

October 4, 2007

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

Subject: PC 07-30; 345 West Roosevelt Road (K-Mart/Sears)

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 the following actions for the subject property located within the B4 Corridor Commercial District:

1. A conditional use for a planned development, with a deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage.
2. A conditional use, pursuant to Section 155.415 (C)(2) of the Zoning Ordinance for a motor vehicle service establishment.
3. A conditional use, pursuant to Section 155.415 (C)(17) of the Zoning Ordinance, to allow for outdoor display and sales of products.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on September 17, 2007. Before the public hearing started, Commissioner Olbrysh stated that he is chairman of NARSE, a pension organization of former Sears employees. Given his affiliation and their relationship to the petitioner and to avoid any appearance of impropriety, he is recusing himself from consideration of the petition.

Thomas Eisele of Sears Holdings, petitioner, presented the petition. He noted that K-Mart previously operated an auto center on the property. Sears has merged with K-Mart and they are looking to re-establish the auto service use on the site. They propose to provide tires sales and service, batteries, shocks and struts, brake service and oil and coolant changes. No auto body work will be done on-site.

They were asked to make upgrades to the property including landscape islands as shown on the plans. They are also seeking approvals for their existing garden center already on site. The area is used for seasonal garden sales and for selected sales in front of the site. Currently, the 12 foot wide walkway has been used for periodic sales activity.

Mr. Eisele also noted the Amvets drop-off activity. He noted that the landlord has not given approval for the Amvets use, citing insurance and liability concerns. Sears Holdings does not have an issue with their use. They will work with Amvets to get the issue resolved.

He then discussed the sign relief. He showed the existing signage on the site and the proposed signage. They are proposing to add a Sears Auto Center sign above the auto bays. They are also proposing smaller non-illuminated signage above the bay door. The improvements they are proposing will give the site a fresh look.

Chairperson Ryan then opened the meeting for public comments. There was no one present to speak in favor or against the petition. He then requested the staff report.

William Heniff, Senior Planner, presented the staff report. The petitioner seeks approval of zoning actions to reestablish an auto service facility on the premises. Since the previous auto service use had not operated on the property over the past twelve months, the nonconforming status is therefore expired and a new conditional use is required. This use would not be subject to the Roosevelt Road development moratorium, although the conditional use approval would still need to be applied for and granted by the Village.

The petitioner is seeking approvals to allow for wall signs denoting the Sears Auto Center use and identification signage over the bay doors. The petitioner is also requesting conditional use approval for the outdoor sales activity occurring on the subject property. In light of these requests, staff suggested that a planned development be established for the site.

Referencing the IDRC comments, the Fire Department states that as the existing facility has not been used in a number of years, it will need to be inspected by BIS and Fire Prevention, to determine if it is code compliant. If not, parts or all of the facility may need to be addressed in order to meet current codes as part of the building permit submittal.

Regarding the zoning relief, staff recommended that the petition should be considered as part of an overall planned development application. As a trade off for the aforementioned relief, the Village could review the property comprehensively. Moreover, it will also provide a process to address other existing and/or proposed business activities on the site. Staff notes that the property meets the area and width requirements for a planned development.

Auto service establishments are classified as conditional uses within the B4 District. Staff noted that proper access and circulation should be provided and that parking for vehicles being serviced and/or being dropped off should be denoted. The petitioner's plan shows their proposed parking arrangement. The petitioner also noted that vehicles would only be serviced in the building and

that overnight storage of vehicles is not anticipated. Sears will perform traditional auto service activities (i.e., tires, batteries, oil changes, etc.) and will not perform repair activities (transmission rebuilding, body work, etc.) as part of their operations.

Staff recommended the exterior area around the auto service center should be brought up to current Village Code as much as possible. Three landscape islands are proposed on the petitioner's plan. Staff believes this would help better control traffic circulation and parking on the site and could soften the impact of the auto use on adjacent properties.

The subject property abuts multiple family residential properties. As such, careful attention to the business must be made to ensure that the business activity does not affect the residences. The existing facility is not air-conditioned and open doors address vehicle exhaust concerns. Staff recognizes the balance between the previously operated auto service activities and abutting residential concerns. Staff recommends that additional treatments be provided to mitigate noise concerns. This should consist of a six foot solid fence along the south property line from a point 30 feet east of Finley Road to a point east of the west wall of the K-Mart building.

Staff recommended that the existing outdoor sales element should be addressed as part of the petition, particularly since it is located adjacent to the auto center. Outdoor sales activity occurs underneath the roofed-over front elevation as well as the garden center on the west side of the building. The petitioner's plans propose a reduction of the outdoor sales activity to facilitate the new auto center. Access to this area will be through the department store and staff recommends that this area remain segregated from the auto sales area/parking lot with fencing.

The K-Mart store currently has one wall sign on the north elevation (facing Roosevelt Road) and one wall sign on the west elevation (facing Finley Road). A legal non-conforming "Pharmacy" wall sign also exists on the north elevation as well and a "Garden Center" sign is located at the outdoor sales area. The Sign Ordinance limits the number of signs on a property to one per street frontage. Therefore, all of the proposed wall signs for the auto use will need wall signage relief.

The petitioner's sign package consists of a "Sears Auto Center" sign on the west elevation located in a similar manner as the previously erected Penske sign. Smaller non-illuminated signs are proposed over the garage doors. Staff notes the proposed signs are appropriately sized and should not create a negative appearance on adjacent properties.

The petitioner is proposing a new "Sears Auto Center" sign, which will be attached to the existing K-Mart freestanding sign. New freestanding signs are subject to the moratorium provisions. As such, this item cannot be permitted or erected until the moratorium expires. However, this sign is intended to meet all Village Code requirements.

Referencing past concerns, when the property was last comprehensively reviewed in 2000, concerns were raised about the southwest entrance drive to Finley Road. While the primary source of the problem at that median cut may not be K-Mart, it does not change the fact that a

problem exists. Staff therefore suggests that cross-access be granted by K-Mart to the Point West Condominiums so that a better entranceway can be designed for both properties.

A charitable clothing drop-off facility has been located on the premises for years. This facility consists of one or two trucks with manned daytime operations. The facility is located on the west side of the property and is considered a legal non-conforming use. Staff requested that this activity be addressed in the plans. The petitioner informed the property owner of the Village's desire to review this activity relative to the overall site. However, the property owner stated that they did not want to sign off on a petition granting zoning approvals for the collection center. Absent this authorization, the petitioner could not request approval of any zoning actions. Given the property owner's unwillingness to authorize the activity, staff recommends as a condition of approval that the charitable clothing use be removed from the property.

He stated that the proposed use complies with the recommendation of the Comprehensive Plan and the proposed improvements would be compatible for adjacent properties.

Chairperson Ryan opened the public hearing for discussion by the Plan Commission.

Commissioner Flint asked about the clothing collection issue – was this issue brought up as part of the 2000 approval? Mr. Heniff stated that the 2000 staff report was silent on the issue, but as this petition relates directly to the western side of the property where the collection center is, staff believes it is appropriate to consider the item at this time.

Commissioner Burke asked about tying the petitioner's request to the collection center use, as the petitioner has no ability to address this issue. Does the petitioner have any leverage? Mr. Heniff noted that the property owner does have discretion on this issue. Staff did not want to automatically include this item within this petition, as the owner did not support the relief. If they do not want the use on their site, it should be removed. Staff does not inherently object to the Amvets use remaining on site, but it should be coordinated with the proposed use.

Commissioner Burke referenced proposed condition 3, but noted that the petitioner cannot provide what staff is looking for. Mr. Heniff stated that the condition is intended to force the owner to address the issue by seeking relief or by removing the use.

Mr. Eisele referenced the existing collection area and stated that they contacted Amvets to secure the approval of the actions from the owner.

Commissioner Sweetser referenced condition 4 discussing cross-access. Mr. Heniff noted that the cross-access condition is not mandatory.

Chairperson Ryan asked about the proposed solid fence as a condition of approval. The condition is proposed to be located 30 feet off of Finley Road, but if the fence needs to be modified to provide for cross-access, the condition can be modified at that time.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposal does comply with the standards required by the Lombard Zoning and Sign Ordinance; and that granting approval of a planned development is in the public interest. Therefore, the Plan Commission, accepted the findings of the Inter-departmental Review Report as the findings of the Plan Commission and by a roll call vote of 4-0 with one abstention, recommended to the Corporate Authorities approval of petition associated with PC 07-30, subject to the following conditions:

1. The site shall be developed in substantial compliance with the submitted Site and Landscape Plan and Details, prepared by S. A. Miro, Inc., dated August 6, 2007, and the proposed Sign Plan, prepared by Sears Holdings, dated June 25, 2007.
2. That the perimeter of the outdoor garden area shall be fenced, with primary access being provided through the department store.
3. That the existing clothing collection center use shall be removed from the property prior to the issuance of a Certificate of Occupancy/Zoning Certificate for the automotive service use on the property, unless the property owner applies to the Village for requisite zoning relief accordingly.
4. Cross-access at the southwest corner of the property shall be granted to the property to the south. If this cross-access is to be used, the two parties (K-Mart and the Point West Condominiums) shall submit to the Village for approval a plan which shows how the entrance drives for the two sites can be shared.
5. A six foot solid fence shall be erected along the south property line from a point 30 feet east of Finley Road to a point east of the west wall of the K-Mart building.
6. This conditional use approval shall become null and void one (1) year from the date of approval if construction has not commenced or an extension been granted. This conditional use approval shall become null and void eighteen (18) months from the date of approval if construction has not been completed or an extension has been granted.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission
att-

c. Petitioner
Lombard Plan Commission

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