

Village of Lombard

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



Meeting Minutes

Monday, January 24, 2011

7:30 PM

Village Hall

Plan Commission

*Donald F. Ryan, Chairperson
Commissioners: Martin Burke,
Stephen Flint, Ronald Olbrysh,
Ruth Sweetser and Andrea Cooper
Staff Liaison: Christopher Stilling*

Call to Order

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

Pledge of Allegiance

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Chairperson Ryan led the Pledge of Allegiance.

Roll Call of Members

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Present: Chairperson Donald F. Ryan, Commissioner Ronald Olbrysh, Commissioner Ruth Sweetser and Commissioner Martin Burke

Absent: Commissioner Stephen Flint and Commissioner Andrea Cooper

Also present: Christopher Stilling, AICP, Assistant Director of Community Development and George Wagner, legal counsel to the Plan Commission.

Chairperson Ryan called the order of the agenda.

Christopher Stilling read the Rules of Procedures as written in the Plan Commission By-Laws.

Public Hearings

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[100746](#)

PC 10-20: 215 and 220 S. Lincoln Street - Request to Withdraw (Continued from the January 24, 2011 meeting)

Pursuant to Section 155.504(A) of the Lombard Zoning Ordinance (major changes to a planned development), amend the conditions of approval associated with Ordinance 5665 which granted approval of the conditional use for the St. John's Evangelical Lutheran Church & School Planned Development. The petition requests a modification and relaxation to the permissible activities within the old school building, as regulated and restricted by the previous planned development approval. (DISTRICT #1)

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Chairperson Ryan stated that the petitioner was requesting a continuance of the petition to the March 21, 2011 meeting. The petitioner noted that they would like to meet with the neighboring residents in order to explain their petition and discuss any issues that may be of concern.

It was moved by Commissioner Sweetser, seconded by Commissioner Olbrysh, that this matter be continued to the March 21, 2011 Plan Commission meeting.

The motion carried by the following vote:

Aye: 4 - Ryan, Olbrysh, Sweetser and Burke

Absent: 2 - Flint and Cooper

[100745](#)

PC 11-01: 455 and 477 E. Butterfield Road

Requests that the Village take the following actions on the subject property located

within the O Office District:

1. A variation from Section 155.602 (C), table 6.3 of the Lombard Zoning Ordinance, to reduce the required number of parking spaces for a sit down restaurant.
2. A variation from section 155.412 (F) of the Lombard Zoning Ordinance to reduce the required front yard setback.
3. A conditional use, per Section 155.412 (C) (9), for off-site parking.
4. An amendment to Ordinances 5917 and 6162 for a new conditional use, per Section 155.412 (C) (15), for a restaurant establishment. (DISTRICT #3)

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Rob Northrup, RPC Design Firm, 248 Levy Road, Atlantic Beach, Florida presented the petition on behalf of Millers Ale House at 455 E Butterfield Road. He said they are seeking approval for a new patio addition that will encroach into the front yard setback. He said to allow for the additional restaurant space, they will be entering into an agreement to use 26 parking spaces from the office building to the east.

Ray Holden, President of Miller Ale House, 612 North Orange Avenue, Jupiter, Florida spoke about the request and indicated that they have been in Lombard for over 3 years. He said this seating will not only be used when the weather is nice but will have windows that open and close and have an atmosphere people can enjoy. He stated that their Lombard location is underperforming and they think it is because they do not have this patio addition like their other locations. He said it will be first class, give that store a shot in the arm and show what the Ale House can do to make it a successful business in Lombard.

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

No one spoke in favor or against the petition.

Chairperson Ryan then requested the staff report.

Christopher Stilling presented the staff report. The subject property at 455 East Butterfield Road is currently developed with a sit-down restaurant establishment. Ordinance 5917 (PC 06-17) granted approval of the companion zoning relief required by this development. In 2008, additional relief was granted for an additional wall sign (Ordinance 6162). As part of their 2006 approvals, the restaurant was permitted to have an outdoor seating area. Such approval was subject to them entering into an agreement to use the existing parking spaces located on the Nicor Property to the south. Unfortunately Miller's was unable to reach an agreement with Nicor and never proceeded with constructing the outdoor dining area. The petitioner is now seeking to construct a 1,500 square foot addition to the north elevation of their existing building, where the previously approved outdoor dining area was located. A portion of the addition will encroach into the front yard setback.

Mr. Stilling highlighted the following past approvals associated with the subject property:

Conditional Use for a sit down restaurant

The existing restaurant is 7,230 square feet in area and is improved with 123 parking spaces

Conditional Use for outdoor dining associated with a restaurant

As part of their approvals, the petitioner did receive relief from the parking requirements for a 1,500 square foot outdoor seating area. Such approval was subject to them entering into an agreement to use the existing parking spaces located on the Nicor Property to the south. Unfortunately Miller's was unable to reach an agreement with

Nicor and never proceeded with constructing the outdoor dining area.

Conditional Use for off site parking

As previously noted, Miller's was required to have off-site parking to accommodate the parking demand for the proposed outdoor dining area. Since Miller's was unable to reach an agreement with Nicor, they never proceeded with constructing the outdoor dining area.

A variation to reduce the required open space below the thirty-five percent (35%) requirement

The existing site, including the proposed outdoor dining area, has 21% open space. Since the proposed addition is the same size as the previously approved outdoor dining area, open space will remain unchanged.

A variation to allow for parking spaces within the required front yard

This approval will remain unchanged as the proposed addition will not impact the location of parking.

Variations to eliminate the perimeter parking lot landscaping and to reduce the perimeter lot landscaping requirements

This approval will remain unchanged as the proposed addition will not impact the parking lot landscaping.

Mr. Stilling stated that the petitioner is now seeking a number of additional zoning actions for the site to facilitate the construction of the 1,500 square foot addition on a property located within the O Office District. As previously mentioned, the proposed addition would be the same size as the previously granted outdoor dining area. However, unlike the outdoor dining area, a portion of the addition will encroach into the front yard setback and the addition will be fully enclosed. To address the required parking, Miller's has a tentative agreement with the office property to the east to provide the required 25 parking spaces during the evening hours. The following is a summary of the zoning actions associated with this petition:

An amendment to Ordinances 5917 and 6162 for a new conditional use for a restaurant establishment

The existing restaurant has previously received approvals for a restaurant at this location, through Ordinance 5917. In 2008, Ordinance 6162 was approved providing for an increase in sign size for a wall and increased the total number of permitted walls signs to three (3). Because the proposal constituted a change from what was previously approved, a new conditional use is required. The proposed addition would accommodate a new enclosed patio/lounge area that is consistent with some of the other Miller's Ale Houses located throughout the country. Although the addition would be approximately 1,500 square feet in area, the net increase in total seats is 22. The addition will be fully enclosed, although there will be sliding windows along the north elevation that can be completely opened during the warmer months. The exterior will be consistent with the original materials and colors previously approved as part of Ordinance 5917.

The Butterfield Road corridor is already improved with a number of restaurant type uses within the O District, including the Carlisle Banquet Hall abutting the subject property, Friday's, Taylor Brewing and Benihana. Such uses are considered complementary to the numerous office uses within the corridor. The petitioner has provided a response to the standards for conditional use. Staff finds that those standards have been met and supports the request.

A variation to reduce the required front yard setback

The proposed addition would encroach into the required 30' front yard setback in the O Office District. At its closest point, the addition would be setback approximately 17' from the Butterfield Road right of way. The petitioner indicates that due to the shape of the property, only 220 square feet or 15% of the new addition would encroach into the setback. Although the original plan did meet the required front yard setback for the outdoor dining area, the petitioner has indicated that since this will be a permanent addition to the existing structure, the encroachment is necessary to make the space more usable.

Staff finds that there are several other properties directly to the west of the site that are closer than the proposed 17' setback. The Carlisle to the west has their canopy and gazebo area setback approximately 14' from the right-of-way (legal nonconforming). Further west is the Highland Point office building which has setbacks as close as 1 foot. In addition, setback relief was granted for the parking structure (1' setback) for Highland Pointe in 2001. As noted in the past case, staff is supportive of this variation as the existing right of way line does not properly relate to the built environment found on the site and does not correlate to the functional bounds of the public roadway. The frontage road provides an additional 60' from Butterfield Road. Furthermore, there are no curb cuts from Butterfield Road directly to the subject property; access to the site is provided by the frontage roadway that terminates about ¼ mile east of the subject property.

A variation to reduce the required number of parking spaces for a sit down restaurant & conditional use for off-site Parking Spaces

The existing restaurant has 123 parking spaces, which meets the requirements for the existing 7,320 square foot sit-down restaurant itself. However, to accommodate the 1,500 square foot addition, which must meet the parking provisions for sit-down restaurants as well; twenty-five (25) additional spaces are required. The petitioner will be entering into a lease with the adjacent property to the west, located at 477 E Butterfield Road, to be used to meet their parking needs for the addition. As the 477 E Butterfield Road property is improved with an existing office building, the shared parking agreement only allows the use of 26 parking spaces on Friday and Saturday evenings from 6PM to 2AM when the office building is not in use. Because the agreement is for the use on Friday and Saturday evenings only, the petitioner is required to get a variation from the parking requirements. The petitioner has submitted a parking analysis conducted in July, August & September of 2010 and in January of 2011 showing their total number of available parking spaces during their lunch and evening rush. Based on the information provided, the petitioner indicates that Friday and Saturday evenings, from 6PM to close, are the only times where less than 25 parking spaces are provided.

Staff is supportive of the conditional use and variation. As shown in their parking analysis, parking demand is highest on Friday and Saturday evenings. The proposed agreement with 477 E Butterfield Road provides the necessary parking to accommodate their demand. Furthermore, staff finds that the shared parking will not impact the uses at 477 E Butterfield Road since they are office in nature and most businesses will be closed by 6PM. Lastly, if the petitioner were to terminate the agreement with the property owners at 477 E Butterfield Road, there are other locations the petitioner may consider for shared parking. As a condition of approval, staff will be recommending that the petitioner always maintain an agreement for the use of 25 parking spaces for Friday and Saturday evenings.

Mr. Stilling said that the petition is consistent with the Comprehensive Plan and surrounding land uses and therefore staff recommends approval, subject to the 4 conditions in the staff report.

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

Commissioner Olbrysh asked about the terms of the agreement. Mr. Stilling stated that the petitioner's agreement only covers Friday and Saturday evenings and that staff feels comfortable given the findings of their parking analysis. He said final determination of the terms is subject to Village Board approval.

Commissioner Burke expressed a concern about the 30 day termination provision. He felt that it should be extended. He was also concerned that if the agreement was terminated and the petitioner was unable to lease space from the adjacent Nicor property, the building would be non conforming. Mr. Stilling stated that they could come in with a revised floor plan and close off areas to meet the parking provisions. Mr. Stilling also clarified that the property owner did sign the petition and is aware of the off site parking request.

Mr. Holden said that they would prefer to use the Nicor property but their cost is too high. He said if they had to get a deal done with them, they would have to agree to all their terms.

Commissioner Sweetser stated that the petitioner is aware of the risks and they assume that responsibility. Mr. Stilling agreed and stated that there are alternatives for them including revisions to the floor plan. Mr. Holden stated that they would remove tables and close areas off if they had to.

It was moved by Commissioner Olbrysh, seconded by Commissioner Sweetser, that this matter be Recommended for approval to the Corporate Authorities subject to the amended condition(s). The motion carried by the following vote:

Aye: 4 - Ryan, Olbrysh, Sweetser and Burke

Absent: 2 - Flint and Cooper

1. The petitioner shall develop the site in substantial conformance with the site plan, floor plan and elevation plan, prepared by RPC General Contractors, dated August 26, 2010, last revised December 21, 2010, except where modified by the conditions of approval.

2. All other conditions approved by Ordinance 5917 and 6162 shall remain in full force and effect.

3. Prior to the issuance of a building permit, the petitioner shall enter into a shared parking agreement with the property owner of 477 E Butterfield Road, for the use of a minimum of 25 parking spaces upon terms acceptable to the Village Board. In the event that the shared parking agreement is terminated, the petitioner shall secure the rights to minimum of 25 parking spaces on the property located at 477 E Butterfield Road or the abutting Nicor property. If neither location is available, an amendment to the conditional use and any corresponding variations shall be required.

4. The petitioner shall satisfactorily address all IDRC comments.

[100747](#)

PC 11-02: Text Amendments to the Lombard Subdivision and Development Ordinance

The Village of Lombard requests an amendment to Section 154.703 (and any other relevant sections for clarity) of the Subdivision and Development Ordinance relative to plats of subdivision. (DISTRICTS - ALL)

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Christopher Stilling, Assistant Community Development Director, presented the petition. In order to provide clarity between the definition of Administrative Plat of Subdivision and

the consolidation of land, the Planning Services Division has conducted a review of the plat regulations set forth in the Subdivision and Development Ordinance. As a result, staff is proposing to amend the definition of 'Administrative Plat' and any other relevant sections for clarity.

The administrative plat procedure affords staff the ability to approve plats of subdivision and consolidation without requiring Board approval. Administrative plats of subdivision are primarily associated with single-family residential development and are often needed to redraw legal boundaries to convert assessment divisions into legal lots-of-record. Any division of land into five or more lots could not be done administratively. Administrative plats of consolidation are more broadly used to create an assemblage of land involving two or more lots. Currently, if the area of land being consolidated is greater than one (1) acre, the plat of consolidation could not be done administratively. The intent of the proposed text amendment is to allow the consolidation of land to be done administratively, regardless of the size of land.

Staff believes that the consolidation of land (of any size) should be done administratively as the consolidation process and subdivision process are separate procedures and have different impacts on land use. Through the subdivision process, it is possible to create additional density on an area of land. Any division of land into five or more lots could not be done administratively because the Board should have the ability to review larger subdivisions of land to confirm adherence to all Village Codes and governing documents, such as the Comprehensive Plan. Conversely, the consolidation of land may actually create a situation where density is potentially being decreased.

It is important to note that while an administrative plat may not require the need for public improvements, the Subdivision and Development Ordinance requires certain public improvements for projects classified as Major and/or Minor Developments. For example, a water distribution system and sanitary sewer distribution system is required for both Major and Minor Developments. Staff notes that such public improvements would still be required, regardless of whether or not the property was assembled through a consolidation (of any size). More specifically, the development (major or minor) itself would trigger the need for such public improvements, not the actual consolidation.

Mr. Stilling also noted that the amendments were further revised based upon Village Counsel's comments. Staff is recommending approval, but will forward the information to the Board after counsel has reviewed the information. The intent of the case will remain the same; however, the language will have to be tweaked for consistency and to adhere to the Plat Act of the State of Illinois.

Attorney Wagner referred to the phrase "which consists of the division of land into four or less lots". He stated that he had a problem with the language in that it appears to modify both subdivision and consolidation. He indicated this was not consistent as it does not apply to consolidation. He read amended language and noted that this would apply to both the definition as well as the procedure of the proposed text amendment and requested that if the Commissioners agree with him that they adopt the revised language.

Chairperson Ryan opened the meeting to the Commissioners. The Commissioners had no comments.

It was moved by Commissioner Sweetser, seconded by Commissioner Burke, that this matter be recommended to the Corporate Authorities for approval with the inclusion of the revisions per Village Counsel dated January 24, 2011 as well as any further revisions noted by Village Counsel prior to the Village Board considering the petition. The motion carried by the following vote:

Aye: 4 - Ryan, Olbrysh, Sweetser and Burke

Absent: 2 - Flint and Cooper

Business Meeting

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The business meeting convened at 8:07 p.m.

Approval of Minutes

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Christopher Stilling noted that Village Counsel had a few minor corrections but nothing substantive. On a motion by Burke and seconded by Sweetser the minutes of the December 20, 2010 meeting were unanimously approved by the members present with the aforementioned corrections.

Public Participation

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There was no public participation.

DuPage County Hearings

[100749](#)

DuPage County Case Z10-074: 1620 S. Highland Avenue

Requests a conditional use to build a religious institution in the R-4 Single Family Residence District. (UNINCORPORATED)

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Christopher Stilling, Assistant Director of Community Development, presented the petition. DuPage County has received a filing for a public hearing for a conditional use to build a religious institution in the R-4 Single Family Residence District. The petition is for the property at 1620 S. Highland Avenue. 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.

Upon review of the proposed religious institution, in accordance with DuPage County Zoning Ordinance and the Village of Lombard Zoning Ordinance, staff found that the plan meets the County zoning regulations, but not all provisions of the Lombard Zoning Ordinance. According to DuPage County Zoning Ordinance, the subject property is located in the R4 - Single Family Residence District. If the property were to be annexed into the corporate limits of the Village of Lombard, it would ultimately be designated as R1 - Single Family Residential, per the recommendation and the Annexation Strategies Plan and Comprehensive Plan.

The principal structure is proposed to be located twenty-five and a half (25.5) feet from the western property line, which is considered the rear yard of the property. According to the County's R4 - Single Family Residence District, structures are only required to

maintain a rear yard setback of twenty-five (25) feet. However, the Village of Lombard's R1 - Single Family Residential requires a rear yard setback of forty (40) feet. As such, there is a fourteen and a half (14.5) foot rear yard deficiency, which would require that the structure be moved to the east or a variation be obtained.

The County Zoning Ordinance allows a maximum Floor Area Ratio (FAR) of 0.35 in their R4 - Single Family Residence District. With a Floor Area Ratio of only 0.12, the building meets the County requirement; however, the County Zoning Ordinance does not require a minimum open space requirement (as defined by the Lombard Zoning Ordinance). The Village of Lombard's R1 - Single Family Residential requires a minimum open space of fifty percent (50%). When calculating the open space on the subject property, the proposed plan only provides forty-six percent (46%) open space.

It is important to note that while the subject property is located within the Glenbard Fire Protection District, the Village of Lombard Fire Department is the contracting agency that would be obligated to respond to any fire and/or EMS calls.

The Lombard Fire Department raised a number of concerns relative to the site plan, and its impact on fire and rescue. The Fire Department requires eighteen (18) foot wide fire lanes, not less than fifteen (15) feet from the building, that are contiguous around the building. The proposed plans illustrate that the only vehicular access point to the proposed structure would be on the eastern elevation. As no fire lanes have been provided, access for a motor vehicle fire apparatus would not be possible around the entire building. The proposed structure would be setback three hundred and twenty (320) from the eastern property line. Due to the setback of the structure and linear site configuration of the subject property, motor vehicle fire apparatus access and maneuverability around the proposed building would be challenging. Staff also notes that the drive aisles are shown at twenty-four (24) feet; however, it is reduced to twenty-two (22) feet at the landscape islands. Per the Lombard Zoning Ordinance requirements, the drive aisles would need to be no less than twenty-four (24) feet wide at any point. Lastly, the plan does not show the placement of fire hydrants. A number of fire hydrants may be required due to the distance from the building to the adjacent right-of-way.

The Private Engineering Services Division raised a number of concerns regarding the proposed site plan. The engineering issues are specifically important relative to Standard #5 of the DuPage County Zoning Ordinance - Increase the potential for flood damages to adjacent property. The petitioner would need to satisfactorily address the following comments made by the Private Engineering Services Division:

The proposed use (Religious Institution) is considered a conditional use in the County R4 - Single Family Residence District and the Village of Lombard R1 - Single Family Residential. As such, conditional use approval would initially be required.

The DuPage County Zoning Ordinance requires that each conditional use adhere to a set of seven standards for conditional uses. The standards outlined in the DuPage County Zoning Ordinance are similar to those required by the Village of Lombard Zoning Ordinance as they address the potential impact that the development could have on the surrounding area. Staff believes that the proposed plans do not meet the following standards for conditional uses required of the DuPage County Zoning Ordinance:

*2. Increase the hazard from fire or other dangers to said property.
Staff Response: See attached Lombard Fire Department comments.*

*5. Increase the potential for flood damages to adjacent property.
Staff Response: Insufficient information provided relative to stormwater improvements.*

The minimum Village of Lombard open space requirements are not met.

6. *Incur additional public expense for fire protection, rescue or relief.
Staff Response: See attached Lombard Fire Department comments.*

Based upon the submitted site plan, staff finds that the proposed use in its current location could present a negative impact upon adjacent properties. While the Village recognizes that religious institutions are allowed as a conditional use in the County's R4 - Single Family Residence District, they are subject to meeting the seven standards. As previously noted, the proposed site plan has failed to address a number of stormwater and utility issues. The lack of information does not provide staff with the ability to form a reasonable recommendation on the proposed conditional use. Furthermore, the Lombard Fire Department also raised a number of concerns relative to the site plan, and its impact on fire and rescue. Ultimately, these provisions are important to ensure that the standards for conditional uses are met. As Village staff believes that the petition meets the required standards, staff requests that the Plan Commission make a recommendation to the Village Board to adopt a resolution of objection for County ZBA case Z10-074.

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

Commissioner Olbrysh asked about the width of the lot. Mr. Stilling stated that the lot is 100 feet wide.

Commissioner Olbrysh asked if the lot was south of the chapel. Mr. Stilling stated that it is located just south of the Christadelphian Chapel.

Commissioner Olbrysh stated that he agrees with staff. He noted that the lot seemed to be very narrow for a religious institution and there could be some parking issues. Mr. Stilling stated that they would meet the minimum parking requirements of the Lombard Zoning Ordinance, which is based upon the number of seats provided in the institution. Staff did note that from a site prospective, staff looked at some shared access opportunities, particularly the property to the north. There may be opportunity for shared access and parking that can address some of the concerns.

Commissioner Olbrysh asked if the surrounding area consisted of the baseball field, chapel, lot in question and office building. Mr. Stilling replied, yes.

It was moved by Commissioner Olbrysh, seconded by Commissioner Sweetser, that this matter be recommended for a Resolution of Objection to the Corporate Authorities. The motion carried by the following vote:

Aye: 4 - Ryan, Olbrysh, Sweetser and Burke

Absent: 2 - Flint and Cooper

Chairperson's Report

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The Chairperson deferred to the Assistant Director of Community Development.

Planner's Report

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Christopher Stilling indicated that the Downtown Plan will on the agenda for next month. The Plan is being reviewed by various committees and appeared before the Finance Committee tonight. Staff will take all the committees' comments and incorporate them

into the Plan which will then be considered as an amendment to the Comprehensive Plan. He also noted that we will have one or two DuPage County cases.

Commissioner Sweetser noted that she will not be in attendance at that meeting.

Unfinished Business

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There was no unfinished business.

New Business

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There was no new business.

Subdivision Reports

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There were no subdivision reports.

Site Plan Approvals

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There were no site plan approvals.

Workshops

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There were no workshops.

Adjournment

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The meeting adjourned at 8:18 p.m.

*Donald F. Ryan, Chairperson
Lombard Plan Commission*

*Christopher Stilling, Secretary
Lombard Plan Commission*