

Village of Lombard

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



Meeting Agenda

Thursday, January 21, 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**

[100007](#) Fire Department Fire & Life Safety Hero Award - Amber Hensley & Travis Moore

Attachments: [Awards.pdf](#)

[100003](#) Medal of Character Excellence Award
Presentation of the Medal of Character of Excellence Award to Kendall Kott.

Attachments: [coversheet- kott.doc](#)

[kottbotmemo.doc](#)

[100003.pdf](#)

Two nominations were submitted to the committee for the Medal of Character Excellence Award. The first nomination was Kendall Kott, submitted by Bill and Eileen Mueller. Kendall was nominated for her activity in the community of giving back, including donating her hair to "Locks of Love," a non-profit organization that donates hair to children with cancer, donating her bike to the Outreach House and volunteering in numerous capacities in the community.

[100021](#) * Presentation - Sierra Club Certificate of Appreciation for Cool Cities Membership

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 Dick Tross, Chairperson

Board of Local Improvements - Trustee Richard J. Tross, President

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

Lombard Historical Commission - Clerk Brigitte O'Brien

**US Census Complete Count Ad Hoc Committee - Trustee Laura Fitzpatrick,
Chairperson**

VII. Village Manager/Village Board Comments

VIII Consent Agenda

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Payroll/Accounts Payable

- A. [100001](#) Approval of Village Payroll
For the period ending January 2, 2010 in the amount of \$1,041,154.59.
- B. [100002](#) Approval of Accounts Payable
For the period ending January 8, 2010 in the amount of \$345,364.96.
- C. [100012](#) Approval of Accounts Payable
For the period ending January 15, 2010 in the amount of \$676,324.74.

Ordinances on First Reading (Waiver of First Requested)

- D. [100009](#) Amending Title 11, Chapter 121 of the Lombard Village Code
Reflecting an increase in the number of Public Passenger Licenses
granting a license to operate a Taxi Company to Metro Yellow LLC.
(DISTRICTS - ALL)
Attachments: [Memo New Taxi.doc](#)
[ord taxi increase.doc](#)
[Ordinance 6429.pdf](#)
[100009.pdf](#)
- E. [100010](#) Sale of Surplus Equipment
Declaring 10 Village vehicles as surplus equipment and authorizing their
sale at the Tri-State Automobile Auction of Chicago. Waiver of first is
requested by staff.
Attachments: [100010.pdf](#)
[Ordinance 6430.pdf](#)
- F. [100011](#) Amending the Electric Utility Tax
Amending Title 9, Chapter 98, Section 98.101 of the Lombard Village
Code with regard to the Electric Utility Tax, which would return the
Electric Utility Tax to the maximum allowed under State Statute.
(DISTRICTS - ALL)
Attachments: [Amendment to Village code utility tax memo 1-2010.DOC](#)
[Ordinance 6431.pdf](#)
[100011.pdf](#)

Other Ordinances on First Reading

- G. [090794](#) Residential Energy Code

Approving text amendments to the Lombard Building Code Title 15,
Chapter 150 of the Code of Lombard. (DISTRICTS - ALL)

Attachments: [DAH referral letter Res Energy Code Amendments.doc](#)
[cover sheet.doc](#)
[Energy Code Highlights.pdf](#)
[Ordinance 6436.pdf](#)
[090794.pdf](#)

The Committee discussed the recently adopted regulations to the state Energy Efficient Commercial Building Act (Public Act 09-0778). The regulations amend the previously adopted Energy Commercial Building Act and establish energy code provisions for residential buildings, in addition to structures previously regulated through the code. Municipalities are obligated to enforce the provisions set forth within the Act and municipalities cannot establish regulations that are more restrictive or less restrictive than those provisions set forth in the Act, unless those provisions were established prior to the new state regulations.

Staff undertook a review of the provisions set forth within the Act and offered the attached summation for BOBA discussion purposes at their December 16, 2009 meeting. Staff reviewed these applications with BOBA and discussed how these mandates would be administered in the Village. Key elements are:

- 1. Builders will be mandated to undertake broad energy saving evaluations as part of new residential construction and residential addition activities. Staff also noted how such activities will be undertaken to meet the state mandate while providing reasonableness to the development community.*
- 2. Inspection staff will also be required to undertake reviews of new residential construction projects or additions to ensure that the Act's provisions are being met. Staff will be examining this issue further to determine whether this will necessitate a separate inspection or whether this item can be reviewed concurrent with other inspection activities.*
- 3. New windows will need to meet energy requirements. A broad interpretation of the state mandate would necessitate the Village to regulate and inspect all new windows or window replacements for compliance with the energy code provisions.*
- 4. The state's Capital Development Board has been tasked to adopt the Act's provisions and establish the applicability provisions. Staff anticipates that this activity will be completed in early 2010 in order to meet the Act's mandate. However, staff and BOBA are recommending that Village Code reflect the Act's provisions by reference in order to provide the development community with a comprehensive listing of all pertinent regulations pertaining to new construction.*
- 5. BOBA raised concerns about the additional costs associated with the new regulations. While one source (The Midwest Energy Efficiency Alliance) estimates that the new regulations would save homeowners \$267-\$667 annually on energy costs, this cannot be confirmed. BOBA discussed this issue and noted there would be additional costs associated with the new construction. Staff notes that the cost benefits associated with energy conservation or payback period for the mandates cannot be readily made. It was noted at the BOBA*

meeting that the new requirements may increase the construction cost of a new residence by 7 to 10 percent.

6. From a code amendment standpoint, the text amendment to Section 150 of the Village Code would be adopting the latest edition of the International Energy Conservation Code.

H. [090796](#)

PC 09-30: Text Amendments to the Lombard Zoning Ordinance
The Village of Lombard requests text amendments to Section 155.421 of the Lombard Zoning Ordinance amending the performance standards within the I Limited Industrial District. (DISTRICTS ALL)

Attachments: [Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PUBLIC NOTICE 09-30.doc](#)
[ReferralLetter doc.doc](#)
[Report 09-30.doc](#)
[Ordinance 6437.pdf](#)
[090796.pdf](#)

Christopher Stilling, Assistant Director of Community Development, presented the petition. He stated that the Village of Lombard is proposing text amendments to Section 155.421 of the Lombard Zoning Ordinance amending the performance standards within the I Limited Industrial District. These amendments are intended to address conflicts between the Zoning Ordinance and Fire Department requirements and to remove references within the Zoning Ordinance which are incorrect or out of date. The Department of Community Development and the Fire Department have conducted a review of the I Limited Industrial District performance standards to ensure the proper application and enforcement of these codes.

There were no inter-departmental comments other than that of the Lombard Fire Department Bureau of Fire Inspections who suggested eliminating the current language in "Section D" in its entirety and revising the language to make a single reference for Fire and Explosion Hazard Limitations to the International Fire Code, current edition.

Section 155.421(D) of the Lombard Zoning Ordinance provides fire and explosion hazard regulations which are separate and independent of the adopted International Fire Code and other established Village codes. These circumstances present the possibility that there may be conflicts between these separate sets of regulations. Following a review of Section 155.421(D), the Department of Community Development and Fire Department share the opinion that the Fire and Explosion Hazard Limitations should be amended and the new Section 155.421(D) should direct the reader to reference the adopted International Fire Code and other applicable Village ordinances.

The Fire Department has stated that the adopted Fire Code covers the Fire and Explosion Hazard Limitations listed in Section 155.421(D). By amending this section of the Industrial Performance Standards, the Village can reduce potential conflicts between the Zoning Ordinance, International Fire Code, International Building Code, and other Village Ordinances. As proposed, the new requirements will be updated each time a new version of the applicable codes are adopted, without having to process a text amendment.

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. Reciting the standards for text amendments as well as staff's responses to each, he noted that staff has addressed the required standards and recommends that the Plan Commission approve the changes as proposed.

Chairperson Ryan then opened the meeting for public comment. No one spoke for or against the petition.

Chairperson Ryan opened the meeting for comments from the Plan Commission.

Commissioner Sweetser referenced the staff report, specifically, the fourth text amendment standard. She indicated that she heard staff use the word "current" instead of "permissive" and commented that if that is the case then there is potentially, but probably not, a situation where we would have to be more conservative. She asked if permissive is the actual case or if that was changed because it would not make a difference. Mr. Stilling responded that the intent was to make the codes more current.

***I. PC 09-31: Text Amendments to the Lombard Sign Ordinance**

- J. [100013](#) Organizational Lawn Cutting Program
Amending Title 9, Chapter 92 of the Lombard Code with regard to
Health and Sanitation Regulations for the purpose of establishing an
Organizational Lawn Cutting Program. (DISTRICTS - ALL)

Attachments: [Cover Sheet.doc](#)

[DAH memo organization lawn cutting.doc](#)

[Letter of Understanding.doc](#)

[Ordinance 6438.pdf](#)

[100013.pdf](#)

Ordinances on Second Reading

- K. [050656](#) PC 05-41: 1301 North Lombard Road
Granting a fourth time extension to Ordinance 5794, amended by
Ordinances 5964, 6122, and 6432 for a 2-year time period (January 5,
2014) relative to the O'Hare/DuPage Business Park Planned
Development. (DISTRICT #1)

Attachments: [APO Names 05-41.doc](#)
[Cover sheet.doc](#)
[ORDINANCE 05-41 final.doc](#)
[publichearnot.doc](#)
[ReferralLetter 05-41.doc](#)
[Report 05-41.doc](#)
[WTL referral memo.doc](#)
[Cover sheet2.doc](#)
[WTL referral memo time ext.doc](#)
[ORD 5964.pdf](#)
[Ord 5964.pdf](#)
[Cover sheet3.doc](#)
[Ord 2nd time Extension 05-41.doc](#)
[WTL referral memo time ext PC 05-41.doc](#)
[61220001.pdf](#)
[Ord 5794.pdf](#)
[Cover sheet3rd time extension.doc](#)
[DAH referral memo 3rd time ext PC 05-41.doc](#)
[Ordinance 6432.pdf](#)
[050654.pdf](#)
[050656.pdf](#)
[060656.pdf](#)
[050656.pdf](#)
[050656BOT12_27_11.pdf](#)
[050656Coverpage12-27-11](#)
[Ordinance 6669](#)

Prior to the start of the public hearing Commissioner Martin Burke recused himself from the petition. He stated that he has a business involvement with the project. He noted that after the Plan Commission and Village Board approved the project earlier this year, his employer, Location Finders International, acquired the property from the previous developer. His firm then contacted one of its clients, Walter E. Smithe, as to whether they would be interested in locating their business on the subject property. With their petition now being brought forward to the Village for consideration, he is removing himself from considering this petition.

Mark Smithe, petitioner, stated that his business Walter E. Smithe Furniture is proposing to construct their corporate headquarters on the subject property. He noted that the proposal will be for a single building of 179,000 square feet in size, with a future expansion of 53,000 square feet on the property. The site will have 42,000 square feet of office space for their headquarters. They anticipate 225 additional employees and 30 delivery contractors will be located out of the site.

He then discussed the zoning actions requested as part of the petition. He stated the additional fence height is requested to screen the contractor's yard west of the property. The additional fence height is intended to minimize the amount of dust that blows onto the subject property. He then noted that they are requesting an amendment to the proposed use list to allow for temporary retail sales on the site. The intent of this request is to allow for special clearance events.

Chairperson Ryan then opened the meeting for public comment. There were no comments in favor or in opposition to the proposal. Chairperson Ryan then requested the staff report.

William Heniff, Senior Planner, reiterated the requested actions, summarized the project and submitted the IDRC report to the public record in its entirety. In August, 2005, the Village Board approved a conditional use for a planned development for the subject property (PC 05-17). A condition of this approval was a requirement that any future developers of the property seek site plan approval from the Village for their respective project.

Since the Village Board approved the petition, a substitute developer has acquired the property and is now seeking to develop the entire property with a single user (Walter E. Smith Furniture). The development proposal attempts to follow the guidelines established by the planned development approval and follows the single-user building concept.

As a refinement to the development petition, the petitioner is also seeking relief for perimeter fence height requirements. Also, this petition includes provisions to allow temporary retail sales on the property, which would require an amendment to the planned development approval.

Regarding the Inter-departmental Review Comments, he noted that the engineering comments related to the construction project are under separate cover and were given directly to the petitioner.

In the initial planned development approval, three plans were approved in order to provide maximum development flexibility. The current proposal being brought forward is the single building option. The initial phase proposes a single 184,500 square foot building, of which 25,000 square feet of the building will be used for office purposes. The plan includes a truck dock for 27 small and 6 full docks and a single drive-in door. Parking for 304 cars is also proposed for the initial phase. Future phases will include an additional 53,000 square feet of building space as well as 20 additional docks and parking for 156 additional spaces. The primary use of the property will be the warehouse/distribution activities. Although furniture manufacturing will be done elsewhere, there may be minor furniture repair activities that may occur on the site as well.

The plans also depict future development activity that may occur. The plan shows an additional 53,000 square feet of warehouse spaces as well as additions to the parking lots and loading docks. From staff's perspective, knowing the future development plans for the property is also advantageous, so all facets of the site design could be considered early in the review process.

Staff also finds the idea of the property to be occupied by a single entity to be desirable. First, all infrastructure improvements can be completed at once, rather than in phases. Second, cross-access, parking and property maintenance

issues will either not be a concern or will be more easily addressed.

He noted that the site plan approval process provides the ability of the Plan Commission to review, approve, deny or modify the individual components within the overall development.

He then described the proposed project elements. The office area is located on the north side of the building. Short loading docks for local delivery vehicles and long receiving berths are located along the east and south sides of the building. The building's design and orientation maximizes the available space on the property and incorporates the existing wetland site constraints. The plan proposes to segregate automobile parking and truck delivery functions. Moreover, among the automotive parking areas, the north parking lot will be for office employees while the east lot will be for truck delivery staff.

The petitioner has submitted building elevations depicting pre-cast concrete exterior walls with additional glass and masonry treatments at the office entrance on the north elevation. This treatment is typical of most modern hi-cube warehouse/distribution facilities. Trash collection will be addressed with a compactor to be located on one of the east loading dock areas.

The petitioner prepared a concept landscape plan. The plan shows landscape improvements for those areas that may be developed at a later date. The plan conceptually meets the provisions of the Zoning Ordinance, except as varied as part of the planned development approval. The plan does not show landscaping within the wetland area - the final plant materials and maintenance requirements will be established by DuPage County as part of the wetland review process.

While the final light pole fixtures have not been selected by the petitioner to date, the light poles and fixtures to be utilized for all private roadway lighting and parking lot lighting should be uniform. The petitioner intends to meet this request. The petitioner shall provide complete specifications and photometric plans for the fixtures. The lighting plan shall be reviewed and approved by the Village as part of a building permit submittal prior to installation.

The plan has been reviewed to ensure that truck and emergency vehicle turning movements can be met. The plan intends to minimize conflict points between truck loading/circulation and customer/employee parking areas. The main entrance drive into the property may include a guardhouse and/or additional lanes to segregate the truck operations from automotive traffic.

To ensure proper traffic flow to the eastern parking lot, staff recommends that the parking spaces be reconfigured to allow for a direct access aisle linking the southern access aisle to the entrance drive proposed south of the building.

About 400 employees are proposed to be based out of the building or work on-site. Most of the on-site activities will be during daytime hours.

Regarding the Lombard Road improvements, the petitioner as new property owner, will fulfill the obligations set forth in the initial development approvals, including constructing a new cul-de-sac bulb at the current roadway terminus of Lombard Road and full street improvements shall be made in front of the Haney & Sons property. He also noted that the Village Board has approved the first vacation of Lombard Road as provided for in the development agreement.

Mr. Heniff then stated that in the original planned development plan proposal, the detention was proposed to be located on an unutilized portion of the Commonwealth Edison property southeast of the subject property and on property located in unincorporated DuPage County. The petitioner's current proposal will utilize the Commonwealth Edison property immediately south of the proposed building and within the planned development boundaries. The detention relocation will supplant the previously approved parking/storage area as conceptualized in the initial plans. As this area is within Lombard's corporate limits, stormwater detention requirements will be reviewed and approved by Village staff. The rights to construct the detention on the Commonwealth Edison property will be memorialized through a permanent stormwater detention easement granted to the subject property owner.

The final development agreement outlines the types of uses that would be permitted through the conditional use process or prohibited within the development. The planned development use list does not provide for retail activities as a permitted or conditional activity. Staff notes that occasionally warehouse uses for retail establishments have requested approval for temporary sales events. These requests have been made to the Village for seasonal sales, overstock sales or liquidation sales. As retail activities are not listed as permitted uses within the underlying zoning district and hence, their respective certificates of occupancy/zoning certificates, the business entity would need to apply to the Village for a special event permit to allow for the sales activity. The proposed use list amendment would allow for temporary retail sales as a permitted ancillary use to the office/warehouse activities on the property.

Immediately west of the subject property are heavy industrial contractor's yards. As the petitioner's use is a light industrial/office use, they would like to increase the permitted fence height along the west property line. The proposed solid wood fence will provide a visual screen and noise buffer to the subject property. Moreover, a higher fence may help reduce some of the dust that can be created through the adjacent neighbor's business operations.

At this point in time, the petitioner has not determined the final signage package for the project. As such, if their future plans require additional relief, the petitioner will be required to apply for another site plan approval from the Plan Commission.

The Comprehensive Plan identifies the site for industrial uses. The proposed site plan will meet both of these provisions and will meet the recommendations of the Comprehensive Plan.

Regarding compatibility with adjacent uses, the proposed development is surrounded on three sides (north, south and west) by industrial activity. Staff finds that the proposed office/warehouse development as a type of light industrial use will be compatible with the adjacent industrial uses. On the east side of the subject property is property owned by the DuPage County Forest Preserve District and is part of the Fullerton Woods Forest Preserve. In discussions with the District, they envision their property remaining as passive regional open space. To ensure that encroachments do not occur into the District property (a common occurrence elsewhere in the County), the petitioner is proposing to install a ten-foot high chain link fence along the eastern property line. Moreover, the petitioner has been working with DuPage County to ensure that the development meets the County's wetland buffer requirements on the subject property as well as the adjacent Forest Preserve property. At the request of the District, he read their correspondence they submitted relative to

this petition into the record.

Chairperson Ryan opened the hearing for discussion and questions by the Plan Commission.

Commissioners Olbrysh and Sweetser discussed potential encroachments into the District's property. Mr. Heniff noted that most of the District's comments pertain to construction activity, which will be addressed as part of the permit review and inspection processes.

Commissioner Sweetser asked if the proposed 10 foot high fence needs to be conditioned in their approval. Mr. Heniff stated that as the submitted plans depict the fence on their plans, staff can require the fence as part of their construction project. Therefore, it does not need to be placed as an additional condition.

*Commissioner Olbrysh asked about the Lombard Road vacation. Mr. Heniff stated that the final development agreement provided for the right-of-way to be vacated to the adjacent property owner, but if the Village requests after a 20-year period, the right-of-way will be rededicated back to the Village.
R2006-038996*

L. [090791](#)

ZBA 09-11: 617 E. Berkshire Avenue

Requests that the Village take 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)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a corner side yard from four feet (4') to six feet (6'). The ZBA recommended approval of this variation.

2) A variation from Section 155.205(A)(1)(e) of the Lombard Zoning Ordinance to allow a solid wood fence six feet (6') in height in the clear line of sight area. The ZBA recommended denial of this variation.
(DISTRICT #4)

Attachments: [apoletter 09-11.doc](#)

[Cover Sheet.doc](#)

[DAH referral memo.doc](#)

[PUBLICNOTICE 09-11.doc](#)

[Referral Letter 09-11.doc](#)

[Report 09-11.doc](#)

[Ordinance 6433.pdf](#)

[090791.pdf](#)

Nicholas Bruhn, 617 E. Berkshire Avenue, owner of the subject property, present the petition. He stated the house was newly purchased by him and his wife. He stated that his primary objective is to keep his residence and pedestrians safe. He wanted to discuss two issues, the height and clear line of sight for the fence. He stated that he would be willing to correct the clear line of sight except for about six inches to one foot of a gate area because of the placement of a post. He stated that he is, however, concerned about the height of the fence at four feet due to the presence of a school across the street.

Mr. Bruhn stated that he had visited the property at Pleasant and Vista mentioned in the staff report. They have an above ground pool which allows some added safety. He also stated that completely changing the fence would be very costly and it was built by the previous owner.

Elizabeth Wilson-Bruhn, 617 E. Berkshire Avenue, stated that she understood why the Village might want a four foot fence. However, she thinks that a sixth grader could jump it to get into the pool. It is a danger and she would not want that responsibility. Also, this fence is along the street between the house and the garage, not at the corner of the street.

Chairperson DeFalco explained what a corner side yard is and why a four foot fence is required.

Chairperson DeFalco opened the meeting for public comment. No one spoke for or against the petition.

Chairperson DeFalco then requested the staff report.

Stuart Moynihan, Associate Planner, present the staff report. The subject property is located at the southwest corner of Vista Avenue and Berkshire Avenue. The petitioner is requesting a variation to allow an existing solid wood fence six feet (6') in height in the corner side yard where a maximum height of four feet (4') is permitted. The previous owner of the property constructed the fence in October of 2009, without a building permit, as a replacement for an existing non-conforming six foot (6') fence in the same area. The fence is located along the Vista Avenue side of the property and conflicts with the clear line of sight area where the driveway meets the public right of way. As the existing non-conforming fence has been replaced, the new fence would be required to meet the current zoning ordinance provisions, unless a variation is granted by the Village.

The subject property currently has an existing solid wood fence six feet (6') in height within the corner side yard and within the clear line of sight area. This fence was constructed as a replacement for a non-conforming fence of the same height. The fence was constructed in October of 2009 by the previous property owner, without a building permit. After becoming aware of the fence replacement, the Village informed the previous property owner of the need for the requested variations. However, as the property was under contract and in the process of being sold, staff determined that it would be best to process the request after the sale. The new owner was informed of the need for variations prior to the closing, and they are now the petitioner.

The Zoning Ordinance allows non-conforming fences to remain in existence provided that once a non-conforming fence reaches the end of its useful life any replacement fence will meet current code requirements. In time, this allows for full compliance with the Zoning Ordinance.

The newly constructed fence currently stands within the clear line of sight triangle at the driveway on the subject property.

Six foot high fences are not permitted within corner side yards due to the visual obstruction they create. As such, the petitioner's replacement of the fence requires that the new fence meet the four-foot height restriction or that a variation be granted. A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from all other

properties in the area.

Within the response to standards, the petitioner has raised concerns regarding safety on the property due to the presence of an in-ground pool. Specifically, the petitioner identifies the pool as a hazard to children in the area and states that the existing fence would prevent them from seeing the pool and entering the property. Furthermore, the petitioner states that these concerns are exacerbated by the elementary school located across Vista Avenue. While staff recognizes that these concerns are reasonable, staff does not believe these concerns are demonstrative of a hardship.

In order to be granted a variation the petitioner must show that they have affirmed each of the "Standards for Variation." The following standards have not been affirmed:

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 fence height regulations. The petitioner's property does not have physical surroundings, shape, or topographical features that differ substantially from other corner lots in the neighborhood as to be demonstrative of a hardship. The property is relatively flat and the existing topography does not impact the ability of the property owner from meeting the fence height provisions. There are no conditions which prevent the fence from being removed from the clear line of sight area.

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 the conditions are not unique to the subject property. Many other properties with a similar layout and design have been able to meet the established regulations. The presence of an in-ground pool and the proximity of a school are not unique or even rare circumstances in the Village. The nearby property at the corner of Vista Avenue and Pleasant Avenue, 616 E. Pleasant Avenue, has met the established regulations. This property also contains a pool. Building Code provisions require a 4' high fence around pools. The petitioner can meet both the Building Code and Zoning Ordinance by modifying the fence height to 4 feet.

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

Staff finds that the fence could be constructed per the ordinance requirements by lowering the fence to four feet (4'). The fence could also be moved out of the clear line of sight area or constructed to be seventy-five percent (75%) open. The hardship has been created by the petitioner as a result of the petitioner's preference for the fence's height and location.

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

It is staff's opinion that a solid wood fence located within a clear line of sight area could be injurious to the public welfare if the lack of visibility contributed to an accident.

6. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

As stated above, the fence in the clear line of sight area could be a danger to public safety.

Staff recommends that the petition be denied in its entirety. However, if the Zoning Board of Appeals finds that it would be appropriate to grant a variation for fence height, staff recommends that petitioner adhere to the submitted plans and address the clear line of sight issue. Also, the petitioner should be required to obtain a fence permit for the proposed fence.

Mr. Bedard asked if the petitioner was aware of the violations when the home was under contract.

Mr. Bruhn stated that they were.

Chairperson DeFalco asked when staff became aware of the issues.

Mr. Moynihan stated that staff became aware following code enforcement actions. Staff informed the new owners previous to the sale and the previous owner paid for the public hearing.

Mr. Young stated that the ZBA has a history of supporting six foot fences when pools are involved. However, the clear line of sight is not negotiable.

Chairperson DeFalco asked the petitioner why the gate was at issue.

Mr. Bruhn stated that the fence post the gate is attached to is about one foot into the clear line of sight. There is also a concrete area behind it that would inhibit placing a new post.

Mr. Young asked if the clear line of sight could be looked at as nineteen by twenty-one foot triangle.

Mr. Moynihan stated the Zoning Ordinance calls for a twenty by twenty foot triangle.

Mrs. Newman stated that there is concern that the concrete would not allow a twenty by twenty foot.

Mr. Young stated that he thought the petitioner should fully meet the requirement.

Mr. Bedard stated that he did not see it as a large expense.

Resolutions

- M. [100008](#) RTA Community Planning Grant
Authorizing an application for a Planning Assistance Grant and the execution of a Technical Assistance Agreement with the Regional Transportation Authority. (DISTRICTS #1 and #4)

Attachments: [ResolutionMemo.doc](#)
[RTA Community Planning Grant.doc](#)
[R 58-10.pdf](#)
[RTA.pdf](#)
[100008.pdf](#)

Other Matters

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

- *A1. [090797](#) PC 09-31: Text Amendments to the Lombard Sign Ordinance
The Village of Lombard is proposing text amendments to Section 153.218 of the Lombard Sign Ordinance amending the provisions for informational signs. (DISTRICTS ALL)

Attachments: [Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PUBLIC NOTICE 09-31.doc](#)
[ReferralLetter doc.doc](#)
[Report 09-31.doc](#)
[Ordinance 6434.pdf](#)
[DAH referral memo2.doc](#)
[090797.pdf](#)

Christopher Stilling, Assistant Director of Community Development, presented the petition. He stated that the Village of Lombard is proposing text amendments to Section 153.218 of the Lombard Sign Ordinance to allow for informational signs in all zoning districts. Currently, Sections 153.501 to 153.508 of the Sign Ordinance allows for informational signs within every zoning district. However, the Specifications by Sign, Section 153.218, only allow for informational signs in business and industrial zoning districts. It is staff's opinion that there is a discrepancy in the Sign Ordinance and informational signage should be permissible on all properties; except residentially zoned properties on lots less than 1 acre in area.

Noting no inter-departmental comments, he stated that the Sign Ordinance currently allows for informational signs within every zoning district. However, the Specifications by Sign, Section 153.218, only allow for informational signs in business and industrial zoning districts. It is staff's opinion that there is a discrepancy and in order to permit informational/directional signage on larger residential developments, recreational facilities, and institutional campuses, staff recommends amending Section 153.218 of the Sign Ordinance to allow informational signage on all properties; except residentially zoned properties on lots less than 1 acre in area. Staff is excluding these properties since they are not likely to require informational signage due to their size and lack of significant parking areas. Those residentially zoned properties greater than 1 acre are more likely to contain larger developments such as multi-family units and churches. As these properties may have multiple points of interest, signage may be needed to guide traffic within the properties.

For reference purposes, an informational sign is defined as signs whose principal purpose will be to direct and guide automotive or pedestrian traffic or parking on private property. This sign may contain the name or insignia of the business.

For any change to the Sign Ordinance, the standards for text amendments must be affirmed. Reciting the standards for text amendments as well as staff's responses to each, he noted that staff has addressed the required standards. Mr. Stilling referred to SPA 01-07, indicating that in this case, the Village approved nine informational signs for the Fountain Square Condominiums, which is residentially zoned property, in order to guide guests within the property.

Staff recommends that the Plan Commission approve the changes as proposed.

Chairperson Ryan then opened the meeting for public comment. No one spoke for or against the petition.

Chairperson Ryan opened the meeting for comments from the Plan Commission. There were no comments or questions.

Other Ordinances on First Reading

A. [090649](#) Video Gaming Ordinance Ordinance banning video gaming in the Village of Lombard.

Attachments: [videogamingmemo122809toth.doc](#)

[Ordinance 6442.pdf](#)

[090649.pdf](#)

[090649.pdf](#)

[090649.pdf](#)

[Video Gaming.pdf](#)

Village Manager Hulseberg requested Assistant to the Village Manager Mike Toth to give an overview of this proposed ordinance.

Assistant to the Village Manager Mike Toth indicated that the Illinois Gaming Board did not have a start date for the official rules. He noted that video gaming machines are allowed, but that machines are prohibited from paying off in currency in certain locations. He noted that several communities had banned video gaming machines including Elmhurst, Naperville, Wheaton and DuPage County. Several municipalities such as Addison and Buffalo Grove are not taking action until the Illinois Gaming Board establishes for rules. He stated the Gaming Board was meeting the next day and hopefully the Village would receive some additional information.

Village Attorney Tom Bayer indicated that currently video poker machines do not pay out in cash, but in points. This could be changed. Currently the Village does not allow any video gaming machines to pay off in cash.

Trustee Wilson questioned if video gaming machines could still be installed. Attorney Bayer stated the machines can be installed, but can not pay off in cash. Trustee Wilson felt that legalized gambling might be a good revenue source for the Village. He reported that eventually the rules will be established in Illinois and throughout the nation. He felt that people gamble voluntarily and that revenue could be derived for the Village from gambling. He stated he is not completely for or against video gambling. He stated there had not been sufficient input from the community. He felt banning gambling outright was a knee-jerk reaction without sufficient information and facts. He stated he was not opposed to a temporary ban and that after a certain period, the ban could be lifted. He felt the Village needed to have their ordinances in place so that once the Illinois Gaming Board made a decision, the Village would be ready. He stated that gambling was like off-track betting and playing the lottery. He noted that \$31

million was generated in gambling and there was a lot of revenue to be made for the Village from gambling. He stated he was a gambler.

Trustee Tross indicated the ordinance was premature and that video gambling was already prohibited in the Village. He reported that 5% of the revenue generated would go to the Village. He felt the rules would not be established for 12-18 months. He spoke about passing a capital improvements bill for \$31 million and not having the money. He felt gambling was a choice and the Village should not turn down a funding source. He stated DuPage County was the strongest Republican county in the State of Illinois and the county should not turn down a revenue source that feeds money to the State, County and municipalities. He stated the Village is looking for new revenue sources that do not add any additional tax on the residents and that video gaming was a choice just as taxes on alcohol and cigarettes are choices. He talked about liquor license holding establishments being assisted by allowing them to have video gaming machines. He noted that the Mayor reminds residents to shop and dine in Lombard and this would help the businesses.

Trustee Gron felt those municipalities adopting a video gambling ban were making a statement to the State of Illinois. He felt there must be a better way to generate revenue. He felt this was an easy way for the State to generate money and felt the State would be increasing the state income tax anyway.

Trustee Moreau felt that Naperville had done a survey and that is why they passed the ordinance. She felt that gaming did not match the idea of a family-friendly community. She stated that video gambling was very addictive just like crack cocaine. She questioned as to how much money the Village was really looking at from this.

Trustee Fitzpatrick felt there was not enough information to make a decision. She asked about the cost to the community. She suggested a public hearing. She also questioned the expense, crime and quality of life in the Village. She felt a temporary ban was OK, but wanted the residents to contact their trustees with their opinions.

President Mueller questioned the income generated.

Director of Finance Tim Sexton indicated \$10,000 - 11,000 per establishment.

President Mueller noted there were 54 establishments in the Village.

Trustee Fitzpatrick questioned if it was worth the cash coming in.

Trustee Ware stated he was not necessarily opposed to video gaming, but felt he wanted more information from the residents. He wanted to look at all aspects including revenue. He felt a temporary ban for a shorter period of time was good.

Trustee Wilson felt that residents should be allowed to make their own decisions just like purchasing a lottery ticket. He stated he was not opposed to gambling. He felt people should have a place they can go and gamble if they want to do so. He felt the majority of residents already gamble on the Internet. He stated the Village does not ban alcohol, because there are people who are alcoholics and the Village does not ban food, because there are people who eat at restaurants. He did not feel the Village should ban gambling.

Trustee Tross stated there was limited information available to the Board, but that video gaming machines are already illegal in the State of Illinois. He noted it was illegal for machines to pay off in cash, so he questioned why the Village Board was looking at passing an ordinance that says they are illegal. He noted if there are establishments allowing pay-offs in cash, that was illegal. He felt the Village should wait and see what the Illinois Gaming Board decides before passing any ordinance. He also felt that those establishments affected by this, should be allowed to have a say.

President Mueller stated he did not disagree with the comments he had heard. He reported that at the recent Illinois Municipal League Conference, there was a vendor selling these machines which prompted this action. He felt this did not

offer the quality of life for the residents in the Village that he wanted. He felt the majority of residents do not gamble and he had already received several calls from residents and business owners. He felt the Board needed additional information. He stated he wanted to protect the community until further information was received from the State. He felt there should be a review in one year. He stated he did not think this could be stopped in Springfield. He felt just because the Village would receive funds, this was not something that would enhance the community. He further indicated that this did not mean the Village was banning them, but felt while the Village was waiting for additional information, that a ban was needed. He indicated the vendor could come to Lombard and sell machines to businesses here.

Trustee Wilson questioned what the Mayor wanted to protect the community from.

President Mueller spoke about the quality of life in Lombard.

Trustee Wilson stated residents purchase lottery tickets and go to Las Vegas to gamble.

President Mueller felt that allowing video gambling was not going to make Lombard a better place to live. He said he would rather hear of great things like the Park District receiving an award and not how someone's husband or wife lost their paycheck by playing video gambling games. He stated they can gamble in other communities.

Trustee Wilson did not think that slot machines and video gaming machines would change the quality of life in Lombard.

Trustee Tross stated we are talking dollars. He suggested tabling this item and stated the press would pick up on this and the trustees would receive more input from residents and businesses who are affected. He stated the machines are already illegal and did not feel the Village had to do anything until the State advised to move forward.

Trustee Fitzpatrick felt this should be referred to the committees and that the Village should have an on-line survey for residents.

Trustee Wilson asked that this be referred to the Finance Committee.

Trustee Tross requested this be referred to each of the committees.

President Mueller felt the Village needed to stay on top of this matter. He stated the trustees were elected by the residents to represent them and make decisions. He did not want this to turn into a referendum. He stated if the Village Board did not want to make a decision tonight, this item could be brought back after input was received. He stated it was the Village Board's responsibility to protect the residents and the community and he did not want the Board to do nothing and then later ask how it happened.

Trustee Ware suggested having a timeframe to get back to the Board with input.

Trustee Moreau indicated that surveys included in the packet showed residents were opposed to this.

Trustee Tross moved that the item be removed from the agenda and placed on the first agenda in January 2010 and that every chairperson have the item placed on their respective agendas for review and discussion. He felt that even the Public Works Committee and Environmental Concerns Committee be asked to review this so that it was getting out to the public. He felt the debate was meaningless as video gaming was illegal.

Trustee Gron felt with the ordinance in place the Board would be preserving the quality of life in the community. He stated on a recent visit to Colorado, a 13-year old girl was begging her mother to stop playing the video gaming machines as they had no money and no food and she was hungry.

Mr. Heniff summarized the staff memo stating that staff presented an update to the Board with regards to the recently approved Video Gaming Act, which legalizes video gaming in certain liquor establishments, truck stops and fraternal/veterans clubs throughout the state. The Village Board tabled this item

until their January 7, 2010 meeting in order to solicit the thoughts and recommendations of each of the Village Committees. Mr. Heniff explained that the Economic and Community Development Committee (ECDC) is asked to review the attached memorandum and provide a recommendation as to its level of support for video gaming. Comments and recommendations received from the ECDC will be combined with comments from other committees and commissions and will be forwarded to the Village Board for their consideration.

Mr. Irion stated that he does not necessarily support video gaming but suggested that before any decision is made; he would like to make sure that Lombard businesses have the same competitive advantage as surrounding communities that may support it.

Mr. Grant wanted to revenue projections before making a final decision. Mr. Giagnorio agreed with Mr. Grant.

Ms. Gannon suggested that the Village should move forward with caution.

A motion was made by Mr. McNicholas to recommend that the Village Board proceed with investigating the details of video gaming. The motion was seconded by Mr. Irion and was unanimously approved by the members present. Trustee Fitzpatrick explained that there is a lot of infrastructure shot and that many county or state owned streets are deteriorating and are in bad shape. Governor Pat Quinn said that in order to fund a plan to get the streets in shape, the funding is going to come from video gaming. These video poker machines will be in bars.

Quinn said to fund capital roads with gambling-many of the DuPage County communities have said "no" to gambling. Potential funding is one half million dollars-if the Village licenses all that it can. Each machine would be a payback of 5% or about \$10,000, with the state getting 25%. Now there is a problem where the state is going to have to create a video gaming entity to oversee this. Licensing is not finalized. Rules are not finalized yet either. Trustee Fitzpatrick emphasized to the committee that saying "no" says no to the funding that would be received.

For a business to have video gaming, it must possess a valid liquor license and cannot be within 100 feet of a school or place of worship. The Village could impose their own fees on these as well with the establishment of an ordinance. Communities such as Wheaton, Naperville and others have already said "no" to these video games.

The Village Board is taking two months to run this through the Village committees to see what their opinions are and each committee is to send its recommendation to the Board.

What is the downside? Addiction and other factors that are unknown.

The Board of Trustees tabled this item to get the feelings of the various boards and commissions.

Pam Bedard asked if the amount of money would be enough to lower property taxes and Trustee Fitzpatrick indicated no. Governor Quinn has rather held the streets hostage over these funds. However, President Mueller indicated that in the past we have not received what we have thought we would from the State. Stuart Moynihan, Associate Planner, introduced a memorandum regarding the

possibility of video gaming in the Village of Lombard. A vote is requested from the ZBA indicating their level of support for video gaming.

Chairperson DeFalco asked if the state rules for this law had been established.

Mr. Moynihan stated that the rules are not clear.

Mr. Young stated that the law does not currently provide the final rules for video gaming.

Chairperson DeFalco stated that the ZBA could table the issue until the rules are established or take an immediate vote.

Mr. Bedard that the Village Board is looking for a vote at this time in order to gauge the temperature of the committees.

Mr. Young stated the some communities are waiting on the final rules. He would not be in favor of shooting video gaming down immediately.

Chairperson DeFalco stated that gambling has been used as a fundraising mechanism in the past if you consider the Taste of Lombard and the Jaycees using bingo and pull-tabs. He stated that some gambling is not a major concern as long as it is recreational and not harmful. Until the rules are setup by the state, it is unclear what the Village would be getting. The Village should consider it until then.

Mr. Young stated that the downturn in the economy should be looked at in terms of what this could do for local businesses. It would provide some additional attraction. The Board could pass a resolution to wait to see the final rules.

Mr. Tap stated that this could be a revenue stream for both the Village and local businesses. It could be useful if well regulated.

Mrs. Newman stated that they could reject it now and come back to it later.

Mr. Bedard stated that the gaming would probably require an annual license.

Mr. Young stated that the memo indicates that the ZBA could vote to prohibit gaming now until the rules have been promulgated.

Chairperson DeFalco stated that gaming could be allowed to operate under the existing rules. There are three choices: ban it, allow it, or wait for the rules. Village Manager Hulseberg requested Assistant to the Village Manager Mike Toth give a presentation and update to the Village Board regarding video gaming.

Assistant to the Village Manager Toth stated this item had been tabled at the October 15 Village Board meeting. He reviewed the information in the memo that had been distributed to the Village Board. He noted that the Village had sought input from the various boards, committees and commissions of the Village as well as residents through the on-line survey. He reported there was little support for or against video gaming. He noted that the on-line survey showed that 43% indicated they felt video gaming should be allowed in the Village and 52% supported banning video gaming. The recommendations from the various Village committees showed four committees supporting banning video gaming (Community Relations; Community Promotion & Tourism; Board of Fire and Police Commissioners; and Historical Commission); three

committees supporting allowing video gaming (Zoning Board of Appeals; Board of Building Appeals; and Transportation & Safety); all of the remaining committees wanted additional information before making a recommendation. Trustee Fitzpatrick expressed appreciation to the Village Board, staff, committee members and residents for their input. She noted the Village Board had just held a budget session and that the Village was looking at revenue sources. She reported the Village Board was having to look at services and cuts to programs and possible increased fees. She stated she is not for or against video gaming. She felt people enjoy gambling as a means of entertainment. She also noted that people can abuse things including gambling, alcohol, drugs or anything else, but that was a person's choice.

she felt the majority of residents did not want to see video gambling in Lombard and even if they supported video gambling, they did not want it allowed in the Village. Based on this, she indicated she was making a motion to have staff draft an ordinance banning video gambling in the Village of Lombard.

Trustee Wilson stated he agreed with Trustee Fitzpatrick, but after the budget workshop of the other evening and the discussion about increasing fees and cutting services, he felt the Village Board should look at video gambling as a possible revenue source. He requested an amendment to the motion to ban video gambling until the rules are written. He felt the Village should be able to look at this again after the rules are established.

Trustee Tross stated he agreed with Trustee Fitzpatrick and with Trustee Wilson. He noted there was no consensus from the committees. He stressed his concern with banning something that is already illegal in the Village. He stated video gambling is not allowed in the Village of Lombard. He felt the Village would not take on licensing of video gambling until the rules were established. He stated the Village will not enforce this, that the State will enforce. He spoke about possible revenue to the Village. He spoke of the budget workshop and suggestions regarding decreases taxi services for seniors and raising vehicle sticker fees and felt this may be a way to not have to decrease services and increase fees. He stated he did not want a video machine in a bar until he saw how this would weave into the Village. he again stressed banning something that was already illegal. He stated he could not support the ban.

Trustee Gron stated he felt the Board was on the same page and was looking at this as a formality. He noted that in the last 8-9 years, 285,000 jobs had been lost in Illinois; unemployment was over 10% and in actuality was probably more in the 17-19% range. He stated Illinois has lost residents due to births, deaths and moving out of the state. He reported that Illinois has the second lowest credit rating and that there is only one state with a lower credit rating. he stated he would rather see ideas to bring people back to Illinois and bring jobs back. He stated he would not support as this was taking money out of the pockets of residents.

Trustee Ware stated Trustee Fitzpatrick's comments were good. He thanked the Village Board and staff for input. He stated he agreed with Trustee Tross. He stated he would oppose the ban and did not think the Village should get involved in this at this time.

Trustee Fitzpatrick asked Attorney Bayer for clarification.

Attorney Bayer stated the Statute currently allows raffles, bingo and casino licenses. He stated video gaming would be legal unless the community banned it, but there is no timetable at this point. He stated there was a recent push in Springfield during the Veto Session, but the Sunset Law did not pass. The Statute as written allows video gambling unless banned.

President Mueller reminded the Board of vendors at the Illinois Municipal Conference ready to come to Lombard and place video gambling machines. He felt the action taken by the Village Board will grant the Village control over video gambling. He spoke about the budget meeting and dollars and cents and

did not feel it was right for the Village to allow something just because of dollars and cents. He stated communities that have gambling have seen reduced revenues. He felt there were no guarantees on revenue. He stated residents and business owners he spoke with were against video gambling. He reported he had calls from the owner of a bar and the owner of a bar/restaurant and both were against video gambling. He felt that whatever action the Village would take can be re-addressed at a later time. He urged the Village board to protect the residents of the community and questioned what video gambling would contribute to Lombard. He did not feel that it contributed to the quality of life in the Village.

Trustee Moreau felt the revenue was not sustainable. She questioned the benefit and how it will be regulated to make certain that a 14-year-old was not able to access video gambling machines. She spoke about people overspending. She referred to this as a slippery slope. She spoke about neighboring communities offering video gambling and the demand may not be there, She questioned additional police supervision.

Trustee Tross questioned Attorney Bayer with regard to the Village's options. Attorney Bayer stated machines are illegal unless licensed by the State of Illinois so a machine in the Village would need to be licensed. Machines would not be allowed to pay out. He stated there are emergency rules, but there are many holes in the policy. No licenses have been given out.

Trustee Tross stated video gambling is illegal and until the Village receives the final regulations and policies from the State, he did not think the Village needed to act. He felt there were bigger things in Springfield to help the economy.

President Mueller felt this was not a revenue source that was guaranteed.

Trustee Wilson indicated he could support the ban until the State establishes the final rules. He stated the seniors may take a hit with the budget. He felt it was still a revenue source pitted against cuts.

President Mueller stated anything the State can give, the State can also take away.

Trustee Moreau felt cuts would still need to be made and this would not directly affect seniors.

President Mueller noted there was a motion on the table and that Trustee Wilson had requested an amendment.

Trustee Fitzpatrick stated the Village Board can revisit this issue after the State establishes the rules. She did not feel the Village should be a guinea pig and felt other communities could test the waters. She stated she did not want to amend the motion, but to leave it as it was.

President Mueller stated the motion was to direct staff to prepare an ordinance banning vide gaming in the Village.

Trustee Tross requested this not be placed on the Consent Agenda.

Ordinances on Second Reading

Resolutions

Other Matters

- B. [090588](#) Downtown Landscape Enhancement Recommendations Report Review, discussion and adoption of the Downtown Landscape Enhancement Recommendations Report. (DISTRICTS #1 and #4)

Attachments: [Downtown Landscape Enhancement Report.doc](#)
[HDG Landscape Presentation to Board.pdf](#)
[DAH Hitchcock Design planting report2.doc](#)
[September 09.doc](#)
[Downtown Landscape Enhancement Recommendations.doc](#)
[DAH Hitchcock Design planting report 1.21.10.doc](#)
[Downtown landscape enhancement report final.doc](#)
[090588.pdf](#)
[090588.pdf](#)

Mr. Stilling stated that at the Village Board meeting on September 17, 2009, staff presented a Downtown Lombard Landscape Enhancement Recommendations report prepared by Hitchcock Design. The Village Board directed that the Downtown Landscape Enhancement Recommendations report be presented to various Committees and Commissions for review at their October meetings.

Mr. Stilling then went through the entire report highlighting the recommended actions. He then stated that staff recommends that the ECDC consider the following aspects when reviewing the Downtown Lombard Landscape Enhancement Recommendations report:

- 1. Does the ECDC support the use of TIF funds for landscape enhancements in the public right-of-way?*
- 2. Does the ECDC support the use of TIF funds for landscape enhancements on private property through the use of Downtown Grant programs?*
- 3. Are there any additional comments or recommendations the ECDC wishes to include in the Downtown Lombard Landscape Enhancement Recommendations report?*

Mr. Grant expressed a concern that if money is spent on landscaping, this may take away opportunities to use TIF funds for attracting new businesses. He also asked if the ECDC would still review grant requests for private projects. Mr. Stilling stated that the committee would still review grant requests for private enhancements, especially if associated with a façade Grant application.

Mr. Carroll asked about the sculpture park location. Mr. Stilling indicated that this is an item that the Board has been interested in creating. The location shown is preliminary and would be subject to further review and consideration.

Chairperson Ware asked if the LTC has reviewed the report. Mr. Whittington indicated that they have reviewed it and support the recommendations.

Mr. Irion asked about opportunities to upgrade the underpass. Mr. Stilling indicated that staff is working with Metra and the Union Pacific on a number of improvements, however, any enhancements on their property is subject to their approval.

Ms. Gannon expressed a concern about making sure that if the Village participates with private landscape enhancements to make sure there is a program in place for maintenance.

C. [090657](#)

Downtown Lombard Market Analysis

Request to approve the Downtown Lombard Market Analysis report and provide comments in regard to completing the final tasks associated with the RTA Community Planning Grant. (DISTRICTS #1 and #4)

Attachments: [MarketAnalysisBOTMemo3.doc](#)

[downtown market analysis report approval with RTA comments.doc](#)

[090657.pdf](#)

[090657 - 10-15.pdf](#)

[Downtown Lombard Market Study.pdf](#)

Mr. Stilling provided the committee with a background on the recently completed downtown market study. As outlined in the June 2009 Downtown Plan, staff intends to use the findings of the market study to develop a marketing strategy that can be used by Lombard Town Centre in its business retention and recruitment efforts. The market study identified a number of opportunity sites including the vacant, Village-owned properties as well as potential private property assemblages. Staff proposes that a range of development plans be created for these opportunity sites that represent a variety of public and private investment opportunities. These plans can then be used to guide and encourage future development within the downtown.

Mr. Stilling stated that the Economic and Community Development Committee is asked to review the market study report and provide comments and recommendations. These comments and recommendations will then be forwarded back to the Village Board for their final approval and adoption of the report. Chairperson Ware asked if this can be continued to the next meeting to allow the committee time to review the report.

Mr. Stilling provided the committee with a background on the recently completed downtown market study. He stated that this item was continued from the November 4th meeting to allow members of the committee to review the document.

Mr. McNicholas suggested the Village should explore having a first right of refusal to purchase a property that receives a large grant amount, particularly for the restaurant loan programs. This concept was supported by several members of the committee.

Staff provided the committee with clarification about some of the data included in the report as it relates to age and demographics. The committee specifically mentioned that the report shows Lombard has a diversified housing stock.

Mr. Irion suggested that the Village consider creating additional events to help draw people into the downtown area.

Mr. Grant suggested that the Village should explore other alternative uses for some of the buildings, especially for 2nd floor space. Some examples included; small culinary school, continuing education classes (Learning Annex).

Mr. McNicholas stated that the marketing materials used for the available properties should identify any recent upgrades to the building, especially if Village grant funds were used. He also suggested that the Village and the LTC should work with landlords that have vacant tenant spaces to see if they would be interested in short term leases to accommodate seasonal (Halloween Stores)

or temporary uses. The temporary uses could include larger retail chains located elsewhere that may want a small storefront as a way to "test" the downtown Lombard market before committing to a long term lease.

Mr. McNicholas also suggested that the Village should consider a public space for the 101 S. Main site. An example given was a small band shell and plaza for weekly music events. He also encouraged some small storefronts surrounding the plaza. He felt that these types of uses could cater well to the downtown age group.

Building upon Mr. McNicholas's idea, Mr. Grant gave an example of the ice paved trail in Downtown Elkhart, Indiana for ice skating.

X. Agenda Items for Discussion

- D. 100018** Disaster Drill
Presentation by Lombard Fire Department regarding the Disaster Drill.
Attachments: DisasterDrill Howell.pdf
howellPink.doc
100018.pdf

XI. Executive Session

XII. Reconvene

XIII Adjournment

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