

Village of Lombard

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



Meeting Agenda

Thursday, December 1, 2011

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

IV. Public Participation

[110677](#)

Medal of Character Excellence

Request to present Lindsey Rakosnik with the Medal of Character Excellence Award.

Attachments: [110677BOT12_01_11.pdf](#)

[110677-Coverpage-12-1-11](#)

An application was reviewed for Glenbard East High School student, Lindsey Rakosnik. Trustee Giagnorio submitted the nomination and explained the reasons behind the nomination. Lindsey is an outstanding student athlete, a senior leader, enrolled in the Math Honor Society, a Westlake Middle School Mentor, volunteers in Big Brother/Sisters Program, and has won a medal competing in a Junior Olympics sports event this past summer. Trustee Giagnorio described Lindsey as an outstanding example of a high school student that can still hold a high academic status, participate in sports and volunteer in her community and be of strong character.

[110695](#)

Proclamation - National Drunk and Drugged Driving Prevention Month 2011

Attachments: [procdrunkdruddgedprevent2011.doc](#)

V. Approval of Minutes

Minutes of the Special Meeting of November 9, 2011

Minutes of the Regular Meeting of November 17, 2011

VI. Committee Reports

Community Relations Committee - Trustee Keith Giagnorio, Chairperson

Economic/Community Development Committee - Trustee Peter Breen,
Chairperson

Environmental Concerns Committee - Trustee Laura Fitzpatrick, Chairperson

Finance Committee - Trustee Greg Gron, Chairperson

Public Works Committee - Trustee Bill Ware, Chairperson

Transportation & Safety Committee - Trustee Zachary Wilson, Chairperson

Board of Local Improvements - Trustee Greg Gron, President

Community Promotion & Tourism - President William J. Mueller, Chairperson

Lombard Historical Commission - Clerk Brigitte O'Brien

VII. Village Manager/Village Board Comments

VIII Consent Agenda

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Payroll/Accounts Payable

- A. [110694](#) Approval of Accounts Payable
For the period ending November 18, 2011 in the amount of \$276,113.18.
- B. [110697](#) Approval of Village Payroll
For the period ending November 19, 2011 in the amount of \$792,069.85.
- C. [110698](#) Approval of Accounts Payable
For the period ending November 25, 2011 in the amount of \$1,044,745.27.

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

- D. [110644](#) ZBA 11-06: 661 N. Charlotte Street
Requests a variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback to fifteen feet (15'), where thirty feet (30') is required to allow for the construction of a screened porch addition in the R2 Single-Family Residence District. (DISTRICT #4)

Attachments: [110644_BOT11_17_11.pdf](#)
[110644Coverpage11-17-11](#)

Chairperson DeFalco opened the meeting for public comment.

The property owner, Matt Berberich, 661 N. Charlotte St., Glen Ellyn, presented the petition. Mr. Berberich stated that he understands why he is before the Zoning Board of Appeals. He then stated that he is a longtime resident of Lombard with three kids. He stated that he is requesting a variation to allow for a screened porch addition because his son has required medical attention twice for mosquito bite allergies. He added that his son also has to miss outdoor

activities because of his mosquito allergies. Mr. Berberich then explained that there is a fence that is located six (6) to seven (7) feet inside of his rear property line, which results in a lack of space in his rear yard. He then added that the rear yard drops off to the back of the property. Mr. Berberich then asked the members of the Zoning Board of Appeals if they visited the site.

Chairperson DeFalco and Mr. Bartels responded by stating that they had visited the site.

Mr. Berberich stated that the original deck (that the screen porch addition was built upon) was built with a permit in 2002. He then stated that the screen porch addition is located fifteen (15) feet from the side property line, where only six (6) feet is required. He added that the difference in setback equates to eight-hundred (800) square feet of lot area. Mr. Berberich then referred to the neighbor petition that has been provided to each ZBA member. He stated that none of the neighbors he approached to sign the petition were against his screen porch addition. He then stated that all of his neighbors signed the petition, with the exception of a couple neighbors whose homes were actually being rented out. Mr. Berberich then mentioned that he submitted a doctor's note regarding his son's mosquito allergy and also a picture of his son after a mosquito bite.

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

Ron Schulze, 656 N. Charlotte St., stated that the petitioners did a nice job with the screen porch addition. He then stated that he also understands the need for zoning laws. Mr. Schulze stated that the laws need to take medical issues into consideration. He added that if this were a handicap ramp that this wouldn't be an issue. He stated that medical conditions should always be taken seriously.

Jennifer Jendras, 664 N. Charlotte St., stated that she is also a longtime resident of Lombard. She stated that she is on the Environmental Concerns Committee and is also on a board for Glen Westlake School so she also understands the need for zoning laws. She stated that setbacks provide privacy and also reduce noise impacts on surrounding properties. She stated that the lot that abuts the rear yard of the subject property has a rear yard setback of seventy-five (75) feet and there is a fence and group of trees so the screen porch is invisible to the property to the rear of the subject property. She then mentioned some of the other setbacks in the surrounding area and stated that she has no issues with the screen porch addition.

Joseph Batka, 669 N. Charlotte St., stated that he lives a couple homes down from the petitioner and is in favor of the variation. He stated that he also understands the rules, but sometimes the rules are meant to address a large group and that the screen porch addition should be an exception to the rules.

Chairperson DeFalco then requested the staff report.

Mr. Toth stated that staff is entering the IDRC Report into the public record in its entirety. The petitioner is requesting a variation to reduce the rear yard setback to fifteen (15) feet to allow for an existing three-hundred (300) square foot (15'x20') screened porch addition. The screened porch was built on top of an existing deck and extends fifteen (15) feet into the thirty (30) foot rear yard setback. The structure is considered to be a building addition, which are not listed as permitted encroachments in the rear yard. As such, a variation is

required.

The same property owner petitioned for a variation in 2002 (ZBA 02-21) to allow for a three-hundred (300) square foot (15'x20') screened porch addition fifteen (15) feet into the rear yard. The proposed screened porch addition is the exact size and location that was previously petitioned and was recently constructed over an existing deck. The screened porch addition variation was ultimately denied by the Village Board. The petitioner did receive a permit for the deck in 2002; however, the property owner was recently cited for constructing the screened porch addition over the existing deck without a building permit.

Decks which are open and not over three feet above the average level of the adjoining ground are permitted within the rear yard, provided that a minimum two-foot side yard setback is provided. As the subject screened porch is roofed over and enclosed, it is considered to be an addition to the principal structure. Therefore, the structure must observe the rear yard setback provision required of a principal structure, unless a variation is granted.

The subject property is located in the Providence Glen subdivision. The Providence Glen subdivision received approval to provide for thirty (30) foot rear yards on each of the 32 residential lots within that subdivision, which is five (5) feet less than the thirty-five (35) foot rear yard required on other lots within the R2 Single-Family Residence District.

The principal structure on the subject property is located thirty (30) feet from the eastern (rear) property line. The addition maintains the existing building line of the home and extends fifteen (15) feet to the east, placing it fifteen (15) feet from the rear property line and directly outside of the fifteen (15) foot public utility and drainage easement located in the rear of the property. The principal structure is also located fifteen (15) feet from the northern (interior side) property line, where only six (6) feet is required. As the addition holds the same building line as the north elevation, the principal structure and subject addition are located more than double the distance to the adjacent side property line than what is required by Code.

A comprehensive review of all residential properties within the Providence Glen planned development revealed no cases in which zoning relief has been granted for a building addition, including screened porches. The petitioner states that the small lot size precludes him from utilizing his back yard. Staff recognizes that the lot depth is somewhat less than that of the majority of lots in the R2 District; however, that is why the rear yard setback has already been reduced from 35 feet to 30 feet. Each of the lots in the Providence Glen planned development has a 30-foot rear yard, granting the property owners an additional 5 feet of building space that they would not be permitted to build upon on other R2 lots.

To be granted a variation the petitioner must show that they have affirmed each of the "Standards for Variation". Staff has reviewed the petitioner's responses and offers the following comments:

1. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.

The rectangular shape of the petitioner's property is standard for all residential lots within the Village, and there are no topographical conditions that affect the variation request. The petitioner's property is 7,840 square feet and 70 feet wide, which exceeds the R2 District minimum lot sizes of 7,500 square feet and 60 feet wide. As such, the petitioner has not demonstrated any hardship.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

The conditions are not unique to the subject property as each of the 32 lots within the Providence Glen planned development has a 30-foot rear yard.

3. The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.

Staff finds that the ordinance has not caused the hardship as the rear yard setback provision does not prevent the petitioner from utilizing his backyard.

4. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Staff finds that granting the request could be injurious to neighboring properties because it increases bulk on the property and contributes to loss of suburban character of the neighborhood.

5. The granting of the variation will not alter the essential character of the neighborhood.

There is currently a 30' rear building setback line that extends unbroken from Goebel Drive to North Avenue that is preserved by the Providence Glen property covenants prohibit the construction of any outbuildings such as sheds. Even if there were no such property covenants, granting this variation would create an obstruction within that open space that is larger than any of the accessory structures that would otherwise be permitted by the Zoning Ordinance. Also, granting this variation would set a precedent to allow each of the other properties within Providence Glen to be granted similar variations.

Mr. Toth stated that staff is recommending denial of ZBA 11-06.

Chairperson DeFalco then opened the meeting for discussion by the ZBA members.

Ray Bartels asked if open space is an issue on the subject property.

Mr. Toth explained that the screen porch addition was built on top of an existing deck, which was built with a permit. He stated that past policy has dictated that building a structure over an existing structure does not affect open space, therefore open space is not being considered at this time.

Chairperson DeFalco asked if the homeowner's association has any issues with the screen porch addition.

Mr. Berberich stated that two members of the audience are on the association

board. He then stated that there aren't any conflicting association rules that they are aware of.

Chairperson DeFalco stated that all of the homes in this subdivision were approved to be built at thirty (30) feet where thirty-five (35) feet is typically required.

Mr. Berberich stated that there have been other variations granted for additions in the rear yard. He then cited some examples. He then added again that there are no association rules that conflict with his project.

Chairperson DeFalco stated that all variations need to meet the required standards. He stated that the case before the ZBA involves a home that has a rear setback of thirty (30) feet where thirty-five (35) feet is typically required so they already have limited space. He added that the addition now consumes fifteen (15) feet of the thirty (30) foot rear yard.

Mr. Bartels asked the petitioner when the screen porch addition was built.

Mr. Berberich replied, July.

Mr. Bedard asked when in July.

Mr. Berberich replied, around the fourth of July. He then added that the addition is not finished.

Mr. Bedard asked if someone complained about the addition.

Mr. Toth replied, yes.

Dr. Corrado asked what would happen if the variation was denied.

Mr. Toth explained that the Building Division has an open property maintenance case on the matter. He then stated that because the petitioner is going through the variation, any such enforcement is deferred pending the outcome of the variation. If the variation was to be denied then the property maintenance case would be revisiting. He stated that he is unaware of what the next step would be, but it may involve fines or having to remove the structure.

Chairperson DeFalco then discussed the Standards to Variations that were mentioned in the staff report as not being met. He stated that there are no uncommon features on the property that warrant a variation. He stated that the addition was built outside of the Village Ordinances. He stated that the topographic features are not uncommon. He added that the rear has already been reduced and the whole neighborhood is the same way. He stated that it may set a bad precedence to approve this petition. He also stated that it isn't permissible to construct an addition in a typical thirty-five (35) foot rear yard. He then restated Jendras' statement about the location of the house to the rear and the fact that the fence blocks the addition from the house to the rear. He then stated everyone has a deck, but the addition would constitute a loss of space and that the loss of space would alter the suburban characteristics of the neighborhood.

Mr. Bedard stated that petition was originally denied in 2002. He then asked the age of the petitioner's son with the mosquito allergies.

Mr. Berberich replied, four.

*Mr. Bedard stated that he believes that the screen porch addition encroaches too far into the rear yard.
to December 1, 2011*

- E. [110680](#) Ordinance Amending Section 51.02 of the Lombard Village Code
Recommendation by Village Staff to amend Section 51.02 of the
Lombard Code to allow for the use of irrigation wells for the purpose of
landscape irrigation on properties zoned CR Conservation Recreation in
excess of 25 acres. (DISTRICTS - ALL)

Attachments: [110680 BOT 12-1-11](#)
[110680CoverPage12-1-11](#)
[Ordinance 6667](#)

F. [110681](#)

PC 11-23: 404 East North Avenue

Requests that the Village grant conditional uses pursuant to Section 155.416(C)(16), (17) and (18) of the Lombard Zoning Ordinance to allow motor vehicle repair, sales and service in the B4 Corridor Commercial Shopping District. (DISTRICT #4)

Attachments: [110681BOT12_01_11.pdf](#)

[Ordinance 6668](#)

Gary Grossman, President of Windy City Motorsports, 2566 Lincoln Ave, Long Grove, IL, stated that he was before the Plan Commission to petition for a special use permit for the sale and service of used autos. They have been in business for almost 20 years, starting in 1991 in Bloomingdale and then moved to Schaumburg in 1995. They mostly provide internet based sales and sell cars to local and overseas buyers. They want to move to this location and keep their core business while increasing their exposure. He mentioned how other people have requested this use before at this location and had issues with the neighborhood. He noted that they do not let people test drive their cars unless an employee is with them. The type of cars they sell are eclectic and he exemplified the broad base of cars. We have never had an issue with any of the Villages where they conduct business.

Relative to the building, Mr. Grossman stated that it is old and needs repair. They have plans and have turned them over them to the Village. Outside they will repave the parking lot and paint the building to make it more attractive. On the inside they will remove a non-load bearing wall in order to get cars from Grace Street to the opposite side of the building.

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

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. The petitioner, Windy City Motorsports, wishes to establish an automobile dealership on the subject property. The dealership will serve as a sales destination and will include the service and repair of vehicles associated with the sales business. In doing so, the petitioner will be utilizing the existing building and sales lot on the subject property. The sales, service and repair of motor vehicles are all considered conditional uses in the B4 Corridor Commercial Shopping District. As the previous motor vehicle sales, service and repair business (European Auto Exchange), has not operated on the subject property in over a one-year timeframe, the previous conditional use has lapsed and a conditional use is required to reestablish such use.

Windy City Motorsports currently operates in Schaumburg as an internet-based car dealer whose sales derive mainly from out-of-state and overseas clientele. They are looking to move their business to a new site that will allow them to continue their online sales component, but also provide a showroom and sales lot. They plan to operate the site in a similar manner which would include a sales portion as well as a service and repair component. They plan to sell high-end and classic cars. The service and repair portion of the business would exist to service and prepare cars for sale and also conduct warranty work.

Conditional uses for the subject property were approved in March 1999 (PC

99-06 Ordinance 4599) and in November 2000 (PC 00-46, Ordinance 4907) for motor vehicle sales. In October of 2008, the prior occupant of the property, European Auto Exchange, received a conditional use for motor vehicle sales (PC 08-05 Ordinance 6161).

In March 2009, the Village discovered that a vehicle lift had been installed inside the garage door at the northern side of building on the subject property. The inspector was informed that the lift was being used for oil changes and minor vehicle service. As the Zoning Ordinance lists motor vehicle service and repair as conditional uses, staff contacted the petitioner informing them that conditional uses would be required for the motor vehicle repair and service function. The petitioner also acknowledged that some minor vehicle repairs were being performed at the facility and later applied for conditional use approval for the service and repair functions. In September, 2009 (PC 09-10 Ordinance 6376) European Auto Exchange received conditional use approval for automobile service and repair, but was limited to vehicles for sale by their dealership and the personal automobiles of their customers. Staff has confirmed with the current petitioner that the motor vehicle service and repair function shall not be open to the public.

Similar to European Auto Exchange, Windy City Motorsports is proposing to service vehicles which are for sale on the lot and to service vehicles which have been sold and are under warranty.

Motor vehicle service and repair service are both distinct uses within the Zoning Ordinance and are defined as follows:

MOTOR VEHICLE REPAIR is the repair of motor vehicles including rebuilding, reconditioning, replacement, or dismantling of major components such as body, frame, or fender repair or painting. Automobile repair generally consists of work that is more intense and less routine than automobile service and sometimes includes overnight storage of vehicles.

MOTOR VEHICLE SERVICE is the service or maintenance of motor vehicles including the installation of minor components such as lubricants, batteries, tires, and mufflers and the performance of maintenance services such as tune-ups, tire E-X-balancing, and car washes. Automobile services generally do not include activities which require overnight storage of vehicles and specifically do not include body work, painting, or repair of major components.

The Comprehensive Plan recommends Community Commercial at this location. As the use on the property will remain commercial retail with an added service component, the proposed use complies with the recommendation of the Comprehensive Plan.

The proposed use is compatible with the surrounding land uses. The North Avenue corridor is a high volume corridor with commercial and industrial sites on the north side of the street and residential sites on the south side of the street with intermittent areas of commercially zoned property. Unincorporated single-family residential properties abut the subject property to the north.

The residential properties north of the site are screened by an eight-foot (8') board on board fence. Additional landscaping is also required along the northern property line. The landscaping requirement is a carry-over condition (per the approved plan) of the previous tenant, European Auto Exchange, and will include a row of evergreen shrubs along the northern property line.

European Auto Exchange did satisfactorily address the required parkway trees on the subject property.

As a condition of approval, the petitioner shall limit the number of unregistered vehicles on the lot to a maximum of seventy (70) cars. Each car shall be permitted on the lot for a period of no more than six (6) months. A log of the unregistered vehicles with dates of arrival to the lot must be kept on site at all times, with access to the log by an employee of the Community Development Department of the Village of Lombard permitted at any time during business hours. This condition is also a carry-over of PC 08-05 (Ordinance 6161), which prevents the lot from becoming a motor vehicle storage lot. There are a total of eighty-eight (88) parking spaces located on the subject property. Sixty-six (66) of those spaces are reserved for the automobiles for sale on the lot. The remaining twenty-two parking spaces are reserved for visitor parking. The seventy (70) car condition is based upon those sixty-six (66) allocated spaces and the small number of cars being showcased in the interior portion of the building.

As a condition of Ordinance 6161, the petitioner was required to install a “no left turn” sign on the LaLonde Avenue driveway, in order to prevent vehicles from being test driven within the adjacent residential neighborhood to the north. This sign was installed on the property; however, staff continued to receive complaints from property owners to the north about test drives occurring within the residential neighborhood. As a result, a condition of PC 09-10 prohibited vehicles from the subject property which are for sale, being serviced, or being repaired from being driven for testing purposes in the residential neighborhood north of the subject property. Staff notes that this condition would remain in effect as part of this petition and another condition will be added stating, “The “no left turn” sign located on LaLonde Ave. shall be properly maintained.”

As a condition of PC 08-05, the petitioner was required to submit a Plat of Consolidation to make the subject property a single lot of record. The previous petitioner submitted the plat and received comments for revisions; however, a final copy of the plat was never submitted for recording.

The conditions in PC 08-05 also required the petitioner to install sidewalks along all surrounding public rights-of-way for the length of the property. The Subdivision and Development Ordinance requires that these sidewalks be installed. Currently, only one sidewalk exists along North Avenue. Grace Street and LaLonde Avenue currently have no improved sidewalks. Staff is working with the petitioner to develop plans for the installation of the remaining sidewalks.

Staff is recommending approval of the petition subject to the nine conditions in the staff report.

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

Commissioner Olbrysh asked if the log of unregistered vehicles is a new requirement. Mr. Toth stated that it was a requirement of the prior tenant. Mr. Stilling stated that staff is currently looking into this issue. Mr. Toth stated that because they have an online inventory of vehicles, they always have that information available at all times.

Commissioner Sweetser asked about the hours of operation. Mr. Grossman

stated that they will be open Monday through Friday 10 a.m. to 7 p.m. and Saturday from 10 a.m. to 5 p.m. He added that they may stay open until 9 p.m. two days a week.

Commissioner Flint referenced the 'no left turn' sign. He asked staff if there was any kind of penalty if they don't obey the signage. Mr. Toth stated that the conditional uses could be revoked.

G. [110682](#)

PC 11-24: 2100 S. Finley Road and 555 Foxworth Boulevard (Lexington Health Care/Lexington Square) (Continued from December 1, 2011) Requests that the Village approve amendments to Ordinances 1351, 2615, 2655, and 4361 as they relate to the Lexington Health Care Planned Development, located within the R5PD General Residence District Planned Development, and consisting of a planned development amendment to increase the number of senior citizen housing units from 271 to 300. (DISTRICT #3)

Attachments: [110682BOT12_01_11.pdf](#)

[Staff Report.pdf](#)

[110682BOT12_27_11.pdf](#)

[110682CoverPage12-27-11](#)

[Ordinance 6666](#)

Mike Mallon, President of Mallon & Associates, 1755 S. Naperville Road, Wheaton, presented the petition. He stated he was here as a professional planner and to present the application on behalf of Sambell of Lombard LLC for an amendment to an existing planned development. He introduced their project team which consisted of Larry Bell, owner of Sambell of Lombard LLC, Sherry Kizer, and Clyde Hughes.

Mr. Mallon stated that Lexington operates 10 skilled nursing facilities and has been a fine addition to Lombard since 1983. Referring to a site plan, he noted the property is currently located at the southeast corner of Finley and Foxworth Boulevard. It consists of 6-1/2 acres and has frontage on Finley Road and along Foxworth Boulevard. Lexington was developed by a 1983 planned development consisting of a skilled nursing facility together with an approval for a second phase which would consist of a mixed use development or possible residential. One year later there was an amendment to Phase 2 to allow a 230 unit senior housing development which is what currently exists today. In 1997 an amendment to the planned development was approved to increase the number of units from 230 to 271. There is a mixture of surface parking spaces and an additional 49 underground parking spaces for a total of 338 spaces with the requirement being 289 spaces.

Mr. Mallon displayed an underlying zoning map and noted the surrounding land uses and their current zoning. He stated that their request is to increase their bed count by 28 units or 10.7 percent to allow either additional independent or assisted living units. They would be converting the 2-person units into 1-person units on the third floor. Lastly, he stated that the proposed conversion would not have any impact on the surrounding properties or parking.

Clyde Hughes, 665 W. North Avenue, Lombard, stated that they just wrapped up the remodeling of the first and second levels. As the second floor was being

completed, they realized that there was additional demand to increase the number of single units up to the 3rd level. He described the conversion and how they would split the units in half, move the kitchens and replace bathrooms. He noted that 87 is the average age of their residents and this conversion will make their surroundings smaller and more manageable. The assisted living units will have a nurses station with personnel available 24/7, a dining room on each floor, activities on each floor and the common areas will be located in the middle of the buildings. All existing utilities and services will remain.

Concluding, Mr. Mallon indicated that they are requesting this amendment because the planned development as it currently exists is capped at 271 units. The Comprehensive Plan is consistent with the proposed use. He referenced their submitted responses to the 5 standards for a modification to the planned development and mentioned that while he wouldn't read them, he wanted them noted for the record. Lastly, he referred to the condition in the staff report. He requested that it be modified so that they are not limiting this to the third floor but could be open to any floor in the building as long as the unit number stayed under the 300 units being requested.

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

Chairperson Ryan then requested the staff report.

Jennifer Henaghan, Senior Planner, presented the staff report indicating that it was being submitted into the record in its entirety.

The petitioner wishes to increase the number of units within the Lexington Square building from 271 to 300. A planned development amendment is required because previous planned development approvals for this building have capped the maximum number of units at 271. The increased number of units would be achieved through the reconfiguration of units by converting existing double occupancy units into two single occupancy units. This will allow Lexington to provide additional assisted living units. No exterior changes are proposed. She noted the Fire Department comment that the plan reconfiguration must be consistent with the current use and occupancy classification. No additional zoning relief is necessary, and the development will continue to provide parking in excess of the number of spaces required by the Zoning Ordinance.

Staff finds that all of the Standards for Planned Developments, as submitted by the petitioner, have been met, in that no expansion or change in use is proposed, and the existing buildings are compatible with the surrounding development. The proposed uses and relief are consistent with the Comprehensive Plan and the surrounding land uses.

Ms. Henaghan stated that staff recommended approval subject to the one condition in the staff report. She clarified the condition in that staff recognizes the plans are conceptual in nature and the condition should not be construed as to limit their ability to do other improvements on other floors so long as the number of units is capped at 300.

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

Commissioner Sweetser asked for clarification on the condition in the staff

report wanting to know how many actual units they will have by the time they complete the conversion of the existing units. Ms. Henaghan answered 300 – currently they have near 271 so they will add approximately 30 more units.

Commissioner Burke asked the petitioner if they were asking for the ability to do this plan on any of the floors or if they were looking to do some improvements to each of the 3 floors. Mr. Mallon answered that the plan is to focus on the 3rd floor. They are asking for the modification to the condition so it provides the applicant flexibility in the future. If there are less than 300 units done after the 3rd floor, then they could convert some on the 4th or 5th floor. He commented that it has been a while since the last time they made a request to increase the number of units. So by providing flexibility and not limiting it to the 3rd floor, this would allow them to make changes over time but not exceed the 300 unit cap.

Ordinances on Second Reading

Resolutions

- H. [110683](#) DuPage County Case Z11-055: 21W174 Hemstead Road (Adolfino) Resolution of Objection to a request for variations associated with a detached garage for the property located at 21W174 Hemstead Road. (UNINCORPORATED)

Attachments: [110683BOT12_01_11.pdf](#)

[R 49-12](#)

[110683-Coverpage-12-1-11](#)

Christopher Stilling, Assistant Director of Community Development, presented the petition. DuPage County has received a public hearing filing for variations associated with a detached garage on an unincorporated property located at 21W174 Hemstead Rd. 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.

Section 155.210 (A)(2)(a) of the Lombard Zoning Ordinance states that no accessory building shall be located in a required front and/or corner side yard. In addition, Section 155.210 (A)(2)(b) also requires accessory buildings to be located behind the front wall of the principal building that is nearest to the front lot line.

The table in the staff report illustrates the DuPage County and Village of Lombard yard requirements for accessory buildings in contrast with the proposed setbacks.

Under the current property configuration, the proposed detached garage would be placed in front of the front line of the principal structure, in the required front yard. As the proposed garage would be located twenty (20) feet from the corner side yard property line, the garage meets the Village of Lombard corner

side yard setback requirements. However, the County Zoning Ordinance requires a thirty (30) foot corner side yard setback. As such, variations are required for the corner side yard setback, placement in front of the principal structure and the front yard setback.

Staff finds that 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. It is staff's opinion that the garage could be attached to the principal structure in a fashion that would not warrant the need for a variation, under the Lombard Zoning Ordinance provisions.

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

- I. [110690](#) Garfield Site Improvements, Amendment No. 2
Authorizing an amendment to the contract with Christopher B. Burke LTD reflecting a change in scope of services. This amendment does not change the contract not-to-exceed amount. (DISTRICT #4)
Attachments: [110690 BOT 12-1-11](#)
[R 50-12](#)
[110690-Coverpage-12-1-11](#)
- *I-2. [110705](#) Intergovernmental Agreement
Resolution authorizing an Intergovernment Agreement providing for the use of CY Pres Grant Funds.
Attachments: [CYpresgrantfundintergovernmentalagreement11282011final.doc](#)
[resolutioncypresgrantfund11282011.doc](#)
[dahcypresgrantfundsmemo11282011.doc](#)
[submitcypresgrantfunds11282011.DOC](#)
[110705-BOT-12-1-11](#)
[R 51-12](#)
[westin agreement](#)

Other Matters***J. ALS Ambulance (Moved to IX-B)*****K. Senior Vehicle Stickers (Moved to IX-C)**

- L. [110691](#) LTC Passport Program Event Signage
A request to place temporary banners on Village owned properties from December 2, 2011 through December 24, 2011. (DISTRICTS # 1 & 6)
Attachments: [110691 BOT 12-1-11](#)
[110691-Coverpage-12-1-11](#)
- M. [110693](#) 200 W. Roosevelt (Route 38 Autowash & Detail)
Motion to approve a Plat of Easement providing stormwater detention on the property located at 200 W. Roosevelt Road and known as Route 38 Autowash & Detail. (DISTRICT #2)
Attachments: [Rt 38 AutoWash_POE_200_W_Roosevelt.pdf](#)
[110693BOT12_01_11.pdf](#)
[110693-Coverpage-12-1-11](#)
- N. [110696](#) 820 S. Finley (Sunset Knoll Park)
Motion to approve a Plat of Easement for two stormwater detention areas on the property located at 820 S. Finley and known as Sunset Knoll Park. (DISTRICT #2)
Attachments: [Sunset_Knoll_Detention_POE_S_Finley.pdf](#)
[110696BOT12_01_11.pdf](#)
[110696-Coverpage-12-1-11](#)
- *O. [110565](#) Village Hall Board Room ADA Enhancement Project
Request for a waiver of bids and award of a contract to J-Mac Associates, Ltd. in the amount \$94,183.00. Public Act 85-1295 does not apply. (DISTRICT #6)
Attachments: [110565 BOT 9-15-11.pdf](#)
[110565 Cover Page.pdf](#)
[110565 BOT 12-1-11](#)
[Contract ADA Enhancement Project J-MAC](#)
[110565-Coverpage-12-1-11](#)
[PO#68721.PDF](#)
[PO69181C0#2.PDF](#)
- *P. [110700](#) Cell Phone Provider Change
Recommendation from the Finance Committee approving a change in cell phone service providers to Verizon Wireless and awarding a three-year contract.

Attachments: [110700 Cell Phone Provider Change.docx](#)
[110700 Contract.pdf](#)
[110700 Mremo to Board.pdf](#)
[110700 Submittal Sheet.pdf](#)
[110700 Spreadsheet.pdf](#)
[110700-BOT-12-1-11](#)
[Verizon Agreement](#)

Tim Sexton discussed the current and past cell phone carriers and the need for a change from our current provider. Push to Talk is no longer needed and Nextel is going to end their services. The Village staff tested phones from Sprint and Verizon, and Verizon had better service. There is no early termination fee.

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

Ordinances on Second Reading

- A. [110645](#) Tax Levy Ordinance
Providing for the levy and assessment of taxes for the fiscal year beginning June 1, 2011 and ending May 31, 2012 for the Village of Lombard.

Attachments: [110645 Memo.pdf](#)
[110645 Submittal Sheet.pdf](#)
[110645 Ordinance.pdf](#)
[Ordinance 6665](#)
[110645-BOT-12-1-11](#)

Tim Sexton reviewed the Tax Levy with the Committee.

Resolutions

Other Matters

- *B. [110692](#) ALS Ambulance Purchase
Requesting a waiver of bids and award of a contract to Horton Emergency Vehicles in the amount of \$161,450. Public Act 85-1295 does not apply.

Attachments: [110692 BOT 12-1-11](#)
[110692-Coverpage-12-1-11](#)

- *C. **110652** Senior Vehicle Stickers
Recommendation of a lifetime sticker with a one-time fee of \$21 per senior vehicle sticker.

Attachments: 110652 Cover Sheet.pdf
110652 Ordinance.pdf
110652 Senior Vehicle Sticker.docx
110652-Coverpage-12-1-11

The Committee discussed changing the annual fee of \$3.00 for a senior vehicle sticker to a one time fee of \$15.00. After discussion, the Committee decided they would like the fee to be \$21.00 which would be equivalent to 7 years of the current \$3.00 fee.

X. Agenda Items for Discussion

XI. Executive Session

XII. Reconvene

XIII Adjournment

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