

March 5, 2009

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

Subject: PC 09-03; 500 E. Roosevelt Road (Westgate Lincoln Mercury):

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village approve/re-establish a conditional use for motor vehicle sales, service and repair on the subject property located 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 February 16, 2009.

John Moroni, 605 Midwest Club, Oak Brook, IL, stated that he is owner of subject property and owner of the former Westgate Lincoln Mercury dealership. Mr. Moroni stated that he wishes to reopen the auto dealership at 500 E. Roosevelt for used vehicle sales, light service and maintenance repairs. He added that the operation would be the same as before without the new vehicle franchise. He mentioned that there will be no structural changes, except that they will put the light poles back up on the north side of the facility that was removed. Mr. Moroni stated that they have not decided on the name of the facility – it may be called “Westgate”, it may not. He added that he will let the Village know at later date. Lastly, Mr. Moroni stated that nothing will be different from before.

Chairperson Ryan opened the meeting for public comment.

Steve Benthine 1171 S. Fairfield Lombard, IL, stated that he lives directly north of the subject property and is not opposed to the dealership reopening. Mr. Benthine mentioned that he purchased the property in 2007. He added that there is a retaining wall that runs along his driveway, which the maintenance of is his biggest concern. Mr. Benthine wanted to ask the petitioner if the retaining wall will be maintained. He also added that there is some drainage issues related to the retaining wall. Mr. Benthine also mentioned the shrubbery along the retaining wall. He added that if someone drove by they would think the shrubbery is on his property. Mr. Benthine questioned whether the facade of the retaining wall

will be maintained and also mentioned that the petitioner did a fine job of taking care of the shrubbery after Code Enforcement was contacted.

Mr. Moroni stated that he will assure Mr. Benthine that the landscaping will be properly maintained by the petitioner's maintenance person.

Mr. Benthine questioned the lighting in the back. He added that those light shine into his kitchen and bedrooms.

Mr. Moroni assured Mr. Benthine that the lighting issue will be properly handled by the petitioner's maintenance person.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. Staff has drafted this IDRC report to submit to the public record in its entirety. Ordinance 5163, which was approved on July 18, 2002 as part of PC 02-22, granted Westgate Lincoln Mercury conditional use approvals for a planned development; the sales, service and repair of automobiles and two principal buildings on a lot of record. Westgate Lincoln Mercury has since closed their business for more than 12 months. The Zoning Ordinance states that conditional use approval shall expire if the conditional use shall cease for more than 12 months for any reason. Westgate Lincoln Mercury plans to reopen their business as it once operated; therefore, conditional use approval is required to reestablish the sales, service and repair of automobiles and maintain two principal buildings on a lot of record on the subject property.

The petitioner intends to reopen the existing car sales and automotive repair as previously granted. The petitioner has indicated that it would be for the sale of used cars only; however, new cars may come at a later date. The petitioner anticipates the sales of between 25-30 cars per month after the initial opening. Light auto repair, such as oil changes, brake and tires will also be conducted on-site as it was before. There are currently no plans to make exterior modifications, aside from new signage, which will come at a later date. The subject property has a number of previously approved signage deviations that would still apply today.

The Comprehensive Plan recommends that the subject property be developed as a Community Commercial use. The proposed use is therefore compatible with the intent of the Community Commercial designation.

Mr. Toth then made reference to a number of the Standards for Conditional Uses that he believed were important to note during the hearing:

- The proposed use has been conducted on the subject property since 1970. Preserving the same automobile sales, service and repair use that has occurred for almost 40 years would maintain consistency in relation to the surrounding neighborhood.
- The petitioner plans to conduct conditional use within the confines of the existing building and current site layout as it was once approved through Ordinance 5163. From a land use perspective, the type of use being proposed is compatible with the surrounding

properties; as such, the normal and orderly development and improvement of the surrounding properties would not be adversely affected.

- The ability to provide adequate parking and loading facilities should be provided for all commercial sites. The subject property is 5.5 acres. Over 75% of the subject property is reserved as parking and staging area for the automobiles, which leaves over 4 acres for parking, staging and sales. The petitioner has indicated that the business will not contain the large sales inventory that it had prior to closing its doors.
- As is, the site conforms to all requirements set forth in the Zoning Ordinance and all other applicable ordinances. The petitioner would need to receive an updated Certificate of Occupancy/Zoning Certificate that permitted the proposed conditional uses.

Furthermore staff is recommending approval of PC 09-03, subject to the conditions outlined.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Olbrysh stated that he was pleased that the auto dealership would be reopening, albeit that it is a used car dealership. Commissioner Olbrysh then commended the petitioner for working with the adjacent property owner to address his concerns. He added that he does not have a problem with this petition.

Commissioner Sweetser stated that she was pleased with Mr. Benthine's letter, which addressed the property issues. She stated that she was also pleased with the demeanor of the petitioner to work together with the adjacent property owner to resolve the issues. She added that it is rare to see people work together with such common sense and good will.

Commissioner Olbrysh motioned to approve PC 09-03. The motion was seconded by Commissioner Flint.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed al **complies** with the standards required by the Lombard Zoning Ordinance; and, therefore, moved that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, by a roll call vote of 4 to 0, recommends to the Corporate Authorities **approval** of the zoning actions associated with PC 09-03.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission