

# Village of Lombard

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



## **Minutes**

**Monday, March 15, 2021**

**7:00 PM**

**Village Hall**

## **Plan Commission**

***Commissioners:***

***Ruth Sweetser, Stephen Flint,  
Leigh Giuliano, Bill Johnston,  
Kevin Walker and Tony Invergo  
Staff Liaison: Jennifer Ganser***

**NOTICE OF MEETING MODIFICATION DUE TO COVID-19**

In light of the Disaster Declaration issued by the Governor of the State of Illinois relative to the COVID-19 pandemic, and pursuant to Public Act 101-0640, the Chairperson of the Plan Commission has determined that an in-person meeting of the Plan Commission, or a meeting conducted under the Open Meetings Act requirements, relative to a quorum of the members of the Plan Commission being physically present at a meeting when some members of the Plan Commission are participating remotely, is not practical or prudent because of the disaster.

Pursuant to Governor Pritzker's Executive Order 2020-07, as extended by Executive Orders 2020-18, 2020-33 and 2020-39, 2020-44, 2020-52, 2020-55, 2020-59, 2020-71, 2020-74, 2021-01, 2021-04 and pursuant to Public Act 101-0640, which suspend the requirement of the Illinois Open Meetings Act requiring in-person attendance by members of a public body during the duration of the Gubernatorial Disaster Proclamation, members of the Plan Commission may be participating in the meeting through a virtual meeting platform.

Physical attendance at this public meeting will be capped to a maximum capacity of 50 persons in total, inclusive of Village officials, staff and consultants (whose physical attendance will be given precedence), with strict social distancing requirements in place. While the public is welcome to attend the meeting, and provide comments, in person, given capacity limitations and the COVID-19 pandemic, residents are invited to view and participate remotely through the means offered below. Interested parties may also view the meeting live on television, at Comcast Channel 6 or AT&T Channel 99, or on online at [www.villageoflombard.org/220/view-meetings-live](http://www.villageoflombard.org/220/view-meetings-live).

All interested persons will be given the opportunity to participate in the public hearing via telephone or submission of public comments or evidence in advance of the meeting

- email to [communitydevelopment@villageoflombard.org](mailto:communitydevelopment@villageoflombard.org)
- calling and leaving a voicemail at 630-620-5760
- letter mail to:

Community Development Department

Attn: Plan Commission

Village of Lombard

255 E. Wilson Avenue

Lombard IL 60148

Persons interested in participating in the hearing via telephone shall contact the Village in advance by any of the above methods to obtain information necessary for telephonic participation in the hearing. The Village requests that comments be submitted to the Village by 4:00 p.m. on Monday, March 15, 2021.

Notwithstanding this request, all comments received before the public comment

portion of the public hearing will be read into the public meeting record. The physical attendance restrictions in place for this meeting have been adopted to comply with Governor Pritzker's Executive Orders regarding social distancing and the need to maximize residential self-isolation to slow the spread of COVID-19 to the greatest extent possible.

## Call to Order

*Vice Chairperson Flint called the meeting to order at 7:00 p.m*

## Pledge of Allegiance

*Vice Chairperson Flint led the Pledge of Allegiance*

## Roll Call of Members

**Present** 5 - Ruth Sweetser, Stephen Flint, Bill Johnston, Kevin Walker, and Tony Invergo  
**Absent** 1 - Leigh Giuliano

*Also present: Jennifer Ganser, AICP, Assistant Director of Community Development,*

*Commissioners: Ruth Sweetser, Kevin Walker and Bill Johnston attended remotely.*

*Vice Chairperson Flint called the order of the agenda.*

*Ms. Ganser read the Rules of Procedures as written in the Plan Commission*

## Swearing in of new member Tony Invergo

*Ms. Ganser conducted the swearing in of the new Plan Commissioner Tony Invergo.*

## Public Hearings

[210072](#)

### **PC 21-10: 1060 N. DuPage Avenue, 10th Planet Lombard**

The petitioner requests a zoning conditional use pursuant to Section 155.420(C)(18) of the Lombard Village Code to allow for a learning center to operate on the subject property located within the Industrial District. (DISTRICT# 1)

*Sworn in to present the petition were: Jennifer Ganser, Assistant Director of Community Development; and Wilfredo Ocasio, the petitioner.*

*Vice-Chair Flint read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, he proceeded with the petition.*

*Mr. Ocasio described his business of teaching self-defense and stated that he is applying for a conditional use to open an athletic training center.*

*Vice-Chair Flint asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked for the staff report.*

*Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. The petitioner proposes to operate an athletic training facility for martial arts at 1060 N. DuPage Avenue in the Limited Industrial Zoning District. The business would be considered a learning center which is listed as a conditional use. Staff has reviewed the petition and does not believe the proposed use will create any undue impacts on neighboring properties. The learning center is similar to other learning centers that have been approved in Industrial Districts. The petitioner was previously approved for a conditional use of a learning center at 211B Eisenhower Lane South in 2017. The petitioner proposes to close this location and relocate the business to 1060 N DuPage Avenue. Staff finds the petition meets the standards for conditional uses and recommends approval of the petition. No public comments were submitted to the Village.*

*Vice-Chair Flint opened the meeting for comments among the Commissioners.*

*Commissioner Sweetser commented that the use of learning centers in industrial districts seems to be working well judging by the number of them that have opened recently and welcomed the addition.*

*Commissioner Johnston thanked the petitioner for choosing Lombard for his business.*

*Commissioner Walker and Commissioner Invergo had no questions or comments.*

On a motion by Commissioner Sweetser, and a second by Commissioner Johnston, the Plan Commission voted 5-0 to recommend that the Village Board approve the petition associated with PC 21-10, subject to the following four (4) conditions:

1. The conditional use permit for a learning center/indoor athletic training facility is exclusively for the tenant space at 1060 N. DuPage Avenue. Any expansion of the establishment within the existing building beyond the plans submitted as part of PC 21-10 shall require an amendment to the conditional use;
2. All business activity associated with the indoor athletic facility shall be conducted within the existing building;
3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
4. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the learning center is not established by said date, this relief shall be deemed null and void

The motion carried by the following vote:

**Aye:** 5 - Ruth Sweetser, Stephen Flint, Bill Johnston, Kevin Walker, and Tony Invergo

**Absent:** 1 - Leigh Giuliano

[210073](#)

**PC 21-11: Apartment Building, 215 S. Westmore Meyers Road**

The petitioner is requesting the following for a property located within the R4 Limited General Residential District:

1. A variance for a transitional building setback of 15', where 50' is required, on the north side pursuant to Section 155.409(I)(2) of Village Code;
  2. A variance for a transitional landscape yard of 15', where 30' is required, on the north side pursuant to Section 155.409(J) of Village Code;
  3. A variance for perimeter yard landscaping of 0', where 5' is required on the south side at the parking lot, pursuant to Section 155.709(B) of Village Code; and
  4. A variance for density to allow for 15 units, where 14 units are allowed, pursuant to Section 155.409(D)(4) of Village Code.
- (DISTRICT #5)

*Sworn in to present the petition was Jennifer Ganser, Assistant Director, and the petitioners Ardi Baftiri, Pete Baftiri, and Jon Green.*

*Mr. Ardi Baftiri went through a powerpoint. He discussed his company, A&E Luxury Builders, Inc., and the work they do. He showed examples of past projects. He said the property at 215 S. Westmore Meyers*

Road is zoned R4. The average rent will be above \$2,000 a month. He discussed the parking and showed pictures of the elevations and landscaping. He noted multi-family housing is allowed as of right. He said the variances relate to the way the building will face. This impacts the layout and parking. He said the neighbors to the north support the project and the plan reflects the neighbor's inputs. He discussed drainage and stormwater. He said this project could revive the Westmore-Meyers corridor and be a catalyst for growth.

Vice Chairperson Flint asked for public comment. Mr. Ken Galt said he lives in Westmore Meyers Road. He spoke about why zoning is important. He discussed the historic houses in the area. He believes Westmore Meyers Road should be more single-family. He said this apartment building could hold approximately fifty people. He said it doesn't fit in the corridor and doesn't fit with what the Village said would fit in the neighborhood. He said there is spot zoning on Westmore Meyers and noted the two historic homes to the south. They are used as single family but zoned R4. He said this project does not have a historic feel. He said variances should be granted because of a hardship. He said the lot shape is a flat rectangle shape and that is not a hardship. He said he is ok with the density variances but not the variances for the setbacks. He discussed the drainage. He said the character of the street is important and this building looks too modern. He said it should be softened to fit in the environment.

Mr. Baftiri rebutted. He said the project began with discussions with abutters who would be impacted. The discussion refined the plans. He said the R4 zoning has been in place since 1978 and that the businesses may welcome multi-family with additional customers. He said the building is proposed with classical features and noted the arches and stone. He said this is a good transition from commercial to residential. He noted the traffic volumes on Westmore Meyers Road and Maple Avenue. Mr. Green said he did the civil engineering plans and topographic survey. He said they are aware of the existing drainage and the proposed grades and drainage does conform with the Village. He said DuPage County has a very strict stormwater ordinance, which they are required to follow.

Vice Chairperson Flint asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. The property at 215 S. Westmore Meyers Rd is currently vacant land and is proposed for a 15-unit apartment building.

*As the property is zoned R4, apartments are permitted by right. The property has been zoned R4 since approximately 1978, before this it was zoned commercial. The 2014 Comprehensive Plan designates this property as low-medium density residential. Per the 2014 Westmore Meyers Plan, "The Comprehensive Plan recommendation for this area is to designate the highlighted properties as Low-Medium Density Residential to better reflect the existing land uses and surrounding development patterns." This is when the Comprehensive Plan designation was changed to low-medium density residential. The property at 215 S. Westmore Meyers Road is not specially mentioned in the Comprehensive Plan or the Westmore Meyers Plan.*

*The property is requesting the following variances:*

*First, a variance for a transitional building setback and a transitional landscape setback. The building is shown at 19.61 feet with the stairs at 15 feet, from the north property line. As the property abuts property that is zoned R2, and zoned R3 but used as single-family, the transitional building setback shall be in place. The building would meet Code on the east side. Likewise, a transitional landscape yard is required on the north and east side. A variance is requested to reduce the transitional landscape yard on the north side to 15', due to the stairs. The transitional landscape yard would meet Code on the east side. For both variances the property owner noted this was the best location for the building on the site and provided for the most aesthetic building. The 15' to 20' on the north side will consist of landscaping. Per Code, a transitional landscape yard shall consist of shade trees, shrub, and lawn. A transitional building setback and a transitional landscape setback are not required on the south side as that property is zoned R4 as well.*

*If these variances were not granted, an apartment building could still be built as the property is zoned R4. The building may need to be reoriented on the site but for those variances.*

*Second, a variance for perimeter yard landscaping of 0', where 5' is required on the south side at the parking lot. This is only for a portion of the south property line, where the parking lot comes in for a turnaround area. A turnaround area needed in case all the parking spaces are occupied. Landscaping will otherwise be provided for on the south property line. Per Code, a perimeter yard shall consist of shade trees and other plant material.*

*Last, a variance for density to allow for 15 units, where 14 units are*

*allowed. The R4 District allows for 15.5 units per acre. The site is 0.93 acres; therefore 14.4 or 14 units would be allowed by right. There is no guidance on a provision for rounding on density. However, Section 155.801(E), states "All "measured distances" shall be to the nearest foot. If a fraction is one-half foot or more, the full number next above shall be taken." An acre is a unit of measurement; therefore, the rounding provision could be applied.*

*Staff notes that one additional unit will likely not have an adverse impact. The building footprint could remain the same, even if one unit was omitted from the plan. 231-239 S. Westmore Meyers Road is also 0.93 acres and has 24 units (two buildings, each with 12 units).*

*The Interdepartmental review committee reviewed the request and comments are noted in the staff report. Should the project be approved, these comments will be addressed during the permit submittal. Detention and BMPs will need to be provided on the property and this will be reviewed by staff during final engineering.*

*Vice Chairperson Flint opened the meeting for comments among the Commissioners.*

*Commissioner Sweetser said she thinks the project and its details should add to the area and help with renewal.*

*Commissioner Johnston suggested adding more landscaping to the south side as the parking lot will be viewed from the home to the south. He said granting the variances will make for a better building.*

*Commissioner Walker said he believes the variances will make for a more desirable building.*

*Commissioner Invergo said the presentation was great, but he agrees with the resident and doesn't see this building fitting in.*

*Vice Chairperson Flint said he thinks it's an attractive building and could be a catalyst for growth. He said the zoning allows for multi-family.*

**On a motion by Commissioner Johnston, and a second by Commissioner Sweetser, the Plan Commission voted 4-1 to recommend that the Village Board approve the petition associated with PC 21-11 subject to the four (4) conditions in the staff report:**



1. That the petitioner shall be required to apply for and receive building permits prior to construction;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. This relief shall be valid pursuant to timing in Section 155.103(C)(10);
4. Landscaping materials shall meet Village Code per Section 155.707.

The motion carried by the following vote:

**Aye:** 4 - Ruth Sweetser, Stephen Flint, Bill Johnston, and Kevin Walker

**Nay:** 1 - Tony Invergo

**Absent:** 1 - Leigh Giuliano

[210062](#)

**PC 21-09: Text Amendment to Chapter 154 of Village Code - Fees in lieu of public improvements and public improvements in ROW's not controlled by the Village of Lombard**

These amendments will address developer construction improvement requirements and obligations within public rights-of-way. (DISTRICTS - ALL)

*Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development.*

*Vice-Chair Flint read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, he proceeded with the petition.*

*Vice-Chair Flint asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked for the staff report.*

*Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. The Village is requesting text amendments to the Subdivisions and Development Ordinance related to fees in lieu of public improvements and public improvements in rights-of-way not controlled by the Village.*

*The first of the proposed text amendments will clarify the process by which the Village collects fee-in-lieu payments from developers. Village Code allows a monetary contribution in lieu of the provision of any public improvements under terms and conditions. As currently written, the Code implies that these fees are submitted directly to the Village Board. The text amendment will clarify that Village staff is responsible for approving and accepting fee-in-lieu payments, and an appeals process is offered. The amendment will also include a provision to return such payments to the developer in the event the*

*related public improvement is not constructed within a 20-year period.*

*The Village also proposes to add a new Code section to address public improvements in rights-of-way not controlled by the Village. Currently, there is no formal mechanism by which the Village can formally waive requirements to install any public improvements in non-Village ROWs. However, there may be cases where certain public improvements are unnecessary or undesirable based on existing conditions or planned future improvements within non-Village-maintained ROWs. The proposed new Code section will formalize a process for staff to waive requirements for public improvements in ROWs not controlled by the Village, if so warranted.*

*The proposed text amendments were previously considered by the Public Works and Environmental Concerns Committee, which recommended support for the proposed amendments.*

*Vice-Chair Flint asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.*

**On a motion by Commissioner Walker, and a second by Commissioner Invergo, the Plan Commission voted 5-0 to recommend that the Village Board approve the petition associated with PC 21-09.**

**The motion carried by the following vote:**

**Aye:** 5 - Ruth Sweetser, Stephen Flint, Bill Johnston, Kevin Walker, and Tony Invergo

**Absent:** 1 - Leigh Giuliano

## **Business Meeting**

### **Approval of Minutes**

**A motion was made by Commissioner Johnston, seconded by Commissioner Walker, the minutes of the January 25, 2021 meeting be approved. The motion carried by the following vote:**

**Aye:** 5 - Ruth Sweetser, Stephen Flint, Bill Johnston, Kevin Walker, and Tony Invergo

**Absent:** 1 - Leigh Giuliano

### **Public Participation**

*Mr. Ken Galt discussed his experience on a past zoning board and the commissioners review. Ms. Ganser and Commissioner Flint discussed*

*the procedures at the Village of Lombard. They also discussed public notices and how the public can review public hearings.*

## **DuPage County Hearings**

*There were no DuPage County Hearings*

## **Chairperson's Report**

*The Chairperson deferred to the Director of Community Development*

## **Planner's Report**

*Ms. Ganser advised the Plan Commission Cases and Dispositions spreadsheet is an overview of the cases reviewed the Plan Commission for the year 2020.*

*Ms. Ganser explained there is a comprehensive review of the Subdivision and Development Ordinance, that will be brought to the Plan Commission at a future 2021 meeting.*

## **Unfinished Business**

*There was no Unfinished Business*

## **New Business**

*There was no New Business*

## **Subdivision Reports**

*There were no Subdivision reports*

## **Site Plan Approvals**

*There was no Site Plan Approvals*

## **Workshops**

*There were no Workshops*

## **Adjournment**

**A motion was made by Commissioner Johnston, seconded by Commissioner Sweetser, to adjourn the meeting at 8:17 p.m. The motion passed by an unanimous vote.**

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*Stephen Flint, Vice Chairperson  
Lombard Plan Commission*

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*Jennifer Ganser, Secretary  
Lombard Plan Commission*