

Village of Lombard

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



Meeting Minutes

Monday, December 20, 2010

7:30 PM

Village Hall

Plan Commission

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

Call to Order

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

Pledge of Allegiance

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Chairperson Ryan led the Pledge of Allegiance.

Roll Call of Members

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

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

Chairperson Ryan called the order of the agenda.

Christopher Stilling read the Rules of Procedures as written in the Plan Commission By-Laws.

Public Hearings

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100679

PC 10-23: 660 Western Ave

Requests a Minor Plat of Resubdivision to include a variation from Section 155.420 (D) of the Zoning Ordinance to reduce the minimum lot area for the subject property in the I-Limited Industrial District from twenty thousand (20,000) square feet to fifteen thousand two hundred forty-six (15,246) square feet. (DISTRICT #4)

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Daniel McCormick, 5205 S. Washington, Downers Grove, IL presented the petition on behalf of his client who is the owner of the property. Mr. McCormick stated that he is requesting a variation to reduce the minimum lot area from 20,000 to 15,246 square feet. He added that the variation is being requested to make the existing lot a single lot of record. He stated that there are seven standards that need to be met in order to be considered for the variation. He believed they met all seven standards. Mr. McCormick then reviewed his response to the standard to variations. He then stated that of the 27 lots in the area only two lots were of the same size as his clients. He stated that his client is using the property as a warehouse to store his own records as well as other incidentals. He added that because his client just purchased the property that he didn't create the non-conforming situation. He stated that the prior owner used the property as a contractor's yard. He then stated that his client's use will be less intense than the prior use. Lastly, Mr. McCormick stated that the petition involves a warehouse that is privately used and asked that the Plan Commission to forward a positive recommendation.

Michael Toth, Planner I, presented the petition. The subject property is legally nonconforming with respect to lot area. The petitioner is requesting a variation from the

Zoning Ordinance to reduce the minimum lot area from twenty thousand (20,000) square feet to fifteen thousand two hundred forty-six (15,246) square feet. The relief is requested in order to make the petitioner's existing lot a single lot of record.

The principal building located on the subject property was built in 1977. The petitioner acquired the property in 2010 to be utilized as a warehouse/storage/office use. The lot is currently a tax assessment division of two lots. As part of a 2,496 square foot addition to the existing principal building, Section 155.220(B)(2) of the Zoning Ordinance requires that any addition to a principal structure exceeding 350 square feet shall be on a lot of record.

Section 155.420 (D) of the Zoning Ordinance requires a minimum lot area of twenty thousand (20,000) square feet in the I - Limited Industrial District. The subject property has a lot width of fifteen thousand two hundred forty-six (15,246) square feet, which is 76% of the required lot area.

While the subject lot does not meet the minimum lot area requirement, it exceeds the amount of lot width required by Code. Lots in the I - Limited Industrial District are required to have a minimum width of eighty feet (80'). The subject property is one hundred and five (105) feet wide, which exceeds the required minimum lot width by twenty-five (25) feet.

Staff finds that the variation request to reduce the minimum lot area to fifteen thousand two hundred forty-six (15,246) square feet meets the Standards for Variations. There are unique physical limitations on the property in that, due to the length of the subject property and surrounding lots, there is no practical way for the petitioner to meet the requirements of the Zoning Ordinance. The lot immediately east of the petitioner's property is 14,660 square feet, so there would be no way for the lot to be brought into conformance by purchasing land from the east because that would only warrant another variation. The property to the west could not provide the amount of land required to bring the subject property into conformance as the business located on that property has an outdoor component of the business that is critical to its operation.

The requested relief is not needed due to the actions of anyone presently having an interest in the property. Granting the request would neither be injurious to neighboring properties, nor would it change the visual and aesthetic character of the neighborhood. Staff also notes that there are several lots in the immediate area that are less than the required twenty thousand (20,000) square feet in area. As such, staff is therefore supportive of the lot area variation request.

Staff also notes that the relief only pertains to the lot area. Any future development would be required to meet all of the underlying I - Limited Industrial District, including bulk regulations and lot area coverage.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Light Industrial for the subject property. As the site is already improved with an industrial use, the development is compatible with the Comprehensive Plan.

Compatibility with Surrounding Land Uses

The proposed use is compatible with the surrounding land uses. Properties to the east, west and south are zoned I - Limited Industrial and consist of industrial uses. The properties to the north are in the R2 - Single-family Residential District. The Union Pacific Railroad is located directly to the north of the subject property. As such, the railroad acts as a buffer between the subject property and the single-family residential residences to the north.

Compliance with the Subdivision and Development Ordinance

The petitioner has submitted a minor plat of resubdivision for the subject property that would make the property a single lot of record. If the lot area relief is granted, the request would meet the requirements of the Subdivision and Development Ordinance.

Concluding, Mr. Toth stated that staff finds that the variations meets the Standards to Variations and is recommending approval of PC 10-23, subject to the condition listing in the staff report.

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

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

It was moved by Commissioner Sweetser, seconded by Commissioner Olbrysh, that this matter be recommended to the Corporate Authorities for approval with one condition. The motion carried by the following vote:

Aye: 5 - Flint, Olbrysh, Sweetser, Burke and Cooper

1. The variation to the minimum lot area requirements is granted based upon the submitted plat of resubdivision of the subject property, prepared by Joseph A Schudt & Associates, dated October 20, 2010 and submitted as part of this request.

100680

SPA 10-08ph: 810 E. Butterfield Road (Dick's Sporting Goods)

Requests Site Plan Approval with a deviation from Section 153.505(B)(19) of the Lombard Sign Ordinance to allow a wall sign with an area greater than 300 square feet for the subject property located within the B3 Community Shopping District and Fountain Square Planned Development. (DISTRICT #3)

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Tom Gianni, of Imageone Industries, 125 Phyllis Drive, Croydan, PA, presented the petition on behalf of Dick's Sporting Goods. They are requesting relief to erect a 484 square foot sign on the elevation that faces Butterfield Road and Fountain Square Drive. He noted that Dick's is located approximately 337 feet from Fountain Square Drive and 434 feet from Butterfield Road. If taken into consideration, they would be allowed a 400 square foot sign by right using the Butterfield Road right-of-way.

He noted the uniqueness of the building in that there is a canopy over the front entrance. This canopy requires the sign to be mounted on a background structure. The background structure is dark green, architecturally compliant with the building and non-illuminated. Its purpose would be to hold the letters to the wall. The white faces of the letters, which are LED illuminated, will only be seen.

When calculating the area of a sign, the Village uses a full rectangular area so in this instance the background structure as well as the letters are included in the calculation. If the letters were only taken into account, the area of the sign would be approximately 315 square feet and well under the allowable 400 square feet.

Concluding, Mr. Gianni indicated that they are asking the Commission to grant a variance to put up the letters on this non-illuminated background and allow the area of the sign to be 484 square feet using the 400 square foot Butterfield Road distance allocation.

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

No one spoke in favor or against the petition.

Chairperson Ryan then requested the staff report.

Christopher Stilling, Assistant Director of Community Development presented the staff report. The petitioner is seeking site plan approval to replace the existing 229-sq. ft. wall sign on the east elevation with a 484-sq. ft. wall sign that is identical in appearance (aside from the sign size). No other changes are proposed. The underlying development agreement allows for approval of signage deviations as part of site plan approval for the site.

There were no Inter-Departmental comments. Planning comments with regard to the Comprehensive Plan notes that the Fountain Square site, which includes Dick's Sporting Goods, should be developed on a planned and coordinated basis. The Dick's Sporting Goods store is a permitted use under the B3 Development Agreement. With regard to the surrounding land uses the subject property is compatible with the surrounding business uses.

The Fountain Square B3 Development Agreement requires site plan approval for development activity within the Fountain Square planned development. The development on the subject property was approved as SPA 97-01 by the Plan Commission on February 11, 1998. The initial site plan approval was modified on January 15, 2001 by SPA 01-01, which granted approval of a 257.4-sq. ft. sign on the east elevation. (The sign on the south elevation is within the maximum area as allowed by Code and, as such, has not required previous site plan approval.) As the petitioner is modifying a previously approved plan and since the signage is greater than permitted by the underlying B3 zoning district, site plan approval is required.

The submitted petition meets the standards enumerated by the overall planned development and the development agreement.

Plan Commission Case 98-41 adopted by the Village Board in 1998 (Ordinance 4588), provided for an amendment to the Fountain Square of Lombard Planned Development to allow the Plan Commission to grant sign variations as part of the Site Plan Approval process.

The maximum area for a wall sign is regulated by the underlying zoning district requirements. The petitioner is requesting approval of deviations from Section 153.505(B)(19) of the Lombard Sign Ordinance to allow for a wall sign with an area greater than 300 sq. ft. The proposed wall sign on the east elevation would increase from the existing 257.4 sq. ft. to 483.3 sq. ft. Although this appears to be a significant increase above and beyond the 300 sq. ft. allowed by Code, there a number of site-specific considerations in this case that could justify an increase in sign area.

The irregularly-shaped lot on which the property sits creates unique site lines in that, while the proposed sign is 337-347 feet from Fountain Square Drive (due to the curved lot line and angled orientation of the building), the sign is 434 feet from Butterfield Road. If the sign is intended to be viewed primarily by traffic traveling westbound on Butterfield, using Butterfield as the measurable roadway would entitle the petitioner to a 400 sq. ft. sign by right as the Butterfield right-of-way is more than 360 feet away. This rationale has been used for previous site plan approvals within the Fountain Square Planned Development. Although neither P.F. Chang's nor Weber Grill have frontage on Butterfield, both restaurants have received sign variations based upon their visibility from Butterfield Road.

Additionally, the design of the building with an open canopy structure over the front entrance affects how the sign area is calculated. The Sign Ordinance states that the area of signage placed directly upon the wall of a building (as in a typical channel letter sign) with no added decoration may be calculated using the smallest possible rectangle that encloses the extreme limits of the advertising message. If the text of the proposed sign was placed directly on the brick façade of the building (either north or south of the building entrance), the calculated sign area would be only 313 sq. ft. However, the proposed sign placement on the building entrance canopy necessitates the use of a background structure. Although Code states that this background must be included within the sign area calculation as part of the sign module, the green background area is not illuminated and does not in and of itself convey an advertising message associated with the tenant.

Given the unusual shape of the lot, orientation of the building on the lot, distance of the sign from Butterfield Road, and configuration of the building canopy as it impacts the calculated sign area, staff believes that the proposed variation is acceptable and in keeping with signage within the Fountain Square Planned Development.

Mr. Stilling noted that staff recommended approval subject to the two conditions in the staff report.

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

The Commissioners had no comments.

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

Aye: 5 - Flint, Olbrysh, Sweetser, Burke and Cooper

1. The site shall be developed with a 483.3 sq. ft. wall sign on the east elevation of the building, essentially in accordance with the submitted plans prepared by imageone and dated November 12, 2010.

2. The maximum extent of the advertising message (including all text, graphics, symbols, etc.) may not exceed 313 sq. ft.

[100681](#)

PC 10-24: Text Amendments to the Zoning Ordinance

The Village requests a text amendment to Section 155.205(A)(1) of the Lombard Zoning Ordinance (and other sections where needed for clarity) to prohibit chain link and privacy fences to be installed in the front yard of properties in single-family residential districts. (DISTRICTS - ALL)

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Michael Toth, Planner I, presented the petition. The Planning Services Division was directed to review the fencing regulations within the Zoning Ordinance, more specifically fencing located in the front yard of residential properties. As a result of this review, staff is preparing text amendments that address fencing material allowed in the front yard. Mr. Toth stated that contrary to the title of the staff report, privacy fences will not be a part of this petition. Also, the text amendments will not only affect single-family residences, but fences in all residential districts.

With the exception of clear line of sight areas, the Zoning Ordinance allows fences, not exceeding four (4) feet in height, to be erected in the front yard of properties in residential districts. However, the Zoning Ordinance does not specify a required or prohibited material for fences in the front yard.

Based upon complaints received by the Village, specifically related to chain link fences in the front yard, staff has reviewed provisions of the Zoning Ordinance relative to the fencing materials allowed in the front yard. As a result, staff revisited aesthetic provisions currently existing within the Zoning Ordinance to determine whether or not chain link fencing is appropriate in the front yard.

Based upon direction from the Village Board, Plan Commission and Zoning Board of Appeals, staff implemented text amendments to the Zoning Ordinance relative to permissible corner side yard fencing materials in 2005 (PC 05-11). The Zoning Board of Appeals and Plan Commission both agreed that solid six-foot fences on reverse corner side yards were unacceptable due to the impact they would have on the front yard of neighboring properties. As such, staff was directed to compose provisions permitting decorative or ornate fencing (wrought iron or comparable materials), which incorporate a 75% open construction, in the corner side yard to a height of six (6) feet. The following provisions were a direct result of PC 05-11 (which still apply to this date):

Fences located in a corner side yard can be up to six (6) feet in height provided that the following conditions are met:

- a) The fence, in its entirety, must consist of decorative materials such as wrought iron or comparable material (chain link fences are specifically excluded);*
- b) The fence, in its entirety, must be a minimum of seventy-five percent (75%) open space in total for every one (1) foot of linear dimension.*

As demonstrated in the aforementioned corner side yard fence provisions, the Village does have a history of amending its Zoning Ordinance to address fence design aesthetics on residential properties relative to fencing. The Zoning Ordinance establishes aesthetic guidelines for fences in the corner side yard by only allowing fences constructed of a decorative material to exceed the maximum four (4) height restriction. Staff believes that fences located in the front yard of residential properties should also be more restrictive relative to the types of permissible fencing materials as such fences are visible to the public right-of-way. As previously mentioned, the Zoning Ordinance does not specify required materials for fences in the front yard of properties in residential districts. Similar to the aforementioned corner side yard provisions, staff believes that chain link fences should be specifically excluded as a permissible fencing material in the front yard to avoid a potential negative visual impact imposed by such fences.

At this time, staff is only proposing amendments to chain link fencing. The Village has not had any recent complaints relative to other fencing materials in the front yard. Understandably, this could be attributed to the fact that property owners do not wish to construct fences in their own front yard that would be considered to be unappealing. Should complaints arise in the future; staff will revisit the issue at such time.

Concluding, Mr. Toth stated that staff finds that the proposed text amendments meet the Standards for Text Amendments and is recommending approval.

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

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

Commissioner Olbrysh stated that he agrees with staff on the aesthetic reasoning for not wanting chain link fences in the front yard. He then asked staff how many chain link fences exist in the front yard.

Mr. Toth stated that he does not know an approximate number, but they have had a couple of recent complaints on the issue. Mr. Toth then named a property in the vicinity of Route 53 and St. Charles Road that comes to mind. He added that you don't see a lot of chain link fences in front yards. He then stated that, as someone who reviews fence permits, they are few-and-far-between.

Commissioner Olbrysh cited a property on Westmore-Meyers that has a wrought iron fence. He then asked if wrought iron would still be permissible. Mr. Toth replied, yes.

Commissioner Sweetser asked if anyone, who currently has an existing chain link fence in the front yard, would have to come into compliance. Mr. Toth stated that they would be considered legal non-conforming and would only need to come into Code compliance if the fence is being replaced.

Chairperson Ryan asked about fence repairs. Mr. Toth stated anything twenty-five percent (or less) would be considered a repair and not replacement.

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

Aye: 5 - Flint, Olbrysh, Sweetser, Burke and Cooper

Business Meeting

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The business meeting convened at 7:55 p.m.

Approval of Minutes

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On a motion by Flint and seconded by Burke the November 15, 2010 minutes were approved by a 4-0 vote. Commissioner Cooper who was absent from that meeting abstained.

Public Participation

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There was no public participation.

DuPage County Hearings

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There were no DuPage County hearings.

Chairperson's Report

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The Chairperson deferred to the Assistant Director of Community Development.

Planner's Report

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Assistant Director Stilling noted that the next meeting normally scheduled for January 17 has been rescheduled to January 24 at 7:30 p.m. in the Board Room. This is due to Village offices being closed in observance of the Martin Luther King holiday.

Unfinished Business

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There was no unfinished business.

New Business

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There was no new business.

Subdivision Reports

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There were no subdivision reports.

Site Plan Approvals

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There were no site plan approvals.

Workshops

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There were no workshops.

Adjournment

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The meeting adjourned at 7:57 p.m.

*Donald F. Ryan, Chairperson
Lombard Plan Commission*

*Christopher Stilling, Secretary
Lombard Plan Commission*