

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: January 24, 2012 (BOT) Date: February 2, 2012

TITLE: PC 12-04: Text Amendments to the Lombard Zoning Ordinance

SUBMITTED BY: Department of Community Development *WLO*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The Village of Lombard requests a text amendment to Section 155.417 of the Lombard Zoning Ordinance allowing "Secondhand stores and rummage shops (with a minimum floor area of 5,000 square feet)" to be listed as a conditional use within the B4A - Roosevelt Road Corridor District.

The Plan Commission recommended approval of this request.

Please place this item on the February 2, 2012 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ 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: David A. Hulseberg, Village Manager

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

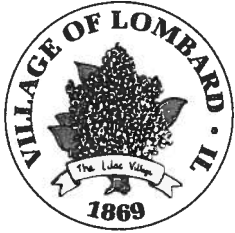
DATE: February 2, 2012

SUBJECT: PC 12-04: Text Amendments to the Lombard Zoning Ordinance

Attached please find the following items for Village Board consideration as part of the February 2, 2012 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 12-04; and
3. An Ordinance approving text amendments to the Lombard Zoning Ordinance Title 15, Chapter 155 of the Code of Lombard, Illinois;

The Plan Commission recommended approval of the text amendments associated with the petition.



VILLAGE OF LOMBARD

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

February 2, 2012

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees

Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

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

Subject: PC 12-04: Text Amendments to the Zoning Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard requests a text amendment to Section 155.417 of the Lombard Zoning Ordinance allowing "Secondhand stores and rummage shops (with a minimum floor area of 5,000 square feet)" to be listed as a conditional use within the B4A – Roosevelt Road Corridor District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 23, 2012.

Chairperson Ryan opened the meeting for public comment.

There were no comments or questions from the public.

Chairperson Ryan then requested the staff report.

Chris Stilling, Assistant Community Development Director, presented the petition. There are currently no uses (permitted or conditional) that would allow for the resale of goods in the B4A – Roosevelt Road Corridor District. Furthermore, staff has recently been getting inquiries from the development community relative to "secondhand stores and rummage shops" in the B4A Roosevelt Road Corridor District. As such, the Village is requesting text amendments to the Zoning Ordinance to allow 'Secondhand stores and rummage shops (with a minimum floor area of 5,000 square feet)' as a conditional use in the B4A – Roosevelt Road Corridor District.

PC 11-25, which includes a request for a conditional use for a secondhand stores and rummage shops will be heard subsequent to this hearing. If this petition is not approved, PC 11-25 cannot be heard as currently proposed.

Staff has recently been getting inquiries from the development community relative to “secondhand stores and rummage shops” in the B4A Roosevelt Road Corridor District. As Table 1 illustrates, “secondhand stores and rummage shops” are prohibited in the B1 Neighborhood District and B4A Roosevelt Road Corridor District; however, if someone wanted to establish a secondhand store or rummage shop, this could be done in the B2, 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	P	-
“C” = Conditional Use, “P” = Permitted Use, “-“ Prohibited Use								

Table 1

As part of the 2007 Roosevelt Road Corridor Study, the report ranked 143 different land uses from “highly desirable” to “highly undesirable”. Secondhand stores and rummage shops were classified as an undesirable use as the intent of B4A District is to promote a strong retail corridor. Therefore the B4A District does not allow “secondhand stores and rummage shops” as either a permitted or conditional use. Subsequent to the adoption of the B4A Zoning District, the Village Board did approve a text amendment to allow “Attendant Collection Centers” as conditional uses in the B4A Zoning District (PC 07-39). These centers are often associated with second hand stores as the items being dropped off are for resale or donation. Staff supported that amendment as it addressed a growing demand for such facilities and that they are desired over remote drop boxes as the staffing helps minimize impacts of fly-dumping and the conditional use process helped ensure that its operation will be compatible with adjacent land uses.

In 2009, staff initiated a text amendment to allow “secondhand stores and rummage shops” in the B2 District (PC 09-23) as a permitted use. In that case, staff supported the text amendment as we felt the use was suitable for the B2 – General Neighborhood Shopping District because it is a zoning district intended to provide convenience shopping to adjacent residential areas, but allows for a wider range of uses than permitted in the B1 District.

Staff supports the concept of allowing “secondhand stores and rummage shops” in the B4A Zoning District, provided that certain restrictions are in place to ensure the intent of the B4A District is met. Specifically, staff recommends that there be a minimum size requirement for the “secondhand stores and rummage shops” and that they require conditional use approval. Staff offers the following comments:

Staff recommends that “secondhand stores and rummage shops” with a minimum floor area of 5,000 square feet be allowed to locate within the B4A Zoning District. The rationale for the minimum size requirements go back to the intent of the B4A Zoning District. Specifically, the district is intended to be a regional arterial corridor that attracts strong retail land uses. With a minimum size requirement of 5,000 square feet, this ensures that the proposed business will be in character with other retail uses along the corridor. Furthermore, staff feels restricting it to a minimum size still meets the intent of the 2007 Roosevelt Road Corridor Study as it will likely minimize the proliferation of “secondhand stores and rummage shops” in the small vacant tenant spaces. A minimum 5,000 square feet will also likely require a large capital investment in a tenant space. Staff did research other communities and found that the Village of Geneva has a similar provision allowing “secondhand stores and rummage shops” based on the store’s size.

Staff also recommends that 'secondhand stores and rummage shops (with a minimum floor area of 5,000 square feet)' as a conditional use. Since secondhand stores typically rely on the donation of goods, which are typically dropped off on-site and for resale, the need for additional review may be warranted. This is consistent with the regulations associated with "Attendant Collection Centers".

During their September 19, 2011 meeting, staff solicited the input of the Plan Commission on the proposed amendment. In order to gauge the position of the Commissioners, staff provided background on the item and posed the following questions:

1. Does the Plan Commission support an amendment to the B4A District to allow for "secondhand stores and rummage shops"?
2. If allowed, does the Plan Commission support the use to go through the public hearing process as a conditional use?
3. Does the Plan Commission support the concept of requiring "secondhand stores and rummage shops" in B4A District to be a minimum of 5,000 square feet?

Based upon the response to the aforementioned questions posed by staff, the Plan Commission responded favorably to the proposed text amendments. Furthermore, the Plan Commission concurred with staff's approach of categorizing the use as a 'conditional use' and requiring a minimum amount of square footage for secondhand stores and rummage shops. The workshop discussion focused on the need for the Village to have oversight on the operations of secondhand stores, due to potential negative impacts that can be associated with the proposed use; more specifically, the drop off component.

Furthermore, staff is recommending approval of PC 12-04.

Chairperson Ryan opened the meeting to the Commissioners. The Commissioners had no questions or comments.

On a motion by Commissioner Olbrysh and a second by Commissioner Flint, the Plan Commission voted 6 to 0 that the Village Board **approve** the text amendments associated with PC 12-04.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

BUILDING DIVISION

The Building Division has no comments at this time.

FIRE DEPARTMENT

The Fire Department has no comments at this time.

PLANNING

Compatibility with the Zoning Ordinance

Staff has recently been getting inquiries from the development community relative to “secondhand stores and rummage shops” in the B4A Roosevelt Road Corridor District. As Table 1 illustrates, “secondhand stores and rummage shops” are prohibited in the B1 Neighborhood District and B4A Roosevelt Road Corridor District; however, if someone wanted to establish a secondhand store or rummage shop, this could be done in the B2, 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	P	-
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As part of the 2007 Roosevelt Road Corridor Study, the report ranked 143 different land uses from “highly desirable” to “highly undesirable”. Secondhand stores and rummage shops were classified as an undesirable use as the intent of B4A District is to promote a strong retail corridor. Therefore the B4A District does not allow “secondhand stores and rummage shops” as either a permitted or conditional use. Subsequent to the adoption of the B4A Zoning District, the Village Board did approve a text amendment to allow “Attendant Collection Centers” as conditional uses in the B4A Zoning District (PC 07-39). These centers are often associated with second hand stores as the items being dropped off are for resale or donation. Staff supported that amendment as it addressed a growing demand for such facilities and that they are desired over remote drop boxes as the staffing helps minimize impacts of fly-dumping and the conditional use process helped ensure that its operation will be compatible with adjacent land uses.

In 2009, staff initiated a text amendment to allow “secondhand stores and rummage shops” in the B2 District (PC 09-23) as a permitted use. In that case, staff supported the text amendment as we felt the use was suitable for the B2 – General Neighborhood Shopping District because it is a zoning district intended to provide convenience shopping to adjacent residential areas, but allows for a wider range of uses than permitted in the B1 District.

Staff supports the concept of allowing “secondhand stores and rummage shops” in the B4A Zoning District, provided that certain restrictions are in place to ensure the intent of the B4A District is met. Specifically, staff recommends that there be a minimum size requirement for the “secondhand stores and rummage shops” and that they require conditional use approval. Staff offers the following comments:

Minimum Size

Staff recommends that “secondhand stores and rummage shops” with a minimum floor area of 5,000 square feet be allowed to locate within the B4A Zoning District. The rationale for the minimum size requirements go back to the intent of the B4A Zoning District. Specifically, the district is intended to be a regional arterial corridor that attracts strong retail land uses. With a minimum size requirement of 5,000 square feet, this ensures that the proposed business will be in character with other retail uses along the corridor. Furthermore, staff feels restricting it to a minimum size still meets the intent of the 2007 Roosevelt Road Corridor Study as it will likely minimize the proliferation of “secondhand stores and rummage shops” in the small vacant tenant spaces. A minimum 5,000 square feet will also likely require a large capital investment in a tenant space. Staff did research other communities and found that the Village of Geneva has a similar provision allowing “secondhand stores and rummage shops” based on the store’s size.

Conditional Use

Staff also recommends that ‘secondhand stores and rummage shops (with a minimum floor area of 5,000 square feet)’ as a conditional use. Since secondhand stores typically rely on the donation of goods, which are typically dropped off on-site and for resale, the need for additional review may be warranted. This is consistent with the regulations associated with “Attendant Collection Centers”.

Plan Commission Workshop

During their September 19, 2011 meeting, staff solicited the input of the Plan Commission on the proposed amendment. In order to gauge the position of the Commissioners, staff provided background on the item and posed the following questions:

1. Does the Plan Commission support an amendment to the B4A District to allow for “secondhand stores and rummage shops”?
2. If allowed, does the Plan Commission support the use to go through the public hearing process as a conditional use?
3. Does the Plan Commission support the concept of requiring “secondhand stores and rummage shops” in B4A District to be a minimum of 5,000 square feet?

Based upon the response to the aforementioned questions posed by staff, the Plan Commission responded favorably to the proposed text amendments. Furthermore, the Plan Commission concurred with staff’s approach of categorizing the use as a ‘conditional use’ and requiring a minimum amount of square footage for secondhand stores and rummage shops. The workshop discussion focused on the need for the Village to have oversight on the operations of secondhand stores, due to potential negative impacts that can be associated with the proposed use; more specifically, the drop off component.

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.

§155.417 ROOSEVELT ROAD CORRIDOR B4A DISTRICT REQUIREMENTS

2. Conditional Uses. The following uses are considered conditional uses and shall be subject to the provisions set forth in Section 155.103 (F) of this Ordinance.

a. Retail Uses

1. Amusement establishments, outdoor, including: archery ranges, shooting galleries (with no retail sales of associated product), and other similar outdoor amusement facilities
2. Gasoline sales (or any expansion of a principal, secondary or ancillary use on the same lot as a gasoline sales establishment)
3. Motor vehicle sales
4. Outside display and sales of products the sale of which is a permitted or conditional use in this district
5. Outside service areas for other permitted or conditional uses in this district
6. Restaurants, including entertainment, dancing, and/or amusement devices when conducted as part of the restaurant operations and secondary to the principal use
7. Recreational vehicle sales
8. Secondhand stores and rummage shops (with a minimum floor area of 5,000 square feet)

FINDINGS AND RECOMMENDATIONS

The Department of Community Development finds that the information presented **meets** the Standards for Text Amendment, as submitted by the Village and as part of this petition, and as set forth in the Zoning Ordinance. Based on the above considerations, 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 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 12-04.

Inter-Departmental Review Group Report Approved By:

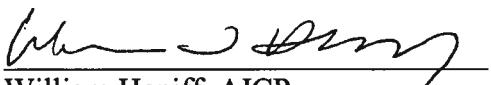

William Heniff, AICP
Director of Community Development

Exhibit A – 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 (with a minimum floor area of 5,000 square feet) as a conditional use within the B4A – Roosevelt Road Corridor District. As such, the proposed text amendment would be applicable to all properties within the B4A – Roosevelt Road Corridor 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 B4A – Roosevelt Road Corridor District; however, if someone wanted to establish a secondhand store or rummage shop, this could be done in the B2, B3, B4, B5 & B5A Districts as a permitted use.

Use	B1	B2	B3	B4	B4A	B5	B5A	I
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Table 1

From a land use perspective, it is staff’s opinion that the proposed use is suitable for the B4A – Roosevelt Road Corridor District. The Zoning Ordinance states, *“The uses within the B4A District are designed to permit a wide variety of retail sales activity required to meet the demands of a developing local market and promote attractive development, an open and pleasant street appearance and compatibility with adjacent residential areas.”* Furthermore, the proposed use is consistent with the intent of the B4A – Roosevelt Road Corridor 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 B4A – Roosevelt Road Corridor 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 conditional use within the B4A – Roosevelt Road Corridor District.

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

The Comprehensive Plan recommends Community Commercial for all commercial properties located in the B4A – Roosevelt Road Corridor District. As the proposed business provides wide variety of retail sales activity required to meet the demands of a developing local market, 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. In 2009, staff initiated a text amendment to allow “secondhand stores and rummage shops” in the B2 District (PC 09-23) as a permitted use. In that case, staff supported the text amendment as we felt the use was suitable for the B2 – General Neighborhood Shopping District because it is a zoning district intended to provide convenience shopping to adjacent residential areas, but allows for a wider range of uses than permitted in the B1 District.

ORDINANCE _____

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

(PC 12-04; Text Amendments to the Zoning Ordinance)

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, the Board of Trustees deem it reasonable to periodically review said 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 January 23, 2012 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:

§155.417 ROOSEVELT ROAD CORRIDOR B4A DISTRICT REQUIREMENTS

2. Conditional Uses. The following uses are considered conditional uses and shall be subject to the provisions set forth in Section 155.103 (F) of this Ordinance.

Ordinance No. _____

Re: PC 12-04

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a. Retail Uses

1. Amusement establishments, outdoor, including: archery ranges, shooting galleries (with no retail sales of associated product), and other similar outdoor amusement facilities
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3. Motor vehicle sales
4. Outside display and sales of products the sale of which is a permitted or conditional use in this district
5. Outside service areas for other permitted or conditional uses in this district
6. Restaurants, including entertainment, dancing, and/or amusement devices when conducted as part of the restaurant operations and secondary to the principal use
7. Recreational vehicle sales
8. Secondhand stores and rummage shops (with a minimum floor area of 5,000 square feet)

SECTION 3: 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 _____, 2012.

First reading waived by action of the Board of Trustees this ____ day of _____, 2012.

Passed on second reading this ____ day of _____, 2012.

Ayes: _____

Nayes: _____

Absent: _____

Approved this ____ day of _____, 2012.

William J. Mueller, Village President

Ordinance No. _____

Re: PC 12-04

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ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2012.

Brigitte O'Brien, Village Clerk