

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

 X 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: Timothy Sexton, Acting Village Manager
DATE: September 24, 2013 (B of T) Date: October 3, 2013
TITLE: PC 13-15: Text Amendments to the B2 Zoning District
SUBMITTED BY: Department of Community Development

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, The Village requests a text amendment to Section 155.414 B2 General Neighborhood Shopping District Requirements, (B) Permitted Uses of the Village of Lombard Zoning Ordinance. (DISTRICTS - ALL)

The Plan Commission unanimously recommended approval of this petition.

Please place this item on the October 3, 2013 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: Timothy Sexton, Acting Village Manager

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

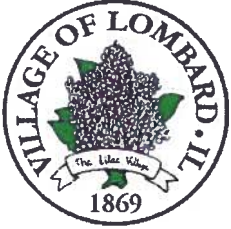
DATE: October 3, 2013

SUBJECT: **PC 13-15; Text Amendments to the B2 Zoning District**

Attached please find the following items for Village Board consideration as part of the October 3, 2013 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 13-15;
3. An ordinance providing text amendments to the Lombard Zoning Ordinance as it pertains to the B2 Zoning District, Permitted Uses.

The Plan Commission recommended approval of the amendments included as part of the petition.



VILLAGE OF LOMBARD

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www.villageoflombard.org

October 3, 2013

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

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

Subject: PC 13-15; Text Amendments to the B2 District Zoning District

Trustees

Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Acting Village Manager
Timothy Sexton

"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."

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, The Village requests a text amendment to Section 155.414 B2 General Neighborhood Shopping District Requirements, (B) Permitted Uses of the Village of Lombard Zoning Ordinance.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on September 16, 2013.

Chairperson Ryan noted that the petition would be presented by the Village.

Jennifer Ganser, Assistant Director of Community Development, presented the staff report. Staff has drafted this IDRC report to submit to the public record in its entirety. The Village has a history of amending its Zoning and Sign Ordinances to address evolving market conditions. Staff is proposing to amend the Zoning Ordinance provisions relative to the permitted uses within the B2 zoning district. The B2 General Neighborhood Shopping District is intended to provide convenience shopping to adjacent residential areas, but allows for a wider range of uses than permitted in the B1 District. The current range of uses is more restrictive than what is permitted in the B3 district. A limited list of permitted uses can adversely impact the economic development of the district. Staff has received inquiries regarding businesses requesting establishment within the B2 District in which the business described is not permitted and therefore would require a public hearing for a text amendment as outlined by the zoning code. The requested text amendment applies to the permitted uses listed only and does not include any additions to the conditional uses within the B2 District. The B2 Districts are located in five concentrated areas and are all north of Roosevelt Road. She concluded by noting that the standards for text amendments were reviewed and are being met.

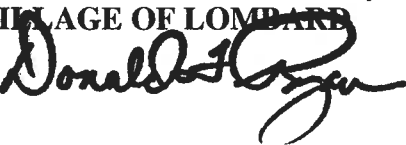
Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Sweetser sought clarity on an item that did not appear in the staff report but was listed in the public notice as “Repair, rental or servicing of any article, the sale of which is a permitted use in the district.” Commissioner Sweetser asked if it should be included in the motion. Mr. Heniff replied that the motion should include the Repair, rental or servicing of any article, the sale of which is a permitted use in the district as it was advertised in the public notice.

Note: Repair, rental or servicing of any article, the sale of which is a permitted use in the district is listed under the B1 District’s Permitted Uses which applies to the B2 District in its entirety, as it already pre-exists, therefore, there is no need to list Repair, rental or servicing of any article, the sale of which is a permitted use in the district twice.

On a motion by Commissioner Sweetser and a second by Commissioner Olbrysh, the Plan Commission voted 6 to 0 that the Village Board **approve** the text amendment associated with PC 13-15 in the Inter-Departmental Review Committee.

Respectfully,

VILLAGE OF LOMBARD


Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

SEPTEMBER 16, 2013

Title

PC 13-15

Petitioner

Village of Lombard

Property Location

All B2 General Neighborhood Shopping Zoning Districts

Approval Sought

The Village requests a text amendment to Section 155.414 (B) Permitted Uses of the Village of Lombard Zoning Ordinance.

Prepared By

Tami Urish, Planner I

DESCRIPTION

The B2 General Neighborhood Shopping District is intended to provide convenience shopping to adjacent residential areas, but allows for a wider range of uses than permitted in the B1 District. Properties in the B2 District shall be considered “areas of critical concern” because of the proximity of commercial uses to residential uses in adjacent districts, and the need to protect such residential uses from potential adverse impacts. However, a limited list of permitted uses can adversely impact the economic development of the district. Staff has received inquiries regarding businesses requesting establishment within the B2 District in which the business described is not permitted and therefore would require a public hearing for a text amendment as outlined by the zoning code.

There is no discernible difference when comparing the B2 and B3 Districts that would require the B2 District to be more restrictive than the other therefore creating an inequitable advantage of the property located within the B3 Districts. Both districts are located along major and minor arterial roadways and maintaining the same permitted uses are consistent with the objective of this ordinance. This pertains to the ability of potential businesses to establish themselves within the Village in B2 Districts as well as B3 Districts. The number of properties located within the B2 Districts is relatively small with five concentrated areas and are all north of Roosevelt Road (please see attached).

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Fire Department:

The Fire Department has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Public Works:

The Department of Public Works has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

EXISTING REGULATIONS

Section 155.414 (B)– Permitted Uses within the B2 General Neighborhood Shopping District

Bicycle sales	Unlisted
Business Machine sales	Unlisted
Camera and photographic supply stores	Unlisted
Carpet and rug stores, retail sales only	Unlisted
Closet and storage organizer stores	Unlisted
Compact disc, record and sheet music stores	Unlisted
Electrical and household appliance stores, including radio and TV sales	Unlisted
Furrier shops	Unlisted
Garden supply, tool and seed stores	Unlisted
Health services and weight reduction services	Unlisted
Home improvement stores and showrooms	Unlisted
Leather goods and luggage stores	Unlisted
Locksmith shops	Unlisted
Mail order, catalog store	Unlisted
Musical instrument sales	Unlisted
Office supply stores	Unlisted
Paint, glass, and wallpaper stores	Unlisted
Pet shops	Unlisted
Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises	Unlisted
Picture framing, when conducted for retail trade in the premises only	Unlisted
Printing and duplicating services	Unlisted
Sewing machine sales and service-household appliances only	Unlisted
Shoe stores	Unlisted
Sporting goods stores	Unlisted
Ticket agencies, amusement	Unlisted
Toy shop	Unlisted
Travel bureaus and transportation ticket offices	Unlisted

PROPOSED TEXT AMENDMENTS

Staff recommends the addition of the above listed uses to:

Section 155.414 (B) – Permitted Uses within the B2 General Neighborhood Shopping District

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards and staff comments 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 amendments will be applicable throughout the entire Village in areas zoned B2.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The proposed amendments expand on the intent of the current regulations as it increases the diversity of

businesses permitted in the B2 Districts in order to be competitive with the B3 Districts' permitted uses.

3. *The degree to which the proposed amendment would create nonconformity;*

The proposed amendments would not create nonconformities as the proposed regulations are an addition to permitted uses and not an alteration or deletion of existing uses.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendments will make the ordinance more permissive by allowing additional permitted uses, where such provisions are not currently available.

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

Staff believes that the proposed amendments would be 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 petition or by recognizing a desire to amend the code to address desired code regulations. The proposed amendments are consistent with established Village policy in this regard.

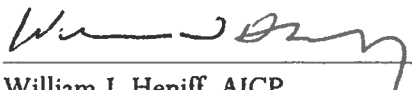
FINDINGS & RECOMMENDATIONS

Staff has prepared the requisite responses to standards for text amendments. Staff finds that the proposed amendments are consistent with the objectives of the Zoning Ordinance. The amendments are also consistent with the intent of the Comprehensive Plan in general.

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, 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 Village of 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 13-15.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

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VILLAGE OF LOMBARD SHOPPING DISTRICT ZONED PROPERTIES



Zoning

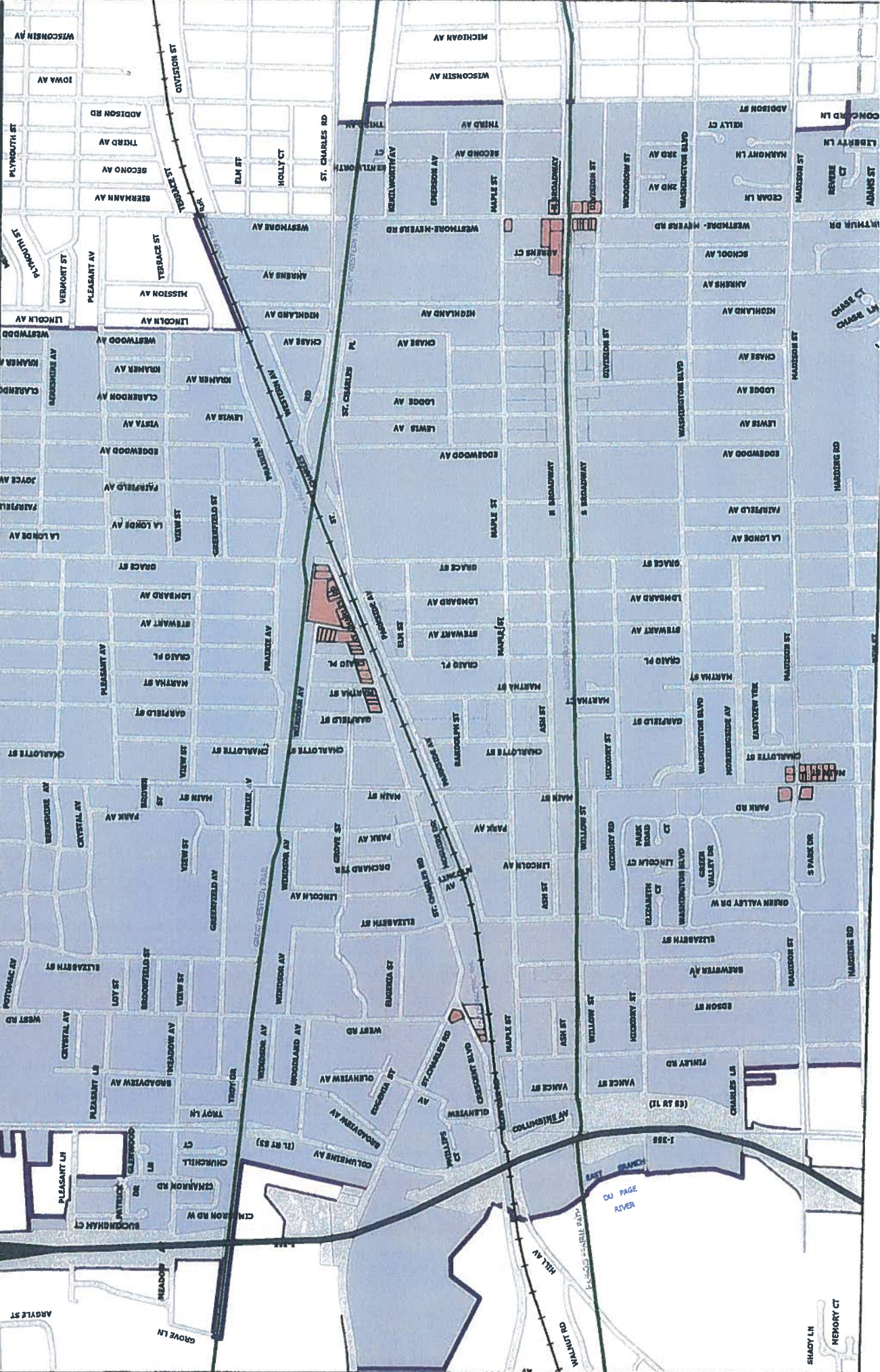
B2 - GENERAL NEIGHBORHOOD SHOPPING DISTRICT

B2PD - GENERAL NEIGHBORHOOD SHOPPING DISTRICT PLANNED DEVELOPMENT

INCORPORATION

INCORPORATED LOMBARD

UNINCORPORATED



SHADY LN
MEMORY CT

ORDINANCE _____

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

(PC 13-15; 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 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 September 16, 2013 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 153, Section 414, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

§153.414 (B) – PERMITTED USES WITHIN THE B2 GENERAL NEIGHBORHOOD SHOPPING DISTRICT REQUIREMENTS

Bicycle sales;
Business machine sales;

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Re: PC 13-15

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Carpet and rug stores, retail sales only;
Closet and storage organizer stores;
Compact disc, record and sheet music stores;
Electrical and household appliance stores, including radio and television sales;
Furrier shops;
Garden supply, tool and seed stores;
Health services and weight reduction services;
Home improvement stores and showrooms;
Leather goods and luggage stores;
Locksmith shops;
Mail order, catalog store;
Musical instrument sales;
Office supply stores;
Paint, glass, and wallpaper stores;
Pet shops;
Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises;
Picture framing, when conducted for retail trade on the premises only;
Printing and duplicating services;
Sewing machine sales and service-household appliances only;
Shoe stores;
Sporting goods stores;
Ticket agencies, amusement;
Toy shop;
Travel bureaus and transportation ticket offices.

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 _____, 2013.

First reading waived by action of the Board of Trustees this ____ day of _____, 2013.

Passed on second reading this ____ day of _____, 2013.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2013.

Ordinance No. _____

Re: PC 13-15

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Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2013.

Sharon Kuderna, Village Clerk