



Village of Lombard

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

Minutes

Plan Commission

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

Monday, August 20, 2012

7:30 PM

Village Hall - Board Room

Call to Order

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

Pledge of Allegiance

Chairperson Ryan led the Pledge of Allegiance.

Chairperson Ryan requested a moment of silence in memory of President Mueller. He then mentioned the wake and funeral arrangements.

Roll Call of Members

Present 6 - Donald F. Ryan, Ronald Olbrysh, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint
Absent 1 - Martin Burke

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

Chairperson Ryan called the order of the agenda.

Christopher Stilling read the Rules of Procedure and By-Laws.

Public Hearings

[120377](#)

PC 12-17: 2700-2860 S. Highland Avenue (Highlands of Lombard) (Continued from July 16, 2012) (Request to continue to September 17, 2012)

The petitioner, the Village of Lombard, requests that the Village take the following actions for the subject properties located in the B3PD, Community Shopping District, Planned Development:

1. An amendment to the Second Amendment to the Pre-Development Agreement between the Village of Lombard and the owners of the property commonly known as The Highlands of Lombard and an amendment to Ordinance No. 4833 for an amendment to the conditional uses and variations approved by said Original Ordinance, so as to clarify the principal uses that are permitted, conditional or prohibited on the Subject Property, and to grant a variation relative to the requirements applicable to accessory uses on the Subject Property. (DISTRICT #3)

Chairperson Ryan stated that staff has requested that this petition be continued to the September 17, 2012 meeting.

A motion was made by Stephen Flint, seconded by Ruth Sweetser, that this matter be continued to the September 17, 2012 meeting. The motion carried by the following vote:

Aye: 5 - Ronald Olbrysh, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Absent: 1 - Martin Burke

[120416](#)

PC 12-16: 661 N. Charlotte Street

Requests that the Village take the following actions for the subject property located in the R2PD Single-Family Residence District, Planned Development:

1. An amendment to Ordinance No. 4566, as amended by Ordinance No. 4772, for the Providence Glen Planned Development, to amend Exhibit "A" to said Ordinances to show a rear yard setback, for no more than the north three-quarters (3/4) of lot 6 within said Planned Development, of fifteen (15) feet, instead of thirty (30) feet, for the sole purpose of constructing an attached one-story screen porch (three season room). (DISTRICT #4)

Prior to the petitioner's comments, Christopher Stilling, Assistant Director of Community Development, indicated that staff distributed to the Commissioners an additional Response to Standards submitted by the petitioner as well as some photos.

Matt Berberich, 661 N. Charlotte, presented the petition. He reminded the Commissioners that the previous petition presented to them was for the entire subdivision but at the last Board of Trustees meeting they recommended that he use a different approach and submit a conditional use application strictly for his property.

Since the Commissioners are familiar with the petition, he referred to the latest Responses to Standards and indicated he would highlight a few of the responses:

A. That the establishment, maintenance, or operation of the

conditional use will not be detrimental to, or endanger the public health safety, morals, comfort, or general welfare;

He responded that it would not create any additional circumstances. The screened in room is built on top of a deck that was built with a permit. The deck was not changed in any manner so as to accommodate the screened in room and it would not extend any further into the established setback. To show how the room is secluded, does not impact the neighbors, is confined within the property and goes straight off the back of the house, he presented pictures which were taken from inside the porch looking out. The first picture was a view looking toward the southeast. The second picture was a view looking east and the last picture showed a view from the northeast.

- B. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.

Mr. Berberich stated that any improvements that would be constructed would be located within the confines of the property and they are located in an established neighborhood. This would increase the values of the properties in the neighborhood not diminish them.

- G. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.

Mr. Berberich stated that the relief relates to the specific subject property and is within the confines of the proposed setback and does not infringe on the property lines. There is a larger northern setback so there is plenty of space and the porch is secluded. It wouldn't add any bulk as it is a roof put on a structure that is already in place. The deck was already there as were the railings.

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

To speak against the petition were:

Dave Kundrot, 640 N. Charlotte, Lombard, in the Providence Glen Subdivision. He stated this is the third time this issue has come before the Commission and no new information or evidence has been presented to establish a hardship or grant relief. It is about the same issue which is creating an ordinance for one individual who didn't

follow the rules. Granting this relief would set a bad precedence. He questioned what the purpose of the zoning laws and ordinances are if people are able to do what they want and then afterward petition for relief. If this relief is granted, other people in the subdivision will do the same thing. There have been no facts presented that it will not affect property values, storm water or water detention. If you add walls and a roof, then you create bulk. There was a rear yard setback variance granted when the subdivision was built. This request goes beyond the spirit and intent of the subdivision and will increase congestion and affect the aesthetics of the neighborhood.

James Donovan, 700 N. Garfield Street, Lombard, stated that the precedence is what bothers him. He fears that once one starts more will come. He feels it does encroach on his property and will diminish his property values. He noted that their houses are close and once the trees are gone, it will be visible so he is against it.

Chairperson Ryan asked if there were any questions of the petitioner.

Commissioner Mrofcza asked the petitioner if he was the owner of the property back in 2002. Mr. Berberich answered yes he has been the only owner. Commissioner Mrofcza confirmed that he came before the Village Board who approved a petition for a deck but denied a petition for the screened porch. Mr. Berberich answered yes, the deck was approved but the porch was denied. Commissioner Mrofcza asked if he then proceeded to build the structure even after the Village Board said no. Mr. Berberich answered yes.

Mr. Berberich rebutted. He indicated it was a mistake but he did it for personal reasons which were for his son's needs.

Chairperson Ryan then requested the staff report.

Christopher Stilling, Assistant Director of Community Development, presented the staff report noting that it was being entered into the public record in its entirety.

Mr. Stilling stated that he would briefly summarize where we are at and how we got here. Most recently on June 7 the Village Board did deny the request by the petitioner to amend the Providence Glen Planned Development to allow certain lots within the subdivision the right to further reduce the setbacks. Staff originally started with an amendment to all the lots and that got remanded back to the Plan Commission for discussion for just the lots on the east side of Garfield Street. The Village Board did indicate that that the petitioner may seek an amendment as a request for only his lot, which is lot 6, amending the original plat of subdivision which actually established

the required setbacks. Typically, these sort of cases are those that appear before the Zoning Board of Appeals but as staff found out throughout this process and getting to this point, realized that the actual plat of subdivision, which also operates as a planned development plat, established the setbacks. So staff needed to amend the plat for his lot to address this.

Mr. Stilling stated he believes the Plan Commission is familiar with the Providence Glen Planned Development. The subdivision did establish the setbacks and as noted the petitioner is seeking to make the request to reduce it down to 15 feet.

As previously stated, the Providence Glen Subdivision was approved for 30 foot rear yards on each of the 32 lots within the subdivision which is 5 feet less than the required 35 feet in the traditional R2 single family. As reductions to the rear yard have already been reduced below that of the abutting R2 single family district, staff believes that a further reduction could impact the characteristics of the subdivision. As the establishment of the original planned development required conditional use approval, the petitioner is seeking to amend the original planned development through the conditional use process, therefore, those standards under the conditional use would be applicable in this case in which the petitioner has provided a response to. Ultimately staff has provided a response to a few of the standards which we feel have not been met particularly as they relate to:

Standard A. That the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare:

As staff noted the petitioner's lot directly abuts lots in the R2 district located outside of the subdivision. Staff believes that the proposed amendment could have a detrimental effect on the adjacent single family lot. While staff recognizes that the single family residences located directly east of the Providence Glen planned development are located on larger lots, staff believes that those properties should not be held accountable for the additional fifteen feet of encroachment.

With reference to Standard B. *Staff feels that the proposed planned development amendment would allow for a screen porch addition to be located within an area of the property which would have once been prohibited by Code. It should be noted that previously, and believe there had been some discussion that came up at the Plan Commission hearing in May, that there had been relief granted for a property further north on Charlotte as it relates to a deck. That relief was really associated with the height of the deck. At the time and prior to 2005, the Village Code allowed decks as a permitted encroachment into the rear yards and technically, a deck that was no*

more than 3 feet high could encroach all the way up to the rear lot line. In many cases you will find that decks within the Providence Glen Planned Development are 10-15 feet away from the rear lot line. There is some information submitted in the original packet which shows that. Ultimately, relief had been granted as a result of the deck height and some grade changes for that one property on Charlotte and the Village actually granted a variation for deck height rather than for setback relief. So that really is not applicable in terms of this case. That being said, the deck that the petitioner did build a structure on was constructed by right at the time. Code has since been changed since 2005 and now does require a minimum of 25 foot setback for decks regardless of the height of that deck.

Ultimately, as it relates to this petition, based on the information staff has presented and the fact that staff feels that the standards have not been met, staff would not recommend approval of this proposal. However, staff alternatively did provide a recommendation should the Plan Commission decide to vote in favor of this if there is a motion for approval. The standards submitted by the petitioner could be relied upon if the Plan Commission feels that it would like to make the finding that the standards are being met.

Chairperson Ryan then asked for comments from the public. Hearing none, he opened the meeting to the Commissioners.

Commissioner Olbrysh stated he had no problem with the petitioner coming back to the Plan Commission provided he came back with new evidence or testimony to change the meaning. He noted that the scope has now been reduced to a single property but he has not heard anything to change his mind. His biggest concern is the precedent this would create if it was approved. You cannot ignore Village codes and have no consequence for it. While he feels sorry for the petitioner, you have to comply with Village requirements.

Commissioner Sweetser indicated that the petitioner did provide new testimony in that he said there is no difference in bulk between having a flat deck or a room. She indicated that does not change her approach.

Chairperson Ryan added that the testimony about no difference in bulk between a flat deck and a room was the petitioner's opinion. Commissioner Sweetser stated that although true, it was in fact new testimony.

Commissioner Cooper concurred and stated that her position has not changed. While she feels badly for his personal issues, she indicated that the rules were broken and it would be a disservice for the

community. There has to be repercussions for those who choose to not follow the rules and ordinances.

A motion was made by Ronald Olbrysh, seconded by Stephen Flint, that this matter be recommended to the Corporate Authorities for denial. The motion carried by the following vote:

Aye: 5 - Ronald Olbrysh, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Absent: 1 - Martin Burke

[120417](#)

SPA 12-05ph: 1000 N. Rohlwing Rd. (The Room Place)

Requests site plan approval with the following deviation for the subject property, located within the B3PD - Community Commercial Planned Development District:

1. A deviation from Section 153.237 (E) to allow a temporary sign to exceed thirty-two (32) square feet in area. (DISTRICT #1)

Ryan Lawrence, 18 W. St. Charles Road, Lombard, presented the petition. He stated he is representing The Room Place and is the Marketing Administrator. Mr. Lawrence indicated that The Room Place is one of the largest furniture retailers in the Chicagoland area with one of their largest stores located in Lombard.

Their request is for a deviation to allow a temporary sign to exceed 32 square feet in area and be located on their western façade. The dimensions of the sign are proposed to be 30 x 20 square feet and would be professionally developed. The project would be managed by their marketing team who has over 30 years of advertising experience. They are requesting this deviation because the west façade is vast, has a high line of trees and is not utilized for any reason other than serving as a pass-through for customers picking up furniture. As the western façade faces I-355 and will not be located near any adjoining businesses, a larger sign would help direct traffic to the mall and would help to gain brand recognition and awareness that they exist in this location. He explained that they are requesting to have the banner for a 120-day period.

Chairperson Ryan asked if there was anyone to speak in favor or against the petition. Hearing none, he requested the staff report.

Christopher Stilling, Assistant Director of Community Development, presented the staff report. He noted that it is being submitted to the public record in its entirety. He reiterated their request to allow a temporary sign to exceed 32 square feet in area. They are requesting a deviation to display one 600 square foot banner at their location in the Northgate Shopping Center. The banner would be displayed on the western building elevation, facing towards I-355 and

is intended to advertise a sale. In their response to standards, the petitioner states there is a high line of trees along the western façade and that a 32 square foot banner would be difficult for drivers on I-355 to see and decipher. They also indicated that the western elevation is vast and in order to have a visual impact or readability, a larger banner is needed.

Mr. Stilling noted that the Plan Commission approved similar banner requests for Floor & Décor and the Heron Point Office Center so this request is consistent with other past approvals. As the western facade has large mass and bulk and a 32 square foot sign would get washed out and the banner will be temporary in nature, staff has no objections to this request.

The Sign Ordinance allows commercial businesses to display a banner for a total of 120 days per calendar year. The petitioner indicated that because they plan to make a significant investment in the banner, they would like the ability to display it for a longer time period, more specifically, six months. As such, staff originally advertised for relief to allow the banner to be displayed for a six-month period. If the Plan Commission were to approve the banner, the allotted 120 days would expire prior to the end of the year, thus resulting in a gap between the remainder of the year and January 1, 2013 when they would be allowed an additional 120 days to display a banner. Staff reached out to the petitioner in order to verify whether or not they'd be willing to delay permit acquisition until September 3, 2012. This would allow the business to display the banner for 120 consecutive days in 2012 and 2013, for a total of eight months combined. Therefore, the relief associated with the additional display time would not be needed, bringing the temporary sign project into closer compliance with Code.

Mr. Stilling stated that the revised standards are included in the motion and that staff recommends approval of this petition subject to the conditions noted in the staff report.

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

A motion was made by Ruth Sweetser, seconded by Stephen Flint, that this matter be approved with the following conditions:

- 1. A permit shall be obtained for the subject temporary sign.**
- 2. The relief associated with the temporary sign size shall be limited to the tenant space at 1000 N. Rohlwing Rd., Unit #46. The time period for the installation of the temporary sign shall be limited to no more than 120 each in 2012 and 2013.**

The motion carried by the following vote:

Aye: 5 - Ronald Olbrysh, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Absent: 1 - Martin Burke

Business Meeting

The business meeting convened at 8:08 p.m.

Approval of Minutes

On a motion by John Mrofcza and seconded by Andrea Cooper the minutes of the July 16, 2012 meeting were unanimously approved by the members present.

Public Participation

There was no public participation.

DuPage County Hearings

There were no DuPage County hearings.

Chairperson's Report

The Chairperson deferred to the Assistant Director of Community Development.

Planner's Report

Christopher Stilling provided an overview of the projects that were now under construction. He stated that all of last month's Plan Commission cases would be heard this Thursday at the Village Board meeting with the exception of the North Avenue and Grace Street project which was going to be continued to the September 6, 2012 Board meeting in order to finalize details. Lastly, he mentioned potential cases for next month's meeting.

Unfinished Business

There was no unfinished business.

New Business

There was no new business.

Subdivision Reports

There were no subdivision reports.

Site Plan Approvals

There were no site plan approvals.

Workshops

There were no workshops.

Adjournment

The meeting adjourned at 8:10 p.m.

*Donald F. Ryan, Chairperson
Lombard Plan Commission*

*Christopher Stilling, Secretary
Lombard Plan Commission*