



Village of Lombard

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

Minutes

Plan Commission

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

Monday, December 21, 2015

7:30 PM

Village Hall - Board Room

Call to Order

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

Pledge of Allegiance

Chairperson Ryan led the Pledge of Allegiance.

Roll Call of Members

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

Absent 1 - Andrea Cooper

Also present: Jennifer Ganser, Assistant Director of Community Development; Matt Panfil, AICP, Sr. Planner, and Mallory Milluzzi, legal counsel to the Plan Commission.

Chairperson Ryan called the order of the agenda.

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

Public Hearings

[150572](#)

PC 15-23: 505-537 W. North Avenue and 715-733 N. Columbine Avenue

Requests that the Village take the following actions on the subject property located within the B2 General Neighborhood Shopping Zoning

District and R2 Single-Family Residence Zoning District:

1. Approve a Map Amendment rezoning the entire property to the B2 General Neighborhood Shopping Zoning District; and
 2. Approve a conditional use for a planned development with the following companion conditional uses and deviations as follows:
 - a. A conditional use pursuant to Section 155.414 (C)(8) of the Lombard Zoning Ordinance for gasoline sales;
 - b. deviation pursuant to Section 153.504 (B)(5)(d) to allow for two (2) freestanding signs on one parcel of property, where one (1) is allowed;
 - c. deviation pursuant to Section 153.504 (B)(5)(b) to allow for the sign surface area to be forty-nine (49) square feet, where thirty (30) square feet is allowed, for each freestanding sign;
 - d. deviation pursuant to Section 153.223 (E) to allow for a motor fuel reader board at twenty-four (24) square feet, where nine (9) square feet in area, is allowed, for each freestanding sign;
 - e. a deviation pursuant to Section 155.414 (J) for the transitional yard setback to be seven feet (7'), where ten feet (10') is required;
 - f. a variation pursuant to Section 154.306 (D)(3)(b) to omit the sidewalk requirement on Broadview Avenue, where it is otherwise required for a Major Development.
- (DISTRICT #1)

Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development and the petitioners Mike MacKinnon and Rick Claes of Bluestone Single Tenant Properties, LLC and Peter Lemmon of Kimley Horn and Associates.

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

Mike MacKinnon started his presentation with a background of Bluestone Single Tenant Properties. Bluestone Properties will own this property and they will lease to the end user. There are several different field end users that are interested in this location. Mr. MacKinnon presented an overview of the property. The property is 4.3 acres and is comprised of thirteen (13) parcels. The site includes three (3) rental single family houses and one (1) owner occupied house. The automobile traffic at this intersection is very high. In addition, there are well over 7,000 commercial vehicles counts that cross this intersection every day. This trade area is underserved for food and fuel especially diesel fuel.

An aerial overview of the trade area was presented. Mr. MacKinnon

stated that there is 2.2 million square feet of industrial space within two (2) miles of the site. The proposed development is consistent with the Village's 2014 Comprehensive Plan. The Plan recommends rezoning the subject properties to commercial property. On June 15th of this past year, staff presented their proposed development to the Plan Commission that included 715 Columbine. The rezoning of the property is consistent with other retail properties at this intersection including Burger King.

Mr. MacKinnon then presented an overview of the proposed project site plan that included the 7,000 square feet of the convenience store and the forty-two (42) car parking stalls. There are separate passenger and commercial fueling areas. He explained that IDOT has requested them to extend the right turn lane for Broadview past the Burger King to the intersection and install a new right-in/right-out drive way. IDOT does have future plans to reconstruct this intersection. The existing wetlands will remain. They are installing a thirty (30) foot landscape buffer, mounding it up five (5) feet and adding a six (6) foot fence between 715 Columbine and the parcels to the South.

Mr. MacKinnon presented the wetland initial site plan. He explained the original plan was to cut through the wetland. After meeting with DuPage County they were asked to evaluate another option. The acquisition of 715 Columbine would allow them to move the drive aisle south. The impacted area will be less than 400 square feet and would still maintain the functionality of the wetland. They met again with DuPage County and they agreed on the new plan.

Mr. MacKinnon discussed the requested exemptions to reduce the transitional rear yard. The radius is required to minimize the impact to the wetland. The total requested variance is less than nineteen (19) square feet.

Mr. MacKinnon explained the sign deviation request. Currently, code allows for one (1) freestanding sign. They are requesting two (2) freestanding signs, one (1) on Route 53 and the other on North Avenue. They are also requesting to increase the sign surface area to forty-nine (49) square feet in order to provide proper visibility and wayfinding.

He stated the potential economic impact for the Village would be over \$270,000 annually, not including the property taxes. The summary of development benefits include the rezoning request and are consistent with the Village's master plan. Over twenty (20) new jobs would be created and there would be an \$8,500,000 capital investment in the community.

Mr. MacKinnon reviewed the letter from the DuPage County Forest Preserve. He addressed paragraph four (4) in the letter regarding the grading. He showed an overview of the land survey and explained the land is divided into two (2) drainage areas. After the development most of the water will travel toward Route 53. The underground storm water detention pond is in the design phase and will meet all the County and Village requirements. He addressed the concern regarding the trash accumulation and explained they are working with staff to comply. They will extend the double row of hedges beyond the area of the slough to buffer the area. Lastly, he the addressed the lighting plan that will include new LED lights and that they will focus the lighting away from the forest preserve.

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

Mr. Czarnowski said he owned the property to the south of the development at 711 N. Columbine. He stated his concern that if this petition is approved, it will impact the living standard for the residents in the area. He said he is concerned that this will be the only diesel fueling station in Lombard and will bring a lot of traffic since it is near the interstate. He referenced the traffic study that it will bring over 230 trucks a day to the intersection and as a result will create more noise and pollution for the area. He stated his concern with the additional signage and if approved it will create more light disturbances. In addition, one of the signs will face his property. The thirty-five (35) foot truck driveway is within thirty (30) feet of his property and his home is at the lot line. The north bound traffic on Route 53 gets back upped in front of his house. He noted this is all confirmed within the study from the Village's own traffic consultant. He said that they are not going to allow a left hand turn southbound from Route 53. Most of the homes in the area already have a problem with cars trying to turn around. One of the homes on the 700 block has to put cones in their driveway to stop the flow of traffic because they have young children. He said the petitioner stated this will ease severe congestion in Glendale Heights and doesn't understand why it is up to Lombard to ease the congestion in Glendale Heights. He stated the petitioner's comments are incorrect, that 715 N. Columbine was never supposed to part of the master plan for commercial zoning. He is concerned with severity and frequency of flooding with reducing the wetlands and adding a thirty-five (35) foot driveway. He presented an aerial exhibit of the property. He explained one side of the exhibit is the current view and the other side is the proposed view. His property is in the box shown in yellow. Mr. Czarnowski concluded by reading the most recent real estate listing for 715 N. Columbine which described the property as a nature lovers dream.

Mr. Ted Brown said he lives at 711 N. Broadview. He said his property is ten (10) feet lower than North Avenue. He said with the expansion of Broadview from twenty (20) feet to thirty (30) feet there is going to be a lot of water coming down on his property. He stated that when North Avenue was redone years ago he was promised by the Village, County and the State that they would fix the flooding problem. He said he has more flooding since North Avenue was redone. There is a turn entrance at the south end of the station that is going to affect his property because there is nowhere for the water to go. He stated that he has a well and is concerned with the diesel contaminating his water supply.

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 petitioner to respond to the questions.

Mr. MacKinnon addressed the questions from the public. He said 715 N. Columbine is in the Comprehensive Plan to be rezoned as commercial property. He explained that they wouldn't be drawing traffic from I-355 because there is a significant toll and that trucks are not going to pull off just to get fuel. He clarified the twenty-four (24) square foot reader sign is part of the forty-nine (49) square feet total. The other twenty-five (25) square feet of signage goes to the tenant. He referenced the light pollution on 711 N. Columbine and explained they are installing new LED lights so the area shouldn't be affected. He explained the KLOA concern regarding the southbound left turns and the recommendation from KLOA to install a raised channelizing island with adequate signage indicating that no left hand turns are permitted. Mr. MacKinnon addressed the flooding concern and explained that they will be putting more water into the wetlands to increase the functionality and that the storm water would go down into the old Route 53 ditches. In regard to the contamination concern, he explained the only water flowing into the property on Broadview is from the rear of the site where there are no fuel pumps; the rest of the runoff goes through an oil and water separator. Regarding the property being ten (10) feet lower than Broadview, he said he explained this in his opening comments that the post development runoff would be less.

Commissioner Sweetser asked that until there is reconstruction of Route 53 southbound, south of North Avenue, would left turns into the property be allowed, and that only after reconstruction would there be a raised median and no left turn possible. She asked if this is the case how long do they anticipate this situation to be in effect.

Mr. MacKinnon stated he would never speculate on the funding of IDOT. He said they were told by IDOT that the reconstruction was on

their horizon. Mr. MacKinnon explained the egress lane and the raised median. They will have signage on the median so it will eliminate traffic turning southbound onto the site.

Chairperson Ryan asked for the staff report.

Ms. Ganser, Assistant Director of Community Development, presented the staff report, which was submitted to the public record in its entirety as well as the letter from DuPage County Forest Preserve dated December 18, 2015. In addition, she is submitting the memo from Kimley Horn addressing some of the concerns in the KLOA memo.

Ms. Ganser explained that Bluestone Single Tenant Properties is proposing to develop a 7,200 square foot gas station/convenience store, forty-two (42) passenger vehicle parking stalls, ten (10) multi-product fueling dispensers (which provides twenty (20) fueling positions), and 5 commercial fueling lanes. The current Burger King restaurant will remain and is not part of the development proposal. This would be the first diesel fueling center in Lombard accommodating commercial vehicles. Bluestone has had preliminary discussions with IDOT on the driveways and has met with DuPage County regarding the wetlands on the property. Ms. Ganser noted that this development came before the Plan Commission as a workshop on June 15, 2015. After that meeting, the petitioner has met several times with DuPage County to discuss the wetland and stormwater management. She noted that the development went through the IDRC committee and the petitioner has reviewed all the comments and will incorporate them in their final plan should this petition be approved.

Staff finds that the proposed project is consistent with the zoning and land use of the surrounding properties. Gas stations are identified as a conditional use in the B2 zoning district and are consistent with the Comprehensive Plan recommendation of community commercial for the site. In the Comprehensive Plan, Area 1, of the areas of concern, is the southeast corner of North Avenue and Route 53. The recommended action is to reclassify the subject properties to a future land use designation to community commercial and allow for full block face redevelopment along North Avenue up to Broadview.

715 N. Columbine is designated in the Comprehensive Plan as Low Density Residential. However, at the June 15, 2015 Plan Commission meeting a workshop was heard on this proposed development. The Plan Commission noted conceptual support of adding that address to the plan. The addition of 715 N. Columbine allows for greater vehicle access into the site.

The petitioner requests the site be zoned as a planned development along with the conditional use, deviations and variations.

The transitional yard setback is a small deviation of about nineteen (19) square feet that will help minimize impacts to the existing wetland, while still allowing ample area for trucks to get to the diesel fueling area.

As discussed by the petitioner, the sidewalk variation would exclude public sidewalks, where they are otherwise required for a Major Development. Staff notes that Broadview Avenue is a dead end street used by the gas station customers, the existing church and one residence. It is not anticipated that these uses would generate a demand for pedestrian accommodations.

The developer will need to reconstruct Broadview Avenue as part of the development, should it be approved by the Village Board and will work with staff to rebuild the street.

The site plan and access will have a right-in/right-out driveway proposed for North Avenue. A three-quarters access driveway of right-in/right-out/left-out is proposed on Route 53. Two (2) driveways would also be provided via Broadview Avenue, providing indirect access to North Avenue.

The right-in/right-out driveway proposed for North Avenue would directly connect to the retail gas station and be anticipated to be used by passenger vehicles. Route 53 is proposed with a three-quarters access and would serve the retail gas and diesel fueling station. There would be access into the gas station from Broadview Avenue, and then back out to North Avenue.

The memo from KLOA has nine (9) comments that were submitted to Bluestone. Bluestone has not responded to all of the comments. As noted in the conditions of approval, staff will require Bluestone to address the comments from KLOA and staff will ask KLOA for their review before building permits can be issued.

Based on the submitted elevations, staff finds that the proposed establishment will be aesthetically consistent with the surrounding neighborhood.

Three (3) signage deviations are being requested. Per the Village's Sign Code, only one (1) sign would be allowed though the development would have frontage on three (3) streets: North Avenue, Route 53, and Broadview Avenue. The petitioner is requesting allowance for two (2) freestanding signs, one (1) on North Avenue and one (1) on Route 53.

They are also requesting the two (2) freestanding signs to be larger and have an increased size of the motor fuel reader board. The sign size is consistent with other nearby gas station signage.

In conclusion, Ms. Ganser referenced the letter from the DuPage County Forest Preserve dated December 18, 2015 and noted that the petitioner did a good job of addressing their concern. She said staff would like to thank the DuPage County Forest Preserve for their input.

Chairperson Ryan asked for questions of the staff report.

Commissioner Sweetser asked in the discussions with KLOA, was there any estimate of the percentage of trucks that would be entering the property from Route 53.

Mr. MacKinnon explained that most of the trucks will enter from Broadview. The way the site is designed there will be wayfinding signs for the trucks to enter from Broadview, circle through the site and exit only on Route 53.

Commissioner Sweetser asked if most meant 51%.

Ms. Ganser explained that they are going to have directional signage directing trucks into Broadview and then would exit on to Route 53.

Rick Claes from Bluestone said that 100% of the trucks will come off of North Avenue going eastbound or westbound or southbound off of Route 53. The only way a truck would enter from Columbine would be if they were coming from the south. There are 6,800 trucks going east west on North Avenue. There are 2,200 trucks going northbound or southbound on Route 53 but then end up heading east or west on North Avenue.

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

Commissioner Burke said that KLOA is reviewing the petitioner's traffic study. He asked if 80% of the vehicles are coming off of North Avenue.

Peter Lemmon from Kimley Horn stated from their study they counted twelve (12) inbound trucks in the morning at the peak hour. They would expect eleven (11) out of twelve (12) trucks to enter from North Avenue and (1) one from the south making a right hand turn into the site.

Commissioner Burke asked if the fence goes all along the south

property line. Ms. Ganser replied that it couldn't because it would be in the clear line of sight triangle. Mr. MacKinnon explained the fence starts at the property line. Commissioner Burke asked about the height of the fence. Mr. MacKinnon explained the fence is six (6) feet high and sits on top of a two (2) to three (3) foot embankment from the drive aisle. The effective foot of the fence would essentially be eight (8) to nine (9) feet above the pavement from the drive aisle.

Commissioner Sweetser referenced the letter from DuPage County and asked about the berm. Ms. Ganser noted the petitioner addressed it and that it would be reviewed by final engineering, DuPage County and the Village should the petition be approved.

Commissioner Olbrysh asked about the south access. He noted the design now allows a right-in/right-out/left-out until IDOT puts in a median. He asked if a traffic sign was considered until a median was installed. Ms. Ganser said if the property is developed they can see how the traffic occurs and would work with the petitioner. Mr. Claes said if the Village wanted to condition their approval based upon the signage they would comply.

Commissioner Burke referred to the review of the traffic review and questioned the last paragraph on the first page. Mr. Lemmon explained that when IDOT does their improvements at the intersections they are going to extend a median from the intersection south. If you were exiting the driveway onto Columbine you wouldn't be able to make a left turn. If you wanted to go south you could make a right turn and then at the signal make a U-turn to go south on Columbine.

Commissioner Burke referred to item nine (9) on the last page of the review. Mr. Lemmon explained that it was a typing error and should read a dedicated right turn lane extending west.

A motion was made by Commissioner Burke, seconded by Commissioner Flint, to recommend to the Corporate Authorities approval of this petition subject to the conditions.

- 1. The petitioner shall develop the site in accordance with the plans prepared by Kimley Horn and Associates, Inc. dated September 14, 2015 and submitted as part of this request;**
- 2. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;**
- 3. A plat of consolidation shall be submitted to the Community Development Department and recorded at DuPage County;**
- 4. Bluestone shall respond to the KLOA memo, dated December 10, 2015, and**

comments shall be reviewed by Village staff and KLOA to ensure that they are addressed.

5. The petitioner shall be required to apply for and receive building permits for any improvements to the site.

6. Pursuant to the Zoning Ordinance, project construction shall commence within one (1) year from the date of approval of the ordinance, unless a time extension been granted by the Village Board. This conditional use approval shall become null and void eighteen (18) months from the date of approval if the proposed site improvements are not completed or an extension has been granted; and

7. Staff will review the traffic flow on Route 53 after six months to determine if a left turn exit is viable during peak periods.

The motion carried by the following vote:

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

Absent: 1 - Andrea Cooper

[150573](#)

PC 15-29: 390-396 E. St. Charles Road; Pioneer Day Care

The petitioner requests that the Village grant:

1. a conditional use, pursuant to Section 155.414 (C) (5) of the Zoning Ordinance, to allow for Day care centers;
 2. a variance from Section 155.414 (F) (1) to reduce the required front yard setback from thirty feet (30') to thirteen feet (13'); and
 3. a variance from Section 155.414 (F) (4) to reduce the required rear yard setback from twenty feet (20') to eleven feet (11').
- (DISTRICT #4)

Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development and the petitioners Matt Kupritz, Jeannine Baran, and Nancy Lantz.

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

Commissioner Flint noted that he is on the Board of School District 44, and that Pioneer Day Care is a current tenant.

Ms. Baran noted that she and Ms. Lantz are the on-site owners and operators of Pioneer Day Care. They have rented from School District 44 for thirty-five (35) years. They need to move and are asking for a conditional use and two variances. She introduced Matt Kupritz, their architect. Mr. Kupritz noted the project is along the St. Charles commercial corridor near Grace Street. He referenced the Downtown Revitalization Guidebook and noted their plans fit with the

Guidebook's overall recommendations. He said the nearby building setbacks are very minimal. They are requesting setback variances to stay in line with the neighborhood. The existing building for the project does not meet setback requirements now. He said an addition is necessary, which would be to the east. The addition would hold the current setback lines. He reviewed the neighbors and Great Western Trail Bridge. He continued to review the proposed site plan. He said they will meet all parking requirements with eighteen (18) spaces. He reviewed the outside green space and the new curved wall. He said it's a dominant feature that will also shield the play area. He reviewed the traffic memo the concern of a left turn out. He said there will be a three inch (3") curb with signage to prohibit drivers from making a left turn out. He reviewed the landscaping and noted they will meet Code. He discussed the parkway trees that will be moved onto the property, instead of being planted in the right-of-way. He reviewed the interior floor plan. Mr. Kupritz reviewed the building materials of stone cladding and a concrete block cladding with exterior elevation pictures. A wood rain screen will be added to give the building additional detail.

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

Ms. Holly Forsyth spoke for the project. She noted the area needs to be revitalized and the proposed building looks very nice. She said that the community needs Pioneer and the eighty (80) families that use Pioneer appreciate their services.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, Chairperson Ryan asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. She said Pioneer is looking to relocate in Lombard. The existing building does not conform to current setback requirements. With an addition, holding the building line, the variances for the front and rear yard are being requested. A plat of consolidation would be required, should the project be approved by the Village Board. The subject property located at 390 E. St. Charles Road is currently improved with an approximately 4,000 square foot one-story vacant commercial building. The subject property located at 396 E. St Charles Road is currently vacant. The IDRC committee did have comments and the petitioner can meet the requests. Ms. Ganser said the site is zoned B2 General Neighborhood Shopping District, which is intended to provide convenience shopping for persons residing in adjacent residential areas. A daycare conditional use permit is consistent with the Comprehensive Plan's recommendation

of community commercial uses for the site. Staff believes this development incorporates the overall policies of the Downtown Guidebook, and proposed elevations will be aesthetically consistent with the surrounding land uses. The existing building extends into the front and rear yards. The proposed addition is intended to mirror the setback of the existing principal building. Staff notes that many buildings along St. Charles Road are closer to the street and find the setback variations to be compatible with the neighborhood. The hardship is created by the lot shape and narrow depths. This is also consistent with downtown Lombard development patterns, as downtown Lombard has many building close to the street. Eighteen (18) parking spaces are required and shown in the proposed plan. Per Village Code, a drop-off area is required for day care centers. Staff notes that the drop-off area is the parking lot and parking spaces. The site will be limited to a right-in/right-out/left-in. A three inch (3") mountable curb will be installed at the access drive and a no left turn sign should be posted on the curb, as well as a right-turn only arrow painted on the exit lane. Staff recommends approval of PC 15-29.

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

Commissioner Mrofcza said he was concerned about only one (1) exit and entrance onto St. Charles Road. He asked how many students attend Pioneer and when do they get dropped off. Ms. Baran said the day care is open from 6:45 AM to 6:00 PM. She noted that every day is different. There are eighty (80) families. Commissioner Mrofcza reviewed the traffic movements. Mr. Kupritz noted there is a turn-around space that is Code required. He reviewed the parking lot layout. Ms. Ganser added that the clients are families with small children and will be in a parking space when the child is dropped off. Commissioner Sweetser asked how drop off and pick up works. Ms. Baran said all children need to be signed in and out every day.

Commissioner Burke asked about the Public Works comment of a second access drive. Ms. Ganser said the petitioner was given contact information for the Post Office (who also owns the property) to discuss a possible future easement. Commissioner Burke asked who owns the parcel to the east. Ms. Ganser said staff can research the property and give contact information to the petitioner. Commissioner Burke asked if the Village owns the property, perhaps an easement can be granted. Chairman Ryan agreed that staff can do further research.

Commissioner Olbrysh said it's a good time to revitalize the area. He believes it will be a great entryway to the downtown. Chairman Ryan

agreed. Commissioner Flint said this can be catalyst.

A motion was made by Commissioner Flint, seconded by Commissioner Olbrysh, to recommend to the Corporate Authorities approval of this petition subject to the following four (4) conditions, plus one (1) additional condition:

- 1. The petitioner shall develop the site in accordance with the plans prepared by K2 Studio dated October 9, 2015 and submitted as part of this request;**
- 2. The petitioner shall be required to apply for and receive building permits for any improvements to the site;**
- 3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report, including the traffic memo by KLOA; and**
- 4. Pursuant to the Zoning Ordinance, project construction shall commence within one (1) year from the date of approval of the ordinance, unless a time extension been granted by the Village Board. This conditional use approval shall become null and void eighteen (18) months from the date of approval if the proposed site improvements are not completed or an extension has been granted.**
- 5. For staff to research the property to the east for a possible easement.**

The motion carried by the following vote:

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

Absent: 1 - Andrea Cooper

[150574](#)

PC 15-28: Text Amendments to the Zoning Ordinance - Fences

The Village of Lombard is requesting text amendments to the Zoning Ordinance (Section 155 of the Code of Ordinances), as follows:

1. An amendment to Section 155.205(A)(1)(c)(ii)(b) relative to fencing opacity requirements in the clear line of sight area;
2. An amendment to Section 155.802 of the fence-open construction and fence-solid construction definitions; and
3. Any requisite companion amendments and references for clarity. (DISTRICTS - ALL)

Sworn in to present the petition was Jennifer Ganser, Assistant Director and Matt Panfil, Senior Planner.

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

Ms. Ganser submitted the staff report to the public record in its

entirety. Ms. Ganser said the petition was presented to the Zoning Board of Appeals as a workshop in October due to the fact that the Zoning Board of Appeals generally reviews requests for variances for fences. Staff requests the text amendment as it pertains to the opacity of fences to provide more flexibility in the design of fences. The proposed text amendment does not alter the required height of fences.

Currently, fences in the clear line of sight area or corner side yards need to be seventy-five percent (75%) open. Ms. Ganser referred to the illustration in the staff report depicting the clear line of sight triangles. Over the years, residents have expressed dissatisfaction that the degree of openness is excessive. Staff conducted a study of neighboring communities and found that there is no standard for fence design and other municipalities required thirty-three percent (33%) to seventy-five percent (75%) openness with fifty percent (50%) openness being the most predominant range.

Ms. Ganser reported on past regulations. In 1978, fences in the front yard were to be fifty percent (50%) open and fences were not allowed in the clear line of sight. In 1999, a text amendment allowed fences in the clear line of sight with seventy-five percent (75%) opacity. In review of the staff report from 1999, factors could not be determined that contributed to the selection of seventy-five percent (75%). Staff reviewed the option of allowing fifty percent (50%) opacity however it was determined that the visibility of a motorist could be obscured one hundred percent (100%) depending on the placement of the boards in the construction of the fence. Therefore the selection of sixty-six percent (66%) was determined to provide an adequate level of safety and examples were outlined.

As mentioned, the ZBA reviewed the proposed text amendment as a workshop and was overall supportive with a concern that the proposed decrease of opacity may lead to children or pets getting trapped in the fence. Staff reviewed this concern with the Police and Fire Departments and they determined that the proposed change is not a concern.

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

Chairperson Ryan asked staff why reducing the visibility of the clear line of sight is being recommended. Ms. Ganser responded that the proposed change allows for adequate safety to prevent accidents and to be more in line in comparison to other municipalities.

Commissioner Burke asked if Lombard would be the only community

with an opacity of sixty-six percent (66%). Ms. Ganser reviewed the chart and stated that another community has a seventy percent (70%) opacity requirement. Commissioner Burke inquired about the picket size requirement. Mr. Panfil responded that there is a maximum six inch (6") picket requirement.

Commissioner Sweetser asked if the proposed text amendment would be retroactive. Ms. Ganser responded that it would apply to fences that are submitted for permits should the Board of Trustees approve the text amendment.

Commissioner Mrofcza asked if the proposed text amendment applies to the clear line of sight and corner lots only and does not apply to back yards. Ms. Ganser confirmed as such.

Chairperson Ryan inquired about the regulations as they pertain to hedges. Mr. Panfil responded that hedges are regulated however fence and landscape plans are not inspected after installation.

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

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

Absent: 1 - Andrea Cooper

Business Meeting

The business meeting convened at 9:14 p.m.

Approval of Minutes

On a motion by Commissioner Flint, and seconded by Commissioner Mrofcza, the minutes of the November 23, 2015 meeting were approved with Commissioner Olbrysh and Commissioner Sweetser abstaining citing their absence at the meeting.

The motion carried by the following vote:

Aye: 4 - Donald F. Ryan, Martin Burke, John Mrofcza, and Stephen Flint

Abstain: 2 - Ronald Olbrysh, and Ruth Sweetser

Absent: 1 - Andrea Cooper

Public Participation

There was no public participation.

DuPage County Hearings

There were no DuPage County hearings.

Chairperson's Report

The Chairperson deferred to the Assistant Director of Community Development.

Planner's Report

The Assistant Director of Community Development had no report but deferred to Sr. Planner Matt Panfil.

Mr. Panfil announced this would be his last Plan Commission meeting that in January he starting a new positon with the Town of Vail Colorado.

Unfinished Business

There was no unfinished business.

New Business

There was no new business.

Subdivision Reports

There were no subdivision reports.

Site Plan Approvals

There were no site plan approvals.

Workshops

There were no workshops.

Adjournment

A motion was made by Commissioner Sweetser, seconded by Commissioner Flint, to adjourn the meeting at 9:16 p.m. The motion carried by the following vote:

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

Absent: 1 - Andrea Cooper

*Donald F. Ryan, Chairperson
Lombard Plan Commission*

*Jennifer Ganser, Secretary
Lombard Plan Commission*