; however, the location of the loading dock was proposed by the petitioner.

4. Garbage Dumpster

A. Location of the garage dumpster.

CPSA has revised their plans to reflect a new dumpster location. The new dumpster location will be located directly off of the western drive aisle, adjacent to the detention pond. The new location is more centralized on the site, which would place it further away from the residential properties. The Zoning Ordinance requires the dumpster to be fully screened on all four (4) sides. The relocation should mitigate many of the concerns raised by residents. Also, a condition of approval for St. Johns School (PC 05-06) was that trash collection shall not occur on the school property prior to 8:00 a.m. Staff recommends that the same condition of approval required of St. John's will be added as part of this petition.

5. After School Activities

A. CPSA has nighttime activities.

CPSA has indicated that there will be afterschool activities that would be ancillary to the school, which includes: student projects, sports and awards ceremonies. They do indicate that since it is a religious based school, there are prayer services offered five times a day. However, those participating in prayers are generally students, teachers, administrators, and a few parents who live in the neighborhood. Staff notes that it is the petitioner's intent is to utilize the property as a parochial school as its principal use, similar to other schools in the community. However, if the petitioner were to modify their operations to provide for public assembly for worship purposes, a conditional use for a religious institution would be required. The petitioner has stated that is not the intent of the school addition.

6. Building Height

A. Proposed building height will be higher than the surrounding residences and block sunlight.

CPSA has provided a detailed illustration of how the building height will not cast a shadow on the surrounding properties. The illustration demonstrates that even when the sun is at its lowest point, a shadow would be cast at a maximum of fifty-two feet (52') away from the building, which would still be seventeen feet (17) from the nearest property line. It is noted that a building height variation is still needed for the building height as it relates to the access stairway.

7. HVAC System

A. HVAC units will be loud and they will be visible to the neighbors.

CPSA indicated that the biggest HVAC unit will be located on the ground floor at the northeast corner of the new building. They also stated that two (2) units will be located on the roof of the new building; however, they will be screened

per Section 155.221 of the Zoning Ordinance.

8. Atrium Window

A. Residents along the eastern and southern property lines are concerned about the large windows overlooking their homes.

On the newly-submitted elevation plans, CPSA is now proposing semi-translucent windows to block the views onto adjacent properties. The plans now show semi-translucent glass panels on the lower- half of the second story windows and atrium. The petitioner's architect has indicated that this semi-translucent glass will still allow for light to enter the building but will prevent the occupant of the building from looking out onto the adjacent properties.

9. Capped Student Population

A. How will the capping of students be monitored.

As a condition of approval, staff recommends that grade school students shall be capped at 450 students and the number of high school students shall be capped at 240 students. The total student population, including the pre-school, shall not exceed 785 students. To monitor this condition, staff can obtain student population numbers through the Illinois State Board of Education and pre-school numbers through DCFS.

10. Parking Lot Lighting

A. Residents are concerned about parking lot lighting spilling over onto the adjacent properties.

CPSA will be required to meet the full provisions of Section 155.602(A)(10)(d) of the Zoning Ordinance, which pertain to parking lot lighting standards. Section 155.602(A)(10)(d) specifically states that in no case shall parking lot lighting exceed 0.5 foot-candles at any property line which is shared by a residentially-zoned property. As such, the Ordinance does not allow for excessive light spillover onto residential properties. Furthermore, CPSA will be required to submit a photometric plan, for Village review, as part of their permit submittal.

11. Phasing & Construction

A. Residents were concerned that the project was going to be built in phases over the years.

CPSA indicated that the entire project would be built in one (1) phase. Any improvements to the existing building (windows and air-conditioning) may come at a later date, after they are done with the project.

B. Construction Hours.

Village Code restricts construction activity Monday-Sunday 7 a.m. to 8 p.m.

12. Surveyor's Gap

A question was raised regarding the surveying gap located south of the subject

property. The plans show that the proposed use will not include the gap area and the petitioner does not intend on including this area as part of their petition.

13. Fire Access

On all new buildings the Fire Department requires at least three sided access. In addition, the Fire Chief may require 'continuous access around a building' or four (4) sided access. Fire Lanes must be a minimum of 18' wide and must be set back 15' from the structure. At times parking lots can meet these two requirements such as St. Johns School did (PC 05-06). In the case of CPSA, the area between the proposed new building and the existing building could not be utilized as fire access land since there is not enough building separation and there are overhead obstructions which would prevent fire apparatus from maneuvering aerial ladders.

Chairperson Ryan then opened the meeting for comments among the Commissioners

Commissioner Sweetser stated that before we start, it may not be clear to whoever may be listening that we take all the Commissioners take an oath and that oath prevents us from accepting outside issues of the other parties involved. Mr. Stilling stated that when a petition comes forward they have to meet certain standards and criteria, the petitioner and the Plan Commission has to find that they meet those standards.

Commissioner Sweetser mentioned several things - the height of building at 26 feet and she asked if that means that the height of the extra piece is still considered 35 feet. Mr. Toth stated that the access stairway is in excess of 30 feet. Mr. Stilling stated that the stairway has always been the same height.

Commissioner Olbrysh referred to the large trees on south and east side. He asked if the petitioner was going to bring in mature trees.

Mr. Jahedi replied that he is not the Landscape Architect, but there are certain ages of trees you can bring in. The more mature the tree the less of a survival rate it has at planting time; as such, they will bring in the species of trees considered and will not be a mature height but will grow within a few years from planting. It will take 4-5 years before we get the desired screening that the trees will provide.

Referring to the illustration, Commissioner Olbrysh implied that those size trees will not be brought in. Mr. Jahedi stated that is his is best guess.

Referring to the landscape plan, Commissioner Olbrysh asked if there is landscaping and a berm in front of the building.

Mr. Stilling replied, yes. Based upon the submitted plans a 2' berm is provided along with landscaping that meets the requirements of the Zoning Ordinance.

Mr. Jahedi stated that's exactly correct and mentioned the cross section. The same cross section shows a 2' berm and 4' of plantings, which makes 6' on the Madison side.

Commissioner Sweetser referred to the assertions in the neighborhood correspondence that they received as part of the record stating that CPSA is a "business". She noted that they are inaccurate.

Village Attorney Wagner replied that CPSA is a tax-exempt organization, which you might equate as a business function, but is a school and is tax exempt.

Commissioner Flint stated that he wasn't at the previous public hearing, but he did view the tape, read the minutes and looked over all the correspondence. He added that by coming back here there was a lot of input from the residents to the betterment of the project. One of the improvements to the plan is the moving of the dumpster from the back to the west.

Commissioner Burke asked if we are going to move forward with condition #9.

Commissioner Sweetser asked if the Commissioners should indicate hours of operation. She added that she didn't think it was necessary but would like to speak to one of the concerns raised by the residents. She wanted to make sure the Commissioners were not perceived as not addressing their concerns. Chairperson Ryan stated that the late night issue has been clarified.

Commissioner Olbrysh mentioned the open space issue. He asked if St. Johns was approved for an open space variation. Mr. Stilling stated that it was short on open space. He added that he can't say for certain what that was but mentioned that there were more recent projects that met the open space requirement. In regard to open space deviation, these requests also included parking deviations, but this is a different situation and a balance needs to be maintained. It is staff's goal to achieve conformance in meeting code. The Zoning Ordinance doesn't restrict parking maximums only a minimum. We want compliance with open space.

Referring to the open space, Commissioner Sweetser asked about the 3,400 square feet of "no man's land". Since it doesn't belong to anyone and the petitioner wouldn't seek any claim to it, it is there. She asked staff if they saw this area as a way to provide them with any sort of resolution. Mr. Stilling replied that we don't have to address that area and are confined to the property's boundaries.

Commissioner Sweetser stated that the subject property is in a residential zoned area which is one of the reasons why staff wanted to limit parking in front and increase open space. Mr. Stilling stated that staff has no preference to where they should remove the parking. He added that the neighbors had concerns about parking in front of the existing building and the appearance it would give so if they removed the parking, it would be good to do it there. Commissioner Sweetser stated that it seems the neighbors would prefer to have the extra parking. Chairperson Ryan stated that they should uphold the open space. From his point of view, he would like it kept at 50 percent.

Chairperson Ryan asked who maintains the "no man's land". Mr. Jahedi stated that the land has maintained by the neighbors. He added that they are grateful to them as it is part of their yard as well.

Commissioner Sweetser stated that last time there were two motions.

Village Attorney Wagner clarified that the recommendation is to provide the variation for the height and then to approve the variation for the open space as to the 25 percent.

Chris Stilling explained how they arrived at 62.5 percent open space. He added

that condition #1 should reflect the date of the latest plans.

Commissioner Burke moved to amend the recommendation to adopt Village Attorney Wagner's conditions.

G. [090298](#)

ZBA 09-04: 126 S. Lombard Avenue

Granting a time extension to Ordinance 6348 extending the time period for construction of the variation associated with the building addition for an additional twelve month period (June 18, 2010). (DISTRICT #4)

Attachments: [apoletter 09-04.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PUBLICNOTICE 09-04.doc](#)
[Referral Let 09-04.doc](#)
[Report 09-04.doc](#)
[Ordinance 6348.pdf](#)
[Cover Sheet Ext.doc](#)
[BOT ext memo.doc](#)
[090298.pdf](#)
[090298.pdf](#)
[Ordinance 6482.pdf](#)

The petitioner, Rhonda Heabel, presented the petition. Ms. Heabel began by stating the home currently has a setback of 4.5 feet and she would like it to stay this way. This would allow her and her husband to construct a one car attached garage and a dining area.

Scott Heabel, 126 S. Lombard Avenue, stated that they would like to demolish what is currently there and replace it by constructing in the same area. They would just like to update their home.

Chairperson DeFalco asked if anyone was present to speak for or against the petition. There was nobody present to speak for or against the petition.

Chairperson DeFalco then requested the staff report.

Stuart Moynihan, Associate Planner, read the staff report. Mr. Moynihan stated that the property contains a two-story single family residence built approximately four and one-half feet (4.5') from the southern side property line. Currently, a carport and a three-season room are the southernmost parts of the residence. The petitioner plans to demolish these areas of the residence in order to construct an attached garage, kitchen, and dining area. The new construction would maintain the current setback of four and one-half feet (4.5'). Due to the demolition, the Zoning Ordinance would require that the new construction meet an interior side yard setback of six feet (6'). Therefore, a variation is necessary.

The carport and three season room were permitted in 1960 and 1962 respectively and are considered legal non-conforming with regard to the interior side yard setback. These portions of the residence are currently four and one-half feet (4.5') from the side lot line and are one-story in height. The

proposed residential addition would occupy the footprint of the carport and three season room as well as additional areas to the east and west. The addition would also be set back four and one-half feet (4.5') and would be one-story in height.

Mr. Moynihan referenced five previous variations listed in the staff report in which similar relief was granted.

1) The property at 576 Green Valley Drive received approval of a variation to reduce the required interior side yard setback from six feet (6') to two feet (2') for the conversion of a carport into a garage and for a residential addition (ZBA 03-10).

2) The property at 828 S. Fairfield received approval of a variation to reduce the required interior side yard setback from six feet (6') to two and one-half feet (2.5') for a residential addition (ZBA 05-14).

3) The property at 219 W. Hickory received approval of a variation to reduce the required interior side yard setback from six feet (6') to two and one-half feet (2.5') for an attached garage (ZBA 06-14).

4) The property at 259 N. Garfield received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.88 feet for a second story addition holding the previously developed exterior wall of the residence (ZBA 07-12).

5) The property at 217 N. Craig Place received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.9 feet for a sunroom at the rear of the home holding the previously developed exterior wall of the residence (ZBA 08-03).

As the proposed addition would maintain the existing building line, it would not increase the degree of encroachment into the existing non-conforming setback. Staff notes that a front-loaded attached garage could not be constructed at the north side of the property as the existing setback is insufficient in this area as well. These setback deficiencies can be attributed, in part, to the width of the lot being fifty feet (50').

The adjacent lot to the south, 128 S. Lombard Avenue, is developed with a single-family residence built approximately 9.8 feet from the property's northern side lot line. The Zoning Ordinance requires that the northern side yard setback for the 128 S. Lombard Avenue property be nine feet (9') as there is no attached garage. If the proposed addition at 126 S. Lombard Avenue is built at a setback for four and one-half feet (4.5'), the separation between the homes would be approximately 14.3 feet. This distance is greater than the twelve feet (12') that would be established by maintaining the standard code requirement for an interior side yard which is six feet (6') on each property.

In order to avoid the undesired effects of increased physical or perceived bulk to the neighboring properties, staff suggests that a condition be added to any motion for approval that any new construction built within the six foot (6') setback area be limited to one-story in height.

Staff finds that this petition meets the Standards for Variations. The proposed location for the addition and garage are due to the existing configuration of improvements on the lot and the desire to conserve open space on the property.

Mr. Moynihan stated that the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make a motion recommending approval of the side yard setback variation subject to the conditions in the staff report.

Chairperson DeFalco then opened the meeting for discussion by the Board Members. He asked if the proposed addition would meet the thirty foot front yard setback. He clarified by stating that the site plan depicts the southern portion of the home at a setback of 29.7 feet.

Mr. Moynihan stated that, although the site plan does not show it, the construction plans show the front wall of the garage set back an additional two feet. Therefore, it would meet the thirty foot setback.

The petitioner was asked if his boat will fit within the garage.

Mr. Heabel stated that he had measured to ensure that it would fit in the garage.

Mr. Tap also stated that there seems to be a large tree where the new construction is proposed.

Mr. Heabel stated that it would have to be removed.

Mr. Young asked if there is a twelve foot separation requirement between buildings and if this would have an effect on the neighboring residence.

Chairperson DeFalco stated that the neighboring residence would have to be setback more than six feet if rebuilt.

Mr. Moynihan stated that this requirement only applies to detached garages.

Mr. Young asked if the original carport was allowed in the setback as an accessory structure.

Mr. Moynihan stated that the carport would have been considered part of the principal structure as it is attached to the home, just like an attached garage.

Chairperson DeFalco stated that the third condition in the staff report usually has a requirement about 50% of the value of the structure.

Mr. Moynihan stated that this could be added to the condition.

- H. [090354](#) Supplemental Act Assessment Bonds (Special Assessment Number 217B) Series 2009
Ordinance providing for the issuance of aggregate principal amount \$847,000 Supplemental Act Bonds (Special Assessment Number 217B) Series 2009. (DISTRICT #4)

Attachments: [Ordinance 6349.pdf](#)
[Bond No. 1.pdf](#)
[Certificate of Delivery and Payment.pdf](#)
[Certificate of Purchaser.pdf](#)
[Certificate of the Village of Lombard Arbitrage and Federal Tax Matters.pdf](#)
[First Resolution SA 217B.pdf](#)
[Information Return for tax exempt Governmental Obligations.pdf](#)
[Issuer's Organization and General Certificate.pdf](#)
[Order of Final confirmation.pdf](#)
[Ordinance 6281.pdf](#)
[Petition in the Circuit Court for the 18th Judicial Circuit.pdf](#)
[Report and Assessment Roll.pdf](#)
[Signature and No litigation Certificate.pdf](#)
[090354.pdf](#)

- I. [090355](#) Issuance of an Aggregate \$2,800,000 General Obligation Limited Tax Debt Certificates
Ordinance authorizing and providing for an Installment Contract, the Issuance of an Aggregate \$2,800,000 General Obligation Limited Tax Debt Certificates, Series 2009 for the Village of Lombard (Special Assessment 217B). (DISTRICT #4)

Attachments: [Ordinance 6350.pdf](#)
[Certificate of Delivery and Payment.pdf](#)
[Certificate of Indebtedness.pdf](#)
[Certificate of the Village of Lombard - Arbitrage and Federal Tax Matters.pdf](#)
[Equalized Assessed valuation certificate.pdf](#)
[General Obligation Debt Certificates No. 1-20.pdf](#)
[Information Return for Tax-Exempt Governmental Obligations.pdf](#)
[Issuer's Organization and General Certificate.pdf](#)
[Signature and No Litigation Certificate.pdf](#)
[090355.pdf](#)

- J. [090356](#) Prevailing Wage Act
Ordinance ascertaining the prevailing rate of wages for laborers, workers and mechanics employed on Public Works projects in the Village of Lombard.

Attachments: [Ordinance 6351.pdf](#)
[prevailing wage July 2009.certification.pdf](#)
[090356.pdf](#)

- K. [090368](#) Ordinance Amending Title 9 Chapter 92 of the Lombard Village Code Amending Title 9, Chapter 92 of the Lombard Code with regard to

Health and Sanitation Regulations, specifically administrative fees relating to grass/weeds.

Attachments: [Ordinance 6352.pdf](#)
[090368.pdf](#)

Other Ordinances on First Reading

Ordinances on Second Reading

- L. [090304](#) Sale of Surplus Equipment
Ordinance declaring the Police Department evidence van as surplus and authorizing its sale to the Glen Ellyn Police Department in the amount of \$10,000.
Attachments: [pdevidencevancover51909.doc](#)
 [pdevidencevanmemo51909.doc](#)
 [pdevidencevalord51909.doc](#)
 [Ordinance 6353.pdf](#)
 [090304.pdf](#)
- M. [090305](#) Amending Title 3 of the Village Code
With regard to the inauguration date for elected officials.
Attachments: [inaugurationchangememo51909.doc](#)
 [ordinaugurationdatechange51909.doc](#)
 [Ordinance 6354.pdf](#)
 [090305.pdf](#)

Resolutions

- N. [090301](#) Main Street Access Improvement Project, Final Balancing Change Order No. 1
Authorizing a decrease to the contract with Chicagoland Paving Contractors, Inc. in the amount of \$44,767.80. (DISTRICTS #2 & #6)
Attachments: [090301.pdf](#)
 [R 3-10.pdf](#)
 [Change Order 1 - Chicago.pdf](#)
Dave Gorman reviewed the change order with the committee members.
- O. [090315](#) FY2009 Sewer Televising and Cleaning, Change Order No. 2
Authorizing an increase to the contract with United Septic, Inc. in the amount of \$99.99.
Attachments: [090315.pdf](#)
 [R 4-10.pdf](#)
 [Change Order 2- United Septic.pdf](#)
Reviewed by Dave Dratnol.
- P. [090327](#) Main Street Lighting, Final Balancing Change Order No. 6
Authorizing an increase to the contract with Utility Dynamics in the amount of \$11,399.43. (DISTRICTS #1, #2, #4, #5 & #6)
Attachments: [090327.pdf](#)
 [R 5-10.pdf](#)
 [Change Order 6- Utility Dynamic.pdf](#)

Dave Dratnol reviewed the change order with the committee. There are ComEd related issues involved in this change order.

- Q.** [090328](#) Concrete Rehabilitation, Final Balancing Change Order No. 2
Authorizing a decrease to the contract with Triggi Construction in the amount of \$5,585.00.

Attachments: [090328.pdf](#)
 [R 6-10.pdf](#)
 [Change Order 2- Triggi.pdf](#)
 [Engineer's Final Payment Estimate.pdf](#)

- R. [090329](#) South Booster Station, Change Order No. 2
Authorizing a decrease to the contract with Genco Industries, Inc. in the amount of \$3,675.25.

Attachments: [090329.pdf](#)
[R 7-10.pdf](#)
[Change Order 2- Genco.pdf](#)

Dave Dratnol reviewed change order with committee.

- S. **FY 2010 Driveway Apron & Sidewalk Restoration Program, Change Order No. 1 (This item is being removed pending approval by DuPage County)**

- S2. [090374](#) Intergovernmental Agreement with Addison
Resolution authorizing signatures of the Village President and Village Clerk on an intergovernmental agreement with Addison pertaining to the Circulator.

Attachments: [R 8-10.pdf](#)
[Agreement- Addison - Circulator project.pdf](#)
[090374.pdf](#)

Other Matters

- T. [090333](#) Oak Creek Drive and Finley Road, Traffic Signal Video Detection
Requesting a waiver of bids and award of a contract to Meade Electric in the amount of \$30,000.00. Public Act 85-1295 does not apply.
(DISTRICTS #2 & #3)

Attachments: [090333.pdf](#)
[Proposal.pdf](#)

- U. [090358](#) Catch Basin Cleaning Project
Request for a waiver of bids and award of a contract to Midwest Trenchless Technologies in the amount of \$50,000.00. Public Act 85-1295 does not apply.

Attachments: [090358.pdf](#)

- V. [090359](#) Water Meters & Accessories
Request for a waiver of bids and award of a contract to HD Waterworks Supply in the amount of \$43,150.00. Public Act 85-1295 does not apply.

Attachments: [090359.pdf](#)

- W. [090367](#) Cross Connection and Grease Control Programs
Request for a waiver of bids and award of a contract to Aqua Backflow, Inc. in the amount of \$85,800 for FY2010 and \$85,800 for FY2011.
Public Act 85-1295 does not apply.

Attachments: [090367.pdf](#)
[Cross Connection & Grease Control Agreement.pdf](#)

- X. [090370](#) Purchase of Video Laryngoscopes
Request for a waiver of bids and award of a contract to Verathon of Bothell, Washington in the amount of \$27,085.00, the sole vendor, to purchase three video laryngoscopes. Public Act 85-1295 does not apply.
- Y. [090373](#) Landscaping Restoration Contract FY2009
Requesting a waiver of bids and award of a contract to TLC Group, LTD in the amount of \$70,000.00. Public Act 85-1295 does not apply.
- Z. [090271](#) Grant Application From Embassy Suites
Request from Embassy Suites Chicago/Lombard/Oakbrook for \$25,000 from Hotel/Motel funds, for costs associated with the promotion/advertising/marketing of their Lombard hotel.

Attachments: [090271.pdf](#)

A grant request was submitted by the Embassy Suites Hotel for costs associated with marketing that was previously paid for with funds under the Village's 5% hotel/motel tax return program. Embassy Suites General Manager Mary Eckhoff and Marketing Manager Amy Wikoff were in attendance and presented the information request to the committee.

Wikoff presented information on what the funding had been used for in the past (see attached packet). The programs were explained and the return on investment that the hotel received was also discussed. Embassy Suites occupancy is down but down the least when compared to their competition. The funds would be used to purchase marketing efforts that were previously done, including AAA marketing, Big Mouth Marketing online, DuPage Business Ledger and "Insight."

Staff added that Embassy Suites had always used all of their money that was allocated under the previous grant program for hotels and that these programs were funded in the past with those dollars.

Finance Director Tim Sexton indicated that for the fiscal year that just ended May 31, 2009, Embassy Suites would have received about \$21,000 based on the previous year's grant program calculations.

President Mueller asked how much business would the hotel lose if the marketing in question was not done and Embassy Suites staff members pointed out that it is really difficult to tell for sure but that the AAA had the biggest return for them. They also added that "Big Mouth Media" is electronic advertising that all of the competition is just starting and Embassy has been doing it for years.

Ed Murphy indicated that it is possible for nine other hotels to come in and

make the same request for funding. Tim Sexton gave the Village's best estimate that the Hotel/Motel fund is \$100,000 below budget right now. President Mueller indicated that there was a fund balance at the end of this year of 30%. Sexton added that given the \$100,000 difference in the budget, that would bring the fund balance down to about 14%.

Village Manager Dave Hulseberg added that the two new programs of the unlimited pool passes for all the hotels as well as the Circulator Bus were both being funded in Hotel/Motel.

Skip Strittmatter asked if this was the first grant request of the new budget year, which it is.

President Mueller asked that a special grant in the amount of \$20,000 based on the formula that was used previously, as Embassy Suites has made good use of the funding in the past, be requested of the Board. With that, Steve Wilk, Sr., made a motion that a special grant be awarded to Embassy Suites Hotel, in the amount of \$20,000, to be used for costs associated with marketing and advertising for the hotel. The motion was seconded by Ed Murphy. Motion carried unanimously.

Staff added that the grant will be a reimbursement as in the past and will be handled in the same manner. President Mueller asked for updates from Embassy Suites on the expenditures. Amy Wikoff will get the water park package sample to staff.

- AA. [090363](#) LED Streetlight Retrofit Program
Staff recommendation to pursue the LED Streetlight Retrofit Program for the Energy Efficiency and Conservation Block Grant of \$187,500.00.
Attachments: [090363.pdf](#)
- BB. [090369](#) Extension of a Temporary Special Event Permit and Temporary Signage (Taste of Lombard)
Requests approval of an extension of a Temporary Special Event Permit and for the use of public rights-of-way for the display of temporary directional signs associated with the Taste of Lombard for the period July 1, 2009 through July 5, 2009. (DISTRICTS #1, #2, #4, #5 and #6)
Attachments: [090369.pdf](#)

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

Ordinances on Second Reading

Resolutions

Other Matters

X. Agenda Items for Discussion

- A. **090361** GIS Presentation
Informal presentation on GIS enhancements made over the past year and request the Village Board provide their thoughts and/or direction to staff.
Attachments: 090361.pdf
- B. **090362** Web Site Presentation
Informal presentation on the Web Site enhancements made over the past year and request the Village Board provide their thoughts and/or direction to staff.
Attachments: 090362.pdf
- C. **090371** Title 3 of the Lombard Village Code
Discussion of Title 3, Sections 30.20 - 30.99, Committees.
Attachments: 090371.pdf

XI. Executive Session

XII. Reconvene

XIII. Other Business

- A. [090372](#) Approval of Contract
Between the Village of Lombard and Village Manager David Hulseberg.
Attachments: [090372.pdf](#)
[Contract VM.pdf](#)

XIV Adjournment

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