

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) X _____
Waiver of First Requested
Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink) _____

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: July 22, 2009 (BOT) Date: August 20, 2009

TITLE: PC 09-23: Text Amendments to the Lombard Zoning Ordinance (218 E. St. Charles)

SUBMITTED BY: Department of Community Development *MD*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. 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. The Plan Commission recommended approval of this petition.

The petitioner is requesting a waiver of first reading.

Please place this item on the August 20, 2009 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____

Finance Director X _____

Village Manager X _____

David A. Hulseberg

Date _____

Date _____

Date _____

7/21/09

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.





MEMORANDUM

TO: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP
Director of Community Development *WH*

DATE: August 20, 2009

SUBJECT: PC 09-23; Text Amendments to the Lombard Zoning Ordinance (218 E. St. Charles):

Attached please find the following items for Village Board consideration as part of the August 20, 2009 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 09-23;
3. An ordinance granting approval of a text amendment to the Zoning Ordinance to allow "Secondhand stores and rummage shops" to be listed as a permitted use within the B2 – General Neighborhood Shopping District.

The Plan Commission recommended approval of the zoning actions associated with this petition. The petitioner is requesting a waiver of first reading.

VILLAGE OF LOMBARD
255 E. Wilson Ave.
Lombard, Illinois 60148-3931
(630) 620-5700 Fax (630) 620-8222
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Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

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

Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
Zachary C. Wilson, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

**Subject: PC 09-23; Text Amendments to the Lombard Zoning Ordinance
(218 E. St. Charles)**

Dear President and Trustees:

Village Manager
David A. Hulseberg

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. 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.

"Our shared vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

Kathryn Nelson 21W131 Everest Road, Lombard, presented the petition. She introduced her daughter, Marcy and then stated that they want to open a resale store. She stated that it would be a small store and it will also be their first business.

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Michael Toth, Planner I, presented the staff report. 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 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 District.

Mr. Toth stated that 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. 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.

Mr. Toth stated that 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.

Mr. Toth then mentioned the fact that the subject property is located in close proximity to the downtown. As such, 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.

Mr. Toth stated that 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.

Mr. Toth then added that 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.

Staff finds that the standards set forth in the Zoning Ordinance have been met. Furthermore, staff is recommending approval of PC 09-23.

Kathryn Nelson questioned the staff report. She questioned the drop off of items being required within the confines in the building. She asked what would happen if someone left something at night. She then asked if they could have a receptacle. Mr. Toth responded by stating that in 2007, the Village did a text amendment that created 'collection centers' as a separate use. He noted that these receptacles are only allowed in certain districts, which he named, and must be attended. He then stated that if you wanted drop off you will have to establish drop off times during business hours. Mr. Toth stated that there could be an impact on adjacent properties, which could be a nuisance, if people dropped off items in an area that was unattended. Mr. Toth used an item such as a refrigerator as an example. Ms. Nelson stated that she won't have those types of appliances because they don't have enough room. She also stated that she will put that in writing that there will be no outside drop-offs.

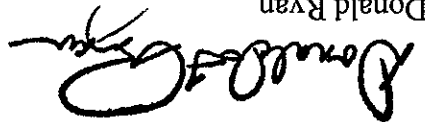
Re: PC 09-23
August 20, 2009
Page 3

Chairperson Ryan opened the meeting for discussion and questions by the Plan Commission. The Commissioners had no comments.

After due consideration of the petition and the testimony presented, the Plan Commission found that the text amendment complies with the Zoning Ordinance and therefore, the Plan Commission, by a roll call vote of 4 to 0, recommended to the Corporate Authorities, **approval** of PC 09-23.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan

Chairperson

Lombard Plan Commission

att-

c. Petitioner

Lombard Plan Commission

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

TO: Lombard Plan Commission

FROM: Department of Community Development
PREPARED BY: Michael S. Toth
Planner I

HEARING DATE: July 20, 2009

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.

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

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

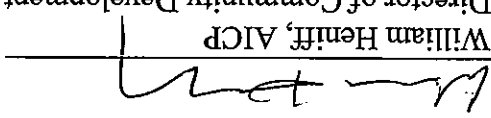
9. Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with Section 155.210 of this Ordinance.

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

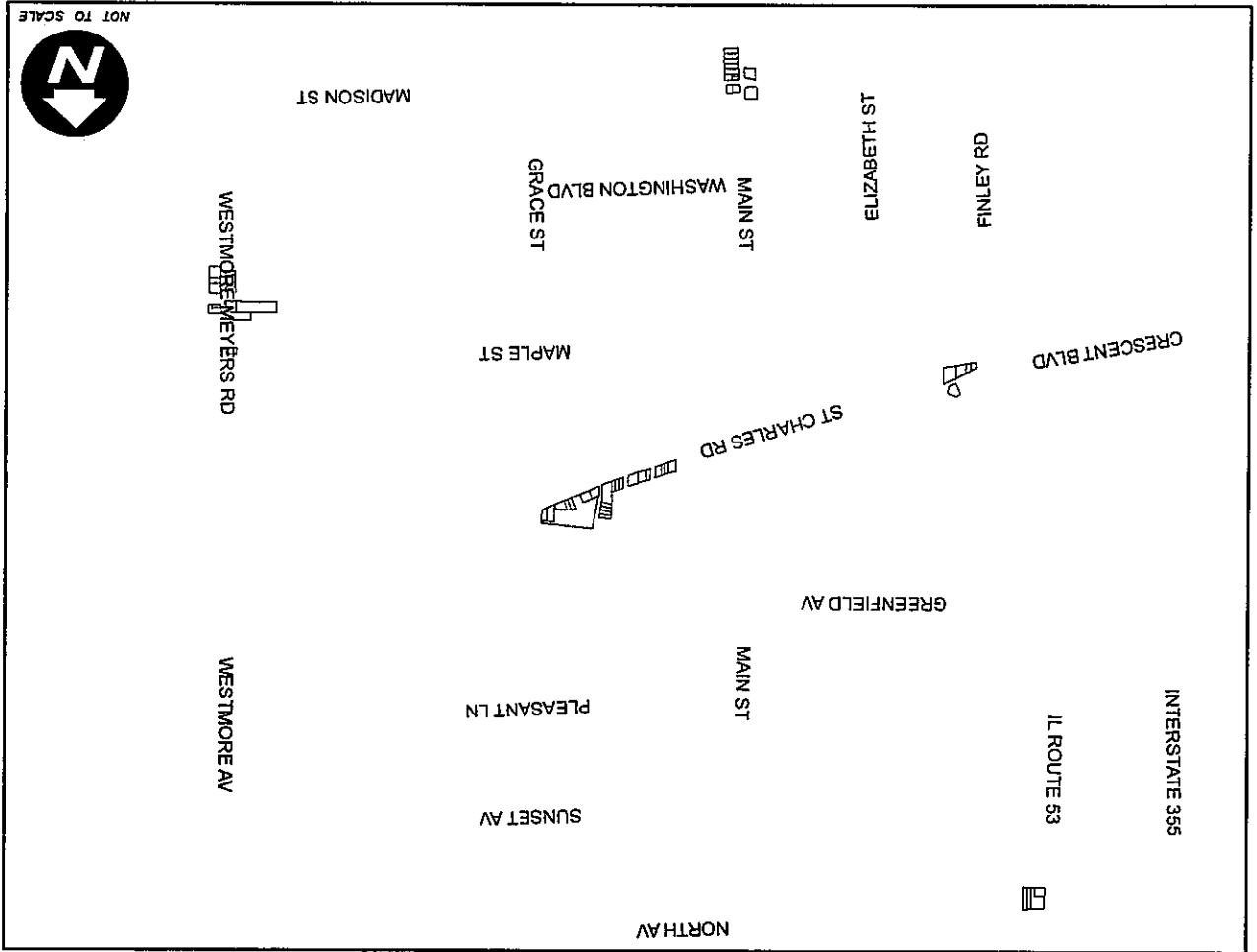


Exhibit B – Standards for Text Amendments

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.

Table 1

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

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.

PC 09-23: 218 E. St. Charles



Response to questions regarding Text Amendments of the Lombard Zoning Ordinance:

1. The proposed amendment has general applicability to the Village at large because it would allow for additional commercial uses in the B2 zoning areas. This would offer opportunity for the origination and growth of previously excluded types of businesses, which supports a broader variety of shopping to the public.

2. The proposed amendment is consistent with the objectives of the ordinance because B2 allows commercial use of property and we are commercial use. This would allow resale shops in the proposed zoning general shopping district. Allowing a broader variety of commercial uses will bring more residents and revenue to the downtown area and build up that portion on St Charles Rd that isn't as busy as it could be.

3. The proposed amendment would not create nonconformity. On the contrary, it would create conformity for those nonconforming businesses that originated before the current zoning ordinances were established for the B2 area.

4. The proposed amendment would allow additional commercial uses in the currently B2 zoned area, which would create a window of opportunity for more stores to potentially open than previously allowed. This would build up the downtown area further and allow for more permissives uses than previously allowed. 5. The proposed amendment is consistent with the comprehensive plan because it calls for commercial use of the area and we are a commercial business.

6. We are not aware of previous rulings on petitions involving similar circumstances.

Kathy Nelson
21w131 Everest Rd.
Lombard, IL 60148

Thank You,

We would like to request a waiver of the first reading for the text amendment #PC0923.

From: Kathy Nelson [kslim11@msn.com]
Sent: Wednesday, July 22, 2009 8:36 AM
To: Toth, Michael

Toth, Michael

ORDINANCE

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 09-23: Text Amendments to the Lombard Zoning Ordinance (218 E. St. Charles))

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, Section 155.102 (E)(13) of the Zoning Ordinance directs the Director of Community Development to initiate a review of the provisions established within the Zoning Ordinance; and

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and

WHEREAS, as the Director has identified and recommends text amendments to the Zoning Ordinance as set forth herein; and

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on July 20, 2009 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 155, Section 400, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

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.

SECTION 2: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2009.

First reading waived by action of the Board of Trustees this _____ day of _____, 2009.

Passed on second reading this _____ day of _____, 2009.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2009.

Brigitte O'Brien, Village Clerk