

# Village of Lombard

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



## Meeting Agenda

**Thursday, October 7, 2010**

**7:30 PM**

**Village Hall Board Room**

## **Village Board of Trustees**

*Village President: William J. Mueller*

*Village Clerk: Brigitte O'Brien*

*Trustees: Greg Gron, District One; Keith Giagnorio, District Two;*

*Zachary Wilson, District Three; Peter Breen, District Four;*

*Laura Fitzpatrick, District Five; and Bill Ware, District Six*

**I. Call to Order and Pledge of Allegiance****II. Roll Call****III. Public Hearings****IV. Public Participation**

- [100478](#) 2010 Senior of the Year Award  
Presentation of the 2010 Senior of the Year Awards to Caroline Walker and Eunice Treadway.  
**Attachments:** [100478.pdf](#)  
*Only two nominations were received for this year's awards, both female. The Community Relations Committee members decided that since both were worthy of the award, to honor both women with the 2010 Senior of the Year Award.*
- [100480](#) President's Community Service Award  
Request to present the President's Community Service Award to the Moran Family for their participation, support and contributions to the TLC Camp as well as to community families and various organizations.  
**Attachments:** [100480.pdf](#)  
*The committee discussed the nomination of the Moran Family to receive the President's Community Service Award. The nomination, made by Village President William Mueller, outlined the family's dedication and fundraising efforts that benefit Lombard's TLC Camp.*
- [100544](#) Presentation - Cardiac Care Pins  
**Attachments:** [HEARTPINAWARD2010.pdf](#)
- [100543](#) Good Neighbor Award - Dan Hogan, Catherine Priebe and D. J. Nack  
**Attachments:** [GOODNEIGHBOR2010.pdf](#)
- [100523](#) Proclamation - Holy Trinity School 150 Year Anniversary  
**Attachments:** [proctrinitylutheranchurch150yranniv2010.doc](#)
- [100541](#) Proclamation - Lombard Jaycees Haunted House  
**Attachments:** [prochauntedhouse2010.doc](#)
- [100542](#) Proclamation - Fire Prevention Week  
**Attachments:** [procfireprev2010.doc](#)
- [100554](#) Proclamation - Lights on After School  
**Attachments:** [proclightsonafterschool2010.doc](#)

## V. Approval of Minutes

## VI. Committee Reports

Community Relations Committee - Trustee Laura Fitzpatrick, Chairperson

Economic/Community Development Committee - Trustee Bill Ware, Chairperson

Environmental Concerns Committee - Trustee Dana Moreau, Chairperson

Finance Committee - Trustee Zachary Wilson, Chairperson

Public Works Committee - Trustee Greg Gron, Chairperson

Transportation & Safety Committee - Trustee Keith Giagnorio, 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. [100508](#) Approval of Village Payroll  
For the period ending September 11, 2010 in the amount of \$858,958.04.
- B. [100509](#) Approval of Accounts Payable  
For the period ending September 17, 2010 in the amount of \$313,861.81.
- C. [100518](#) Approval of Accounts Payable  
For the period ending September 24, 2010 in the amount of \$586,501.83.
- D. [100538](#) Approval of Village Payroll  
For the period ending September 25, 2010 in the amount of \$783,036.22.
- E. [100539](#) Approval of Accounts Payable

For the period ending October 1, 2010 in the amount of \$342,253.97.

### Ordinances on First Reading (Waiver of First Requested)

- F.     [100470](#)     125 E. Washington Boulevard  
Approving Landmark Site Designation pursuant to Title 3, Chapter 32,  
Section 32.079 of the Lombard Village Code. (DISTRICT #5)

**Attachments:**   [Cover Sheet.doc](#)  
                          [DAH referral memo.doc](#)  
                          [Notice of Public Hearing.DOC](#)  
                          [Report.doc](#)  
                          [Findings of Hist Comm final-2.DOC](#)  
                          [100470.pdf](#)  
                          [Ordinance 6531.pdf](#)

*Jennifer Henaghan provided the Commissioners with copies of the Findings of Fact document prepared as a result of Public Hearing #100470 regarding the property at 125 E. Washington Boulevard.*

**G.**     [100504](#)

PC 10-14: 200 W. Roosevelt Road

Requests that the following actions be taken on the subject property located within the B4A Roosevelt Road Corridor District:

1. Approve a conditional use for motor vehicle service;
2. Approve a conditional use for drive-though and drive-in services;
3. Approve a variation from Section 153.505 (B) (19) (a) (2) (a) of the Lombard Sign Ordinance to allow for a total of seven (7) wall signs where one sign per street front exposure is permitted;
4. Approve a Major Plat of Resubdivision with the following variations:
  - a. A deviation from Section 155.417 (H) of the Lombard Zoning Ordinance to allow for a lot area of 30,000 square feet where a minimum of 40,000 square feet is required;
  - b. A deviation from Section 155.417 (I) of the Lombard Zoning Ordinance to allow for a lot width of 100 feet where a minimum of 150 feet is required; and
5. Approve a variation from Section 155.207 of the Lombard Zoning Ordinance to allow for an accessory structure within the clear line of sight area. (DISTRICT #2)

**Attachments:**    [APO Letter PC 10-14.doc](#)

[Cover Sheet.doc](#)

[DAH referral memo.doc](#)

[publichearingnot.doc](#)

[Referral Letter 10-14.doc](#)

[Report 10-14.doc](#)

[100504.pdf](#)

[Ordinance 6532.pdf](#)

*Tim Opfer, 855 Feinberg Court, Suite 113, Cary, IL 60013, presented the petition. He stated that he was here with his partner and that they currently operate four car washes in the Chicagoland area. They are the contract purchasers for the property. Their goal is to convert the existing full service car wash into an express car wash where the customer stays in their car and drives through.*

*They are proposing improvements to the site plan as well as to the architecture of the building. This includes pulling the front of the building out, adding a lobby inside, and adding glass features. They will remove the monument sign and will use wall signs for signage. Other improvements to the building include the addition of new detail bays, which will be located where the parking lot existed, and 2 roll up doors, which will open and close automatically with each individual car, and keep the noise inside the building.*

*The site plan has been changed to add two kiosks in lieu of the outside vacuums which will be relocated inside the building. The access along Roosevelt Road has been modified per staff and KLOA's comments. They have added landscaping wherever possible to the site plan.*

*Concluding Mr. Opfer stated that they feel that the plans fit in well with the Roosevelt Road corridor and are in agreement with all staff comments.*

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

Jay Anderson, 58 W. Ann Street, Lombard, indicated that the existing traffic pattern has most vehicles entering and exiting the facility onto Roosevelt Road or the Lincoln Street entrance. His concern is that it appears from the proposed plans that cars using the vacuum stalls will be exiting out on the northeast side of the property and he is concerned about increased traffic on Ann Street. He mentioned how they currently have winter issues with wet tires coming onto the road which results in icing. He and some of his neighbors have experienced mailbox losses due to the resulting ice. The traffic flow is his biggest concern. He requested that a stop sign be put on Lincoln.

Mr. Opfer rebutted. He stated that they were required to do a traffic study and they have complied with all the changes to the site plan proposed by KLOA. These include the full access on Roosevelt Road being limited to a right in right out. The exit the gentleman is referring to is an escape lane to be used by people who need to use the vacuum but have not had a wash yet. It currently operates as a two-way but will only be a one-way exit. He doesn't think it will cause a problem.

Chairperson Ryan then requested the staff report.

Jennifer Henaghan, Senior Planner, presented the staff report. The subject property was developed in 1967 and has been in use as a car wash for more than 35 years. The petitioner is proposing to renovate and expand the building to accommodate modern car wash equipment, three new detail bays. Accessory buildings would include two payment kiosks and a self-serve vacuum canopy. The existing vacuum building adjacent to Ann Street would be removed.

Ms. Henaghan summarized the comments from the Building and Private Engineering Services Divisions. The Comprehensive Plan recommends Community Commercial uses at this location. The proposed car wash use complies with the recommendation. The subject property is surrounded by compatible commercial uses on three sides. However, there are residential areas to the north and east that will continue to be affected by the car wash use. The petitioner has represented that the new car wash and vacuum equipment will be quieter than the existing equipment due to the vacuum motors being enclosed within the car wash building, which should benefit the nearby residents. The petitioner will also be adding landscaping to the property, which will both improve the appearance of the site as well as provide some additional protection from noise. The proposed site enhancements will make the subject property more compatible with surrounding land uses.

The Sign Ordinance allows up to one sign per street front exposure, which would allow the subject property up to three wall signs by right with a maximum total sign area of up to 500 sq. ft. The petitioner is proposing a total of seven wall signs, as follows: No freestanding sign is proposed for the site. There will also be a menu board associated with the drive-through, as shown on the submitted plans. Although the total number of signs exceeds that allowed by Code, five of the proposed seven signs are essentially directional in nature. The three detail center signs allow employees to direct customers to the correct location for the services they have purchased, and the enter/exit signs serve only to prevent customers from entering the wrong end of the car wash. All five of the signs are intended to be viewed primarily by customers already on the property.

*Also, the total area of the proposed wall signs is only 36% of that allowed by right. While the petitioner could likely achieve the same directional goals by using fewer, larger signs, the architectural goals of the B4A District may be better met by limiting the area of the signs rather than the quantity. Staff can support the requested sign variation due to the directional nature and limited size of the proposed signs.*

*The subject property, as currently developed, has numerous nonconformities. The petitioner is requesting relief for only those items that are required for the proposed building addition and accessory canopy structure, rather than asking the Village to grant relief to allow these nonconformities to remain in perpetuity. The petitioner will be adding approximately 2,140 sq. ft. of landscaping to the property, which will increase the open space from 0% to 7.1%. Also, the petitioner is willing to install substantial landscaping along the eastern property line to screen the vacuum canopy from the right-of-way. The current property owner uses the adjacent right-of-way for employee parking. The petitioner will instead have all employees park on-site and will sod the adjacent right-of-way unless the Village requires a cash payment in lieu of landscaping to allow for future public right-of-way improvements. The proposed improvements will substantially enhance the appearance of the subject property while also bringing it closer into compliance with Village Code.*

*The petitioner is requesting conditional uses for motor vehicle service and drive-through and drive-in services. Although these activities have been occurring on the site for decades, they are now classified as conditional uses and the proposed expansion therefore requires Village approval.*

*The Village's traffic consultant, KLOA, performed a review of the subject property and proposed development. The consultant found that the proposed redesign of the car wash facility will provide adequate stacking and on-site circulation for future customers. However, the two access drives on Roosevelt Road should be consolidated into a right-in/right-out access drive. This will ensure better internal traffic flow with less conflict points and will reduce the potential for vehicles backing up internally. Vehicles exiting the car wash tunnel desiring to go east to the vacuum bays or to exit the site should be under yield or stop sign control in order to minimize the potential for conflicts with inbound traffic from the right-in movement. Also, to ensure that vehicles entering the site from Lincoln are able to turn right to proceed to the car wash lane without encroaching on the curb, the internal radius adjacent to the parking spaces where customers will vacuum their vehicles should be 15 to 20 feet. Provided that the above recommendations from the traffic consultant are incorporated into the development plans, staff can support the requested conditional uses as the petitioner is proposing numerous improvements to the building façade, landscaping, site access, and operations that will enhance the appearance of the property and bring it closer into compliance with Village Code.*

*The subject property is currently not a lot of record as this was not a requirement when the property was initially developed in 1967. The Zoning Ordinance now requires that construction of an addition greater than 350 square feet or an accessory structure greater than 800 square feet be on a lot of record. This is primarily a clean-up issue to bring the lot into compliance with Village Code.*

*The proposed vacuum canopy will be located within the clear line of sight areas for both of the access drives onto Lincoln Street. Generally, staff does not support variations to the Village's clear line of sight requirements for safety*

reasons. However, the canopy structure is designed to mimic what Code already allows for "green" obstructions within the clear line of sight area. The support poles will be no larger than six inches in width and the canopy itself will be no closer than eight feet to the ground. If the Village elects to approve this variation request, the impact should be no greater than the obstructions that are currently allowed within clear line of sight areas.

Staff is recommending approval of this petition, subject to six conditions.

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

Commissioner Olbrysh asked the square footage of the addition. Mr. Opfer answered 1,300 square feet. Commissioner Olbrysh commented that after looking at the staff report it appears that the petitioner has worked closely with staff and the proposed project is quite an improvement. Referring to the drawings, he noted that the south side has been completely redone and the east side, which is currently not aesthetically pleasing, will be redone as well. They have 3 detail bays, an enclosed dumpster and the employee parking. He asked what will be done with the wall by the employee parking spaces. Mr. Opfer answered they were leaving the wall white. Commissioner Olbrysh stated that he didn't have a problem with the traffic flow, the landscaping plan impressed him and noted that the open space percentage was increasing. He stated that they have done a good job and will be a great addition to the property.

Commissioner Sweetser agreed with Commissioner Olbrysh's comments and asked the hours of operation. Mr. Opfer answered that they would be open seven days a week from 8:00 a.m. to 8:00 p.m. daily, weather permitting.

Commissioner Cooper referred to the traffic flow drawing C1.1 and stated that it does not show the corrections that are recommended by the traffic engineer. Mr. Opfer answered that it was too late to incorporate the changes but that they agreed to add those to their revised plan. She also added that this was a good addition to the property.

Commissioner Burke asked if there currently was a stop sign at Ann Street and Lincoln. Ms. Henaghan stated she was unsure but Mr. Anderson indicated there was not. Commissioner Burke asked if a stop sign was required by the traffic consultant and if not, suggested that staff look into possibly having one put there. Mr. Stilling answered that staff will bring it up with the Public Works Department and possibly the Traffic & Safety Committee.

Commissioner Sweetser added that Commissioner Burke's statement was a fair one as there was a concern voiced about the traffic. We need to determine if a remedy is warranted and if it has anything to do with the car wash.

- H. [100535](#) Liquor License Amendment - Brio Tuscan Grille, 330 Yorktown  
Amending Title 11, Chapter 112 of the Village Code reflecting a change  
in ownership. (DISTRICT #3)



**Attachments:** [Agenda Form.doc](#)  
[memo new corporation.doc](#)  
[Ord Corporation Change.doc](#)  
[Ordinance 6533.pdf](#)  
[100535.pdf](#)

## Other Ordinances on First Reading

- I. [100503](#) PC 10-13: Text Amendments to the Zoning Ordinance (Through Lots)  
The Village requests text amendments to the Lombard Zoning Ordinance relative to fencing and accessory structures located on Through Lots. The definition of 'Through Lot' would also be amended for purposes of clarity. (DISTRICTS - ALL)

**Attachments:** [Cover Sheet.doc](#)  
[DAH referral memo.doc](#)  
[PH Notice.doc](#)  
[Referral Letter.doc](#)  
[Report PC 10-13.doc](#)  
[Ordinance 6539.pdf](#)  
[100503.pdf](#)

*Michael Toth, Planner I, presented the petition. Historically, Village staff has received a number of requests to allow accessory structures and fences in excess of four (4) feet in height on through lots. In order to address these requests, staff has reviewed all provisions relative to through lots and is proposing amendments relative to fence height and the placement of accessory structures on such lots.*

*By definition, a lot that faces two parallel public streets is considered a 'through lot'. Pursuant to the Zoning Ordinance, a through lot is defined as having two front yards. As such, accessory structures and fences in excess of four (4) feet in height are not permitted in front yards. Historically, Village staff has received a number of requests to allow accessory structures and fences in excess of four (4) feet in height on through lots.*

### *Fences*

*On an interior lot, the principal structure is bound by the front yard setback, two side yard setbacks and a rear setback. In this traditional configuration, a fence can be erected to a maximum height of six (6) feet in the side and rear yards of the property. However, as a through lot technically has two front yards, a fence in excess of four (4) feet is limited to the interior side yard.*

### *Accessory Structures*

*Accessory structures are not listed as permitted encroachments in the front or side yard. Moreover, all detached accessory structures must also be located behind the front wall of the principal building that is nearest to the front lot line. As such, the placement of an accessory structure is limited to either the buildable area of the lot (behind the principal structure) or the rear yard. The placement of an accessory structure on a through lot is further restricted to the buildable area of the lot.*

*Staff recognizes the demand to allow properties located on through lots to have the same level of privacy (through the use of a fence in excess of four (4) feet) and use of accessory structures that are afforded to interior lots. Through the proposed text amendments, single family through lots would be permitted to place an accessory structure or erect a fence to a maximum of six (6) feet, which is consistent with the interior lot provisions; however, certain conditions must apply.*

*In order to place accessory structures or erect a fence (in excess of four (4) feet) on through lots in an area once deemed to be a front yard, each through lot would be required to take driveway access from the same right of way as both adjacent properties. If this requirement is met, the lot line opposite the access right of way would be treated as a rear yard. This provision was created in order to maintain consistency on the block face and to ensure that accessory structures and fences (in excess of four (4) feet) would not be placed adjacent to the front yard of the neighboring property (the front yard taking access from the same right of way). Such provisions already exist within code to protect property owners from the impact caused by adjacent properties.*

#### *Existing Conditions*

*Staff conducted an analysis of all existing through lots within the Village. There are a total of 75 through lots, and with the exception of one block (located on 16th Street) the majority of through lots are located on (or abut) a Minor Arterial Route (as recognized by the Comprehensive Plan). Staff notes that the through lots along 16th Street are located across the street from Four Seasons Park. Furthermore, with the exception of one area (S. Main Street and Washington Blvd) all of the through lots examined held the same block face, which means that every house on the block takes access from the same right of way. All of these homes also face the same right of way from which they take access from.*

*In the case of the S. Main Street and Washington Blvd area, there are a total of five properties that form a peninsula. Three of those properties face S. Main Street, but only one faces and takes access to S. Main Street. Only two lots face and take access from Washington Blvd. The other two face S. Main Street, but take access from Washington Blvd. Because of this area's unique lot configuration, each property would be required to either meet the fence and/or accessory structure requirements or seek a variation, even if the proposed amendments were adopted.*

*The definition of 'Through Lot' does not specify which yard shall be deemed the front yard, but rather states that both street lines shall be deemed front lot lines. The definition of 'Lot Line, Front' allows corner lots to select either street line as the front lot line and states that the front lot line of "land-locked land" shall be that lot line that faces access to the lot. This definition does not specifically address through lots, but staff has historically made the interpretation that the front line is considered the lot line that the house faces and takes right of way access from. For technical purposes, homes that face their applicable right of way, but take access from a rear alley, would not be applicable to the proposed text amendments as those alleys are considered access easements and not public right of way.*

*Prior to the year 2000, the Village did not require permits for fences. Code provisions relative to fences (height, location, etc) did officially exist; however, without a formal permit process, these provisions were often disregarded. As a*

result, many of the through lots currently have fences in excess of four (4) feet. Typically during the permit process - now - is when permit applicants (living on through lots) discover that their existing fence is non-conforming and the current code provisions must be met, otherwise a variation must be obtained.

Staff has always been consistent with the regulation of accessory structures on through lots; more specifically, staff has always considered the two front yard provision as part of the location requirement. Although there have not been any recent variations involving the placement of accessory structures on through lots, there has been a demand to allow such structures in the rear portion of the property. Furthermore, if a through lot could have the ability to erect a six (6) foot fence, this would provide a screening element for an accessory structure.

Staff has a history of amending provisions of the Zoning Ordinance to address emerging land use issues. As an example, corner lots - once deemed to have two front setbacks, were eventually granted the ability to consider one street exposure as a 'corner side yard', as opposed to a more restrictive front yard. This amendment allowed corner lots to have a larger building footprint and also expanded the amount of usable area of a property for other types of structures. Staff believes that the proposed amendments would also allow property owners to utilize their property to a greater extent, without sacrificing bulk regulations and/or aesthetic issues. Staff notes that the difference between allowing additional fence and accessory structure consideration for through lots, as opposed to corner side yards, is the fact that these through lots are located along major thoroughfares and not in the middle of residential neighborhoods. As such, the visual impact would be less detrimental.

Furthermore, staff finds that the proposed amendments meet the standards and recommends approval.

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

Commissioner Sweetser stated that staff did a really good job with such a confusing issue.

Commissioner Burke stated that this is a very technical issue. He then questioned why the Plan Commission is addressing this issue and why it is not handled on a case-by-case basis. Each and every condition is going to be different. He is nervous with the approach of creating a blanket ordinance because it won't fit every situation. He then questioned how many requests have been received because he does not remember one.

Mr. Toth stated that these types of requests are typically taken at the staff level at Village Hall during normal business hours. He then added that these requests are made when someone comes to the Village for a fence permit or permit for an accessory structure. At that point they are told that they do not meet code and they have to seek a variation.

Commissioner Burke asked if anyone has come forward to seek a variation. Mr. Toth responded, no.

Christopher Stilling, Assistant Community Development Director, stated that Mike is the frontline and ends up telling people that the code limits their fence height. The issue is that most people have an existing six (6) foot fence that was erected prior to 2000.

Commissioner Burke stated that it is better to do that than leave it in a state of disrepair.

Mr. Stilling agreed. He then added that those people will either contact him or the Director of Community Development, upset about this. He stated that we currently have four or five people waiting to see the result of this text amendment to know how tall they can build their fence. He added that staff wants to be more proactive with this issue. Ultimately, if the Village Board decides that they want to review these on a case-by-case basis, they can deny the text amendment. Staff believes that it is unnecessary to charge for the variation and is proposing the text amendment instead.

Referring to the staff report, Commissioner Burke stated that the definition of a through lot is a lot that faces two parallel streets. If you consider that definition in the strict sense of the word, several of the lots on Washington and Main would not be considered through lots as Main and Washington do not run parallel. He suggested that we consider changing the definition, noting that the lots have frontage on two sides.

Commissioner Sweetser suggested that the words "essentially parallel" or "parallel to 'x' percentage".

Attorney Wagner referred to the actual definition found on page 8 and provided clarity on the issue.

J. [100505](#)

PC 10-17: Text Amendments to the Zoning Ordinance

The Village of Lombard requests text amendments to Section 155.305 of the Lombard Zoning Ordinance related to legal nonconforming two-family dwellings that were lawfully established prior to January 1, 1960 and are located in the R2 Single Family Residence District. (DISTRICTS - ALL)

**Attachments:** [Cover Sheet.doc](#)  
[DAH referral memo.doc](#)  
[PUBLICNOTICE 10-17.doc](#)  
[Referral Letter.doc](#)  
[Report 10-17.doc](#)  
[Ordinance 6540.pdf](#)  
[100505.pdf](#)

Christopher Stilling, Assistant Director of Community Development, presented the petition. He stated that Village staff was contacted by the property owner at 90 S. Highland Avenue and their attorney with reference to their legal nonconforming two-family dwelling in the R2 Single Family District. The property owner of unit A recently entered into a contract to sell the unit, however just prior to closing, the FHA loan underwriter for the buyer would not approve the loan because it was considered legal nonconforming. To address this issue, staff is proposing a text amendment to allow property owners of a legal nonconforming two-family dwelling that was lawfully established prior to January 1, 1960 and is located in the R2 Single Family Residence District the ability to proactively seek a conditional use to re-establish the legal non-conforming status of the property before it is ever damaged or destroyed. As a companion to this request, the property owner of 90 S. Highland Avenue is

seeking conditional use approval. Should this petition be approved, the companion petition can be considered for approval as well.

Mr. Stilling summarized the findings of the workshop held at the August 19, 2010 Plan Commission meeting. He stated that the Plan Commission unanimously supported the concept of a text amendment; however a few Commissioners expressed a concern about notification to other legal nonconforming two-family dwellings. Staff would like to point out that this proposed text amendment does not require property owners of legal nonconforming two-family dwellings to petition for the conditional use. Rather the amendment allows the property owner, at their discretion, the ability to proactively seek the conditional use to re-establish the legal non-conforming status of the property before it is ever damaged or destroyed. Whether or not a property owner seeks to utilize this provision is entirely up to them. The proposed text amendment allows a property owner to have the assurance that the conditional use to re-establish the legal nonconforming status has already been "pre-approved".

Mr. Stilling highlighted the specific language to be used for the text amendment and stated that staff supports this approach because the property would still remain legal nonconforming, while the property owner now has the assurance that the conditional use to re-establish the legal nonconforming status has already been "pre-approved". In addition, this could address several other properties we have identified who may encounter a similar issue.

Mr. Stilling stated that the petition meets the standards outlined in the Zoning Ordinance and recommends approval.

Chairperson Ryan then opened the meeting for comments among the Commissioners. There were no comments.

**K.**     [100506](#)

PC 10-18: 90 S. Highland Avenue, Unit A  
Requests that the Village grant a conditional use, pursuant to amended Section 155.305 allowing for a legal nonconforming two-family dwelling that was lawfully established prior to January 1, 1960 and is located in the R2 Single Family Residence District to continue or be re-established as a legal nonconforming use prior to being subject to elimination under the terms of this ordinance. (DISTRICT #5)

**Attachments:**   [apoletter 10-18.doc](#)  
                      [Cover Sheet.doc](#)  
                      [DAH referral memo.doc](#)  
                      [PUBLICNOTICE 10-18.doc](#)  
                      [Referral Letter.doc](#)  
                      [Report 10-18.doc](#)  
                      [100506.pdf](#)  
                      [Ordinance 6541.pdf](#)

Fred Huber, 90 S. Highland Avenue, Lombard, IL presented the petition. He stated that he purchased the property back in 2002. He stated that the home was too small for his family and needed to sell it. In June, 2010, he said he found a buyer for the unit; however, the buyer's loan was rejected because the home was legal nonconforming and the buyers lender needed assurance that the home

could be rebuilt if it were destroyed. He said that he has been working with staff to find a resolution. He feels that the proposed solution will work and he has confirmed with a few lenders that this approach should work.

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

Chairperson Ryan then requested the staff report.

Christopher Stilling, Assistant Director of Community Development, presented the staff report. Village staff was contacted by the property owner at 90 S. Highland Avenue and their attorney with reference to their legal nonconforming two-family dwelling in the R2 Single Family District. The property owner of unit A recently entered into a contract to sell the unit, however just prior to closing, the FHA loan underwriter for the buyer would not approve the loan because it was considered legal nonconforming. To address this issue, as outlined in PC 10-17, staff has proposed a text amendment to allow property owners of a legal nonconforming two-family dwelling that was lawfully established prior to January 1, 1960 and is located in the R2 Single Family Residence District the ability to proactively seek a conditional use to re-establish the legal non-conforming status of the property before it is ever damaged or destroyed. As this property would meet the provisions of the proposed text amendment, the property owner is seeking a conditional use.

Mr. Stilling provided background on the request stating that the subject property is located in the R2 - Single Family District and improved with a two-family dwelling. The property is also not on a lot of record and is divided by an assessment division. The property is in the middle of a large single family neighborhood all zoned R2. There are also several other two-family dwellings scattered throughout the neighborhood and Exhibit "A" shows ten (10) other nonconforming two-family dwellings in the area. According to Village and County records, all of those units were constructed prior to 1960.

The subject property did receive a building permit for a two-family dwelling in 1956 and at that time two-family dwellings were permitted uses in the R2 District. Subsequent to the construction of the property, the Village amended its Zoning Ordinance as part of the 1960 Zoning Ordinance amendments which no longer permitted two-family dwellings in the R2 District. More recently, the Zoning Ordinance has since been relaxed to allow two-family dwellings on those properties that are on a lot of record and abutting property in the B3, B4 or B4A Districts, through a conditional use approval process. As such, two-family structures are not permitted as of right within the R2 District. Since the property is not on a lot of record and does not abut property in the B3, B4 or B4A Districts, it is considered a legal nonconforming use.

The property owners recently entered into a contract to sell their unit to a buyer who was using a FHA loan to purchase the property. During the loan approval process, the lender became aware that the existing property was considered legal nonconforming. Unfortunately the lender would not approve the loan without written assurance from the Village that the structure could be rebuilt if it were destroyed beyond 50% of its value. Staff did inform them that Section 155.305 of the Zoning Ordinance sets forth a provision which allows the owner of a nonconforming structure that has been destroyed more than fifty percent (50%) of its fair market value to apply for a Public Hearing before the Plan Commission for a conditional use to allow such building to be re-established. Since there was no guarantee that the Village would grant the conditional use,

their lender denied the loan.

Mr. Stilling highlighted the specifics of the property stating that the existing structure does meet the setback and parking requirements of the R2 District. Mr. Stilling also stated that the petitioner has provided a response to the standards for a conditional use. Specifically, Mr. Stilling called attention to standard #3 stating that in the unfortunate event that the subject site were destroyed, two options would be available - either grant zoning relief for the property or grant approval of a conditional use to reestablish the legal non-conforming status for the damaged building. Staff believes that if the Village is interested in allowing the duplex to be reoccupied, reestablishing the non-conforming status would be preferred, as the request would only relate to the building at its present location and would not run with the land. Therefore staff supports granting the conditional use now. Mr. Stilling said that the required standards have been met and staff recommends approval.

Chairperson Ryan then opened the meeting for comments among the Commissioners. There were no comments from the Commissioners.

**\*L. Ordinance Amending Title 9 - Fees for Emergency Medical Services (Moved to IX-B1)**

- M. [100537](#) Liquor License Amendment - Rancho Viejo, 708 S. Main Street Amending Title 11, Chapter 112 of the Village Code reflecting an increase in the Class "A/B I" liquor license category. (DISTRICT #2)

**Attachments:** [Agenda Form.doc](#)  
[ordincrease.doc](#)  
[memoincrease.doc](#)  
[Ordinance 6542.pdf](#)  
[100537.pdf](#)

- N. [100545](#) Liquor License Amendment - Taqueria No Way Jose, 621 E. Roosevelt Road Amending Title 11, Chapter 112 of the Village Code reflecting an increase in the Class "A/B I" liquor license category. (DISTRICT #6)

**Attachments:** [ordincrease Taqueria.doc](#)  
[Agenda Form.doc](#)  
[memoincrease Taqueria.doc](#)  
[Ordinance 6543.pdf](#)  
[100545.pdf](#)

**Ordinances on Second Reading**

- O. [100438](#) ZBA 10-10: 460 S. Main Street (Babcock's Grove) Cemetery Requests approval of the following actions for the subject property located within the R2 Single-Family Residence District:
1. A variation from Section 155.205(A)(1)(c)(4) of the Lombard Zoning Ordinance to allow a fence within a front yard to exceed four feet (4') in height.

2. A variation from Section 153.219(B) of the Lombard Sign Ordinance to allow a freestanding sign to exceed six feet (6') in height. (DISTRICT #6)

**Attachments:** [Ordinance 6534.pdf](#)  
[apoletter.doc](#)  
[Cover Sheet.doc](#)  
[DAH referral memo.doc](#)  
[PUBLICNOTICE.doc](#)  
[Referral Let.doc](#)  
[Report.doc](#)  
[100438.pdf](#)

*Michael Toth, Planner I, stated that staff will be petitioner for this case. He then presented the staff report. The subject property is located at 460 S. Main Street, the intersection of West Washington Boulevard and South Main Street, which is known as the Lombard Cemetery. For the past few years, the property has been updated with numerous improvements. The most recent is an arch to be installed over the entrance gate of the cemetery. The arch will contain lettering, which will read "Lombard Cemetery". The arch will be supported by posts, which extend up from the fence/gate. For purposes of clarity staff is considering the arch to be a sign, but also an extension of the fence.*

*The proposed arch is affiliated with a public institution and contains text; therefore, it is considered an 'Institutional Sign'. According to the Sign Ordinance, freestanding institutional signs shall not exceed six (6) feet in height. The proposed arch is 7.4 feet above grade, thus requiring a height variation. The proposed arch is twenty-six (26) feet in area. Institutional Signs shall not exceed thirty-two square feet; therefore, the signage portion of the arch is within the size parameters. The proposed arch meets all other Sign Ordinance requirements.*

*The subject property is located in the R2 - Single Family District. The proposed arch is to be located in the front yard of the subject property. According to the Zoning Ordinance, fences located in the front yard of a residential district shall not exceed four (4) feet in height. As previously mentioned the arch will be supported by posts, which extend up from the fence/gate. Therefore, staff is considering the arch to also be an extension of the existing fence. The proposed arch is 7.4 feet above grade, thus also requiring a fence height variation.*

*There are no previous cases that provide precedence in this particular matter. However, staff believes that the sign is well integrated into the existing fence. Furthermore, staff is supportive of the proposed variation due to the historic significance of the site.*

*Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-10, subject to the two conditions outlined in the staff report.*

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

*Mrs. Newman asked why the height variation was needed.*



*Mr. Toth stated that the height of the arch element created the need for the variation.*

*Dr. Corrado asked why the sign does not say 'Babcock's Grove'.*

*Tom Fetters, of the Lombard Historical Commission, discussed the significance of the different cemetery names and mentioned that there are plans to place an additional sign on the property using the 'Babcock's Grove' name.*

*Jeanne Schultz Angel, Executive Director of the Lombard Historical Society, also discussed the naming of the cemetery.*

*Mr. Bartels asked about the historic significance of the site.*

*Jeanne Schultz Angel stated that the cemetery was established in 1871, but is not a registered historic landmark. She added that the cemetery does play an important role in the education of the history of the Village of Lombard.*

*Dr. Corrado asked when the last burial occurred.*

*Tom Fetters discussed the logistics of the most recent burials and added that, technically, the last burial was last month.*

*Chairperson DeFalco asked about the hardship associated with the variation.*

*Jeanne Schultz Angel stated that the cemetery is used for public awareness and discussed the different restoration projects that have been recently completed. She added that the cemetery is a "point of pride" and that the construction of the proposed sign is typical to the time period. She then stated that 15,000 cars drive by the cemetery each day.*

*Mr. Toth stated that there are two hardships associated with the case. He stated that the first hardship involves the use of the property - the hardship has less to do with the historic significance of the sign and more to do with the historic significance of the property itself. He added that there are a limited number of cemeteries in the Village and none as historic as this. The second hardship involved the change in grade. Mr. Toth stated that the grade, where the arch sign is to be located, is almost a foot lower than surrounding grade where the fence is located.*

*Chairperson DeFalco then discussed the recent ZBA case that involved the Lombard Cemetery. He stated that the fence and column project was completed before zoning relief was obtained. He thanked the petitioner for requesting approval prior to starting the project. He then added that he didn't believe that that sign is of any historic significance because the sign is not recreating anything that once existed. He then asked the petitioner if the sign could be placed on the fence, within the parameters of Code.*

*Jeanne Schultz Angel stated that the Historical Commission explored placing the lettering on the fence, but decided to go with the proposed construction. She added that the sign would be more visible as proposed. She added that the arch element could be seen through the night sky at its proposed location.*

*Mr. Bedard asked about the grade change on the subject property.*

*Chairperson DeFalco stated that the Zoning Ordinance allows fences to*

*fluctuate three inches to accommodate grade changes.*

*Mr. Toth stated that the three inch provision is meant to address drainage under the fence and decorative elements on top of the fence - not to accommodate grade change. The grade change hardship has been established in past cases involving fence height.*

*Mr. Bedard asked if any precedence has been established for this sort of case.*

*Mr. Toth stated that this is a unique case and there is no similar precedence established.*

*Mr. Young stated that the use of the property is non-residential, but is in the R2 District. He added that it is important to note (for purposes of precedence) that the property is non-residential.*

*Chairperson DeFalco asked about the number of signs that could be permitted on the subject property.*

*Mr. Toth stated that the Sign Ordinance allows one freestanding sign per street frontage in residential districts. He added that the subject property has four street frontages and could therefore erect four freestanding signs.*

*Mrs. Newman asked about the hardship at placing the sign at six (6) feet.*

*Mr. Bartels responded that the added height is caused by the arch of the sign. He then stated that the entire sign is not at 7.4 feet.*

*Mr. Toth stated that the ZBA has considered grade changes as a hardship in recent cases.*

*Mr. Bartels asked if the sign was to be illuminated.*

*Tom Fetters stated that the sign will be non-illuminated, but the arch element would allow it to be illuminated by the moonlight.*

*Jeanne Schultz Angel stated that the property is in contention for the Governors Award.*

*Chairperson DeFalco asked if the award could be obtained without the sign.*

*Tom Fetters replied, yes.*

*Lastly, Chairperson DeFalco stated that the case before the ZBA involves a sign over a gate to name a cemetery. He added that (in his opinion) the variation is not required. He then stated that there is no hardship and the proposed sign is a preference based upon aesthetics.*

- P.**     [100425](#)     SPA 10-02ph: 215 E. Roosevelt (V-Land Highland/Roosevelt Planned Development)  
Requests site plan approval of a deviation from Section 153.505(B)(19) (b)(1)(a) of the Lombard Sign Ordinance to increase the maximum allowable area of a wall sign from thirty-two and one-half (32.5) square feet to no larger than forty-eight (48) square feet in the B4APD Roosevelt Road Corridor District, Planned Development. (DISTRICT #6)

**Attachments:** [apoletter.doc](#)  
[Cover Sheet.doc](#)  
[DAH referral memo.doc](#)  
[DAH referral memo2.doc](#)  
[DAH referral memo3.doc](#)  
[PH notice SPA 10-02ph.doc](#)  
[Referral Letter SPA 10-02ph.doc](#)  
[Report SPA 10-02ph.doc](#)  
[100425.pdf](#)  
[Ordinance 6535.pdf](#)

*Terry Doyle of Doyle Signs, 232 Interstate Road, Addison, IL, is representing the contract for CD One Price Cleaners. CD One Price Cleaners opened their 215 E. Roosevelt location in April 2008. The location is a high profile location and should generate a reasonable amount of business. This location has been struggling to survive. The people that operate CD One Price Cleaners have 30 stores in the metro area. This particular location is 18% below average revenue than the 5 other stores that are located closest to the Lombard area. The most apparent difference is that the Lombard store has the smallest exterior identification sign of all 30 locations. When considering that this location is in the Roosevelt Road Corridor, is set back 75 feet from the property line and has a façade area of 837 square feet you would expect that this business would be allowed a sign that is somewhat larger than the Village Code permits. The Village Code states that if your business is located in the B4A District, the size and scale is greater than what is permitted in other districts. This sounds reasonable and appropriate. If you are a small business with 32'6" of frontage on Roosevelt Road and are setback 75 feet from the property line, the same ordinance restricts your wall sign area to the same size sign of that of a business (on the sidewalk) of the B5 District. This does not make sense and is the complete opposite of what the ordinance states. The existing sign for CD One Price Cleaners is less than 4% of the façade area of the storefront façade. It's too small. It should be larger than a sign permitted in the downtown with the same frontage. The proposed replacement sign is composed of a 3'6" opaque logo with silhouette illumination and a set of individual "CD One Price Cleaners" illuminated letters. The Village interpretation is that the sign is 88.4 square feet of area (in a rectangle). This includes 42.3 square feet of blank brick wall. If you measure the area of the actual sign it is only 46.1 square feet. Is that too much to ask for if the sign is in the Roosevelt Road Corridor and set back 75 feet? The 75 foot setback is 62% of the 120 foot setback where the ordinance allows the sign to automatically double in size. The ordinance agrees that the further the sign is set back the more difficult it is to read. If the sign area permitted in the B5 downtown (for businesses located at the sidewalk) is the same size that is allowed for a business on Roosevelt Road, it makes sense to allow an increase in sign area and not restrict every business that doesn't have a 120 setback to the size allowed in the B5. It doesn't make any sense and the ordinance is an imperfect guideline for sign sizes, especially wall signs.*

*Mr. Doyle stated that the staff report indicates that we have not met the standards for variations, more specifically 1, 2 and 4. He referred to standard #1 and stated that it is unfair that the signage is more restricted at their location than it is in the downtown central core. It is a hardship to a business located on Roosevelt Road. Referring to standard #2, he mentioned another sign variation*

that was granted to the business to the west. He stated that the variation was granted for a 160 square foot sign with only 60 feet of frontage. The CD building façade is 28' in height and the sign is lost in the façade. Referring to standard #4, he stated that the hardship is caused by the ordinance because it limits the size of a sign on Roosevelt Road to that of a sign in the downtown business core (located at the sidewalk), obviously contradicting statements of both zoning districts.

Mr. Doyle then referred to the photos and architect line drawings of the sign and stated that the photos are all in scale and that you can see the existing and proposed signs. It's the same size sign that exists on another CD One Price Cleaners on Roosevelt Road about 5 miles to the west. We believe that it is a reasonable request based upon the setback, size of the façade and surrounding conditions on the Roosevelt Road location. Unfortunately, CD One Price Cleaners has a handicap because their name is long, but all other conditions are reasonable for the variation request.

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

Chairperson Ryan then requested the staff report.

Christopher Stilling, Assistant Community Development Director, presented the staff report. Doyle Signs is proposing to replace an existing wall sign and install a larger wall sign for the tenant space being occupied by CD One Price Cleaners located at 215 E. Roosevelt Road. The proposed sign on the building's front façade is approximately eighty-eight and four-tenths (88.4) square feet where a maximum of thirty-two and one half (32.5) square feet is permitted by the Sign Ordinance. Therefore, a site plan approval with a deviation for sign size is required.

The existing CD One Price Cleaners is seeking to replace their existing wall sign with a larger sign of similar design. The existing sign is approximately 32.5 square feet in area which is the maximum allowed by code. The petitioner is seeking to increase the size of the sign to 88.4 square feet in area.

In the B4A Roosevelt Road Corridor District, when a tenant's wall sign is less than one-hundred twenty feet (120') from the nearest property line, the maximum size of a wall sign for a multi-tenant unit is one times the lineal front footage of the tenant space. As the proposed wall sign will be approximately seventy feet (70') from the front property line along Roosevelt Road and the tenant space is approximately thirty-two and one half (32.5) lineal feet, the tenant would be entitled to thirty-two and one half (32.5) feet of signage area.

The petitioner's proposed wall sign on the building's front façade is approximately eighty-eight and four-tenths (88.4) square feet. In the Standards to Variations, the petitioner states that the request for additional square footage is to allow the wall sign to be more legible as thirty-two and one half (32.5) feet of signage area is not effective or easily readable from Roosevelt Road.

In 2006, staff initiated PC 06-26, which proposed text amendments to the Sign Ordinance to clarify that the area of a wall sign should be calculated as the smallest rectangular shape that could completely enclose the sign. Staff had historically performed the calculations of signage area in the same manner. These amendments were proposed and adopted to prevent applicants from using another geometric shape, such as a polygon, as the basis for additional signage

area.

*The proposed sign contains the business' name "CD One Price Cleaners" as well as the corporate logo. The logo itself is three-and one-half feet in height, while the text is twenty (20) inches in height. The relative size of the logo is the direct cause of the excessive square footage. Wall signage relief had been granted to the Buffalo Wild Wings located to the west at 207 E Roosevelt (SPA 08-02ph). In that case, the wall signage was supported because the actual size of the illuminated sign was less than what was allowed by the Sign Ordinance. The relief was granted to address the trade dress, consisting of the yellow and black/white checkerboard painted on the building itself. In that case both staff and the Plan Commission felt that relief did not have the same visual effect as standard signage. Another notable case in the Village includes the recently closed Hollywood Video within the High Point Shopping Center, which consisted of several unique color schemes unique to their building prototype. When viewed in that context, the proposed sign package was deemed not to be intrusive and was approved.*

*Staff finds that the existing sign is already legible from Roosevelt Road and the proposed signage is a matter of preference. Also, the indicated hardships do not constitute a physical hardship associated with the property as all businesses along Roosevelt Road are required to meet the same wall sign size provisions. The Plan Commission recently denied a request by Cricket Wireless for a wall sign deviation in the High Pointe Shopping Center. As in this case, the Cricket sign exceeded code because of the corporate "K" logo.*

*The Comprehensive Plan identifies the site for Community Commercial uses. The existing use is therefore consistent with the Comprehensive Plan.*

*The subject property is bordered on the east and west by other existing retail commercial uses. Roosevelt Road has traditionally included a substantial number of stand-alone and integrated shopping center developments. While selected establishments within the corridor have received signage variations, the petitioner's request would not be consistent with the planned development in which it exists.*

*Staff offers the following responses to the Standards for Variation:*

*1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

*Staff finds that there are no conditions related to the property that prevent compliance with the signage size regulations. The subject tenant space does not have physical surroundings, shape, or topographical features that differ substantially from other corner tenant spaces within the planned development or those otherwise in close proximity. Furthermore, each tenant spaces in the planned development are located within close proximity to Roosevelt Road. Other tenants located in this building have successfully operated with wall signs of twenty-five (25) square feet or less.*

*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.*

Staff finds that there are no conditions unique to the subject property. There are many tenant spaces within the planned development and nearby on Roosevelt Road that have the similar configurations and are subject to the same signage regulations.

4. The alleged difficulty or hardship is caused by this ordinance and has not been create by any person presently having an interest in the property.

Staff finds that the sign could be constructed per the ordinance requirements either by reducing the overall size of the sign or reducing the height of the logo. The hardship has been created by the tenant as a result of the preference for a particular letter in this sign's design.

Staff has concerns about the precedent that would be established if the proposed request was to be granted. Multiple other tenants within the planned development, including those adjacent to the subject tenant space and others located further away from Roosevelt Road, have been able to meet the established signage size regulations. Should this request be granted, it would strengthen the case of similar requests for other such tenant spaces.

Staff also notes that if this request were granted, future occupants of the subject tenant space would maintain the rights to a larger wall sign. Future signs could potentially have greater bulk than the one proposed as future tenants could make use of surface area that the CD One Price Cleaners sign would leave vacant.

The Department of Community Development has determined that the information presented has not affirmed the Standards for Variations. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion denying the aforementioned deviation.

Mr. Stilling noted that the Plan Commission has the final decision in this case, unless the petitioner files an appeal, at which point it would go to the Village Board.

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

Commissioner Burke stated he agreed with the staff report.

Commissioner Flint stated he understood the petitioner's position and situation but felt that this would be setting a precedence.

Commissioner Sweetser questioned what the square footage of the sign would be without the logo. Mr. Stilling stated that even if the logo were to be removed, the sign would be around forty-seven square feet, which is still too large.

Village Manager David Hulseberg noted he had no comments.

Trustee Ware stated that he met with staff and requested that this matter be tabled to September 16.

Village Manager Hulseberg requested Director of Community Development Bill Heniff to give an update on this matter.

Director Heniff stated that since the last meeting staff had met with the petitioner and reviewed various options. He noted the original petition was for 1-1/2 times the allowable size and this proposal is about one-half of the original request. He indicated the Plan Commission had recommended denial of the

*initial request. The staff recommends approval of the revised signage request. Trustee Ware complimented staff for working with the petitioner and coming forward with a compromise of the 48 square foot sign.*

## Resolutions

- Q.**     [100413](#)     Hill Avenue Bridge Reconstruction  
Authorizing the signatures of the Village President and Clerk on an Intergovernmental Agreement with the Village of Glen Ellyn. (DISTRICT #1)  
**Attachments:**   [100413 cover sheet, memo, resolution.pdf](#)  
                          [Final IGA with Exhibits.pdf](#)  
                          [100413.pdf](#)  
                          [R 34-11.pdf](#)  
                          [100413 misc.pdf](#)
- R.**     [100522](#)     1024 and 1028 S. Edgewood  
Authorizing signatures of the Village President and Clerk on a Plat of Easement Abrogation for the properties located at 1024 and 1028 S. Edgewood. (DISTRICT #6)  
**Attachments:**   [1024 Edgewood Easement Abrogation.doc](#)  
                          [1024 & 1028 edgewood.doc](#)  
                          [100522.pdf](#)  
                          [R 35-11.pdf](#)
- S.**     [100525](#)     Hill Avenue Bridge Replacement Project, Design Engineering  
Approving a contract with Bollinger, Lach & Associates, Inc. in the amount of \$210,205.90 for Design Engineering Services. (DISTRICT #1)  
**Attachments:**   [100525.pdf](#)  
                          [R 36-11.pdf](#)  
                          [Agreement Hill Ave Bridge.pdf](#)  
                          [Hill Ave IDOT Agreement.pdf](#)

- T. [100526](#) St. Charles Road IDOT Local Agency Agreement, Amendment No. 1  
Reflecting a decrease in the amount of \$306,813.00 to the contract with  
IDOT. (DISTRICTS #1 & #4)  
**Attachments:** [100526.pdf](#)  
[R 37-11.pdf](#)
- U. [100528](#) Elizabeth Street and St. Charles Road Union Pacific Railroad  
Interconnect, Illinois Commerce Commission Petition  
Authorizing the President and Clerk to execute a petition to the Illinois  
Commerce Commission to allow an interconnect with the Union Pacific  
Railroad at the Elizabeth Street and St. Charles Road intersection.  
(DISTRICT #1)  
**Attachments:** [100528.pdf](#)  
[R 38-11.pdf](#)
- V. [100532](#) Community Development Block Grant (CDBG) - Village Hall Restroom  
Accessibility Enhancements  
Authorizing the Village Manager to submit a Community Development  
Block Grant Application seeking financing assistance for accessibility  
enhancements to existing restrooms within the Village Hall. (DISTRICT  
#6)  
**Attachments:** [R 39-11.pdf](#)  
[CDBG Board Cover.doc](#)  
[CDBG grant - Village Hall Restroom Application doc.doc](#)  
[100532.pdf](#)
- W. [100533](#) Community Development Block Grant (CDBG) - Morris Pond  
Stormwater Detention Improvements  
Authorizing the Village Manager to submit a Community Development  
Block Grant Application seeking financing assistance for the Morris  
Pond stormwater detention improvements. (DISTRICT #2)  
**Attachments:** [R 40-11.pdf](#)  
[CDBG Board Cover.doc](#)  
[CDBG grant - Morris Pond Improvements.doc](#)  
[100533.pdf](#)
- X. [100534](#) Start the Heart Program  
Resolution authorizing the Village of Lombard to participate in the Start  
the Heart Program with the DuPage County Health Department and the  
Midwest Heart Association.



**Attachments:** [RESstartheartcovermemo.doc](#)  
[ResStarttheHeartCoverBlue.doc](#)  
[RESstarttheheart.docx](#)  
[R 41-11.pdf](#)  
[100534.pdf](#)

- Y. [100536](#) Community Development Block Grant (CDBG) - Westmore-Meyers Road Sidewalk Improvements  
Authorizing the Village Manager to submit a Community Development Block Grant Application seeking financing assistance for Neighborhood Infrastructure Improvements proposed for the Westmore-Meyers Road Sidewalk Improvements. (DISTRICT #6)

**Attachments:** [R 42-11.pdf](#)  
[CDBG Board Cover.doc](#)  
[CDBG grant - Westmore Meyers Sidewalk Improvements.doc](#)  
[100536.pdf](#)

### Other Matters

- Z. [100527](#) Elizabeth Street Interconnect with Union Pacific Railroad  
Award of a contract to Gaffney's PMI, the lowest responsible bid of two bidders, in the amount of \$125,020.10. Bid in compliance with Public Act 85-1295. (DISTRICT #1)

**Attachments:** [100527.pdf](#)  
[Contract # M-10-06- Gaffney's.pdf](#)

- AA. [100529](#) Alley Improvements (Lombard to Elm)  
Request for a waiver of bids and award of a contract to John Neri Construction Company in the amount of \$64,463.00. Public Act 85-1295 does not apply. (DISTRICT #5)

**Attachments:** [100529.pdf](#)  
[Contract # M-11-05.pdf](#)

- BB. [100540](#) Sewer Root Control Chemical Application  
Request for a waiver of bids and award of a contract to Duke's Root Control in the amount of \$50,000.00. Public Act 85-1295 does not apply.

**Attachments:** [100540.pdf](#)  
[Dukes Root Control Contract.pdf](#)

- CC.**    [100390](#)            Rain Barrel Grant Program Amendment  
Recommendation from the Environmental Concerns Committee to modify the reimbursement to \$40.00 for a maximum of one rain barrel effective October 7, 2010.
- Attachments:**    [100390.pdf](#)  
[Rain Barrel Memo to BOT.pdf](#)  
[Rain Barrel Grant Application.pdf](#)  
[Rain Barrel BOT Cover.pdf](#)  
[100390.pdf](#)
- Village Manager Hulseberg indicated the effort was to fund the Lawn Mower Grant Program.*  
*Trustee Moreau moved that this be sent back to committee for further review.*  
*Trustee Wilson questioned if the funds can be used for something else.*  
*Trustee Moreau indicated the cost of rain barrels has decreased and you can purchase them at many stores. She did not feel that it was necessary to fund 100% for the purchase of two rain barrels. She requested that this be referred back to committee for review and modifications, possibly reducing the purchase to one instead of two rain barrels.*  
*Trustee Wilson questioned if the Board should not go ahead and approve and then it would not be necessary for this to come back for action and the money would be there for something else.*  
*Trustee Moreau indicated she wanted the committee to review this as they may have additional recommendations and wants the committee to clarify this.*  
*President Mueller stated the committee may recommend changes.*  
*Gorman: this is funded out of the recycling fund. I do not attend the Village Board meetings but the synopsis was that this is considered really reaching towards recycling. We do have funding available. Moreau: are people still OK with 1 barrel at \$40.00 per household? Concensus of committee was yes.*  
*Gorman: I will write a new memo to go to the next Board meeting.*
- DD.**    [100517](#)            Clover Creek Apartment Complex  
Motion to ratify the Approval and Execution of a release of security instruments for the Clover Creek Apartment Complex. (DISTRICT #3)
- Attachments:**    [100517.pdf](#)
- EE.**    [100519](#)            CUB's Energy Saver Campaign  
Recommendation from the Environmental Concerns Committee for the Village of Lombard to partner with CUB (Citizen's Utility Board) in their Energy Saver Campaign. (DISTRICTS - ALL)
- Attachments:**    [CUB Energy Saver Campaign - ECC Memo.pdf](#)  
[CUB Energy Saver Campaign - BOT Memo.pdf](#)  
[CUB Energy Saver Campaign - BOT Cover.pdf](#)  
[100519.pdf](#)  
[100519.pdf](#)
- Gorman: I have signed up myself. There is a lot of great information on the website. Moreau: who/what is CUB? Gorman: the Citizens Utility Board. They are all about watching out for citizens rights, and they do not see any gain out of this at all. There really is no down side to this. They will give every resident that signs up 5 CFL's.*

- FF. [100521](#) Administrative Battalion Chief Position  
Motion to eliminate the vacant Administrative Battalion Chief position in the Fire Department.  
**Attachments:** [RequestforBOTActionForm.doc](#)  
[EliminationofVacantFDAdminBCPosition.doc](#)  
[100521.pdf](#)
- GG. [100531](#) Lombard Town Centre - Spooktacular Signage  
Motion granting approval to place three temporary banner signs on Village-owned properties for the purpose of promoting Spooktacular from approximately October 8, 2010 until the conclusion of the event. (DISTRICTS #1, #3, #4 & #6)  
**Attachments:** [BOT Memo LTC Spooktacular Signage 2010.doc](#)  
[LTC Spooktacular temp signage.doc](#)  
[100531.pdf](#)
- HH. [100524](#) Appointment - Community Relations Committee  
Request for concurrence in the appointment of Ahmed Ali to the Community Relations Committee with a term to May 2011 as submitted by Trustee Fitzpatrick.  
**Attachments:** [apptmemocomrelations9272010.doc](#)  
[submit9272010.doc](#)  
[Appointment Letter Mr.Ali.pdf](#)  
[100524.pdf](#)
- \*II. [100555](#) Replacement of Traffic Signal at the Intersection of Westmore & St. Charles Rd.  
Request for a waiver of bids and award of a contract to Meade Electric in the amount of \$27,089.66. Public Act 85-1295 does not apply. (DISTRICT #4)  
**Attachments:** [100555.pdf](#)

## IX. Items for Separate Action

### Ordinances on First Reading (Waiver of First Requested)

- A. [100510](#) ZBA 10-11: 148 W. Park Dr.  
Requests that the Village grant a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to three feet (3') where six feet (6') is required within the R2 Single-Family Residence District. (DISTRICT #6)

**Attachments:** [apoletter 10-11.doc](#)  
[Cover Sheet.doc](#)  
[DAH referral memo without ordinance.doc](#)  
[DAH referral memo.doc](#)  
[PUBLICNOTICE 10-11.doc](#)  
[Referral Let.doc](#)  
[Report 10-11.doc](#)  
[100510.pdf](#)  
[Ordinance 6536.pdf](#)

*Bryan Rehfeldt, son of the property owner, presented the petition. Mr. Rehfeldt stated that a major portion of the home was destroyed by fire in February. He added that it was a total loss. Mr. Rehfeldt then stated that the insurance company required that the house be rebuilt to its original state. He then added that the family has decided to sell the house once it has been rebuilt, but he (personally) has no vested interest in the property. He stated that he was acting on behalf of his father who does not have the capacity to present the petition. Lastly, he stated that they plan to rebuild the home the way it was.*

*Michael Toth, Planner I, asked the petitioner to provide clarification on the carport/garage history as the permit history is unclear.*

*Bryan Rehfeldt stated that the original carport was converted into an attached garage about 25 years ago. He added that the work was done without a permit.*

*Mr. Toth stated that testimony has been provided, which indicates that the garage (that was destroyed by the fire) was never lawfully established in the first place. He added that the record should reflect this information. Mr. Toth also stated that the record should reflect that the carport was actually an attached garage. He noted that the structure was destroyed before staff had the opportunity to visit the site and make note of the site improvements.*

*Dean Comber, 144 W. Park, asked whether or not the Fire Department had any issues with the reduced setback. He asked if this was a safety concern.*

*Mr. Toth stated that the Fire Department had the opportunity to review the case through the IDRC process. He stated that the Fire Department had no comment on the case, which means that they didn't believe that this was a safety hazard.*

*Chairperson DeFalco then requested the staff report.*

*Mr. Toth presented the staff report. The property contains a split-level single family residence which once contained a carport on the eastern portion of the residence. Due to recent fire damage, the residence has undergone a number of internal improvements. Unrelated to the fire damage, the carport was also demolished. The petitioner now plans to construct an attached garage where the carport once existed. The new construction would maintain the original carport setback of three feet (3'). The Zoning Ordinance requires that the new construction meet an interior side yard setback of six feet (6'). Therefore, a variation is necessary.*

*The petitioner is proposing to construct an attached garage where a carport once existed. The original carport was three feet (3') from the side lot line. The*

*proposed attached garage addition would occupy the same footprint of the carport. Therefore, the addition would be set back three feet (3') and would be one-story in height.*

*As the proposed addition would maintain the building line of the original carport, it would not increase the degree of encroachment into the side yard. Staff notes that a two-car attached garage could not be constructed in any other portion of the house. The eastern portion of the existing residence (directly north of the proposed garage location) maintains a six foot (6') setback and the western portion of the residence is setback eight feet (8'), respectively. As such, there is inadequate space to allow a driveway to the rear of the residence to construct a detached garage. These setback deficiencies can be attributed, in part, to the width of the lot being fifty-four feet (54'). This lot width would be considered substandard by current Zoning Ordinance requirements that lots zoned R2 must be sixty feet (60') in width.*

*Listed below are several ZBA cases in which similar variation requests were made where the addition holds the setback of the existing residence and does not further encroach into the requisite yard. Examples of these variations include:*

- 1. The property at 576 Green Valley Drive received approval of a variation to reduce the required interior side yard setback from six feet (6') to two feet (2') for the conversion of a carport into a garage and for a residential addition (ZBA 03-10).*
- 2. The property at 828 S. Fairfield received approval of a variation to reduce the required interior side yard setback from six feet (6') to two and one-half feet (2.5') for a residential addition (ZBA 05-14).*
- 3. The property at 219 W. Hickory received approval of a variation to reduce the required interior side yard setback from six feet (6') to two and one-half feet (2.5') for an attached garage (ZBA 06-14).*
- 4. The property at 259 N. Garfield received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.88 feet for a second story addition holding the previously developed exterior wall of the residence (ZBA 07-12).*
- 5. The property at 217 N. Craig Place received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.9 feet for a sunroom at the rear of the home holding the previously developed exterior wall of the residence (ZBA 08-03).*
- 6. The property at 126 S. Lombard received approval of a variation to reduce the required interior side yard setback from six feet (6') feet to four and one-half feet (4.5') for an addition that held the previous setback line (ZBA 09-04).*

*Staff finds that this petition meets the Standards for Variations. The proposed location for the addition and garage are due to the existing configuration of improvements on the lot. The proposed attached garage would be constructed within the footprint of the previously existing non-conforming structure (the testimony provided clarifies that it was not a 'legal' structure) and would therefore not increase the degree of setback non-conformity than what previously existed for many years. Lastly, the western portion of the neighboring property (directly to the east of the subject property) is improved*

with a driveway. As such, that residence (144 W. Park) has a side yard setback of eleven (11) feet. Furthermore, the separation between the subject principal structure and that of the neighbor to the east would be fourteen (14) feet. Mr. Toth stated that this is important to note because the side yard setback in the R2 District is six (6) feet so in most situations homes in the R2 District are usually only spaced twelve (12) feet apart.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-11, subject to the five conditions outlined in the staff report.

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

Mr. Young asked if the property was located on Green Valley. He also questioned the addition location mentioned in the staff report.

Mr. Toth stated that the property is located on Park, but Green Valley Drive does continue from Park Drive in that area. Mr. Toth also stated that the addition mentioned in the staff report refers to the addition on the subject property to the north of the proposed garage location.

Chairperson DeFalco asked if the proposed garage would be located in the same footprint as the previous garage.

Mr. Toth stated, yes.

Mr. Bartels questioned the framing and foundation of the proposed addition.

Karolina Boldyrew, representing the building company, stated that all framing and foundation will be brought up to code compliance.

Mr. Young asked what the setback is for the existing addition to the north of the proposed garage area.

Mr. Toth stated that the addition is set back six (6) feet. He added that the addition was properly permitted and met code.

Chairperson DeFalco gave an overview of the case. He then mentioned that past precedence has been established for cases that involve locating a structure in an existing footprint. He added that the precedence has been to recommend approval.

Mr. Bartels questioned the ability to track the past permits in order to establish the origin of the projects. He also questioned if carports were ever permitted at three (3) feet because there are a lot of them that exist at three (3) feet.

Mr. Young stated that the ZBA recommended approval of several of these types of variations.

Referring to Mr. Bartels statement, Mr. Toth stated that there was a flood in the 60's that wiped out a lot of permit data. He stated that (in his own opinion) it was possible that staff (at that time) made the interpretation that the eaves were permitted encroachments so maybe they deemed that a carport was essentially just an eave. He then stated that he looked through past zoning ordinances and did not find anything that would permit the carports to have a three (3) foot setback.

*Chairperson DeFalco asked if the roof of the proposed garage extended out further into the yard.*

*Mr. Toth stated that (according to the plan) the roof extended out about six (6) to ten (10) inches.*

*Chairperson DeFalco then gave an overview of the five conditions of approval. He then questioned condition #1, which refers to an 'addition'.*

*Mr. Toth stated that an attached garage is considered to be an addition.*

*Mr. Bedard stated that the conditions should include information that prevents the variance to allow the three (3) foot setback to span the length of the property.*

*Mr. Toth stated that the condition ties the setback to the proposed plan only. Any addition setback reductions would require another variation.*

*Mr. Young questioned whether or not a two car garage is even possible at only seventeen and a half (17.5) feet.*

*Karolina Boldyrew stated that it is possible as the door is only sixteen (16) feet wide.*

## Other Ordinances on First Reading

- \*B1. [100514](#) Ordinance Amending Title 9 - Fees for Emergency Medical Services Establishing a fee for Basic Life Support Treatment with no transportation after five calls in one calendar year.

**Attachments:** [ORDEMSFEES2010.doc](#)  
[OrdCitizenAssist.pdf](#)  
[100514.pdf](#)

## Ordinances on Second Reading

### Resolutions

### Other Matters

- B. [100330](#) 300-310 S. Main Street (Prairie Path Villas) (Tabled September 2, 2010) Authorizing the Village of Lombard to notify the Illinois Environmental Protection Agency that the Village will no longer agree to have certain right-of-ways act as an engineered barrier. (DISTRICT #1)

**Attachments:** [BOT memo TACO void cont.doc](#)  
[BOT memo TACO void.doc](#)  
[Cover SheetTACO agreement.doc](#)  
[Memo 9-2.pdf](#)  
[BOT memo TACO void 10-7 report.doc](#)  
[100330.pdf](#)

*Village Manager David Hulseberg gave an overview of the property. He noted that prior to development of the property there was a gas station located on the south end of the property. He reported the petroleum had leaked into the right-of-way. He noted that some had been captured, but felt there was a portion that was still contaminated. This portion is under the high fiber ducts owned by AT&T that are located on the property. If any work had to be performed and disturbed the high fiber ducts, the Village would be subject to very high fines of \$10,000 per ten minutes. He reported the developer of the property tried to vacuum the contamination, but they were unsuccessful. The Village has a highway authority agreement and this area was to serve as a barrier. The Village and developer had hoped that in time the contamination would dissipate. He felt the Village should request \$100,000 from the developer to protect the interests of the Village in this matter. The IEPA has issued a no remediation order for the property. The Letter of Credit has been called and no longer exists to protect the Village from any costs that may arise. He indicated that if any units at the development were sold they would not come with a clear title. He noted staff had met with legal counsel regarding this matter. It is staff's recommendation that the developer and property owners should be responsible. He noted a unit could be purchased and the purchaser not be aware of this issue. He indicated staff continued to work with the property owner, but felt the Village was potentially looking at being liable for expenses. He stated that since the Village Board would not be meeting in the summer, he felt this matter should be addressed since no compromise had been reached. He*



was looking for authorization from the Village Board to send a letter to the IEPA to put the property on notice. He felt staff could continue to work with the property owner. He indicated staff was looking at the best interests of the Village.

Katy Hurst, 310 S. Main Street, stated she is a resident and President of the Association Board. She indicated the residents want to resolve this issue and wanted to work with the Village to do so. She requested the Village give the owners some additional time to resolve the outstanding environmental issues. She noted the association did not have the money to reinstate the Letter of Credit. If the Village pursued this, they would have to look at a special assessment and she was concerned that some residents may have to walk away from the units.

Steve Kalke, 4425 Ponce de Leon Boulevard, Coral Gables, FL, spoke and requested the Village Board and staff continue to work with the developer and property owners in this matter until it can be resolved.

President Mueller spoke regarding the contamination of the property and gave some further background of the property. He spoke of the gas station, the body shop and the dairy that were located on the site years ago. He noted that the current contamination problems go back 50 years. He spoke of the improvements that had been done and the remediation that had occurred. He noted that a lot of money had been spent to clean up the site over the years.

Trustee Gron questioned where this left the property owners.

Manager Hulseberg noted this was a quandary and refinancing or selling would be an issue. He indicated that staff was willing to continue to work with the property owners and developer. He stated the Village does not need to move forward on this immediately. Staff felt it was in the best interests of the Village to bring this to the Board.

Trustee Gron questioned how the Village would document this.

Manager Hulseberg indicated the property could be re-tested and reinspected. He talked about a possible extension of the agreement. He felt by moving forward with the letter to the IEPA, the Village would be protected as the owners would have to pay the Village the \$100,000 that would be put into a fund in the event it was needed.

Trustee Ware inquired what would happen if the Village Board did not approve moving forward on this matter.

Manager Hulseberg indicated some of the 19 units could be sold to unsuspecting individuals.

Trustee Wilson questioned if there would not have to be a disclosure if a unit was sold.

Attorney Tom Bayer indicated if the remediation is filed, it will show up at closing. He stated if the Village Board approved moving forward, a letter would be sent to the IEPA.

Trustee Wilson questioned the contaminated area.

Attorney Bayer stated this is a portion under the sidewalk under the high fiber lines located in the right-of-way. He indicated if any of the utility companies such as AT&T, ComEd, or NICOR had to do repairs, the workers would need to have special equipment due to the contamination. The Village would be billed for this expense and would not have recourse at this time as there is no valid Letter of Credit. He noted the area is approximately 12 feet by 4-1/2 feet on Main Street at the south end of the property.

Trustee Wilson asked if this was a problem only if the utility companies needed to work in that area.

Manager Hulseberg indicated that was true. He stated staff could work with the property owners and developer and if they agreed not to transfer title to any units, the Village could continue discussion regarding this matter.

Trustee Gron inquired about continuing to work with the owners and developer.

Trustee Moreau stated she had pulled this item from the Consent Agenda as she had just recently been made aware of it. She questioned if the primary purpose was to make certain that any potential buyers would be made aware of this issue.

Attorney Bayer stated if the Village did not move forward with sending the letter to the IEPA, there would be no remediation listed on the title for the properties. He stated the IEPA does not move quickly. He noted if the Village approved moving forward and sent the letter to the IEPA, it would take months for the IEPA to act. He stated this would then alert any potential buyer to this problem. Trustee Moreau stated this did not just occur.

Trustee Ware questioned costs.

Manager Hulseberg stated costs were unknown as it would depend on the amount of time and how many times any repairs would need to be made. He also noted access to the lines was difficult.

President Mueller noted that the Letter of Credit had been revoked and thus the Village was responsible for any costs. He stated if the Village proceeded, that the developer and property owners would be responsible for any costs.

Attorney Bayer stated there was no Letter of Credit and nothing to reimburse the Village for any costs incurred. He noted that Village Board can approve staff's recommendation regarding the letter and the Village can hold off sending the letter to the IEPA. This will allow staff additional time to work with the property owners and developer. This will also provide some pressure to the owners and developer to work with staff to resolve the matter. That way the property owners will not be hurt immediately. He noted that the cost for removal of the contaminated soil is far more because of the location of the contaminated area being located under the utility cables.

Trustee Wilson questioned if the Village moved forward with the letter to the IEPA, if properties would still be able to be sold.

Manager Hulseberg noted that specialists had expected the contamination to dissipate. The letter would make it more difficult for a buyer to obtain financing.

Attorney Bayer stated if the letter were filed and if work had to be done in the contaminated area, the cost would be up to the property owners.

Trustee Moreau questioned the \$100,000 amount.

Manager Hulseberg indicated the Village looked at the risk. In all likelihood, the contamination will dissipate in time.

Trustee Moreau questioned tabling the item to the next Village Board meeting.

Attorney Bayer stated the Village can have a condition included in the agreement that as long as staff is having productive negotiations with the property owners and developer, that the letter will not be sent to the IEPA. He noted the Village can determine a length of time for the resolution of the problem. He asked if the Village Board was comfortable with using the date of the next scheduled Village Board meeting of August 19th. He noted if the issue was not resolved by a date certain, the Village can proceed with the letter.

President Mueller asked that staff be given time to work with the association and the residents.

Trustee Wilson questioned tabling the item.

Steve Kalke indicated the association has no funds to replace the Letter of Credit. He noted things were tough in this economy. He spoke of possible smaller assessments over a longer period of time.

Trustee Gron indicated he would defer this to Trustee Moreau as she had pulled it off the Consent Agenda. He indicated he would like to see them move as quickly as possible as he was sure they wanted to sell the remaining condos.

Trustee Moreau asked about an additional meeting the following week. She moved to table this matter to the August 19th Village Board meeting and have staff meet with the residents.

*President Mueller indicated this was an unfortunate issue, but he wanted to protect the Village and felt the Board had an obligation to protect the residents from the financial burden this may cause. He spoke of the developer, the project and the economy. He felt the project was great and it was unfortunate that the economy took a toll.*

*Trustee Giagnorio asked about meeting or negotiating.*

*Manager Hulseberg stated staff can continue dialog with the residents and staff can report back to the Village Board at the August 19th meeting.*

*Trustee Wilson indicated he would like to attend the meeting with the residents.*

*Trustee Moreau indicated that most of the trustees would want to attend.*

*Attorney Bayer stated this would result in the posting of a special meeting to be in compliance with the Open Meetings Act.*

*President Mueller suggested that staff meet with the residents along with the trustee for that district. The trustee can then report back to the rest of the Village Board. This way there is no conflict.*

*Trustee Gron asked that this item be tabled to September 2.*

## **X. Agenda Items for Discussion**

## **XI. Executive Session**

## **XII. Reconvene**

## **XIII Adjournment**

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