



# Village of Lombard

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

## Minutes

### Plan Commission

*Donald F. Ryan, Chairperson*  
*Commissioners: Ronald Olbrysh, Martin Burke,*  
*Ruth Sweetser, Andrea Cooper, Stephen Flint and*  
*John Mrofcza*  
*Staff Liaison: William Heniff*

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Monday, July 21, 2014

7:30 PM

Village Hall - Board Room

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### Call to Order

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

### Pledge of Allegiance

*Chairperson Ryan led the Pledge of Allegiance.*

### Roll Call of Members

**Present** 5 - Donald F. Ryan, Ronald Olbrysh, Andrea Cooper, John Mrofcza, and Stephen Flint  
**Absent** 2 - Martin Burke, and Ruth Sweetser

*Also present: Jennifer Ganser, Assistant Director of Community Development; Matt Panfil, Senior Planner, and Jason Guisinger, legal counsel to the Plan Commission.*

*Chairperson Ryan called the order of the agenda.*

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

### Public Hearings

[140242](#)

**PC 14-13: 1-378 Yorktown Center (Yorktown Mall) (Request to continue to the August 18, 2014 meeting)**

Requests approval of a major change to the approved Yorktown Center Planned Development, located within the B3 Community Shopping District. The petition seeks approval of an amended roadway configuration for the perimeter ring road and the Fairfield Avenue entrance. (DISTRICT #3)

**A motion was made by Commissioner Flint, seconded by Commissioner Mrofcza, to continue this petition to the August 18, 2014 meeting. The motion carried by the following vote:**

**Aye:** 4 - Ronald Olbrysh, Andrea Cooper, John Mrofcza, and Stephen Flint

**Absent:** 2 - Martin Burke, and Ruth Sweetser

[140281](#)

**PC 14-15: 21W551 Bemis Road**

Requests that the Village grant approval of a variation from Section 155.205 (A)(4)(c)(ii) of the Lombard Zoning Ordinance to increase the maximum allowable fence height from six feet (6') to eight feet (8') to allow for the replacement of an existing chain link fence with a new ornamental fence for the subject property located within the CR Conservation/Recreation Zoning District. (DISTRICT #2)

*Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment.*

*Sworn in to present the petition was Matt Panfil, Senior Planner, and the petitioner Erik Lanphier, Executive Director of the Glenbard Wastewater Authority, 21W551 Bemis Road.*

*Chairperson Ryan read the Commissions Procedures and asked if anyone other than the petitioner intends to cross examine, and, hearing none, he proceeded with the petition.*

*Mr. Lanphier explained he is requesting a variance for the replacement of an existing chain link fence with a new eight foot (8') tall aluminum ornamental fence. Originally, the petition requested a 166 foot long fence, since the request they are now proposing a 200 foot long fence. The change is a result from cleaning up a wooded area and realized the fence should be run further back along the western side of the property. This increase would provide better security and would be more of an aesthetic look for the neighborhood. Looking south from Bemis Road you would not see the end of the transition. Mr. Lanphier referenced the petition from the summer of 2013 when they were approved a variance for a 910 linear foot fence that runs along the front of Bemis Road. There have been no complaints and the neighborhood seems to like the fence. He stated this petition is a continuance to conclude the previous project.*

*Chairperson Ryan 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.*

*Mr. Panfil, Senior Planner, presented the staff report, which was*

*submitted to the public record in its entirety. Mr. Panfil explained that in the summer of 2013, the petitioner received a variance similar in nature to this request to allow for the replacement of an existing chain link fence with a new eight foot (8') tall aluminum ornamental fence within 30 feet of an improved public right-of-way along Bemis Road.*

*The previous approval was just for the portion of fence located within 30 feet of the right-of-way, where only a four foot (4') tall fence is permitted. In the currently proposed location the maximum permitted fence height is six feet (6'), the approval sought is for a new eight (8) foot tall aluminum fence.*

*The petitioner has requested relief from this regulation because the unique land use characteristics on-site demand an increased amount of security to not only protect municipal facilities, but also the health and safety of the general public.*

*The need to provide the highest possible level of security for the site is clear. While the existing fence secures the site, it does so at the cost of a neighborhood character for adjacent properties. Although the proposed fence is taller than that required by the Zoning Ordinance, it is the opinion of staff that the petitioner has found a balance between improved neighborhood aesthetics and site security.*

*Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.*

**A motion was made by Commissioner Olbrysh, seconded by Commissioner Flint, to recommend to the Corporate Authorities approval of this petition subject to the following conditions:**

- 1. The petitioner shall construct the fence in accordance with the plans submitted as part of this request;**
- 2. The relief shall be limited to the replacement of an existing chain link fence with an eight foot (8') tall aluminum fence in the location as designated on the plans submitted as part of this request;**
- 3. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the fence is not constructed by said date, this relief shall be deemed null and void; and**
- 4. Construction of the above referenced fence shall require a building permit. Said permit will be reviewed in connection with the aforementioned conditions.**

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

**Aye:** 4 - Ronald Olbrysh, Andrea Cooper, John Mrofcza, and Stephen Flint

**Absent:** 2 - Martin Burke, and Ruth Sweetser

[140282](#)**PC 14-16: 123 Eisenhower Lane South**

Requests that the Village grant a conditional use, pursuant to Section 155.420 (C) of the Zoning Ordinance, to allow for a Learning Center (indoor athletic training facility) within the I Limited Industrial District. (DISTRICT #3)

*Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment.*

*Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development, and the petitioner's, Tony LaPano of Glen Ellyn, IL and Nancy Kocorek, Glen Ellyn, IL.*

*Chairperson Ryan read the Commissions Procedures and asked if anyone other than the petitioner intends to cross examine, and, hearing none, he proceeded with the petition.*

*Mr. LaPano said they are seeking approval for a conditional use permit to operate an indoor fitness facility for student athletes. He explained the location, open floor plan and higher ceilings makes the building a good area for them to start their business.*

*Chairperson Ryan 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, Assistant Director of Community Development, presented the staff report, which was submitted to the public record in its entirety. Ms. Ganser said the petitioner is proposing to operate an indoor athletic training facility at 123 Eisenhower Lane South.*

*Per Village of Lombard Zoning Ordinance, the use is considered a Learning Center and thus requires a conditional use permit within the I Limited Industrial Zoning District.*

*The subject property is bounded by light industrial and office uses to the north, south, east, and west in the Eisenhower Lane Business Park. The property is accessed by Eisenhower Lane.*

*Ms. Ganser said the Inter-Departmental Review committee had no issues or concerns regarding the project at this time.*

*Staff has discussed the use of the building with the property manager. Neither staff nor the property manager has any concerns with parking or traffic. Based on the hours of operation the petitioner is proposing, there would be minimal overlap with the hours of the existing tenants.*

*A conditional use permit is required and the scope of the project under consideration complies with all other zoning regulations. The proposed use is not a typical light industrial use, but the space required of the equipment associated with the use is better suited for an industrial space.*

*While the proposed use is not traditionally considered a light industrial use, the unique interior spatial demands for such athletic training facilities are oftentimes best met by light industrial/warehouse structures due to their higher ceilings and open floor plans and therefore staff supports approval of this request.*

*Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.*

**A motion was made by Commissioner Mrofcza, seconded by Commissioner Flint, to recommend to the Corporate Authorities approval of this petition subject to the following conditions:**

- 1. The conditional use permit for an indoor athletic training facility is exclusively for the tenant space at 123 Eisenhower Lane South. Any expansion of the establishment within the existing building beyond the plans submitted as part of PC 14-16 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 parking lot shall be configured so as to meet all Illinois Accessibility Code requirements, including but not limited to (a.) one (1) sixteen (16) foot wide parking spaces with either an eight (8) foot or five (5) foot wide diagonally striped access aisle; (b.) accessible parking on level pavement on the shortest accessible route to an accessible entrance; and (c.) a U.S. Department of Transportation R7-8 (Reserved Parking) and an R7-1101 (\$250 Fine) sign must be permanently mounted in the center of the sixteen (16) foot wide accessible parking space and the signs shall be no more than five (5) feet from the front of the parking space and at minimum, the bottom of the R7-8 sign must be five (5) feet from the pavement;**
- 4. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and**
- 5. 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:** 4 - Ronald Olbrysh, Andrea Cooper, John Mrofcza, and Stephen Flint

**Absent:** 2 - Martin Burke, and Ruth Sweetser

Requests the following text amendments to the Lombard Zoning Ordinance:

1. An amendment to Section 155.802 (and any other relevant sections for clarity) of the Lombard Zoning Ordinance regarding the addition of a definition for "tattoo studio;"
2. An amendment to Sections 155.416 (C) of the Lombard Zoning Ordinance to allow "tattoo studio" to be listed as a conditional use within the B4 Zoning District; and
3. For consistency purposes, the Village seeks an amendment to Section 155.415 (C) and 155.417 (G)(2)(b) of the Lombard Zoning Ordinance to allow "tattoo studio" to also be listed as a conditional use within the B3 and B4A Zoning Districts.  
(DISTRICTS - ALL)

*Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment.*

*Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development, and the petitioner's Gregory Ladle, Chicago, IL; Jamie Munoz, Itasca, IL; Gerald Cross, Addison, IL; and Frank LaVere, Lombard, IL.*

*Chairperson Ryan read the Commissions Procedures and asked if anyone other than the petitioner intends to cross examine, and, hearing none, he proceeded with the petition.*

*Mr. Ladle explained that the current Village of Lombard code does not list tattoo studios or body art as a permitted or conditional use in any zoning district, therefore a text amendment would be required. After reviewing adjacent suburbs and municipalities they are seeking a conditional use, and to be conservative, suggested B4 zoning. They are aware some people may have concerns due to the nature of tattoo body art and body piercing. In 2007, the State of Illinois enacted the Tattoo and Body Piercing Establishment Registration Act to regulate such businesses. This Act set forth administrative regulations for the safety and security for patrons and customers. It provides for health inspections, training, hygiene, sterilization and proficiency standards, and blood born pathogen testing. With regard to their petition, they referenced body art because this is the term used in the health department code. However most tattoo studios will also provide body piercing services. Body piercing is neither the primary service nor the primary source of income. The body art code defines body piercing as a different term and as piercing outside the ear lobe. He stated the fact that 410 ILCS 54/10 includes in its definition an "establishment" means a body piercing operation, a tattooing operation, or combination of both operations in a multiple-type establishment. He said this definition could clear up an ambiguity so there are no concerns or questions down the road.*

*Chairperson Ryan 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. She stated the petitioner has submitted this request for a text amendment in the B4 zoning district along with a companion request for a conditional use for a tattoo studio. After reviewing surrounding communities, staff is also proposing to add tattoo studios as a conditional use in the B3 and B4A zoning districts.*

*As the Zoning Ordinance does not list tattoo studios as a permitted or conditional use in any zoning district, a text amendment would be required.*

*Since the Tattoo and Body Piercing Establishment Registration Act regulates such businesses, staff is comfortable with the regulations.*

*Ms. Ganser said the Inter-Departmental Review committee had no issues or concerns regarding the project at this time.*

*She noted the staff report outlines the definition of tattooing as well as a tattoo studio and borrowed language from the State of Illinois.*

*Chairperson Ryan asked about body piercing and referenced that the petitioner stated it is in the code for similar uses. Ms. Ganser explained the Village doesn't regulate piercing because it is an ancillary use. Their primary use is a tattoo studio and they are in compliance as long as they follow the rules and guidelines set by the State of Illinois.*

*Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.*

**A motion was made by Commissioner Flint, seconded by Commissioner Olbrysh, to recommend to the Corporate Authorities approval of this petition.**

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

**Aye:** 4 - Ronald Olbrysh, Andrea Cooper, John Mrofcza, and Stephen Flint

**Absent:** 2 - Martin Burke, and Ruth Sweetser

[140284](#)

**PC 14-19: 1047 E. St Charles Rd - Conditional Use for a Tattoo Studio**

Requests that the Village grant approval of a conditional use, pursuant to Section 155.416 (C) of the Village of Lombard Zoning Ordinance, as

amended by PC 14-18, to allow for a Tattoo Studio within the B4 Zoning District. (DISTRICT #5)

*Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment.*

*Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development, and the petitioner's Gregory Ladle, Chicago, IL; Jamie Munoz, Itasca, IL; Gerald Cross, Addison, IL; and Frank LaVere, Lombard, IL.*

*Chairperson Ryan read the Commissions Procedures and asked if anyone other than the petitioner intends to cross examine, and, hearing none, he proceeded with the petition.*

*Mr. Ladle spoke on behalf of Midwest Collective Inc. that consists of two award winning tattoo artists. He stated Mr. Cross will explain the floor plan and how it complies with the health department codes. Mr. Cross explained the regulations from the State of Illinois code have been applied at their tattoo studios. Their shop is one of the first in the area that went through the stringent health inspections and regulation testing. It passes the inspections every year with no incident and nothing needs to be corrected. Their floor plan meets building codes and accessibility standards. There is a clean room in the back corner of the building, which is a specified area where contaminated material can be taken away from public access. There is a provision for sterilization of equipment with a designated sink. A private area, which is mandated by the state code, is also available so modesty issues can be addressed. On the main floor there are five artist work stations. Lastly, there is a small consultation area.*

*Jamie Munoz explained he has a bachelor's degree in Marketing from DePaul University and worked for Staples for two year before he made a career change. He has been in the tattooing business for over seven years. Mr. Munoz said both he and Mr. Cross are OSHA certified and have been featured in magazines as well as trade shows. They are petitioning for a conditional use so they can open a studio to provide their services and display their art.*

*Chairperson Ryan 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. She stated the petitioner is proposing to establish a tattoo studio at 1047 E St Charles Road. There are no exterior site improvements proposed at this time and no signage requests.*



*Per Section 155.416 (C) (31) of the Zoning Ordinance (as amended by PC 14-18), a tattoo studio requires a conditional use permit within the B4 Zoning District.*

*The site is an existing strip center with two tenants. The petitioner is proposing to utilize approximately 2,400 square feet of an existing 5,400 square foot one-story multi-tenant structure.*

*The existing site has ample parking with approximately 28 parking spaces in front and approximately 26 parking spaces in back. The parking spaces in the back are for business owners and employees.*

*Ms. Ganser said the Inter-Departmental Review committee had no issues or concerns regarding the project at this time.*

*The property is boarded by the Great Western Trail to the south and commercial use property to the north, east and west.*

*The proposed site location and use as a tattoo studio is consistent with the Comprehensive Plan's recommendation of community commercial uses which references, providing services extending beyond daily living needs.*

*Staff has not received any Conditional Use requests for a tattoo studio in the past. The property in 1985 received a Conditional Use for an animal boarding kennel. Ms. Ganser summarized that staff finds the proposed tattoo studio is consistent with its surrounding context and therefore can support this petition.*

*Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.*

*Commissioner Olbrysh questioned that the parking lot had no handicapped spaces. Ms. Ganser responded there is no accessible parking and it would be a condition of approval. Commissioner Olbrysh asked if this applies to the petitioner or to the entire area. Ms. Ganser explained the number of ADA spaces required is based on the entire lot per the Illinois Accessibility Code. Commissioner Olbrysh said based on the State of Illinois stringent requirements, and that this petition is a conditional use and not a permitted use, he concurred with the findings.*

**A motion was made by Commissioner Olbrysh, seconded by Commissioner Mrofcza, to recommend to the Corporate Authorities approval of this petition subject to the following conditions:**

1. That this relief is limited to the operation of a tattoo studio only and any physical site improvement or alterations require approval through the Village;
2. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
3. The parking lot shall be configured so as to meet all Illinois Accessibility Code requirements, including but not limited to (a.) three (3) sixteen (16) foot wide parking spaces with either an eight (8) foot or five (5) foot wide diagonally striped access aisle; (b.) accessible parking on level pavement on the shortest accessible route to an accessible entrance; and (c.) a U.S. Department of Transportation R7-8 (Reserved Parking) and an R7-1101 (\$250 Fine) sign must be permanently mounted in the center of the sixteen (16) foot wide accessible parking space and the signs shall be no more than five (5) feet from the front of the parking space and at minimum, the bottom of the R7-8 sign must be five (5) feet from the pavement.
4. That the approval of the conditional use shall be contingent upon meeting the provisions of the Tattoo and Body Piercing Establishment Registration Act.
5. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
6. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the tattoo studio is not established by said date, this relief shall be deemed null and void.

The motion carried by the following vote:

**Aye:** 4 - Ronald Olbrysh, Andrea Cooper, John Mrofcza, and Stephen Flint

**Absent:** 2 - Martin Burke, and Ruth Sweetser

## Business Meeting

*The business meeting convened at 8:09 p.m.*

## Approval of Minutes

On a motion by Commissioner Mrofcza, and seconded by Commissioner Flint, the minutes of the June 16, 2014 meeting were approved.

The motion carried by the following vote

**Aye:** 4 - Donald F. Ryan, Ronald Olbrysh, John Mrofcza, and Stephen Flint

**Abstain:** 1 - Andrea Cooper

**Absent:** 2 - Martin Burke, and Ruth Sweetser

## Public Participation

*There was no public participation.*

## DuPage County Hearings

*There were no DuPage County hearings.*

## Chairperson's Report

*The Chairperson deferred to the Assistant Director of Community Development.*

## Planner's Report

*The Assistant Director of Community Development had no report.*

## 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 were no site plan approvals.*

## Workshops

*There were no workshops.*

## Adjournment

**A motion was made by Commissioner Olbrysh, seconded by Commissioner Flint, to adjourn the meeting at 8:11 p.m. The motion carried by the following vote:**

**Aye:** 4 - Ronald Olbrysh, Andrea Cooper, John Mrofcza, and Stephen Flint

**Absent:** 2 - Martin Burke, and Ruth Sweetser

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*Donald F. Ryan, Chairperson  
Lombard Plan Commission*

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*William J. Heniff, Secretary  
Lombard Plan Commission*