

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

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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : March 28, 2023 **(BOT) Date:** April 6, 2023

SUBJECT: PC 23-05: 837 S. Westmore Meyers Road

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development *WJH*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests a conditional use for the outdoor display and sales of products for which the sale of such items is a permitted use or a conditional use in the B3PD Community Shopping District Planned Development pursuant to Section 155.415(C)(17) of the Lombard Village Code.

The Plan Commission recommended approval of this petition by a vote of 4-0. Please place this petition on the April 6, 2023 Board of Trustees agenda for first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

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: Scott R. Niehaus, Village Manager

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

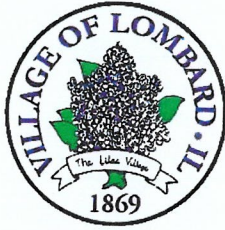
MEETING DATE: April 6, 2023

SUBJECT: **PC 23-05, 837 S Westmore Meyers Road**

Please find the following items for Village Board consideration as part of the April 6, 2023 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 23-05; and
3. An Ordinance granting approval of a conditional use for the outdoor display and sales of products for which the sale of such items is a permitted use or a conditional use in the B3PD Community Shopping District Planned Development pursuant to Section 155.415(C)(17) of the Lombard Village Code.

The Plan Commission recommended approval of this petition by a vote of 4-0. Please place this petition on the April 6, 2023 Board of Trustees agenda for first reading.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

April 6, 2023

Village President
Keith T. Giagnorio

Village Clerk
Liz Brezinski

Trustees

Brian LaVaque, Dist. 1
Anthony Puccio, Dist. 2
Bernie Dudek, Dist. 3
Andrew Honig, Dist. 4
Dan Militello, Dist. 5
Bob Bachner, Dist. 6

Village Manager
Scott R. Niehaus

*"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."*

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

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 23-05, 837 S Westmore Meyers Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests a conditional use for the outdoor display and sales of products for which the sale of such items is a permitted use or a conditional use in the B3PD Community Shopping District Planned Development pursuant to Section 155.415(C)(17) of the Lombard Village Code.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 23, 2023. Sworn in to present the petition were Jim Daluga and James Daluga the petitioners, and Jennifer Ganser, Assistant Director.

Chairperson Giuliano read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine, and proceeded with the petition.

Mr. James Daluga said him and his son Jim are the current owners. They took ownership January 1, 2020. The store's interior was remodeled after purchase. The developer of Eastgate presented an opportunity to take occupancy of the property next door that was vacant. A concrete platform will be poured for an outdoor garden center. It will be approximately 8,000 square feet. He referenced the past Mother's Day garden sale in front of the store and noted this will be a better opportunity for the location. He said they will have access to water. The lighting will be cast down. The entire garden center will be fenced. The fence facing the residents will be solid. It will be wrought iron in the front to see the garden center.

Chairperson Giuliano asked if any additional person would like to speak in favor or against this petition, or for public comment.

Ms. Gail Michalek asked where the garden center will be. She said she lives on Jackson and noted the concrete section with a fence.

The Daluga's said their fence will be in essentially the same location. It will follow the outline of the former building.

Ms. Michalek said there is a brown fence with items stored above the fence. Mr. James Daluga said the fencing will be new and the storage will be below the fence. Mr. Jim Daluga said they would have replaced the fence already, however, they are waiting for the garden center construction to begin.

Ms. Michalek asked if the lighting will be on all night and Mr. James Daluga said only business hours.

Ms. Michalek asked when the garden center would close for the season. Mr. Jim Daluga said it will be extended into the fall. Mr. James Daluga said it would house materials year-round.

Ms. Michalek said she is concerned about the look of the center now and Mr. James Daluga noted a sizeable investment is being made by the property owners.

Ms. Michalek asked about berms and Mr. James Daluga said they are not installing berms or landscaping. Mr. Jim Daluga said the fence will be solid.

Ms. Michalek asked who maintains the fence and Mr. James Daluga said they will. Ms. Ganser said that parkway trees are required and she was unsure if Eastgate would be adding more landscaping as part of their renovations.

Ms. Michalek asked if the fence will have an entrance off Jackson and Mr. James Daluga said no.

Ms. Michalek asked about requesting trees since it's a long fence.

Hearing none, Chairperson Giuliano asked for the staff report.

Ms. Ganser presented the IDRC report for PC 23-05, which was entered into the public record in its entirety. The petitioner proposes to add outside sales and storage for a garden center with a companion fence. Ace has existing outdoor sales in the front of the store. This would be a new area for additional outdoor sales. Eastgate Shopping Center is undergoing renovations and the garden center is part of those renovations. The garden center will be screened with a fence. The fence will be solid in the back to screen the residential area from the garden center. The fence will be open in the front to see the garden center from the parking lot. The fence is approximately thirty feet from the property line to the north. All the fencing would be eight feet (8') tall. Ms. Ganser said no additional landscaping is being proposed at this time. She clarified that any materials behind the fence would need to be below the fence line.

Chairperson Giuliano opened the meeting to discussion by the Plan Commissioners.

Commissioner Invergo asked about lighting and the number of poles. Mr. James Daluga said lighting is minimal and Mr. Jim Daluga said there will be one pole in the center.

Mr. James Daluga asked if the fence could be 10'. Ms. Ganser said no, as the plans stated it would be 8' in height, which is allowed by Code.

Commissioner Sweetser asked when it would be open and Mr. Jim Daluga said he hopes to be open around fall 2023.

Chairperson Giuliano asked if there were any additional comments. Hearing none, she asked for a motion from the Commissioners.

On a motion by Commissioner Sweetser, and a second by Commissioner Invergo, the Plan Commission voted 4-0 to recommend that the Village Board approve the petition associated with PC 23-05, subject to the following seven (7) conditions:

1. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. All dumpsters for Ace Hardware shall be screened per Code;
4. Outside sales are allowed in the approved areas only;
5. Outside materials shall not exceed the height of the fence;
6. The fence shall be maintained in good conditions at all times;
7. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

Respectfully,

VILLAGE OF LOMBARD

Leigh Giuliano, Chairperson
Lombard Plan Commission

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

837 S Westmore Meyers Road

March 20, 2023

Title

PC 23-05

Petitioner

Jim Daluga
837 S Westmore Meyers Road
Lombard IL 60148

Property Owner

Rezin Family Investments LLC and
Illinois Holdings (USA), Inc.
180 N Wacker Drive, Suite 301
Chicago IL 60606

Property Location

837 S Westmore Meyers Road
PIN: 06-16-117-007
Trustee District 5

Zoning

B3PD

Existing Land Use

Commercial building – Ace
Hardware and Eastgate Shopping
Center

Comprehensive Plan

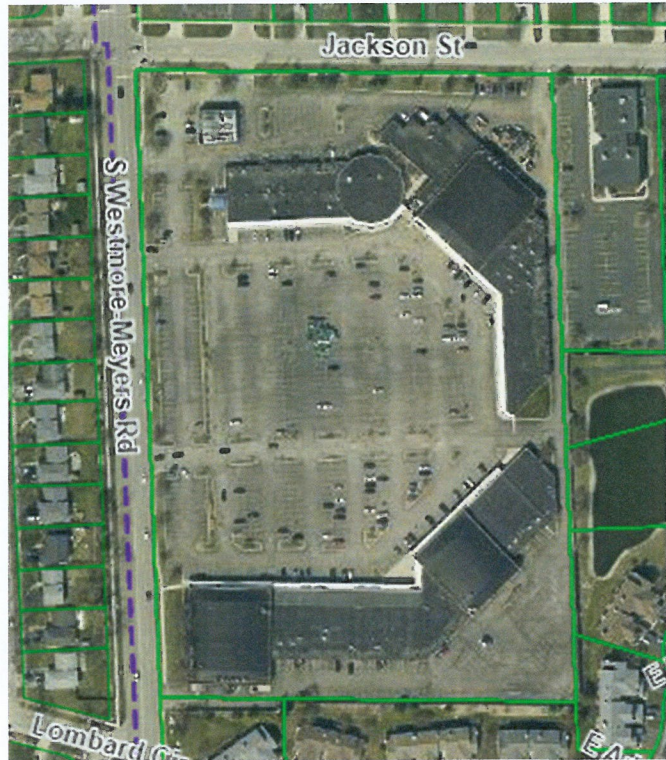
Community Commercial

Approval Sought

Conditional use for outdoor sales

Prepared By

Jennifer Ganser, AICP
Assistant Director



Location Map

PROJECT DESCRIPTION

The petitioner proposes to add outside sales and storage for a garden center with a companion fence. Ace has existing outdoor sales in the front of the store. This would be a new area for additional outdoor sales.

Approvals Required

The petitioner requests a conditional use the outdoor display and sales of products for which the sale of such items is a permitted use or a conditional use in the B3PD Community Shopping District Planned Development pursuant to Section 155.415(C)(17) of the Lombard Village Code.

Existing Conditions

The property is the existing Eastgate Shopping Center, with Ace Hardware being a current tenant.

PROJECT STATS

Lot & Bulk

Parcel Size: 12.585 acres

Submittals

1. Petition for a public hearing;
2. Response to Standards;
3. Plat of Survey, prepared by Webster, McGrath & Angberg Ltd., dated May 6, 2015; and
4. Site plan, prepared by the petitioner.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has the following comments:

1. This area will be required to be fully “accessible” per the ADA and Illinois Accessibility Code (accessible route throughout, accessible gates, etc.)
2. Store exits should generally not pass through the outdoor storage area.
3. Lighting will be required to be added for this area (new lights should not cause glare to adjacent properties).
4. The plan does not show any roofed area; therefore, we assume there is none (only fenced in open areas).
5. Additional comments may be forthcoming during permit review.

Fire Department:

The Fire Department has the following comments:

1. Fire agrees with Building’s comments on PC 23-05.
2. Fire will need access to the building through the fenced areas. This will be reviewed through the permit process.
3. Additional comments may be forthcoming during permit review.

Public Works:

The Department of Public Works has no comments on the subject petition. Additional comments may be forthcoming during permit review.

Private Engineering Services (PES):

PES has no comments on the subject petition. Additional comments may be forthcoming during permit review.

Planning Services Division:

The Planning Services Division (PSD) notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2	Single-Family Homes
South	R4PD	Townhomes
East	B3 and R4PD	DuPage County Health Department and Townhomes
West	R2	Single-Family Homes

The subject property is located on Westmore-Meyers, a minor arterial with a mix of single-family residential, medium-density residential, commercial, and office uses. Surrounding uses include a bank to the north, office to the east, and townhomes to the east and south. Single-family residences exist to the west and north, though the homes to the west face away from Eastgate and have fencing between their rear yards and Eastgate. The area will be screened with a fence. The fence will be solid in the back to screen the residential area from the garden center. The fence will be open in the front to see the garden center from the parking lot. The fence is approximately thirty feet from the property line to the north. All the fencing would be eight feet (8') tall.

2. ***Comprehensive Plan Compatibility***

The Comprehensive Plan recommends Community Commercial uses for this location. The shopping center is an appropriate use within this designation. The outdoor storage and sales activity are intended to supplement the existing commercial activity already on the premises.

3. ***Zoning Compatibility***

Per the petitioner, the garden center would be ADA compliant. Down lighting would be used for the garden center space only. The garden center would not have a permanent roof; however, some areas may have a temporary shade structure.

In analyzing the petition, staff finds the proposed use will be compatible with nearby development and will not create negative impacts on neighboring properties.

4. ***Site History***

PC 00-44 allowed for a conditional use for outdoor sales in front of Ace Hardware. These entitlements will remain and Ace may continue to sell products in front of their store. As noted in PC 00-44 this is for an approximate 20x20 area.

FINDINGS & RECOMMENDATIONS

Staff finds that the proposed use is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance.

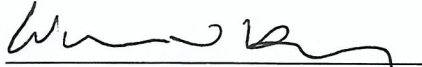
The Inter-Departmental Review Committee has reviewed the standards for the requested conditional use in the B3PD District, and finds that the proposed use **complies** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 23-05:

Based on the submitted petition and the testimony presented, the proposed conditional use does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional use is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Committee Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 23-05, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. All dumpsters for Ace Hardware shall be screened per Code;
4. Outside sales are allowed in the approved areas only;
5. Outside materials shall not exceed the height of the fence;

6. The fence shall be maintained in good conditions at all times;
7. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR A
CONDITIONAL USE FOR THE OUTDOOR DISPLAY AND
SALES OF PRODUCTS FOR WHICH THE SALE OF SUCH
ITEMS IS A PERMITTED USE OR A CONDITIONAL USE IN
THE B3PD COMMUNITY SHOPPING DISTRICT PLANNED
DEVELOPMENT PURSUANT TO SECTION 155.415(C)(17) OF
THE LOMBARD VILLAGE CODE.**

PC 23-05; 837 S. Westmore Meyers Road

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Subject Property as defined below is zoned B3PD Community Shopping District Planned Development; and,

WHEREAS, an application has been filed requesting approval for a conditional use pursuant to Section 155.415(C)(17) of the Lombard Zoning Ordinance to allow for outdoor sales; and,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on March 20, 2023, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of the conditional use, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard have determined that it is in the best interest of the Village of Lombard to approve the requested zoning actions 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 the following conditional use for outdoor sales is hereby granted for the Subject Property legally described in Section 2 and subject to the conditions set forth in Section 3.

SECTION 2: That this Ordinance is limited and restricted to the property located at 837 S. Westmore Meyers Road, Lombard, Illinois and legally described as follows:

LOT 1 IN RAYMOND W. MACDONALD COUNTY CLERK'S EASTGATE SHOPPING CENTER ASSESSMENT PLAT IN PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 7, 1976 AS DOCUMENT R76-72686, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-16-117-007 (the "Subject Property").

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. All dumpsters for Ace Hardware shall be screened per Code;
4. Outside sales are allowed in the approved areas only;
5. Outside materials shall not exceed the height of the fence;
6. The fence shall be maintained in good conditions at all times;
7. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this ____ day of _____, 2023.

First reading waived by action of the Board of Trustees this ____ day of _____, 2023.

Passed on second reading this ____ day of _____, 2023.

Ordinance No. _____
Re: PC 23-01
Page 3

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2023.

Keith Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this _____ day of _____, 2023.

Elizabeth Brezinski, Village Clerk