

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE : August 1, 2019

(BOT) Date: August 15, 2019

SUBJECT: Subject: PC 19-17: 1047-1109 E. St. Charles Road

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development *WJH*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following actions on the subject property located within the B4 Corridor Commercial District:

1. Approve a variation from Section 153.208(B) of Village Code to allow a shopping center identification sign to be located within the clear line of sight area; and
2. Approve a variation from Section 153.235(F) of Village Code to allow a shopping center identification sign that is set back less than five feet from an interior property line within a shopping center

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the August 15, 2019 Board of Trustees agenda with a waiver of first reading requested by the petitioner

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____


Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: August 15, 2019

SUBJECT: **PC 19-17: 1047-1109 E. St. Charles Road**

Please find the following items for Village Board consideration as part of the August 15, 2019, Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 19-17; and
3. An Ordinance granting approval of variances for a shopping center identification sign to be located on the subject property.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the August 15, 2019 Board of Trustees agenda with a waiver of first reading requested by the petitioner.



VILLAGE OF LOMBARD

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August 15, 2019

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Anthony Puccio, Dist. 2
Reid Foltyniewicz, Dist. 3
Andrew Honig, Dist. 4
Daniel Militello, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 19-17 – 1047-1109 E. St. Charles Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following actions on the subject property located within the B4 Corridor Commercial District:

1. Approve a variation from Section 153.208(B) of Village Code to allow a shopping center identification sign to be located within the clear line of sight area; and
2. Approve a variation from Section 153.235(F) of Village Code to allow a shopping center identification sign that is set back less than five feet from an interior property line within a shopping center.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on July 15, 2019. Sworn in to present the petition were: Anna Papke, Senior Planner, and Omar Fatani and Bilal Fatani, petitioners and property owners.

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.

Omar Fatani began the petitioners' presentation. He stated that the previous sign on the property had been taken down after it sustained damage during a storm. The sign needs to be replaced in order to identify the tenants in the shopping center.

Bilal Fatani discussed the petition relative to the standards for variations. He stated the variation request is not motivated by financial gain. The site was developed some time ago, and the petitioners are working with existing conditions to find a location for a new sign. The previous sign was in the clear line of sight and not separated from the driving area. The proposed sign will have a curb separating it from the driving area. The proposed sign will not present a public safety concern, and will not alter the character of the neighborhood. He said the tenants in the shopping center are concerned about visibility of their businesses, hence the need to install a new sign.

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

Tom Sawczuk, of 22 Kenilworth Court, addressed the petitioner. He said he is the president of the homeowners' association for the Kenilworth Court townhomes. He was at the meeting representing the residents at 12, 14, 16, 18 and 20 Kenilworth Court. He had the following questions for the petitioner:

- 1.) Will the proposed sign be similar to the sign that was blown down?
- 2.) Will the proposed sign be lighted?
- 3.) How tall will the sign be?
- 4.) How tall are the shopping center buildings on the site?

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked the petitioner to respond to Mr. Sawczuk's questions.

Bilal Fatani said the new sign would be similar to the old sign [both are pole signs]. He said the new sign will be internally illuminated, but will not have any exterior lighting. He referred to the submitted plans regarding the height of the proposed sign, which staff confirmed would be between 17 and 18 feet tall. He was unsure of the overall height of the shopping center buildings, but estimated the tallest point to be between 15 and 18 feet.

Commissioner Burke said he thought Mr. Sawczuk wanted to know the size of the previously existing sign.

Mr. Sawczuk said he and others on Kenilworth Court are concerned about the impact of lighting from the sign and other signs on St. Charles Road on nearby properties. He said the light from some other signs on St. Charles Road has a negative impact on the Kenilworth Court area.

Chairperson Ryan asked that staff address the lighting concerns in the staff comments.

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 subject property is developed with a strip shopping center comprising two buildings and a parking

lot. The site previously had a shopping center sign located within the clear line of sight area around the driveway into the property from St. Charles Road. That sign was damaged and subsequently removed by the property owner. The property owner plans to install a new shopping center sign, but has limited options for placement given the existing site improvements. The proposed location for the new sign is near the location of the former sign, and within the clear line of sight. A variance is required.

Staff has reviewed the petition and agrees with the petitioner that the existing conditions on the subject property present limited possibilities for sign placement. Staff notes that the proposed sign will meet the five-foot setback requirement from the front property line, and will include a barrier curb and landscaping as required by code. This will be a significant improvement over the previous sign, which encroached into the St. Charles Road right-of-way. The sign will be a pole sign, with over seven feet of clearance between grade and the bottom of the sign cabinet. From the perspective of drivers and pedestrians, the sign will be similar to a light pole or utility pole, which are routinely found in the clear line of sight. Staff does not believe the sign pole will create a significant visual obstruction.

Regarding the concerns raised about lighting, Ms. Papke said the Sign Ordinance permits signs to be illuminated. The Zoning Ordinance does set maximum levels for light at the perimeter of commercial properties in order to avoid negative impacts to adjacent property owners. The proposed sign and the subject property in general are required to meet these standards. If there are concerns that a particular property is causing spillover lighting, Village staff will work with the property owner to determine if the light levels exceed those allowed by the Zoning Ordinance.

Staff recommended approval of the petition subject to the conditions in the staff report. Ms. Papke noted that the proposed motion in the staff report had been updated by staff to be a recommendation to the Village Board to approve the petition, as opposed to a motion for the Plan Commission to approve the petition. The updated language has been provided to the Commissioners in a memo distributed at the start of the meeting.

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

Commissioner Burke asked if the previously existing sign was lighted. Mr. Fatani said it was.

Commissioner Sweetser noted that the petitioner had mentioned the sign needing to be visible with respect to the clear line of sight. She asked staff if the petitioner understood that the purpose of the clear line of sight was to eliminate visual obstructions around driveways. Ms. Papke said the petitioner understood the purpose of the regulation.

On a motion by Commissioner Burke, and a second by Commissioner Giuliano, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 19-17, subject to the following five (5) conditions:

1. The petitioner shall develop the site in accordance with the site plan prepared by the petitioner, and the sign plans prepared by Only Signs Inc., submitted as part of this request;

2. The petitioner shall apply for and receive a building permit for the proposed shopping center identification sign;
3. The petitioner shall landscape the area around the sign within the barrier curb as required by the Sign Ordinance;
4. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
5. The relief for one shopping center identification sign shall be valid for a period of one year from the date of approval of the ordinance. If the signage is not constructed by said date, this relief shall be deemed null and void.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

ORDINANCE NO. _____

**AN ORDINANCE APPROVING VARIATIONS OF THE LOMBARD SIGN
ORDINANCE TITLE 15, CHAPTER 153 OF THE CODE OF LOMBARD,
ILLINOIS**

(PC 19-17; 1047-1109 E. St. Charles Road)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Sign Ordinance, otherwise known as Title 15, Chapter 153 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned B4 Corridor Commercial District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Section 153.208(B) of the Village Code to allow a shopping center identification sign to be located within the clear line of sight area, and a variation from Section 153.235(F) of Village Code to allow a shopping center identification sign that is set back less than five feet from an interior property line within a shopping center; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on July 15, 2019, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the variations described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That variations from the Lombard Code of Ordinances, as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

1. A variation from Section 153.208(B) of Village Code to allow a shopping center identification sign to be located within the clear line of sight area; and

Ordinance No. _____

Re: PC 19-17

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2. A variation from Section 153.235(F) of Village Code to allow a shopping center identification sign that is set back less than five feet from an interior property line within a shopping center.

SECTION 2: This ordinance is limited and restricted to the property generally located at 1047-1109 E. St. Charles Road, Lombard, Illinois, and legally described as follows:

PARCEL 1:

LOTS 18 AND 19 IN CHIDLOW'S ADDITION TO WESTMORE BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 25, 1925 AS DOCUMENT 200324 AND CERTIFICATE OF CORRECTION RECORDED OCTOBER 19, 1926 AS DOCUMENT 223430, IN DUPAGE COUNTY, ILLINOIS;

PARCEL 2:

LOT 20, EXCEPT THE NORTH 3 FEET, AS MEASURED ON THE EAST LINE OF THE EAST 3 FEET, AS MEASURED ON THE NORTH LINE THEREOF, IN CHIDLOW'S ADDITION TO WESTMORE, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 25, 1925 AS DOCUMENT 200324 AND CERTIFICATE OF CORRECTION RECORDED OCTOBER 19, 1926 AS DOCUMENT 223430, IN DUPAGE COUNTY, ILLINOIS.

Parcel Nos: 06-09-102-009, 06-09-102-020

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the site plan prepared by the petitioner, and the sign plans prepared by Only Signs Inc., submitted as part of this request;
2. The petitioner shall apply for and receive a building permit for the proposed shopping center identification sign;

Ordinance No. _____

Re: PC 19-17

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3. The petitioner shall landscape the area around the sign within the barrier curb as required by the Sign Ordinance;
4. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
5. The relief for one shopping center identification sign shall be valid for a period of one year from the date of approval of the ordinance. If the signage is not constructed by said date, this relief shall be deemed null and void.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2019.

First reading waived by action of the Board of Trustees this _____ day of _____, 2019.

Passed on second reading this _____ day of _____, 2019.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2019

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me this _____ day of _____, 2019

Sharon Kuderna, Village Clerk