



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,
Stephen Flint and John Mrofcza
Staff Liaison: Jennifer Ganser*

Monday, December 19, 2016

7:30 PM

Village Hall - Board Room

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 6 - Donald F. Ryan, Ronald Olbrysh, Martin Burke, Ruth Sweetser, John Mrofcza, and Stephen Flint

Also present: William Heniff, AICP, Director of Community Development; Jennifer Ganser, AICP, Assistant Director of Community Development; Anna Papke, Sr. 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

[160469](#)

PC 16-24: 454 E. North Avenue, International Car Center

Recommendation from the Plan Commission that the Village grant a conditional use pursuant to Section 155.416(C)(16)(17) to allow for motor vehicle repair and motor vehicle service in the B4 Corridor Commercial District, as a companion to a motor vehicle sales use that is already permitted, on the subject property. (DISTRICT #4)

Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development and the petitioner Sam Daya.

Chairperson Ryan read the Plan Commissions procedures and asked if anyone other than the petitioner intended to cross examine, and, hearing none, he proceeded with the petition.

Mr. Daya said International Car Center recently purchased the building next door. Both buildings were utilized in the past as car dealerships. He is proposing for the building at 454 to repair cars. They have been a benefit to the neighborhood and had heard that they operate in a good manner. He said, repairing vehicles should not cause any impact to the neighborhood. Repairs will not be on Sunday's or after 5pm. Their business expanded which is why they purchased the building next door.

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. The petitioner, International Car Center is currently operating at 434 E. North Avenue selling vehicles. The business is expanding and they have purchased the site next door at 454 E. North Avenue. The new site was previously Lombard Auto Exchange, however Lombard Auto Exchange only had entitlements to sell vehicles not repair or service vehicles. International Car Center will be using the property at 434 to sell cars (as they do now) and would like to use the building at 454 to repair and service cars. A six foot (6') wood board on board fence will screen the residential uses to the north.

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

Commissioner Sweetser asked if the repairs would be inside and how the noise would be minimized. Ms. Ganser said previously we have not required that doors be closed for ventilation issues. Mr. Daya said the building offers the flexibility and room to repair vehicles. The building is about 3,500 square feet so there no repairs would be done outside. All the equipment would be housed inside the building. The building is heated and air conditioned.

A motion was made by Commissioner Olbrysh, seconded by Commissioner Burke, to recommend to the Corporate Authorities approval of this petition subject to following four (4) conditions.

1. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the motor vehicle repair facility is not established by said date, this relief shall be deemed null and void; and
4. The north property line shall be maintained with a six foot (6') foot solid fence. The fence shall be maintained in a good state of repair at all times.

The motion carried by the following vote:

Aye: 5 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, John Mrofcza, and Stephen Flint

[160513](#)

PC 16-27: Text Amendment to the Sign Ordinance

The Village of Lombard proposes the following text amendments to the Sign Ordinance (Section 153 of the Code of Ordinances):

- 1) An amendment to Section 153.242(F), Wall signs, to amend the prohibition against mixed signage as it relates to window signs; and
- 2) An amendment to Section 153.505(B)(6), B3, B4, and B4A Community Shopping District, to amend the permitted area and height of freestanding signs on state rights-of-way. (DISTRICTS - ALL)

Sworn in to present the petition was Anna Papke, Senior Planner.

Chairperson Ryan 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.

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. Papke presented the staff report, which was submitted to the public record in its entirety. The petitioner, the Village of Lombard, is requesting a two text amendment to the Sign Ordinance. The first amendment to Section 153.242(F) will remove a prohibition against displaying wall signs in conjunction with window signs. This section currently prohibits displaying wall signs in conjunction with canopy, awning, projecting and window signs. Other sections of the code have similar prohibitions against mixed signage, but allow for businesses with wall signs to also display window signs. The proposed amendment will eliminate this inconsistency in the code.

The second amendment relates to the size of freestanding signs in the B3, B4 and B4A districts along state rights-of-way. Currently, the Sign

Ordinance allows freestanding signs along state rights-of-way to be larger and taller than freestanding signs along non-state rights-of-way. In the summer of 2016, staff conducted a survey of state rights-of-way in the Village and determined that there is variation in the size, speed and traffic volume of state rights-of-way in the Village. While some of these rights-of-way are fairly wide with multiple lanes of traffic traveling at high speeds, others are smaller streets that function similarly to other local streets. Staff therefore proposes to amend the sign ordinance so that increases in sign area and height along state rights-of-way are tailored to the size of the street. Staff proposes to allow larger signs along state rights-of-way that are more than 200 feet wide. Staff also proposes a provision to allow an increase for signs on large pieces of property along the narrower state rights-of-way. The intent is to provide for signage that is in scale with the development along these streets.

Staff recommended approval of both text amendments.

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

A motion was made by Commissioner Burke, seconded by Commissioner Flint, to recommend to the Corporate Authorities approval of this petition. The motion carried by the following vote:

Aye: 5 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, John Mrofcza, and Stephen Flint

[160514](#)

PC 16-28: Text Amendment to the Zoning Ordinance

The petitioner, the Village of Lombard, is requesting a text amendment to Section 155.602(B)(2) and Section 155.602 Table 6.1 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the accessible parking requirements. (DISTRICTS - ALL)

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

Chairperson Ryan read the Plan Commissions procedures and asked if anyone other than the petitioner intended to cross examine, and, hearing none, he proceeded with the petition.

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. The petitioner, the Village of Lombard, is requesting a text amendment. Currently, the Zoning Ordinance displays a chart of the

number of accessible spaces required. After discovering an error in the chart staff realized the need for a text amendment and that other sections can be struck. The proposed amendments will fix an error and refer back to Illinois Accessibility Code if in the event the State makes future changes. Staff uses the Illinois Accessibility Code currently to determine the number of accessible parking stalls required.

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

A motion was made by Commissioner Sweetser, seconded by Commissioner Olbrysh, to recommend to the Corporate Authorities approval of this petition. The motion carried by the following vote:

Aye: 5 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, John Mrofca, and Stephen Flint

Business Meeting

The business meeting convened at 7:50 p.m.

Approval of Minutes

On a motion by Commissioner Flint, and seconded by Commissioner Mrofca, the minutes of the November 21, 2016 meeting were approved with Commissioner Olbrysh abstaining citing his absence at the meeting. The motion carried by the following vote:

Aye: 4 - Martin Burke, Ruth Sweetser, John Mrofca, and Stephen Flint

Abstain: 1 - Ronald Olbrysh

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

Ms. Ganser said that the Village Board of Trustees approved the Ordinance in regard to regular meetings of the Plan Commission authorizing a change in the start time from 7:30 p.m. to 7:00 p.m. effective January 1, 2017.

Unfinished Business

There was no unfinished business.

New Business

Two-Family Residence Analysis

At the October 17, 2016 Plan Commission meeting, a petition (PC 16-21, 330 S. Westmore-Meyers Road) was brought forward for a conditional use allowing for a legal nonconforming two-family dwelling to remain a two family unit. Commissioners requested more information from staff regarding the potential number of two-family dwelling units that would require a conditional use. Staff has been maintaining a list of legal nonconforming uses since 2010. With this list and information requested from York Township, it has been determined that there are approximately twenty-eight (28) in addition to the two discussed above with a total of thirty (30) two-family dwellings (two-flats) located in R2 Single Family Residential Districts. It is possible that there are a few more such properties undiscovered due to the limited capacity of record keeping prior to 1960. There are two distinct types of nonconforming two-family dwellings. First are dwellings that were designed, submitted for a permit and constructed as two separate units within one dwelling that in most cases were zoned for this use and then the zoning was changed thereafter. This was the case for the October conditional use case. The other type would be a single family home that was “converted” into two units possibly decades ago with no permits reflecting this change of use and may not have been zoned for two-family dwellings at the time. The intention of the text amendment in 2010 was not to require property owners of legal nonconforming two-family dwellings to petition for the conditional use. Rather the amendment allows the property owner, at their discretion, the ability to proactively seek the conditional use to re-establish the legal nonconforming status of the property before it is ever damaged or destroyed. It also gives staff the opportunity to review each address individually on items such as permits, year built, and neighborhood compatibility.

Chairman Ryan asked why staff hasn't notified the property owners to ask them to apply for the conditional use. Commissioner Burke said he reviewed the list and map and some are clearly isolated in the middle of a single-family neighborhood and they may not belong in

that neighborhood. He also noted some don't have permits or other data to support it. Chairman Ryan said there are some sure cases that do meet the qualifications. Ms. Ganser said staff can reach out, but would still want to review on a case by case basis. Chairman Ryan said he is only talking about the sure ones. Ms. Ganser said staff may not feel comfortable picking and choosing as all on this list have legal right to request a conditional use. Commissioner Burke said the recent case was because of a sale, and Ms. Ganser said yes. She said that since 2010 there have been two cases. Commissioner Burke suggested the Plan Commission look at them on a case by case basis. Commissioner Flint agreed. Commissioner Mrofcza asked when would they need to approach staff. Ms. Ganser said at any time. Commissioner Mrofcza asked if they had to do this to sell and Ms. Ganser said no the village doesn't require this for the property to change hands. Commissioner Mrofcza asked if they would obtain this before the structure was damaged. Mr. Heniff discussed the hot dog stand in 2004 that was damaged and then sought relief to rebuild, which was granted by the Village Board. The 2010 provision was to help address a financial issue for bank requirements. Mr. Heniff said staff can review the list and distinguish between the A-B two flats that were built that way and look at rezoning or a new sub zoning district for R2. Mr. Heniff said the non-conforming status can be re-established thru the Plan Commission and Board if the building was damaged or destroyed. The property owner can be proactive or reactive. Commissioner Burke asked if these were mostly renters or owners. Mr. Heniff said both and noted the 2010 case was for the property owner and resident. Commissioner Sweetser said picking and choosing could be difficult. Commissioner Mrofcza asked if these people know about the rezoning and non-conforming issue. Mr. Heniff said this comes up many times when financing is applied for. Mr. Heniff noted the A-B units are less in number. Commissioner Sweetser asked if staff could review the list again. Mr. Heniff said staff can analyze the nature of the buildings and get final direction from the Plan Commission at a future meeting.

Subdivision Reports

There were no subdivision reports.

Site Plan Approvals

There were no site plan approvals.

Workshops

640 E. St. Charles Road (Recycled Auto Parts)

Mr. Heniff presented the workshop. Recycled Auto Parts (RAP) is considering a possible new principal building at 640 E. St. Charles Road. As the property is regulated by the provisions of the Zoning Ordinance as well as a court decree, he provided a background narrative.

The business acquires vehicles damaged in accidents, removes valuable working components and primarily sells those products to other repair businesses. The remainder of the vehicle would be available for salvage or sold off for salvage purposes. RAP acquired the property in 2015 from Lombard Auto Wreckers.

He provided a history of the three properties associated with the use - 18 N. Chase Avenue, a tract improved with a gravel parking lot on south side of St. Charles Road and the 640 E. St. Charles Road property, which is zoned B4 Corridor Commercial District and improved with a small office building and several non-conforming accessory structures.

He discussed the provisions of a 1986 court decree that allowed the legal non-conforming use to operate on the premises. As such, it is deemed to be an as-is use and the use cannot be expanded, extended or intensified on the property. This section also provides for the permissible transferability of the property and continuation of the non-conforming use.

RAP has been compliant with the order since they acquired the property. However, they are seeking to modernize and invest in its operations. RAP has been developing possible development plans that would allow for more efficient property utilization and in the process address potential neighborhood concerns. The result of this effort is a larger vision to bring more of the dismantling operations into a new principal building. He noted some possible benefits to a new principal building.

Before any formal plans are developed by RAP, staff brought this item to the Plan Commission for a Workshop Session to discuss the use of the property, desired front yard setback for the new building, general bulk requirements and vehicle storage elements. The Commissioners discussed the various policy implications regarding bulk requirements, design of the new principal building, external operations and actions needed for a future zoning petition.

Commissioner Olbrysh said he was concerned with the aesthetics of the building especially along St. Charles Road. He said that he would be in favor of putting the operations indoors but noted that design of

the new building still looks like a warehouse.

Commissioner Sweetser agreed about the design of the building and asked about the operations.

Mr. Heniff explained that some operations would remain outside however with a larger building some components could be stored inside. He said that as this petition comes forward, the petitioner will provide a walk-through of how a vehicle is processed from start to finish.

Commissioner Mrofcza asked if there were other structures on the parcel and if this one building would replace all of the other structures. Mr. Heniff said that the goal of the operation is to try to do as much as possible inside. He referred to the aerial photo of the parcel and noted that there are several buildings. The southwest corner would be the main building and they would keep the other buildings.

Commissioner Burke said he would be in favor for moving the building within the 30 foot set back. The building would need to be attractive and present itself well to the street. It would depend on the scale of the building and the fence in relation to frontage on St. Charles Road. Commissioner Burke said that something to consider is putting the building on the eastern part of the property. Mr. Heniff said that is the model they started with, however if they put the building on the eastern part of the site, it would be closer to Chase Avenue and to the residential area.

Commissioner Olbrysh said he would like to see the outside operations behind the building, not along St. Charles Rd. If necessary, put up a higher fence in the back to protect the residences and keep the aesthetic enhancements toward St. Charles Road. Mr. Heniff said that is something they can take a look at.

Commissioner Flint referred to the aerial photo and noted if you keep the existing structures that you have to watch the building separation. Mr. Heniff said that the petitioner would like to take a look at the front elevation and that pulling the building closer to St. Charles Road could soften the impact of the fence.

Commissioner Sweetser said to pull the building toward St. Charles Road but start closer to the west lot line. Mr. Heniff noted that based on the direction from the Plan Commission, they will take a look at several options to screen St. Charles Road.

Commissioner Mrofcza asked if the fence could be made out of a similar material as the building so that they would tie in together.

Mr. Tom Partridge, from RAP, explained their vision for the office building, landscaping, fence and operations. He said if they were allowed to bring the building forward, he would be open to looking into cost for the fence material to be the same as the building.

Commissioner Sweetser asked about the height of the fence and if it would meet the decree provisions. Mr. Heniff explained the fence is 12 foot high and that the decree does spell out the degree of stacking of vehicles on the property.

Mr. Partridge noted that the business expansion could help them address the increased demand for vehicles storage and ensured that vehicles would not be visible from St. Charles Road. Mr. Heniff summarized that through the discussion, staff has direction for further site planning and that based on the provisions set in the code requirements as well as the court decree, will come up with the best possible solution.

Adjournment

Prior to adjourning the meeting, Chairperson Ryan wished everyone Happy Holidays and New Year.

A motion was made by Commissioner Flint, seconded by Commissioner Mrofcza, to adjourn the meeting at 8:51 p.m. The motion passed by a unanimous vote.

*Donald F. Ryan, Chairperson
Lombard Plan Commission*

*Jennifer Ganser, AICP, Secretary
Lombard Plan Commission*