



DuPage County R-4 Single-Family Residence District; developed as a single-family residence.

South: DuPage County B-1 Local Business District; developed as commercial uses.

East: B4A - Roosevelt Road Corridor District; developed as an automotive service center, known as National Tire and Battery (NTB).

West: R1 Single-Family Residence District; developed as a religious institution, known as Trinity Lutheran Church.

## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documents filed with the Department of Community Development on August 13, 2009:

1. Petition for Public Hearing.
2. Land Title Survey, prepared by North Shore Survey, Ltd., and dated January 29, 1995.
3. Site Plan, prepared by the petitioner and shown on Land Title Survey, prepared by North Shore Survey, Ltd., and dated January 29, 1995.
4. Response to Standards for Conditional Uses.

### **DESCRIPTION**

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.

### **INTER-DEPARTMENTAL REVIEW COMMENTS**

#### **PUBLIC WORKS**

##### **Engineering**

Public Works Engineering has reviewed the petition and has no comments.

**Utilities**

The Utilities Division of the Department of Public Works does not have any comments on the subject petition.

**PRIVATE ENGINEERING SERVICES**

The PES Division of Community Development has no comments on the above petition.

**FIRE DEPARTMENT**

The Fire Department has the following IDRC comments:

- 1) Temporary structures such as tents must meet all current fire and building codes. The tent cannot impede egress out of any existing structures.

**BUILDING DIVISION**

Upon review of the above referenced request for conditional use to allow for an outside display for sales under at tent, the Building Division has the following comment:

- 1) The tent will need to be inspected after it is erected to check on the securing of the lines, capping the stake posts and checking the flammability of the tent material.

**PLANNING**

**Background**

In 2005, the subject property, Discount Tire, was annexed into the Village as an established and operating business. Pursuant to the annexation agreement, a public hearing (PC 05-24) was held and the property was granted the appropriate relief for all existing improvements and use. However, the outdoor display and sales of products was not memorialized into the annexation agreement; therefore an additional conditional use approval is required.

**Compatibility with the Zoning Ordinance**

The petitioner is seeking to erect up to two (2) temporary tents in front of the building along the Roosevelt Road frontage. The proposed tents would be 144 square feet each (12 x 12) and would showcase stacks of tires and wheels that are for sale. As depicted on the submitted site plan, the tent would not encroach into any required yards or clear line of sight areas. The site plan establishes a primary site (depicted as 'A' on the site plan) and a secondary site (depicted as 'B' on the site plan) for the placement of the tent. The primary site blocks a bay door, but does not impede any drive aisles, whereas the secondary site would be located directly in a drive aisle. Therefore, staff recommends that a condition be added that would limit the location of the tents so as not to block or impact any vehicular traffic.

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.

#### **Compatibility with the Comprehensive Plan/Roosevelt Road Plan**

The Comprehensive Plan recommends commercial uses at this location. As the subject use is a combination of retail and service, the use complies with the recommendations of the Comprehensive Plan.

#### **Compatibility with the Surrounding Land Uses**

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.

### **FINDINGS AND RECOMMENDATIONS**

Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does meet the standards set forth in the Zoning Ordinance and recommends that Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested conditional use **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 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.

Inter-Departmental Review Group Report Approved By:

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William J. Heniff, AICP  
Director of Community Development

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