

October 1, 2009

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

Subject: PC 09-25: 1060 E. Roosevelt Road (Discount Tire)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant a conditional use, pursuant to 155.417 (G)(2)(a)(4) of the Zoning Ordinance to allow 'Outdoor display and sales of products' 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 September 21, 2009.

Charles Snyder, 1060 E. Roosevelt, presented the petition. Mr. Snyder stated that he is the manager of Discount Tire and the property is owned by Halle Properties. He stated that Discount Tire is requesting approval for a tent sale permit. He mentioned that the displayed tent would be approximately 10 x 10, which is similar to what would be in a backyard for a party. He added that there are two exhibits on the plan. One would be located by the bay doors, and the other would be located by the marquee sign outside. He added that both exhibits are marked "A" & "B". He then stated that they are requesting use of the tents for approximately 10-15 times per calendar year for customer draw. He mentioned that he has additional copies of the exhibits available. He also described the safety requirements.

The petitioner showed a diagram of spot A, which is in front of the first bay area where they conduct the air checks. He stated that spot B is by the marquee sign. He added that the tent size is 10 x 10 and is the type that can be bought at a local store. He then stated that nothing will be located in the grass area and everything would be secured.

Chairperson Ryan asked the petitioner to explain the handout. The petitioner stated that the handout explains what they do with the tent sale. The second handout is the safety guidelines and he explained how those guidelines apply to 755 stores nationwide. He added that the documents are essentially an in-house disposition of Discount Tire Company's safety aspect and in-house sales program.

Referring to the material, Commissioner Sweester indicated that it noted there would be a banner hanging from the tent and questioned if that was going to be used. The petitioner responded by stating that there is a small 4' x 18" banner that they would usually secure to this tent; however, the tent already displays "Discount Tire" on it as this is a nationwide tent sale. In this case, that banner would only be 4' x 18" and secures under the tent. Commissioner Sweester asked about the total amount of signage they are looking at. The petitioner stated that everything is located in that 10 x 10 area, nothing outside.

Commissioner Burke confirmed with the petitioner that he was not applying to put up any signage because the signage was already on the tent. The petitioner stated, yes that's correct. Commissioner Sweester verified that the 4' x 18" banner would not be used. The petitioner stated that is correct.

Commissioner Nelson asked the petitioner if Discount Tire is having a concrete access drive worked on. The petitioner stated that the work being done on the east side of the property is that of the homeowner in back of their property. He added that the neighbor to the north is having sewage lines installed, which is being done by the neighbor, not them.

Chairperson Ryan opened the meeting for public comment. There was no one present to speak in favor or against the petition.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. Staff drafted the IDRC report to submit to the public record in its entirety. The subject property is an existing automobile service establishment located within the Roosevelt Road Corridor. The petitioner, Discount Tire, wishes to set up a temporary tent, during a specific time period, to display products associated with the business. The outdoor display and sales of products is listed as a conditional use within the B4A – Roosevelt Road Corridor District; therefore, a public hearing is required.

The petitioner is seeking to erect up to two (2) temporary tents in front of the building along the Roosevelt Road frontage. As the petitioner mentioned, the proposed tents would be 100 square feet each (10 x 10) and would showcase stacks of tires and wheels that are for sale. The petitioner has also represented tonight that they will also have concessions where they will serve refreshments.

As the petitioner has indicated, the proposed tent sale would occur on occasional weekends (Friday and Saturday only), during summer months, which is more frequent than the Special Event Permit allows (no more than 4 times/year). As such, the petitioner is applying for conditional use approval to allow the outdoor display and sales of products to occur for a designated period of time. As a condition of approval, staff recommends the time period for the tent sale be restricted to the times outlined by the petitioner - Fridays and Saturdays during the months of June through August.

Staff finds that the conditional use for outdoor sales can generally be supported. However, to ensure that the outdoor sales and display of merchandise is appropriately sized and located, staff offers the following considerations:

1. At least four feet of walkway between the building and tent should be maintained at all times.
2. Sales and display areas must not impact vehicular traffic. This includes automobiles and Fire Department apparatus.
3. Clear line of sight areas must be maintained.
4. Outdoor sales and display of merchandise must remain ancillary to the principal land use of the establishment.

As the subject use is a combination of retail and service, the use complies with the recommendations of the Comprehensive Plan.

The subject property is located along the Roosevelt Road Corridor and is surrounded on two sides by other commercial properties. To the west is Trinity Lutheran Church, which occupies the entire block. The area to the north is zoned for single-family uses and is currently made up of single family residences. This property is within the Roosevelt Road Corridor, which includes a large number of automobile service uses. Although this property abuts residential land, this occurrence is typical along Roosevelt Road and, as such, it can be considered compatible with surrounding land uses. Moreover, the proposed merchandise displays will be located in front of the subject business and not visible to the adjacent residential properties to the north. It is important to note that there is an existing fence along the north property line that is in disrepair. Staff recommends that a condition be added to ensure that the fence be maintained in good state of repair at all times.

Staff finds that the petition meets the standards for conditional uses; therefore, recommends approval of PC 09-25 subject to the eight conditions noted in the staff report.

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

Commissioner Burke noted he had not seen the petitioner's handout which was submitted to the Commissioners tonight. He indicated he had concerns about approving anything in those documents that they are seeing for the first time.

Village Attorney George Wagner stated that according to the handout, it does indicate that there is a banner of some sort on the tent. If that is within the sign code, then it's not an issue. He added that if it's an issue with the sign code, additional approval would then be required.

Chris Stilling, Assistant Community Development Director, stated that code would relate to a banner if it is located elsewhere on the property, which would be subject to the provisions of the Sign Ordinance. He added that there will be ancillary marketing, which can be looked at as part of the conditional use process. If it is a separate sign attached to the building or tent, we would want to review that that banner in accordance with the Sign Ordinance.

Commissioner Burke stated that the banner is only one part of that document in question and doesn't know how germane other items might be to the petition. Being that the 4' x 18" banner would not be used because they already have a manmade tent with their logo on it, he questioned

the relevance of the other items contained within the handout. Commissioner Sweester stated that they need to know what the logo is on.

Commissioner Burke suggested that the handout be displayed for all to see. The petitioner then displayed the document on the overhead projector. Chairperson Ryan stated that it appeared to be an internal document used in each store.

Mr. Stilling stated that the second page contains instructions to the trainer. He added that it's more of an internal document for those working the event.

Village Attorney Wagner indicated that the Commissioners could add a condition of approval that the logo is permitted on the tent, no other banner would be approved, and all other signage would require approval by permit.

Commissioner Sweester then questioned Condition #2, which states that spot B shall be revised, so as not to impact vehicular traffic. She wanted to ensure that the petitioner acknowledged and understood that the tent cannot be located in that spot. The petitioner stated that the secondary spot B, is actually located where there are four parking spaces and is approximately 65 feet away from Roosevelt Road so there are no issues with traffic going in or out.

Commissioner Sweester stated that she is not sure what the staff report is implying. She wants the petitioner to understand that if it is placed there and Condition #2 says it can't be placed there, it would have to be located elsewhere. The petitioner stated that spot B will only be used for the NASCAR display so it wouldn't be close to any type of traffic or continuous movement of traffic flow. Commissioner Sweester asked the petitioner to work with staff because where spot B is currently located; it implies that it would interfere with traffic somehow.

Mr. Stilling stated that if you look at the exhibit, it provides general locations for the tents. He added that it appeared it might impede on the drive aisles; however, after review, it appears it would be in a parking space so that would be fine. Mr. Toth stated that the parking lot to the west is not shown on the survey and that spot B might impede on the drive aisle leading to that parking lot.

Commissioner Burke stated that he wanted to add a Condition #9, which would state that the tent is allowed to have an integrated sign panel that says Discount Tire, but no additional banner is allowed.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition **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 petition associated with PC 09-25 subject to the following conditions:

1. That the petitioner shall satisfactorily address the comments included within the IDRC report.

2. Outdoor sales and display of merchandise may only occur at two (2) locations, as depicted on the Land Title Survey, prepared by North Shore Survey, Ltd. dated January 29, 1995. The location identified as "Spot B" shall be revised so as not to impact vehicular traffic. This includes automobiles and Fire Department apparatus.
3. The tent sales shall only occur on Fridays and Saturdays during the months of June, July and August.
4. The petitioner shall apply for and receive an updated Certificate of Occupancy/Zoning Certificate prior to the operation of the tent sales. All conditions shall be satisfactorily addressed prior to issuance of the Certificate of Occupancy/Zoning Certificate.
5. The parking lot on the northern portion of the subject property shall be repaired to Village standards.
6. All dumpsters located on the subject property shall be screened pursuant to Section 155.710 of the Zoning Ordinance.
7. The north property line shall be maintained with a six (6) foot solid fence. The fence shall be repaired in a manner acceptable to the Director of Community Development.
8. All merchandise shall be located within the confines of the approved tent(s) at all times.
9. Signage shall be limited to the integrated sign panel located on the tents. No additional banners shall be allowed on the tents.

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission