

Village of Lombard

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



Meeting Agenda

Thursday, April 1, 2010

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**[100124](#)

Budget Ordinance for Fiscal Year 2010-2011

A Public Hearing for the purpose of hearing written and oral comments from the public concerning the proposed Village of Lombard Annual Budget for the Fiscal Year beginning June 1, 2010 and ending May 31, 2011.

Attachments: [100124.pdf](#)

IV. Public Participation[100139](#)

Proclamation - Child Abuse Prevention Month

Attachments: [procchildabusejrwoman2010.doc](#)

[100140](#)

Proclamation - Jazz Appreciation Day

Attachments: [procjazzappreciationmonth2010.doc](#)

[100173](#)

Proclamation - Lilac Parade Grand Marshal

Attachments: [proclilacparadegrandmarshall2010doc.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 Zachary Wilson, Chairperson****Public Works Committee - Trustee Greg Gron, Chairperson****Transportation & Safety Committee - Trustee Richard Tross, Chairperson****Board of Local Improvements - Trustee Richard Tross, President****Community Promotion & Tourism - President William J. Mueller, Chairperson**

Lombard Historical Commission - Clerk Brigitte O'Brien

**US Census Complete Count Ad Hoc Committee - Trustee Laura Fitzpatrick,
Chairperson**

VII. Village Manager/Village Board Comments

VIII Consent Agenda

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Payroll/Accounts Payable

- A. [100131](#) Approval of Village Payroll
For the period ending March 13, 2010 in the amount of \$808,790.86.
- B. [100132](#) Approval of Accounts Payable
For the period ending March 19, 2010 in the amount of \$518,855.05.
- C. [100152](#) Approval of Accounts Payable
For the period ending March 26, 2010 in the amount of \$456,353.90.

Ordinances on First Reading (Waiver of First Requested)

- D. [100141](#) Sale of Surplus Equipment
Declaring one eight-foot trailer as surplus and authorizing its trade-in to Advantage Trailer in the amount of \$1,744 which will be used toward the purchase of a twelve-foot trailer. Staff is requesting a waiver of first reading.
Attachments: [100141.pdf](#)
[Ordinance 6457.pdf](#)
- E. [100155](#) Emergency Medical Services
Amending the Lombard Village Code Title 9, Chapter 91, Section 91.21 with regard to Emergency Medical Services.
Attachments: [Ordinance 6458.pdf](#)
[100155.pdf](#)

Other Ordinances on First Reading

*F. Budget Ordinance for Fiscal Year 2010-2011 (Moved to IX-A)

- G. [100109](#) PC 10-03: 115 E. St. Charles Road
The petitioner, the Village of Lombard and the Lombard Town Centre, requests approval of a conditional use for a Farmer's Market (French Market) in the B5 Central Business District. (DISTRICT #4)

Attachments: [apoletter 10-03.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[publichearingnot.doc](#)
[Referral Letter.doc](#)
[Report 10-03.doc](#)
[DAH memo for Operators Agreement.doc](#)
[Ordinance 6465.pdf](#)
[100109.pdf](#)

Christopher Stilling, Assistant Director of Community Development, presented the petition. The Village of Lombard and the Lombard Town Centre (LTC) requests conditional use approval for a Farmer's Market (French Market) to be held Saturday mornings, from 9 a.m. to 1 p.m. in the existing Village of Lombard commuter parking lot of the retail strip center located at 115 E. St. Charles Road. The Bensidoun Company has been contracted by Lombard Town Centre to operate the market and will provide all staff, equipment and necessary marketing.

The Comprehensive Plan denotes this area as Central Business District Mixed Use Area. The French Market concept is clearly appropriate to a Central Business District and is considered as an enhancement to downtown development and activities. With regard to compatibility with the surrounding land uses, the subject property is bounded by commercial and railroad uses. The proposed French Market is compatible with such downtown uses. With regard to compatibility with the Zoning Ordinance and a conditional use for a Farmer's Market, the LTC wishes to operate a Farmers (French) Market on the Hammerschmidt parking lot on Saturday mornings. The market was previously located here on Saturdays in 2004 & 2005 (PC 04-06), however it was moved to 102 W. St. Charles in 2007 and 2008 (PC 07-22) on Tuesdays to accommodate more vendors. Last year, the market was also held on Tuesday, but was relocated to North Park Avenue right-of-way. The LTC and its operator, Bensidoun, were not satisfied with the North Park Avenue location and therefore the LTC is requesting to move the market back to the Hammerschmidt lot. They will be working with the same operator, who has indicated that having the market on Saturday should not impede their ability to get quality vendors.

Relative to the site plan, the market will be located on the eastern half of the existing Hammerschmidt parking lot. In consideration of the site for the market, staff noted many benefits of this site over the existing site including:

- 1. Greater visibility to pass-by traffic on St. Charles Road and visibility from riders on the Metra Union Pacific West Line.*
- 2. Greater parking options.*
- 3. Greater flexibility in site operations. As the site will not be shared with other land-uses, conflicts with garbage disposal and set-up operations will be diminished.*
- 4. Additional space for expansion. The subject property will have space for 47 tents.*
- 5. No need for Village barricades. Last year, the Village spent approximately \$7,000 for barricades.*

As with the existing market, it will be operated according to a License

Agreement that will ensure that it will not endanger the public health or safety. The market will meet all code requirements which will assure that all requirements for public utilities and safety concerns will be met during its limited hours and days of operation in a manner consistent with their existing site. As staff believes that the subject property can more adequately meet the needs of the market, it supports the conditional use request.

The existing Hammerschmidt parking lot has 113 parking spaces. Based on the representations made by the LTC and Bensidoun, approximately 27 parking spaces will be used for the tents leaving 86 spaces for customer parking.

Staff finds that the request for a conditional use for this property meets the conditional use standards set by the Zoning Ordinance. Any potential negative impacts of the activity (i.e., trash, noise, etc.) will be continually overseen and managed. The market use will not impact overall redevelopment activity along St. Charles Road. In fact, the use could be considered an asset to the corridor. The use serves as an enhancement to the downtown area as it is an attraction for visitors to the area and is consistent with the retail objectives in the Comprehensive Plan.

In order for any conditional use to be approved, the standards for conditional uses must be affirmed. Mr. Stilling recited the seven standards as well as staff's response to each. Staff believes the standards have been met and recommends approval of the conditional use subject to the three conditions noted in the staff report.

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

Dan Whittington, 39 North Elizabeth, Lombard, and President of Lombard Town Centre stated that while he felt the various vendors were happy on Park Avenue, the Village encountered some expenses with the barricades. We felt it would be best to relocate some place else and this was the best place for it. He indicated they have had success working with Bensidoun and that having the market on Saturdays would not deter vendors. We will be meeting with Bensidoun on Wednesday if everything goes well tonight.

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

Commissioner Olbrysh indicated that he had no problem with the French Market at the Hammerschmidt lot as the parking situation is better. He questioned who would be obtaining the vendors. Mr. Whittington answered that Bensidoun would. Commissioner Olbrysh asked if that is the same company that operates the Wheaton French Market. Mr. Whittington answered yes. Commissioner Olbrysh asked if Lombard had any vendors signed up yet. Mr. Whittington answered that they have some vendors signed up and they hoped to have 10-12. He didn't know who they were and will find out when they meet on Wednesday to finalize documents.

Commissioner Olbrysh asked if the operation dates for the market were May 1 through October 31. Mr. Whittington answered yes.

***H. Amending Title 5, Chapter 50 of the Lombard Village Code with Regard to Water and Sewer Rates (Moved to IX-B)**

- I. [100134](#) Liquor License Amendment - Famous Dave's, 206 Yorktown
Amending Title 11, Chapter 112 of the Village Code reflecting a change
in the Class A/B liquor license category for Famous Dave's. (DISTRICT
#3)
Attachments: [Ordinance 6466.pdf](#)
[100134.pdf](#)
- J. [100137](#) Lombard Public Facilities Corporation
Appointing William Lichter as a Director of the Lombard Public Facilities
Corporation due to the resignation of Toni Sherman.
Attachments: [ordlombardpfcapplichter3182010.doc](#)
[SUBMIT.DOC](#)
[Ordinance 6467.pdf](#)
[100137.pdf](#)
- K. [100145](#) Titles 3 and 15 of the Lombard Village Code (Building Permit Fees)
Amending Title 15, Chapter 150, Sections 150.41 and 150.283 and Title
3, Chapter 36, Section 36.21 of the Lombard Village Code with regard to
increasing building permit fees. (DISTRICTS - ALL)
Attachments: [Permit Fee Increase cover sheet.doc](#)
[Permit Fee Increase FY11 BOT memo.doc](#)
[3%Permit Fee Increase FY11 Ordinance.doc](#)
[Ordinance 6468.pdf](#)
[100145.pdf](#)

Ordinances on Second Reading

- L. [090018](#) PC 09-03: 500 E. Roosevelt Road (Westgate Lincoln Mercury)
(Continued from April 1, 2010)
Granting a time extension to Ordinance 6312 extending the time period
for construction of the conditional use for motor vehicle sales, service
and repair in the B4APD Roosevelt Road Corridor District Planned
Development for a ninety (90) day period subject to certain timelines
and compliance with provisions. (DISTRICT #6)

Attachments: [APO letter 09-03.doc](#)
[Cover Sheet.doc](#)
[PUBLIC NOTICE 09-03.doc](#)
[Referral Letter 09-03.doc](#)
[Report 09-03.doc](#)
[WTL referral memo.doc](#)
[Ordinance 6312.pdf](#)
[BOT ext memo.doc](#)
[Cover Sheet ext 1.doc](#)
[BOT ext memo continue2.doc](#)
[BOT ext memo continue.doc](#)
[BOT ext memo final 4-15-2010.doc](#)
[500 E. Conditional use Extension.pdf](#)
[090018.pdf](#)
[090018.pdf](#)
[090018.pdf](#)
[Ordinance 6464.pdf](#)

John Moroni, 605 Midwest Club, Oak Brook, IL, stated that he is owner of subject property and owner of the former Westgate Lincoln Mercury dealership. Mr. Moroni stated that he wishes to reopen the auto dealership at 500 E. Roosevelt for used vehicle sales, light service and maintenance repairs. He added that the operation would be the same as before without the new vehicle franchise. He mentioned that there will be no structural changes, except that they will put the light poles back up on the north side of the facility that was removed. Mr. Moroni stated that they have not decided on the name of the facility - it may be called "Westgate", it may not. He added that he will let the Village know at later date. Lastly, Mr. Moroni stated that nothing will be different from before.

Chairperson Ryan opened the meeting for public comment.

Steve Benthine, 1171 S. Fairfield Lombard, IL, stated that he lives directly north of the subject property and is not opposed to the dealership reopening. Mr. Benthine mentioned that he purchased the property in 2007. He added that there is a retaining wall that runs along his driveway, which the maintenance of is his biggest concern. Mr. Benthine wanted to ask the petitioner if the retaining wall will be maintained. He also added that there is some drainage issues related to the retaining wall. Mr. Benthine also mentioned the shrubbery along the retaining wall. He added that if someone drove by they would think the shrubbery is on his property. Mr. Benthine questioned whether the facade of the retaining wall will be maintained and also mentioned that the petitioner did a fine job of taking care of the shrubbery after Code Enforcement was contacted.

Mr. Moroni stated that he will assure Mr. Benthine that the landscaping will be properly maintained by the petitioner's maintenance person.

Mr. Benthine questioned the lighting in the back. He added that those light shine into his kitchen and bedrooms.

Mr. Moroni assured Mr. Benthine that the lighting issue will be properly handled by the petitioner's maintenance person.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. Staff has drafted this IDRC report to submit to the public record in its entirety. Ordinance 5163, which was approved on July 18, 2002 as part of PC 02-22, granted Westgate Lincoln Mercury conditional use approvals for a planned development; the sales, service and repair of automobiles and two principal buildings on a lot of record. Westgate Lincoln Mercury has since closed their business for more than 12 months. The Zoning Ordinance states that conditional use approval shall expire if the conditional use shall cease for more than 12 months for any reason. Westgate Lincoln Mercury plans to reopen their business as it once operated; therefore, conditional use approval is required to reestablish the sales, service and repair of automobiles and maintain two principal buildings on a lot of record on the subject property.

The petitioner intends to reopen the existing car sales and automotive repair as previously granted. The petitioner has indicated that it would be for the sale of used cars only; however, new cars may come at a later date. The petitioner anticipates the sales of between 25-30 cars per month after the initial opening. Light auto repair, such as oil changes, brake and tires will also be conducted on-site as it was before. There are currently no plans to make exterior modifications, aside from new signage, which will come at a later date. The subject property has a number of previously approved signage deviations that would still apply today.

The Comprehensive Plan recommends that the subject property be developed as a Community Commercial use. The proposed use is therefore compatible with the intent of the Community Commercial designation.

Mr. Toth then made reference to a number of the Standards for Conditional Uses that he believed were important to note during the hearing:

** The proposed use has been conducted on the subject property since 1970. Preserving the same automobile sales, service and repair use that has occurred for almost 40 years would maintain consistency in relation to the surrounding neighborhood.*

** The petitioner plans to conduct conditional use within the confines of the existing building and current site layout as it was once approved through Ordinance 5163. From a land use perspective, the type of use being proposed is compatible with the surrounding properties; as such, the normal and orderly development and improvement of the surrounding properties would not be adversely affected.*

** The ability to provide adequate parking and loading facilities should be provided for all commercial sites. The subject property is 5.5 acres. Over 75% of the subject property is reserved as parking and staging area for the automobiles, which leaves over 4 acres for parking, staging and sales. The petitioner has indicated that the business will not contain the large sales inventory that it had prior to closing its doors.*

** As is, the site conforms to all requirements set forth in the Zoning*

Ordinance and all other applicable ordinances. The petitioner would need to receive an updated Certificate of Occupancy/Zoning Certificate that permitted the proposed conditional uses.

Furthermore staff is recommending approval of PC 09-03, subject to the conditions outlined.

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

Commissioner Olbrysh stated that he was pleased that the auto dealership would be reopening, albeit that it is a used car dealership. Commissioner Olbrysh then commended the petitioner for working with the adjacent property owner to address his concerns. He added that he does not have a problem with this petition.

Commissioner Sweetser stated that she was pleased with Mr. Benthine's letter, which addressed the property issues. She stated that she was also pleased with the demeanor of the petitioner to work together with the adjacent property owner to resolve the issues. She added that it is rare to see people work together with such common sense and good will.

- M.** [100032](#) Liquor License Amendment - RockinBurger, 1000 N. Rohlwing Road (Tabled February 18, 2010)
Amending Title 11, Chapter 112 of the Alcoholic Liquor Code reflecting an increase in the Class A/B-II liquor license category granting a liquor license to SBBL, LLC. (DISTRICT #1)
Attachments: [Ordinance 6460.pdf](#)
 [100032.pdf](#)
- N.** [100066](#) PC 10-02: 1010 E. North Broadway (Continued from March 18, 2010)
Requests the following actions on the property located within the R2 Single-Family Residence District:
1. Approval of a Comprehensive Plan amendment from Low-Density Residential to Medium-Density Residential;
 2. Approval of a map amendment (rezoning) from the R2 Single Family Residence District to the R4 Limited General Residence District;
 3. A variation from Section 155.409(F)(4)(c) to reduce the required minimum interior side yard from 15 feet to 9 feet;
 4. A variation from Section 155.409(I) to reduce the required minimum transitional building setback from 50 feet to 9 feet; and
 5. Variations from Section 155.409(J) and Section 155.707 to eliminate the required 30-foot transitional landscape yard and associated landscaping.(DISTRICT #5)

Attachments: [apoletter 10-02.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PUBLIC NOTICE 10-02.doc](#)
[Referral Letter 10-02.doc](#)
[Report 10-02.doc](#)
[DAH referral memo2.doc](#)
[100066.pdf](#)

Gina Rukower, 4501 Black Partridge Lane, Lisle, IL, presented the petition. She stated that she and her husband are in the process of selling the property. The property was in its current state when they took ownership in 2003 and they were unaware of the zoning issue. They discovered the zoning issue upon applying for an electric permit. They immediately contacted the Village to resolve the matter and were told what they needed to do and what the process was, and they allowed the Village to access the third unit for review.

They want to be approved to move from R2 to R4. They believe the use to be compatible as it is adjacent to multifamily and commercial property. The use will not jeopardize anyone, has been in this condition for 30 years and there is sufficient parking on the property. She noted that once they were made aware of the problem, they took all the necessary steps on their own to ensure that they are working to be compliant and safe. They have hired an architect and verified that should they receive approval, the project is workable.

Commissioner Olbrysh asked if there is a tenant living in the basement apartment. The petitioner confirmed that there is.

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

Chairperson Ryan then requested the staff report.

Jennifer Henaghan, Senior Planner, presented the staff report. The subject property is a nonconforming residential three-flat that was built in 1972-1973. At that time, the property was zoned R2 Single Family. However, building permit records indicate that a court order was issued to permit the construction of a two-family residence. At some point following construction, likely during the 1980s, the basement of the building was built-out into a third dwelling unit. No building permit applications were ever submitted in conjunction with this work. The third dwelling unit was discovered by the Village in January 2010 when the current owners applied for an electrical permit.

The third unit is not permitted by the underlying zoning (which permits detached single-family residences only) or the court order (which permits a two-flat). Therefore, in order to achieve compliance with Village Code, the third unit would need to be removed or zoning relief would need to be granted to address the nonconforming use and bulk nonconformities.

The Private Engineering Services Division noted that the change in zoning will trigger the need for stormwater detention for any future site improvements. The Building Division noted that there is one set of requirements if the rezoning is approved and two options if the rezoning is not approved. Both of these

scenarios have been reviewed with the petitioner.

The Comprehensive Plan recommends Low-Density Residential uses at this location. Low density is defined within the Comprehensive Plan as a net density of six or fewer dwelling units per acre. The proposed three-flat use would have a net density of 14.6 units per acre, placing it into the Medium-Density Residential category. (The court-ordered two-family use has a net density of 9.8 units per acre, placing it in the Low-Medium Density category.)

The plan states that "medium-density residential environments are appropriate within or near high activity centers including commercial and business areas." With the exception of the two Neighborhood Commercial properties at the corner of Westmore/Meyers Road and North Broadway, the entirety of the block on which the subject property is located is recommended for Low-Density Residential uses. The proposed use and proposed relief are therefore inconsistent with the recommendations of the Comprehensive Plan.

In addition, the Comprehensive Plan sets forth specific criteria for any Plan amendments. The proposed change is clearly at odds with the Plan recommendation for the neighborhood of Low-Density Residential uses as it would result in a single property being recommended for Medium-Density Residential uses. Furthermore, the proposed plan does not meet the housing and residential land use objectives outlined in the Plan. The proposed Medium-Density Residential area would not be near a high activity center (as called for in the Comprehensive Plan) and would instead be located upon a local street with single-family and two-family land uses.

Of the 27 properties on this block, only one property appears to be used legally for multiple-family residences. There is one commercial use and the remaining 25 properties appear to be either single-family residences, two-family residences, or undeveloped. Along North Broadway there are zero properties zoned for multiple-family uses. The proposed use is therefore incompatible with the surrounding land uses.

Although the conversion of the subject property into a multiple-family dwelling was not done by the petitioners, the consideration of this petition must be based upon the standards set forth within the Zoning Ordinance. The proposed Comprehensive Plan amendment, map amendment, and associated variations are inconsistent with previous Village actions. They would also set a precedent for allowing additional single-family properties in the neighborhood to be converted to multiple-family uses, thereby altering the essential character of the neighborhood.

The R4 District is significantly different from the R2 District in that it has specific setback regulations for each permitted land use. While the subject building was built under the more permissive R2 regulations, the change of zoning and change of use to the R4 District kick in the need for greater side yard setbacks, additional transitional building setbacks, and transitional landscape yards. These provisions are in place to ensure that there is adequate separation between single-family and denser, multiple-family uses. Allowing a high-density use to be located in such close proximity to single-family would be a significant departure from the desired separation of uses that is set forth within the Zoning Ordinance.

With regard to the Standards for Map Amendments, staff finds that although there is an abutting property with multiple-family uses, the predominant land

use on the block is single-family with some two-family. The proposed multiple-family use is incompatible with the general area. The subject property abuts a property to the north that is zoned R4 and fronts directly on Westmore-Meyers Road. There is a clear demarcation between the multiple-family zoned area on Westmore-Meyers Road and the single-family neighborhood along North Broadway. As currently zoned, the property meets all setback requirements for a single-family residence. It has approximately 46 percent open space, which is slightly below the minimum required 50 percent. The remaining properties along North Broadway are of the same size as the subject property. They are suitable for single-family uses, but none are large enough to accommodate the transitional yards and setback requirements for multiple-family uses. As detailed previously, the proposed rezoning is inconsistent with the recommendations of the Comprehensive Plan. The property is not sufficiently large to accommodate the required 50-foot transitional building setbacks and 30-foot transitional landscape yard. These provisions are in place to ensure that there is adequate separation between single-family and multiple-family uses. Waiving or reducing these requirements places an undue burden upon the neighboring single-family property.

With regard to the Standards for Variations, staff finds that the subject property is not physically unique or substantially different from its neighboring properties. The stated hardship is of a financial nature. The petitioner has created the need for the variation for their own financial gain.

The reduction of required setbacks and landscaping improvements would set a precedent to allow further zoning relief on neighboring properties, creating a denser environment than that allowed by the underlying zoning or recommended by the Comprehensive Plan.

Staff is recommending denial of this petition.

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

Commissioner Olbrysh asked when the conversion was done. Ms. Henaghan stated that, based upon their inspection of the basement unit, the Building Division estimated that it was converted sometime during the 1980s.

Commission Olbrysh asked why there was a court order issued instead of the property coming before the Plan Commission. Ms. Henaghan stated that we don't have information on what happened in that court case. The court order could not be found by the Clerk of Court although they are currently searching their archives. Since we don't know what the complaint was, we don't know what the process was at that time.

Commissioner Burke stated that he was sympathetic to the petitioner especially since they were not aware of the problem. However, he agreed with staff that the quantity and the size of the relief for building setbacks, landscaping and transitional setbacks was too great and they would have to deny the petition.

Commission Olbrysh stated that this is a bureaucratic nightmare for the petitioners because when they purchased the property they assumed it was a legal three-unit complex. If this petition were denied, there would be a hardship on two innocent parties, the petitioner and the tenant in the basement. He asked if, aside from the zoning, there was some equitable relief that could be granted. He didn't see anyone in the audience that was objecting to the petition.

Chairperson Ryan stated that approving this petition would set precedents for other neighbors. The Village can give the petitioners some time to come into compliance, and the petitioner can go back to the realty company that sold them the property under false pretenses. They need to think for the future of the neighbors in the area.

Commissioner Olbrysh asked how Division Street is zoned. Ms. Henaghan stated that Division Street is south of the Illinois Prairie Path and is zoned for multiple-family uses, but she did not know the precise designation.

Commissioner Olbrysh stated that there are apartments north of Westmore Liquors. Ms. Henaghan confirmed that those apartments are zoned R4.

Commissioner Cooper asked if the property could be grandfathered in. Looking at the site, it fits in nicely with the current land use plan to fit in with the higher density plan. She stated that she sees both sides of coin and the stormwater and landscaping relief is a big issue.

Commissioner Burke asked when the lease is up. The petitioner stated that the lease runs through July.

Commissioner Burke asked what flexibility the Village Board and staff gave with transitioning this property from three-family to two-family. Chris Stilling, Assistant Director of Community Development, stated that the building matters need to be resolved regardless of the zoning actions. If the petition is denied, the petitioner will need to draw up revised plans, which will take some time. The permit review itself will also take time. Staff can work with the petitioner on a reasonable timeline to accommodate them. George Wagner stated that enforcement is a staff issue. The Plan Commission's flexibility lies in granting the requested relief or not. Unless the property is in compliance with zoning the Village cannot issue a permit for the basement to be compliant with building regulations.

Commissioner Burke stated that the petitioner is looking to sell the property and any delay in enforcement will complicate the sale as well as the enforcement.

Commissioner Olbrysh stated that he did not wish to see the zoning change but wished there was some sort of relief for the petitioner, perhaps something only the Village Board can approve.

Chairperson Ryan asked if the Plan Commission recommended denial, could they recommend for staff to work with the petitioner and tenant to achieve a July compliance date.

The petitioner stated that she knows that the financial burden isn't the Village's concern, but they do not wish to proceed with any of the two-family solutions recommended by the Building Division. She understands the concern with setting a precedent, but her property is unique because it has been this way for years and has not caused any problems. She doesn't believe a precedent would be set because the situation is extreme. They are doing their best to comply with a situation they didn't create.

Commissioner Olbrysh stated that he sympathizes with the petitioner but doesn't think that the Plan Commission can grant any relief.

Commissioner Cooper asked if this was not a unique scenario to not set a precedent, given the length of time the use has been in place.

Chairperson Ryan stated that approving a rezoning request in violation of the Comprehensive Plan recommendations would open the Village up for others to come in and ask for similar relief.

Commissioner Burke stated that, if approved, the sheer scale and significance of the requested variations could be applied piecemeal to other cases as the Plan Commission has seen in other zoning petitions.

- O. [100116](#) Amending Title 15, Chapter 150 of the Code of Lombard (Exterior Window Permit Replacement)
Approving text amendments to the Lombard Building Code Title 15, Chapter 150 of the Code of Lombard relative to establishing permitting provisions and fees for windows as mandated by the Energy Efficient Commercial Building Act. (DISTRICTS - ALL)
Attachments: [Ordinance 6461.pdf](#)
[DAH referral letter Res Energy Code Amendments Windows.doc](#)
[title 15 chapter 150 building code window replacement.doc](#)
[100116.pdf](#)

Resolutions

- P. [100108](#) DuPage County Case Z10-010: 1720 S. Meyers Road
Requests variations to reduce the front side yard setback from fifteen feet (15') to three feet (3'); reduce the corner side yard setback from fifteen feet (15') to three feet (3'); and to reduce line-of-sight easement for purposes of constructing a new subdivision identification sign. (UNINCORPORATED)
Attachments: [BOT Memo Z10-010.doc](#)
[PC Memo Z10-010.doc](#)
[Referral Letter DuPage County Z10-010.doc](#)
[SUBMITresolutionofobjection.doc](#)
[R 77-10.pdf](#)
[100108.pdf](#)

Christopher Stilling presented the petition. The petition is for the property located at 1720 S. Meyers Road and is unincorporated. As the subject property is located within the ultimate municipal boundaries of the Village of Lombard, the Village has received notice of the public hearing from the County and has been asked to provide comments or concerns regarding this petition.

Staff would like to solicit the input and a recommendation of the Plan Commission regarding this petition. Staff has informed the County that this matter is being brought forward to the Plan Commission and the Village Board for consideration.

Per DuPage County Zoning Ordinance, the subject sign is required to be setback a minimum of fifteen feet (15') from all rights of way. As indicated on the submitted site plan, the sign is proposed to be setback at a distance of three feet (3'). While the Village of Lombard Sign Ordinance does not specify a required setback for Residential Subdivision Signs, complying with the County's setback provision would bring the sign into closer compliance with the clear line of sight provision.

Where improved rights of way intersect, the Village requires that a clear line of sight triangle be formed thirty feet (30') away using those intersecting points of right of way. Section 37-405.3 of the DuPage County Zoning Ordinance requires that a clear line of sight area be formed twenty-five feet (25') away

from the intersecting point of rights of way. Also, DuPage County Code permits certain structures three feet (3') (or less) in height to be permitted in a clear line of sight area, whereas, the Village only permits certain structures two feet (2') (or less) in height in a clear line of sight area. The proposed new sign would be 4 feet in height. Therefore the proposed sign does not meet either the Village of Lombard Zoning Ordinance or the DuPage County Zoning Ordinance.

Staff does recognize that there is an existing subdivision identification sign on the subject property. The existing sign is also located within the clear line of sight area (as defined by the Village and County); however, this sign is placed on an angle and stands at a greater height than the proposed sign. The proposed sign would not be placed on an angle and would run parallel to 18th Street. Staff also notes that there is also another subdivision identification sign on the property directly south of the subject property; however, that sign is not a part of the subject County ZBA case. Staff has put an inquiry with the County as to whether or not the sign on the south side of 18th Street is to be removed - the County has yet to respond.

Staff finds that there are no conditions related to the property that prevent compliance with the clear line of sight provisions (Village or County requirements). The petitioner's property does not have physical surroundings, shape, or topographical features that differ substantially from other corner lots in the neighborhood as to be demonstrative of a hardship. The property is relatively flat and the existing topography does not impact the ability of the property owner from meeting the clear line of sight provisions or reducing the degree of relief requested. As such, staff recommends that the Plan Commission make a finding of denial to the County.

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

Commissioner Sweetser stated she agreed with staff.

- Q.** [100121](#) Participation in Suburban Tree Consortium
Expressing intent to continue participation in the Suburban Tree Consortium for the purchase of parkway trees.
Attachments: [100121.pdf](#)
 [R 78-10.pdf](#)
- R.** [100147](#) FY 2010/2011 Health Insurance Programs
Approving Health Insurance Contracts for FY 2010/2011 with Blue Cross/Blue Shield of Illinois.
Attachments: [R 79-10.pdf](#)
 [Blue Cross Blue Shield Contract.pdf](#)
 [100147.pdf](#)
- S.** [100150](#) Agreement with IAFF Local 3009 Firefighter's Union
Approving an Agreement between the Lombard Firefighters Union and the Village of Lombard.

Attachments: [R 80-10.pdf](#)
[Fire Contract.pdf](#)
[100150.pdf](#)

- T. **100153** SA 217C Resident Engineering
Approving a contract with Baxter and Woodman, Incorporated in the amount of \$146,432.00. (DISTRICT #4)

Attachments: 100153.pdf
R 81-10.pdf
Contract ST 10-01.pdf

- *U. St. Charles Road Water Main Replacement, Resident Engineering (this item has been pulled from the agenda)**

- V. [100156](#) Main Street Lighting, Phase 2, Resident Engineering
Approving a contract with Baxter & Woodman in the amount of \$108,918.00. (DISTRICTS #1 & #4)

Attachments: [100156.pdf](#)
[R 82-10.pdf](#)
[Contract # M-08-05 B.pdf](#)

- W. [100159](#) Resolution of Opposition
Resolution opposing to the proposed 30% reduction in the Village's share of the State income tax.

Attachments: [resopposingreductioninlocalgovtdistfunds.doc](#)
[SUBMIT.DOC](#)
[memoform.doc](#)
[R 83-10.pdf](#)
[100159.pdf](#)

Other Matters

- X. [100123](#) Tree Planting
Request for a waiver of bids and award of a contract to the Suburban Tree Consortium in the amount of \$40,550.00. Public Act 85-1295 does not apply.

Attachments: [100123.pdf](#)

- Y. [100135](#) Tree & Stump Removal
Request for a waiver of bids and renewal of a contract with Dawsons Tree Service, Inc. in an amount not to exceed \$25,000.00. Public Act 85-1295 does not apply.

Attachments: [100135.pdf](#)
[Contract Dawsons Tree Service.pdf](#)

- Z. [100138](#) FY 2011 Concrete Rehabilitation and Utility Cuts Patching

Award of a contract to G & M Cement Construction Inc., the lowest responsible bid of eleven bidders, in the amount of \$900,000.00. Bid in compliance with Public Act 85-1295. (DISTRICTS - ALL)

Attachments: [100138.pdf](#)

***AA St. Charles Water Main Replacement (this item has been pulled from the agenda)**

- BB.** [100144](#) Parkway Tree Trimming
Request for a waiver of bids and renewal of a contract with Nels Johnson Tree Experts, Inc. in an amount not to exceed \$45,000.00. Public Act 85-1295 does not apply.

Attachments: [100144.pdf](#)
[Contract Nels J. Johnson.pdf](#)

- CC.** [090569](#) Stormwater/Combined Sewer Modeling Project
Approving an agreement with ELAN to provide stormwater flow monitoring services at a cost of \$49,500.00. (DISTRICTS - ALL)

Attachments: [090569.pdf](#)
[R 84-10.pdf](#)
[Elan Quotation.pdf](#)

- DD.** [100133](#) Appointment - Environmental Concerns Committee
Request for concurrence in the appointment of Diana Urlaub to the Environmental Concerns Committee to fill a vacancy created by the resignation of Ann Mason.

Attachments: [100133.pdf](#)

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

- *A.** [100088](#) Budget Ordinance for Fiscal Year 2010-2011
Adopting the FY 2010-2011 Annual Budget for the Village of Lombard.

Attachments: [Ordinance 6471.pdf](#)
[Budget Submittal Sheet 2011.doc](#)
[Budget Filed Ordinance.pdf](#)
[100088.pdf](#)

Tim Sexton reviewed the proposed budget with the Committee and mentioned there are no changes since the preliminary budget was reviewed at the joint Village Board and Finance Committee meeting on February 16, 2010. Discussion followed.

- *B.** [100126](#) Amending Title 5, Chapter 50 of the Lombard Village Code with Regard

to Water and Sewer Rates
Three Ordinances amending the Village Code as it relates to water and sewer rates for FYE 2011.

Attachments: [Ordinance 6472.pdf](#)
[Ordinance 6473.pdf](#)
[Ordinance 6474.pdf](#)
[100126.pdf](#)

Ordinances on Second Reading

Resolutions

Other Matters

- *C. [100122](#) Taste of Lombard and July 4th Fireworks
Review of proposal as submitted by the Lombard Jaycees.
Attachments: [tasteoflombardfunding3302010.doc](#)
[tasteoflombardmemotovb3122010.doc](#)
[100122.pdf](#)

X. Agenda Items for Discussion

- *A. Taste of Lombard and July 4th Fireworks (Moved to IX-C)

XI. Executive Session

XII. Reconvene

XIII Adjournment

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