

Village of Lombard

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



Meeting Minutes

Monday, July 18, 2011

7:30 PM

Village Hall - Board Room

Plan Commission

*Donald F. Ryan, Chairperson
Commissioners: Ronald Olbrysh, Martin Burke,
Ruth Sweetser, Andrea Cooper, Stephen Flint and
John Mrofcza
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 Martin Burke, Commissioner Ruth Sweetser, Commissioner Stephen Flint and John Mrofcza, Jr.

Absent: Commissioner Andrea Cooper

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

Chairperson Ryan called the order of the agenda.

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

Public Hearings

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[110439](#)

SPA 11-05ph: 441 E. Roosevelt Rd. (High Point Center Shopping Planned Development)

Requests site plan approval of a deviation from Section 153.505(B)(19)(b)(2) to increase the permitted number of wall signs for property located within the B4APD Roosevelt Road Corridor District, Planned Development. (DISTRICT #6)

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Guy Dragisic of Olympic Signs, 1130 N. Garfield, Lombard, presented the petition. He stated that on behalf of JoAnn Fabrics they are requesting four additional wall signs on the property located at 441 E. Roosevelt Road. Jo-Ann Fabrics is moving from their existing location in Villa Park to Lombard. Mr. Dragisic referred to their answers to standards and noted that the four signs are part of their corporate identity package. Other businesses in the center display more than one sign or symbol so they would like to be afforded the same opportunity. He stated that the store is 168' in length and if it were divided into multiple store fronts, eight signs would be permitted. The proposed signs are non-illuminated and small, ranging in size from 8, 10, 13 and 15 square feet respectively. They are trying to satisfy code within reason and be a good neighbor. He explained how they initially requested a larger wall sign. Staff informed them that it was too large and against code, so they immediately complied and proposed a smaller sign.

Chairperson Ryan then opened the meeting for public comment. There was no one present to speak for or against the petition.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report and stated it was being submitted into the public record in its entirety. JoAnn Fabrics is in the process of opening a new store in the former Hancock Fabrics space in the High Point Shopping Center. As part of their signage plan, JoAnn Fabrics is proposing a total of five wall signs. Section 153.505(B) (19)(b)(2) requires that interior tenants located within properties with multiple tenant spaces be permitted to have only one (1) wall sign. The main wall sign was already permitted as-of-right; however, the four (4) additional wall signs require site plan approval to allow for multiple wall signs.

The subject property is located within a commercial shopping center. It is immediately surrounded by multiple commercial uses and is also part of the Roosevelt Road Corridor. The proposed signs will only be visible to individuals along Roosevelt Road and within the center itself. It will not be visible from any residences adjacent to the subject property.

Ordinance 3064, adopted June 2, 1988 (PC 88-13) amended Ordinance 2867, allowing for additional signage in the High Point Shopping Center at 401-581 E. Roosevelt Road. The approval provided additional signage for select tenants within the High Point Shopping Center. Those tenants were granted one additional wall sign, at no more than twenty-five (25) square feet in area. The subject tenant space was not included as one of the select tenants; however, Ordinance 3064 establishes that relief has been granted in the past within the High Point Shopping Center. Ultra Foods received approval in 2007 (SPA 07-02) for a signage deviation to allow for an additional one hundred seventy-four (174) square foot wall sign on their north building elevation. Furthermore, Hobby Lobby, which is a similar retail craft store located within the Sportmart Plaza in the Roosevelt Road Corridor, received approval in 2007 (PC 07-05) for four additional wall signs that are similar in nature to what is being proposed by JoAnn Fabrics. As the site is a planned development, the signage associated with JoAnn Fabrics needs to be reviewed in the context of the entire shopping center. The petitioner's plan deviation request is to allow for four (4) additional wall signs on the west elevation. The combined total area of the four (4) additional wall signs would be 47.6 square feet.

The total width of the JoAnn Fabrics tenant space is one hundred and sixty-eight (168) lineal feet. The Sign Ordinance allows for the area of wall signs on buildings with multiple tenants in the B4A District to not exceed one times the lineal front footage of the tenant space. However, if the wall sign is located less than one-hundred and twenty (120) feet to the nearest lot line, the sign shall not exceed one-hundred (100) square feet. As previously mentioned, the main wall sign was already permitted by-right and is one-hundred (100) square feet in total surface area. With the inclusion of the four (4) proposed wall signs, the total square footage for all wall signage for JoAnn Fabrics would be one-hundred forty-six (146) square feet.

As the total area of the wall signage of one-hundred forty-six (146) square feet would be less than the width of the tenant space (168 square feet), the overall size of the tenant space and of the existing exterior of the building façade ensures that the additional signage will not create an appearance of excessive signage. Furthermore, if the subject tenant space was actually smaller divided into individual tenant spaces, the proposed signs could be erected by-right at each tenant space.

Concluding, Mr. Toth stated that staff recommends that the petition be approved as it has met the Standards for Variations and is consistent with wall signage relief granted in the immediate vicinity subject to the one condition in the staff report. He also clarified the wording of the motion should the Commissioners recommend approval.

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

The Commissioners had no comments.

It was moved by Commissioner Burke, seconded by Commissioner Flint, that this matter be approved with one condition. The motion carried by the following vote:

Aye: 5 - Olbrysh, Burke, Sweetser, Flint and Mrofcza

Absent: 1 - Cooper

1. The petitioner shall develop the site in conformance with the submitted plans, prepared by the MC Sign Company, dated April 7, 2011.

110440

PC 11-14: Text Amendments to the Lombard Zoning Ordinance

The Village of Lombard is requesting text amendments to remove Scrivener's errors, redundancies, and ambiguities within the Zoning Ordinance, as follows:

1. Sections 153.211 Awnings and Canopies and 153.602 Definitions

Clarify language regarding the classification of signage as awning signs, valance signs, and/or wall signs.

2. Sections 155.211 Home Occupations, 155.223 Live Entertainment, and 155.602 Off-Street Parking

Update existing references to the BOCA Basic Fire Prevention Code to reflect current Fire Code requirements.

3. Sections 155.404 Conservation Recreation District Requirements, 155.412 O Office District Requirements, 155.413 B1 Limited Neighborhood District, 155.414 B2 General Neighborhood Shopping District, 155.415 B3 Community Shopping District, 155.416 B4 Corridor Commercial District, 155.417 B4A Roosevelt Road Corridor District Requirements, 155.418 B5 Central Business District Requirements, 155.419 B5A Downtown Perimeter District Requirements, 155.420 I Limited Industrial District Requirements, and 155.802: Definitions

Establish consistent terminology, delete redundant references, and adding or modifying definitions (where necessary) pertaining to the following land use categories: indoor and outdoor amusement establishments and parks, animal hospitals and kennels, bakeries, banks and financial institutions, building material and products sales and storage, clubs, coffee shops and restaurants, compact disc, record, and sheet music stores, dry cleaning and pressing establishments, electrical stores and showrooms, florists and flower shops, furniture stores and interior decorating shops and upholstery, furriers, garden supply stores, gasoline sales, greenhouses and nurseries, home improvement stores and showrooms, laboratories, laundries and laundrettes, liquor stores and party supply stores, automobile, motor vehicle, and recreational vehicle repair, sales, and service, offices, parking lots and structures, post offices and parcel packing and shipping establishments, public utility and service uses and municipal buildings and facilities, recreation and community centers, recreational and social facilities, religious institutions, shoe stores and repair, tailor and custom dressmaker shops, taverns and cocktail lounges, sale and rental of video tapes, compact and laser discs, and electronic game cartridges, and wearing apparel and clothing shops. (DISTRICTS - ALL)

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Christopher Stilling, Assistant Director of Community Development, presented the petition. The Village of Lombard is proposing a series of text amendments to address inconsistencies and ambiguities within the Sign Ordinance and Zoning Ordinance pertaining to signage on awnings, land use classifications, and references to the Village's Fire Code. None of the proposed amendments are intended to change current requirements; rather, they are meant to make the Village Code more consistent in its terminology and references.

Relative to awning signage, the proposed amendments to the Sign Ordinance attempt to create consistency and clarification, while still keeping with the intent of the Sign

Ordinance. Any regulation that specifically establishes limitations based upon speech may not be content neutral. Moreover, the temporary sign provisions were amended to eliminate signage regulation based upon speech, as part of PC 09-26. Currently, only the name of the establishment or owner of the business may be displayed on the front and side valance of the awning or canopy. In keeping with the content neutral subject matter, staff is proposing to allow any text, graphics and logos to be displayed on a valance, within the ten inch height requirement.

Staff is also seeking to add clarification to the awning and canopy signage provisions. Currently, advertising placed on any awning or canopy is considered to be a wall sign and is subject to the size requirements established for wall signs. Such regulations create conflict within the Sign Ordinance as wall signs and awning & canopy signs each have separate regulations, with respect to the number and size, in all commercial zoning districts. By eliminating such reference, each sign would continue to be regulated separately, as intended.

Mr. Stilling then referred to the staff report noting that the proposed changes to the Sign Ordinance are denoted by underlining new text and removed by strikethroughs.

Relative to the Fire Code the Department of Community Development has formally adopted the 2009 International Code Council Fire Code to replace the Building Officials Code Administrators International Code. As an administrative clean up, staff is proposing to remove all references to the old BOCA National Building Code and in its place insert a general reference to the current fire code. By utilizing a broad reference to the 'current fire code', this will eliminate the need for a text amendment, to the relevant sections of Code, if the fire code were to again change. Again, proposed changes to the Zoning Ordinance are denoted by underlining new text and removed by strikethroughs.

As the Zoning Ordinance has been amended over time, the nomenclature used for various Land Use Categories has not always been kept consistent. For example, there are references to both automobile repair and motor vehicle repair, although both are the same land use. Also, due to the way in which the business districts refer back to one another, some uses are duplicated. For example, the B4 District allows both laundrettes and laundries, although there is no difference between these uses. Finally, as amendments have been made to certain land use categories, those amendments have not always been applied to every zoning district. For example, although references to specific types of religious institutions were removed from all residential zoning districts as well as the B5 and B5A Districts in 2004 as part of PC 04-22, the O District still lists out specific types of religious institutions.

He noted that the proposed text amendment list in the staff report is too extensive to read each one but indicated that the report was being entered into the public record in its entirety.

Lastly, he stated that the standards for text amendments have been affirmed and staff is recommending approval of PC 11-14.

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 opened the meeting for discussion among the Commissioners. The Commissioners had no comments.

It was moved by Commissioner Sweetser, seconded by Commissioner Olbrysh, that this matter be recommended to the Board of Trustees for approval. The motion carried by the following vote:

Aye: 5 - Olbrysh, Burke, Sweetser, Flint and Mrofcza

Absent: 1 - Cooper

Business Meeting

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The business meeting commenced at 7:47 p.m.

Approval of Minutes

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On a motion by Olbrysh and seconded by Mrofcza the minutes of the June 20, 2011 meeting were approved by a 4-0 vote with minor corrections as noted by Village Counsel. Commissioner Burke abstained from voting.

Public Participation

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There was no public participation.

DuPage County Hearings

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There were no DuPage County hearings.

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, Assistant Director of Community Development, provided an overview of next month's cases.

Commissioner Mrofcza asked if the DMK Burger petition was approved. Mr. Stilling answered that the Commissioners approved the petition the night it was presented. He then explained the site plan approval process.

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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Average Front Yard Setbacks

Michael Toth, Planner I, presented the workshop. He stated that staff recently conducted a workshop on the issues pertaining to average front yard setbacks at the March 21, 2011 Plan Commission meeting. At that meeting, the Plan Commission made recommendations to simplify the language by removing the maximum building line, consider average setback provisions only for new single family residences and allow for administrative variations.

Based on this recommendation, staff has now proposed the following changes:

Removal of the Maximum Building Line

By requiring a fifty (50) foot building line, we have actually created an absolute setback for properties located in neighborhoods consisting of properties of greater depth. As an example, a variation was approved on May 19, 2011 (ZBA 11-04) for the property located at 1155 S. Fairfield Ave. A variation was required because the proposed single-family residence was to be built seventy-two (72) feet from the front lot line and therefore failed to meet the required fifty (50) foot maximum building line. In summation, the property to the north of the subject property had a front yard setback approximately sixty-seven (67) feet and the property to the south had a front yard setback of approximately one hundred and twenty (120) feet, which meant that the proposed residence had to be built at exactly fifty (50) feet. As the required fifty (50) foot building line would require that the subject residence be developed in front of both neighboring properties, a diminished viewshed is inevitable and the desired homogeneity of setbacks is not achieved.

To address this issue, the maximum build-to line provision would be removed. A default fifty (50) foot setback is provided for abutting lots that have single-family dwellings located more than fifty (50) feet from the front lot line.

New Single Family Provisions

Under the strict interpretation of the average front yard setback provisions, if a residence is considered legal nonconforming, a building addition would be required to meet the required minimum setback. In addition, the average front yard setback provisions have made many existing homes legal nonconforming. Furthermore, homes that are legal nonconforming with regard to the required front yard setback have also had issues when constructing second story additions. To address this issue and keep with the theme of issue #3, staff also added provisions, which only applies the average front setback to new single-family homes.

Administrative Variations

Staff has looked into administrative variations in the past; however, it did not receive approval from the Village Board. As such, allowing for administrative variations for front yard setbacks is not included in the proposed text amendments. More specifically, the Planning Services Division of the Community Development Department proposed several changes to the Zoning Ordinance that pertain to the approval process for "minor" variation requests (as part of PC 07-11). Essentially staff proposed an

administrative variation process, whereby the authority to grant approval of variations, in selected limited cases, would be given to the Director of Community Development. The intent of the amendment was to provide for a streamlined approval process for those variation requests that are deemed to be minor in nature and have traditionally been supported by the Zoning Board of Appeals and the Village Board. While the Plan Commission and Zoning Board of Appeals recommended in favor of allowing for administrative variations, the Village Board ultimately denied the request as they felt that it was their duty to decide on such variations.

As a result of staff's recommendations and feedback from the original Plan Commission, workshop, staff is now soliciting additional direction on the following text amendments, which would apply to all detached single family dwellings.

Mr. Stilling referred to the last page of the staff memo, Item B., and noted that it should read "constructed before the date of the approved ordinance, not after".

Mr. Toth noted that staff eliminated the maximum building line and clarified and simplified the language.

Mr. Stilling noted that this language would apply to both R2 single family districts built in the 1940's as well as today even though different standards would apply based on when the lots were platted. Doing it this way has been done by some of our neighboring communities.

Chairperson Ryan opened the meeting for comments from the Commissioners.

Commissioner Sweetser stated that the simplification is welcome. As staff deals with the complexities of this situation on a daily basis and has found what appears to be a workable solution, she is accepting of it.

Commissioner Olbrysh agreed with Commissioner Sweetser. He confirmed that the maximum building line has now been eliminated, the 30' front lot line would remain, and averaging would apply to the other aspects of it. Mr. Toth answered yes.

Commissioner Flint stated that people want to enjoy and have more private space to the rear of their homes rather in front so they would not want to have their homes pushed back too far.

Mr. Stilling noted that the petition for this text amendment will probably move forward in August.

Adjournment

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The meeting was adjourned at 8:00 p.m.

*Donald F. Ryan, Chairperson
Lombard Plan Commission*

*Christopher Stilling, Secretary
Lombard Plan Commission*

