

Village of Lombard

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



Meeting Minutes

Monday, March 15, 2010

7:30 PM

Village Hall

Plan Commission

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

Call to Order

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

Roll Call of Members

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

Absent: Commissioner Stephen Flint, Commissioner Richard Nelson and Commissioner Andrea Cooper

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

Chairperson Ryan called the order of the agenda.

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

Public Hearings

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100109

PC 10-03: 115 E. St. Charles Road

The petitioner, the Village of Lombard and the Lombard Town Centre, requests approval of a conditional use for a Farmer's Market (French Market) in the B5 Central Business District. (DISTRICT #4)

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Christopher Stilling, Assistant Director of Community Development, presented the petition. The Village of Lombard and the Lombard Town Centre (LTC) requests conditional use approval for a Farmer's Market (French Market) to be held Saturday mornings, from 9 a.m. to 1 p.m. in the existing Village of Lombard commuter parking lot of the retail strip center located at 115 E. St. Charles Road. The Bensidoun Company has been contracted by Lombard Town Centre to operate the market and will provide all staff, equipment and necessary marketing.

The Comprehensive Plan denotes this area as Central Business District Mixed Use Area. The French Market concept is clearly appropriate to a Central Business District and is considered as an enhancement to downtown development and activities. With regard to compatibility with the surrounding land uses, the subject property is bounded by commercial and railroad uses. The proposed French Market is compatible with such downtown uses. With regard to compatibility with the Zoning Ordinance and a conditional use for a Farmer's Market, the LTC wishes to operate a Farmers (French) Market on the Hammerschmidt parking lot on Saturday mornings. The market was previously located here on Saturdays in 2004 & 2005 (PC 04-06), however it was moved to 102 W. St. Charles in 2007 and 2008 (PC 07-22) on Tuesdays to accommodate more vendors. Last year, the market was also held on Tuesday, but was relocated to North Park Avenue right-of-way. The LTC and its operator, Bensidoun, were not satisfied with the North Park Avenue location and therefore the LTC is requesting to move the market back to the Hammerschmidt lot. They will be working with the same operator, who has

indicated that having the market on Saturday should not impede their ability to get quality vendors.

Relative to the site plan, the market will be located on the eastern half of the existing Hammerschmidt parking lot. In consideration of the site for the market, staff noted many benefits of this site over the existing site including:

- 1. Greater visibility to pass-by traffic on St. Charles Road and visibility from riders on the Metra Union Pacific West Line.*
- 2. Greater parking options.*
- 3. Greater flexibility in site operations. As the site will not be shared with other land-uses, conflicts with garbage disposal and set-up operations will be diminished.*
- 4. Additional space for expansion. The subject property will have space for 47 tents.*
- 5. No need for Village barricades. Last year, the Village spent approximately \$7,000 for barricades.*

As with the existing market, it will be operated according to a License Agreement that will ensure that it will not endanger the public health or safety. The market will meet all code requirements which will assure that all requirements for public utilities and safety concerns will be met during its limited hours and days of operation in a manner consistent with their existing site. As staff believes that the subject property can more adequately meet the needs of the market, it supports the conditional use request.

The existing Hammerschmidt parking lot has 113 parking spaces. Based on the representations made by the LTC and Bensidoun, approximately 27 parking spaces will be used for the tents leaving 86 spaces for customer parking.

Staff finds that the request for a conditional use for this property meets the conditional use standards set by the Zoning Ordinance. Any potential negative impacts of the activity (i.e., trash, noise, etc.) will be continually overseen and managed. The market use will not impact overall redevelopment activity along St. Charles Road. In fact, the use could be considered an asset to the corridor. The use serves as an enhancement to the downtown area as it is an attraction for visitors to the area and is consistent with the retail objectives in the Comprehensive Plan.

In order for any conditional use to be approved, the standards for conditional uses must be affirmed. Mr. Stilling recited the seven standards as well as staff's response to each. Staff believes the standards have been met and recommends approval of the conditional use subject to the three conditions noted in the staff report.

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

Dan Whittington, 39 North Elizabeth, Lombard, and President of Lombard Town Centre stated that while he felt the various vendors were happy on Park Avenue, the Village encountered some expenses with the barricades. We felt it would be best to relocate some place else and this was the best place for it. He indicated they have had success working with Bensidoun and that having the market on Saturdays would not deter vendors. We will be meeting with Bensidoun on Wednesday if everything goes well tonight.

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

Commissioner Olbrysh indicated that he had no problem with the French Market at the Hammerschmidt lot as the parking situation is better. He questioned who would be obtaining the vendors. Mr. Whittington answered that Bensidoun would. Commissioner Olbrysh asked if that is the same company that operates the Wheaton French Market.

Mr. Whittington answered yes. Commissioner Olbrysh asked if Lombard had any vendors signed up yet. Mr. Whittington answered that they have some vendors signed up and they hoped to have 10-12. He didn't know who they were and will find out when they meet on Wednesday to finalize documents.

Commissioner Olbrysh asked if the operation dates for the market were May 1 through October 31. Mr. Whittington answered yes.

It was moved by Commissioner Olbrysh, seconded by Commissioner Sweetser, that this matter be recommended to the Corporate Authorities for approval with conditions. The motion carried by the following vote:

Aye: 4 - Ryan, Olbrysh, Sweetser and Burke

Absent: 3 - Flint, Nelson and Cooper

1. *The Farmer's/French Market shall operate in accordance with the site plan prepared by Village staff, dated March 9, 2010 and included as part of this petition.*
2. *That the Farmer's/French Market shall be operated in accordance with a Market Operator's Agreement approved by the Village of Lombard Board of Trustees.*
3. *The conditional use for the operation of a Farmer's/French Market shall be on Saturdays between May 1 and October 31. Moreover, the operator shall designate four (4) spaces for temporary accessible parking during the hours that the French Market is operating.*

Business Meeting

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The business meeting convened at 7:41 p.m.

Approval of Minutes

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On a motion by Olbrysh and seconded by Burke the minutes of the February 15, 2010 meeting were unanimously approved by the members present with the following corrections as noted by Christopher Stilling on behalf of Village counsel:

1. *Page 3, 4th paragraph, 7th sentence, change the word "of" to "as" so the sentence reads:*

"The remaining properties along North Broadway are of the same size as the subject property."

2. *Page 3, strike the last sentence as it is repeated twice.*

3. *Page 4, 6th paragraph, 2nd sentence, change the word "the" to "this" and "petitioner" to "petition" so the sentence reads:*

"If this petition were denied, there would be a hardship....."

Public Participation

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There was no public participation.

DuPage County Hearings

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100108

DuPage County Case Z10-010: 1720 S. Meyers Road

Requests variations to reduce the front side yard setback from fifteen feet (15') to three feet (3'); reduce the corner side yard setback from fifteen feet (15') to three feet (3'); and to reduce line-of-sight easement for purposes of constructing a new subdivision identification sign. (UNINCORPORATED)

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Christopher Stilling presented the petition. The petition is for the property located at 1720 S. Meyers Road and is unincorporated. As the subject property is located within the ultimate municipal boundaries of the Village of Lombard, the Village has received notice of the public hearing from the County and has been asked to provide comments or concerns regarding this petition.

Staff would like to solicit the input and a recommendation of the Plan Commission regarding this petition. Staff has informed the County that this matter is being brought forward to the Plan Commission and the Village Board for consideration.

Per DuPage County Zoning Ordinance, the subject sign is required to be setback a minimum of fifteen feet (15') from all rights of way. As indicated on the submitted site plan, the sign is proposed to be setback at a distance of three feet (3'). While the Village of Lombard Sign Ordinance does not specify a required setback for Residential Subdivision Signs, complying with the County's setback provision would bring the sign into closer compliance with the clear line of sight provision.

Where improved rights of way intersect, the Village requires that a clear line of sight triangle be formed thirty feet (30') away using those intersecting points of right of way. Section 37-405.3 of the DuPage County Zoning Ordinance requires that a clear line of sight area be formed twenty-five feet (25') away from the intersecting point of rights of way. Also, DuPage County Code permits certain structures three feet (3') (or less) in height to be permitted in a clear line of sight area, whereas, the Village only permits certain structures two feet (2') (or less) in height in a clear line of sight area. The proposed new sign would be 4 feet in height. Therefore the proposed sign does not meet either the Village of Lombard Zoning Ordinance or the DuPage County Zoning Ordinance.

Staff does recognize that there is an existing subdivision identification sign on the subject property. The existing sign is also located within the clear line of sight area (as defined by the Village and County); however, this sign is placed on an angle and stands at a greater height than the proposed sign. The proposed sign would not be placed on an angle and would run parallel to 18th Street. Staff also notes that there is also another subdivision identification sign on the property directly south of the subject property; however, that sign is not a part of the subject County ZBA case. Staff has put an inquiry with the County as to whether or not the sign on the south side of 18th Street is to be removed - the County has yet to respond.

Staff finds that there are no conditions related to the property that prevent compliance with the clear line of sight provisions (Village or County requirements). 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 clear line of sight provisions or reducing the degree of relief requested. As such, staff recommends that the Plan

Commission make a finding of denial to the County.

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

Commissioner Sweetser stated she agreed with staff.

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

Aye: 4 - Ryan, Olbrysh, Sweetser and Burke

Absent: 3 - Flint, Nelson and Cooper

Chairperson's Report

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The Chairperson deferred to the Assistant Director of Community Development.

Planner's Report

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Christopher Stilling indicated that staff has one item, a text amendment, for the April meeting. The May meeting will be a full agenda as the Board of Trustees cancel their July meetings as well as the first meeting in August and petitioners will be looking to get their petitions heard prior to that time.

Commissioner Olbrysh asked the status of the 1010 East North Broadway petition heard at last month's meeting. Mr. Stilling stated that the petitioner asked for a continuance at the last Board meeting. Staff has met with them and their petition will be heard this Thursday.

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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Open Space Plan Component - Comprehensive Plan Update

Jennifer Henaghan, Senior Planner, presented the workshop. She referred to the copy of the draft Open Space Plan and indicated that this document was the result of one of the Village Board of Trustees' strategic directions this year and how it will be processed as an update to the 1998 Comprehensive Plan. Currently, there is no existing open space plan included as part of the Comprehensive Plan but references to open space are scattered throughout it. This Open Space Plan would bring together an all inclusive look at the Village's policies and update the Comprehensive Plan to incorporate all of the related accomplishments and changes that have occurred within the Village over the past 12 years since the Plan was approved.

The goal of the Open Space Plan is to develop a detailed inventory of open space parcels in the Village of Lombard, identify issues impacting open space and promote best management practices in open space acquisition and stewardship.

The process would include:

- * Incorporating the Commissioners' comments into the Plan
- * Holding a public open house targeted for late March/early April
- * Incorporating the open house comments and bringing it back to the Plan Commission for consideration late this spring.
- * Final consideration before the Board of Trustees targeted for May or June

Tonight staff is soliciting the Plan Commissioners' thoughts as to what they think of the Open Space Plan, if they have any suggestions or if there are any topics missing.

Commissioner Olbrysh commented that one thing that attracts residents to Lombard is its parks and open space. He suggested that be continued. He agrees with the draft plan but also realizes that it costs money to acquire, protect and restore open space and hopes that the Village continues to budget for that. If we are going to lose a golf course, the land should be kept as open space and not be intended for a housing development.

Ms. Henaghan answered that it would specifically be addressed in the plan. She needs to reword it to be consistent with the Annexation Strategies Plan which recommends that Ken Loch remain open space. Commissioner Olbrysh suggested a park. Ms. Henaghan indicated it could be a park, golf course or any open space amenity for the Village.

Chairperson Ryan concurred with Commissioner Olbrysh's comments. We need to keep open space and enhance it as much as possible. People come to this town for this specific reason and parks generate positive activity. He would like to see it continue.

Commission Sweetser also agreed. Having this approach and making it part of the Comprehensive Plan is important. Page 12 lists the key parcels and if something is not cited here would she be able to conclude that nothing additional is being planned for an area? Ms. Henaghan answered yes.

Commissioner Sweetser then asked about special pavement applications such as permeable pavers and if they would add to open space. Ms. Henaghan stated that they would not add to open space as defined by the Zoning Ordinance but they would have stormwater benefits. Our best management practices and stormwater requirements credit for permeable pavers. Commissioner Sweetser asked if there was something on the books as an incentive. Ms. Henaghan answered yes.

Mr. Stilling added that staff will reach out to the absent Commissioners to solicit their thoughts and comments and incorporate them into the Plan. He also mentioned that should any of the Commissioners have any additional thoughts or comments to e-mail staff so we can incorporate them.

Commissioner Sweetser suggested that after this process has been completed, it would be interesting and useful to do a comparison with other communities to see how we measure up.

Adjournment

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The meeting adjourned at 7:55 p.m.

*Donald F. Ryan, Chairperson
Lombard Plan Commission*

*Christopher Stilling, Secretary
Lombard Plan Commission*