

East: B4 Corridor Commercial Shopping District; improved with a vacant retail building (approved for a motor vehicle establishment)

West: B4PD Corridor Commercial Shopping District; developed as a CVS Pharmacy

ANALYSIS

SUBMITTALS

This report is based on those documents filed on with the Department of Community Development on April 13, 2009 and May 11, 2009:

1. Petition for Public Hearing.
2. Standards for Conditional Use prepared by the petitioner, undated.
3. Plan prepared by the petitioner which shows the location of existing vehicle lift, undated.
4. Site plan, prepared by KB Partnership, dated May 19, 2009.
5. Revised landscape plan, prepared by KB Partnership, dated May 19, 2009.

DESCRIPTION

The petitioner is currently the operator of an automobile dealership at 404 E. North Avenue. The motor vehicle sales use was approved as a conditional use by Ordinance 6161 (PC 08-05) in October 2008. In a letter submitted during the staff review of PC 08-05, European Auto Exchange stated that no oil changes or major mechanical work would occur on the premises and that all major repair and body work would be done at another facility. Since that time, European Auto Exchange has performed some automotive service and minor repairs at the 404 E. North Avenue facility. To perform these services a vehicle lift has been installed within the building on the subject property. Therefore, staff informed the petitioner that conditional uses for automobile service and automobile repair would be necessary. The petitioner has not proposed any interior or exterior construction as part of this petition.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Public Works has reviewed the petition and has no comments.

PRIVATE ENGINEERING

The PES Division of Community Development has the following comments on the above petition:

- 1) Public sidewalk was previously required under the last zoning relief provided to the property and has yet to be completed. Additionally, there are some minor punch list items yet to be addressed from other site work related to the property.
- 2) The current business is functioning under a conditional Certificate of Occupancy. The business shall obtain a full CO.

BUILDING AND FIRE

Upon review of the above referenced request for conditional use for automobile servicing and repair, along with sales offices already in place, the Fire Department/Bureau of Inspectional Services has the following comments:

- 1) The location has a car repair lift installed in the rear portion of the facility, which was installed without a permit. They applied for the lift permit on 6/1/09. We are waiting for the electrician's license and certificate of insurance.
- 2) The rear space that is to be used for servicing and repair is already equipped with a floor drain that connects to a triple basin grease interceptor as required by code.
- 3) The access door between the sales area and the rear portion of the facility has a wooden door on rollers. This door needs to be replaced with a metal rated door to separate the two types of occupancy usage.
- 4) The fire department sprinkler equipment in the front of the facility in the southeast corner needs to have a barricade placed around equipment in order to keep people away from it and also to deter any vehicles from accidentally hitting the lines. The owner indicated he was aware of the problem, but has of yet to install the barricade.

PLANNING

Zoning History

Conditional uses for the subject property were approved in March 1999 (PC 99-06 Ordinance 4599) and in November 2000 (PC 00-46, Ordinance 4907) for motor vehicle sales. However, since the approval was not acted upon within twelve months, the conditional use became null and void. In

October of 2008, the current occupant of the property received a conditional use through PC 08-05 for motor vehicle sales.

On March 19, 2009, a Bureau of Inspection Services (BIS) inspector discovered that a vehicle lift had been installed inside the garage door at the northern side of building. The inspector was informed that the lift was being used for oil changes and minor vehicle service. As no permit had been issued, BIS notified European Auto Exchange that a permit was necessary for the lift.

Following the inspection, BIS notified Planning Services staff of the use of the lift. As the Zoning Ordinance lists automobile service and automobile repair as conditional uses in the B4 District, staff contacted the petitioner informing them that a conditional use for automobile service is required. The petitioner also acknowledged that some minor vehicle repairs were being performed at the facility. Staff informed the petitioner that this would require a second conditional use for automobile repair. The petitioner has since applied for a permit for the lift.

Compliance with the Zoning Ordinance

European Auto Exchange is proposing to perform automobile service and automobile repair from the garage area in the building on the site. The petitioner is proposing to service vehicles which are for sale on the lot and to service vehicles which have been sold and are under warranty. In addition, the petitioner has requested that they be permitted to service race cars which are sponsored by European Auto Exchange and are a hobby of the business owner.

Automobile repair and automobile service are distinct uses within the Zoning Ordinance and are defined as follows:

AUTOMOBILE REPAIR is the repair of motor vehicles including rebuilding, reconditioning, replacement, or dismantling of major components such as body, frame, or fender repair or painting. Automobile repair generally consists of work that is more intense and less routine than automobile service and sometimes includes overnight storage of vehicles.

AUTOMOBILE SERVICE is the service or maintenance of motor vehicles including the installation of minor components such as lubricants, batteries, tires, and mufflers and the performance of maintenance services such as tune-ups, tire É-X-balancing, and car washes. Automobile services generally do not include activities which require overnight storage of vehicles and specifically do not include body work, painting, or repair of major components.

As part of PC 08-05, the petitioner submitted a site plan and landscape plan which did not accurately reflect the features and dimensions of the property. The inaccuracies included a depiction of greater parkway width along North Avenue than is present at the site and a strip of grass approximately twelve feet (12') in width located along the northern property line that is not present

at the site. Approximately one hundred feet (100') of this strip, beginning at the northeastern corner of the property and extending westward, is in fact asphalt parking.

As a corrective measure, the petitioner has submitted a new landscape plan which accurately depicts the property. This plan was included as part of this petition. The petitioner plans to install twenty-six (26) Emerald Green Thujas (*Arborvitae*) along the northern property line that will provide additional screening.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Community Commercial at this location. As the use on the property will remain commercial retail with an added service component, the proposed use complies with the recommendation of the Comprehensive Plan.

Staff notes that the service and repair of race cars is not representative of a commercial operation on the property. It is the opinion of staff that service and repair of automobiles should be limited to vehicles for sale by European Auto Exchange and the personal automobiles of their customers. Therefore, staff is not supportive of the petitioner's request to service and repair race cars on the subject property.

Compatibility with Surrounding Land Uses

The proposed use is compatible with the surrounding land uses. The properties to the east, south, and west are zoned B4 or B4PD and are development for commercial purposes. The residential properties north of the site are screened by an eight-foot (8') board on board fence and will be further screened by the plantings to be installed by the petitioner along the northern property line. The North Avenue corridor is a high volume corridor with commercial and industrial sites on the north half of the street and residential sites on the south half of the street with intermittent areas of commercially zoned property.

As a condition of PC 08-05, the petitioner was required to install a "no left turn" sign on the LaLonde Avenue driveway, in order to prevent vehicles from being test driven within the adjacent residential neighborhood to the north. This sign has been installed on the property. Still, staff has received two letters from property owners to the north which express concern about test drives occurring within the residential neighborhood. It is the opinion of staff that should the Plan Commission make a motion for approval of this petition it should include a condition which expressly prohibits test drives in the residential neighborhood to the north.

Compliance with the Subdivision and Development Ordinance

As a condition of PC 08-05, the petitioner was required to submit a Plat of Consolidation to make the subject property a single lot of record. The petitioner has submitted the plat and received comments for revisions. To date, the petitioner has not submitted a final copy of the plat for recording.

The conditions in PC 08-05 also required the petitioner to install sidewalks along all surrounding public rights-of-way for the length of the property. The Subdivision and Development Ordinance requires that these sidewalks be installed. Currently, only one sidewalk exists along North Avenue. Grace Street and LaLonde Avenue currently have no improved sidewalks. Staff is working with the petitioner to develop plans for the installation of the remaining sidewalks. Staff notes that a pile of gravel has been dumped near the northwest corner of the subject property. The petitioner has stated that European Auto Exchange intends to use this gravel as the base for the sidewalk.

FINDINGS AND RECOMMENDATIONS

Staff has reviewed the petitioner's standards for conditional uses and concurs that the petition meets the standards set forth within the Zoning Ordinance. Staff believes that the proposed use is compatible with the surrounding zoning and land uses and is appropriate for the site. Based on the above the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission and recommend to the Corporate Authorities **approval** of PC 09-10, subject to the following conditions:

1. The subject property shall be developed in substantial compliance with the site and landscape plans prepared by KB Partnership, dated May 19, 2009 and submitted as part of this petition, except as they may be changed to conform with to Village codes and the following conditions below.
2. The petitioner shall submit for final approval a Plat of Consolidation to consolidate the five (5) lots and the vacated alley into one lot no later than three (3) months from the approval of the ordinance.
3. Vehicles from the subject property which are for sale, being serviced, or being repaired shall not be driven for testing purposes in the residential neighborhood north of the subject property.
4. The conditional uses for automobile service and automobile repair shall be limited to vehicles for sale by European Auto Exchange and the personal automobiles of their customers.
5. Any violation of the provisions set forth within the approved conditional use may result in a revocation of the Conditional Use for the property.

6. As part of the approval, the petitioner shall also address all comments included within the IDRC Report.
7. The petitioner shall address all Private Engineering Services punch list items as outlined in the May 13, 2009 letter including the installation of the sidewalk along Grace Street and Lalonde Avenue in a manner acceptable to the Director of Community Development no later than three (3) months form the approval of the ordinance.
8. All conditions associated with Ordinance 6161 (PC 08-05) shall remain in full force and effect.

Inter-Departmental Review Group Report Approved By:

William J. Heniff, AICP
Director of Community Development

WJH
c: Petitioner