

October 2, 2008

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 08-27; 591 S. Main Street

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, requests conditional use approval to allow for automobile repair in the B2 General Neighborhood Shopping District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on September 15, 2008.

Joeshayne Meloun, operator of JoeShayne Automotive at 591 S. Main Street, presented the petition. Mr. Meloun stated that he wished this conditional use had been completed nineteen years ago. He stated that there were some zoning issues on the property. However, those issues would be taken care of.

Chairperson Ryan then opened the meeting for public comment.

John Burkedt, 252 W. Ethel Ave., stated that he has used Mr. Meloun as his mechanic for many years. He stated that Mr. Meloun is credible, competent, and an asset to the community. Mr. Burkedt stated that the automotive repair work done at JoeShayne Automotive is high quality.

William Heniff, Acting Director of Community Development, commented on the petition. Mr. Heniff stated that the public hearing was intended to address a 1989 agreement between the Village and JoeShayne Automotive. The Village of Lombard is listed as the petitioner due to meeting the obligations of that agreement.

Chairperson Ryan then requested the staff report.

Stuart Moynihan, Associate Planner, presented the staff report. Staff has prepared a report and is submitting it to the public record in its entirety. The subject property is located at the northeast corner of Main Street and Madison Street. The

property is developed with an automobile repair building approximately 2,180 square feet in size.

This public hearing is intended to address an agreement entered into April 20, 1989 between JoeShayne Automotive and the Village of Lombard. The agreement stated that the Village would grant a conditional use for automotive repair in consideration of JoeShayne agreeing to, among other things, a dedication to the Village of approximately one hundred (100) square feet located at the northeast corner of Main Street and Madison Street. However, the agreed upon conditional use was never approved by the Village through a public hearing process. The Village of Lombard is acting as petitioner in order to fulfill this obligation.

The business operator, JoeShayne Meloun, was issued a Certificate of Occupancy on January 14, 1987 to operate an automobile service station at 591 S. Main Street. At that time, the Zoning Ordinance required that all automobile service stations provide gasoline pumping services. JoeShayne Automotive originally provided this service. However, Mr. Meloun desired to remove the underground fuel tanks on the property to avoid the possibility of environmental effects from future leakages. In order for Mr. Meloun to continue servicing automobiles without providing gasoline pumping services, a change in use to automobile repair was necessary.

On April 20, 1989, JoeShayne Automotive and the Village entered into an agreement which would grant a conditional use for an automotive repair business on the subject property.

The conditional use was to be granted subject to the following conditions:

1. The subject site and landscape improvement plan including striping for parking shall be reviewed and approved by the Director of Planning prior to the issuance of the permit to remove said fuel tanks.
2. The existing gas price sign and pole shall be removed concurrent with the relocation of the existing free standing identification sign.
3. Curbing per ordinance shall be provided between landscaped and paved areas.
4. A solid wood six (6) foot fence shall be installed along the north and east property lines subject to the review and approval of the Director of Planning.
5. A screened trash receptacle shall be maintained subject to the review and approval of the Director of Planning.
6. No outside storage shall be permitted except the temporary (generally not to exceed three (3) days) vehicles awaiting repair. Three (3) vehicles owned by Carfano Meats (and/or its assigns) contracted to be serviced by "JoeShayne" which are currently parked on the premises as part of the business may be maintained.
7. Petitioner may remove fuel storage tanks.

With the exception of the enclosure for the trash receptacle, these conditions have been met. However, Mr. Meloun has agreed to apply for a permit to complete this last condition.

The Comprehensive Plan calls for this area to be developed with Neighborhood Commercial uses. The agreement for a conditional use predates the Comprehensive Plan adopted in January 1998.

The property is primarily surrounded by a gas station, convenience shopping and services, offices, and residential properties. Staff finds the proposed use to be compatible with the surrounding land uses.

As no changes to the building or site are proposed at this time, the conditional use itself is the only zoning issue under consideration. Staff also notes that any activities beyond those set forth within Resolution R12289 and the ordinance of approval may constitute an amendment to the conditional use approval.

Staff is recommending approval of the petition subject to the conditions in the staff report.

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

Commissioner Olbrysh stated that he had no problem with the conditional use.

Commissioner Sweetser stated that she felt essentially the same way.

Commissioner Olbrysh motioned to approve PC 08-27 subject to the seven conditions outlined in the staff report. The motion was seconded by Commissioner Sweetser.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposal **complies** with the standards required by the Lombard Zoning Ordinance; and, therefore, moved that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, recommends to the Corporate Authorities **approval** of the zoning actions associated with PC 08-27 for the subject property, subject to the following conditions:

1. The subject site and landscape improvement plan including striping for parking shall be reviewed and approved by the Director of Planning prior to the issuance of the permit to remove said fuel tanks.
2. The existing gas price sign and pole shall be removed concurrent with the relocation of the existing free standing identification sign.
3. Curbing per ordinance shall be provided between landscaped and paved areas.
4. A solid wood six (6) foot fence shall be installed along the north and east property lines subject to the review and approval of the Director of Planning.

October 2, 2008

PC 08-27

Page 4

5. A screened trash receptacle shall be maintained subject to the review and approval of the Director of Planning.
6. No outside storage shall be permitted except the temporary (generally not to exceed three (3) days) vehicles awaiting repair. Three (3) vehicles owned by Carfano Meats (and/or its assigns) contracted to be serviced by "JoeShayne" which are currently parked on the premises as part of the business may be maintained.
7. Petitioner may remove fuel storage tanks.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

H:\CD\WORDUSER\PCCASES\2008\PC 08-27\Referral Letter 08-27.doc