

**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission HEARING DATE: July 20, 2009
FROM: Department of PREPARED BY: Michael S. Toth
 Community Development Planner I

TITLE

PC 09-23; Text Amendments to the Lombard Zoning Ordinance (218 E. St. Charles): The petitioner, Next Stop Thrift Shop, requests a text amendment to Section 155.414(B) of the Lombard Zoning Ordinance allowing “Secondhand stores and rummage shops” to be listed as a permitted use within the B2 – General Neighborhood Shopping District.

GENERAL INFORMATION

Petitioner: Kathryn Nelson
 21W131 Everest Road
 Lombard, IL 60148

**PROPERTY INFORMATION
(FOR SITE WHERE PROPOSED ESTABLISHMENT IS PROPOSING TO LOCATE)**

Existing Zoning: B2 General Neighborhood Shopping District
Existing Land Use: Vacant Freestanding Building
Size of Property: 19,236 Square Feet
Comprehensive Plan: Neighborhood Commercial

Surrounding Zoning and Land Use:

North: R2 Single-Family Residential District, developed as a multiple family dwelling
South: Union Pacific Railroad
East: B2 General Neighborhood Shopping District, developed as automotive repair, known as Lombard Auto Repair
West: B2 General Neighborhood Shopping District, developed as a multi-tenant commercial strip center

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development on April 13, 2009:

1. Public Hearing Application
2. Response to Standards for Text Amendments

DESCRIPTION

The petitioner, Next Stop Thrift Shop, intends to utilize the vacant freestanding building located on the subject property for the sale of secondhand goods in the B2 – General Neighborhood Shopping District. There are currently no uses (permitted or conditional) that would allow such an activity in the B2 – General Neighborhood Shopping District; as such, the petitioner is requesting text amendments to the Zoning Ordinance to allow ‘Secondhand stores and rummage shops’ as a permitted use in the B2 – General Neighborhood Shopping District.

Special Note: The proposed text amendments would establish secondhand stores and rummage shops as a permitted use. As such, the proposed text amendment would be applicable to all properties within the B2 – General Neighborhood Shopping District. Any zoning requirements related to the subject business would be conducted during the Certificate of Occupancy/Zoning Certificate application review.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Public Works Engineering has no comments at this time.

PRIVATE ENGINEERING SERVICES

The Private Engineering Services Division of Community Development has no comments.

BUILDING & FIRE

The Fire Department/Bureau of Inspectional Services has no comments at this time. However, should the text amendment be approved, the petitioner/property owner shall apply for and receive a Zoning Certificate/Certificate of Occupancy for the business establishment. Approval of the certificate will be predicated on meeting applicable life safety and Illinois Accessibility Code requirements.

PLANNING

Compatibility with the Zoning Ordinance

As Table 1 illustrates, the proposed use is prohibited in the B2 – General Neighborhood Shopping District; however, if someone wanted to establish a secondhand store or rummage shop, this could be done in the B3, B4, B5 & B5A Districts as a permitted use.

Use	B1	B2	B3	B4	B4A	B5	B5A	I
Secondhand stores and rummage shops	-	-	P	P	-	P	P	-
“C” = Conditional Use, “P” = Permitted Use, “-” Prohibited Use								

Table 1

From a land use perspective, it is staff’s opinion that the proposed use is suitable for the B2 – General Neighborhood Shopping District. The Zoning Ordinance describes the B2 – General Neighborhood Shopping District as *an area intended to provide convenience shopping to adjacent residential areas, but allows for a wider range of uses than permitted in the B1 District*. As such, the proposed use is consistent with the intent of the B2 – General Neighborhood Shopping District.

Furthermore; in 2002, the Village took action on a portion of the Comprehensive Plan that deals with long-term commercial plans, which recommends that the Central Business District encompass a much larger area. To accommodate such recommendation, the Village expanded upon the downtown by rezoning a number of properties adjacent to the downtown. As a result, the B5A – Downtown Perimeter District was created and twenty-two (22) properties, that were once designated B2 – General Neighborhood Shopping District, were reclassified to the B5A – Downtown Perimeter District. Of the twenty-two (22) aforementioned B2 properties that were rezoned, all twenty-two (22) were located on Main Street, south of Parkside Avenue.

Under the B5A – Downtown Perimeter District requirements, any permitted use in the B5 – Central Business District is a permitted use within that District. As such, secondhand stores and rummage shops were automatically deemed appropriate for the B5A – Downtown Perimeter District. As Exhibit A illustrates, there are only five small pocket-areas within the Village that are still classified as B2 – General Neighborhood Shopping District. The largest B2 area is located directly to the east of the downtown, which is also the area where the subject property is located. Furthermore, if the subject property were to be reclassified to the B5A – Downtown Perimeter District per the recommendation of the Comprehensive Plan, secondhand stores and rummage shops would become a permitted use. However, rezoning the entire East St. Charles Road corridor to the B5A District should be done as part of a larger comprehensive effort rather than to accommodate one specific use.

Compatibility with Comprehensive Plan

The Comprehensive Plan recommends Neighborhood Commercial for all properties located in the B2 - General Neighborhood Shopping District. As the proposed business provides convenience goods to the daily needs of nearby residents, staff believes that the proposed amendment is consistent with the Comprehensive Plan.

Impact on Adjacent Properties

Secondhand stores typically rely on the donation of goods, which are typically dropped off on-site, for resale. However, some non-profit organizations and secondhand stores utilize off-site collection centers. In 2007, text amendments to the Zoning Ordinance (PC 07-39) were approved relative to drop-off collection centers. The aforementioned text amendments created a separate and distinct use for off-site collection centers. As such, the 'collection centers' use was created. Moreover, the text amendments only allowed collection centers to be listed as a conditional use within the B3, B4, B4A and I Districts. The B1 and B2 Districts were specifically excluded because those districts are the local commercial districts and the designated properties tend to be in very close proximity to residences. Furthermore, it would be required that the donated goods used for secondhand stores in the B2 District be dropped off within the confines of the building. Any outdoor collection centers in the B2 District are prohibited.

Proposed Text Amendments

The following are the proposed text amendments for the Zoning Ordinance and Code of Ordinances. Proposed changes to the Zoning Ordinance are denoted by underlining new text.

SECTION 155.414 B2 GENERAL NEIGHBORHOOD SHOPPING DISTRICT REQUIREMENTS

B. Permitted Uses

The following uses shall be permitted in the B2 District:

1. Any use permitted in the B1 District shall be permitted in the B2 District.
2. Automobile accessory stores
3. Package liquor and party supply stores
4. Parking lots and structures
5. Printing and duplicating services
6. Repair, rental or servicing of any article, the sale of which is a permitted use in the district
7. Secondhand stores and rummage shops
8. Watchman's quarters
9. Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with Section 155.210 of this Ordinance.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does meet the standards set forth in the Zoning Ordinance and recommends that Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested text amendments **comply** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 09-23.

Inter-Departmental Review Group Report Approved By:

William Heniff, AICP
Director of Community Development

Exhibit A – B2 General Neighborhood Shopping District

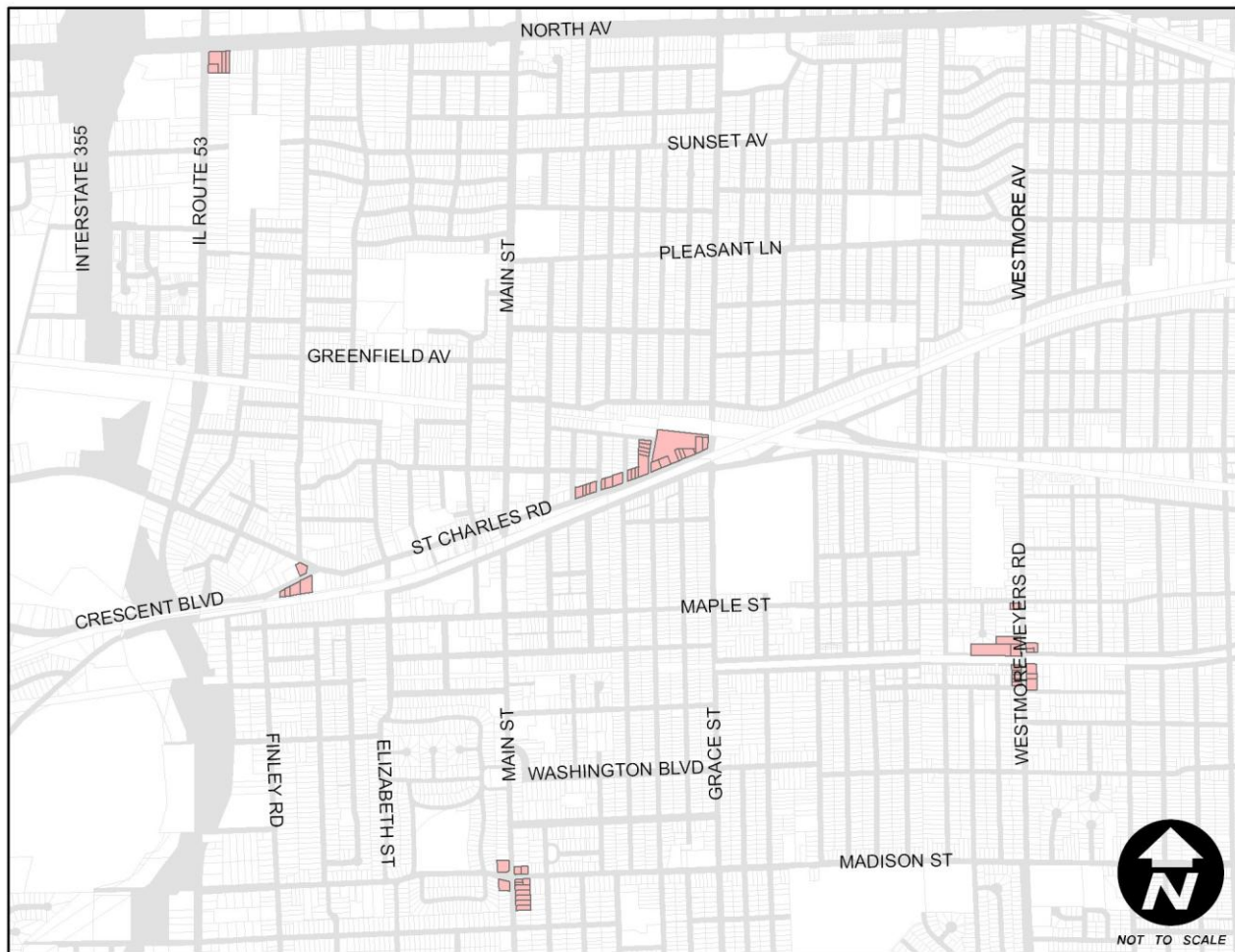


Exhibit B – Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. Staff’s responses to Standards for Text Amendments are noted below:

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*

The proposed text amendment would allow secondhand stores and rummage shops as a permitted use within the B2 – General Neighborhood Shopping District. As such, the proposed text amendment would be applicable to all properties within the B2 – General Neighborhood Shopping District.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

As Table 1 illustrates, the proposed use is prohibited in the B2 – General Neighborhood Shopping District; however, if someone wanted to establish a secondhand store or rummage shop, this could be done in the B3, B4, B5 & B5A Districts as a permitted use.

Use	B1	B2	B3	B4	B4A	B5	B5A	I
Secondhand stores and rummage shops	-	-	P	P	-	P	P	-
“C” = Conditional Use, “P” = Permitted Use, “-” Prohibited Use								

Table 1

From a land use perspective, it is staff’s opinion that the proposed use is suitable for the B2 – General Neighborhood Shopping District. The Zoning Ordinance describes the B2 – General Neighborhood Shopping District as *an area intended to provide convenience shopping to adjacent residential areas, but allows for a wider range of uses than permitted in the B1 District*. Furthermore, the proposed use is consistent with the intent of the B2 – General Neighborhood Shopping District.

3. *The degree to which the proposed amendment would create nonconformity;*

The proposed text amendment would not create any non-conforming situations as the proposed use has not previously existed as a permitted or conditional use within the B2 General Neighborhood Shopping District.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed text amendment would make the ordinance more permissive by allowing an additional permitted use within the B2 - General Neighborhood Shopping District.

5. *The consistency of the proposed amendment with the Comprehensive Plan;*

The Comprehensive Plan recommends Neighborhood Commercial for all properties located in the B2 - General Neighborhood Shopping District. As the proposed business provides convenience goods to the daily needs of nearby residents, staff believes that the proposed amendment is consistent with the Comprehensive Plan.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*

The Village has a history of amending its Zoning Ordinance to address evolving circumstances presented by petitions or to clarify the intent of the Ordinance provisions. There have not been any recent rulings involving similar circumstances. As the proposed use is suitable for the applicable zoning district, already permitted in the B3, B4, B5 & B5A districts and is consistent with the Comprehensive Plan, staff believes that the proposed amendments stands on its own merit.