

May 3, 2007

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

Subject: PC 07-16: 434 E. North Avenue

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests approval of a conditional use, pursuant to Section 155.415 (C) of the Zoning Ordinance, to allow for a motor vehicles sales establishment within the B4 Corridor Commercial Shopping District. After due notice and as required by law, the Plan Commission conducted a public hearing for this petition April 16, 2007.

John Zemenak, attorney for the petitioner, presented the petition. He mentioned that the petitioner would be selling pre-owned higher-end foreign cars and sports cars. He noted that there would be no service or repair of motor vehicles at the facility. He stated that the existing building is structurally sound and they are only proposing minor aesthetic improvements to the building. He mentioned that there would be eight (8) to ten (10) vehicles in the inside display area and the price for those vehicles would start at \$40,000. He also mentioned that there would be thirty (30) to (40) vehicles in the outside display area. He noted that there would be seventeen (17) visitor parking spaces provided including one (1) accessible space as required by code.

Mr. Zemenak stated that the existing building is non-conforming with regard to the front and corner side yard setbacks. He noted that the overhead door is located in the rear of the building and is not visible from North Avenue. He mentioned that the only access to the property is from the side street, La Londe Avenue, which helps facilitate traffic and safety. He stated that the Fire Department would be able to access the building on three (3) sides in the event of a fire.

Mr. Zemenak noted that there is a six-foot (6') fence along the northern and eastern property lines that provides screening for the residential properties to the north. He stated that there are seven (7) existing light poles in the parking lot. He mentioned that they are performing a photometric study and will provide

appropriate shielding if necessary to meet the parking lot lighting requirements. He stated that the hours of operation will be 10:00 AM to 7:00 PM, Monday through Friday and 9:00 to 6:00 PM on Saturdays. He noted that the parking lot lights would be on a timer and would turn-off at approximately 10:00 PM. He also noted that there would also be a motion detector that would briefly turn the lights on in the event someone trespasses onto the property after hours.

Mr. Zemanek stated that the property is within the B4 Corridor Commercial District and the proposed use is consistent with the zoning designation and the Comprehensive Plan. He noted that the petitioners agree to all of the conditions of approval. He stated that they are aware that a plat of consolidation will be required for the property.

Chairperson Ryan then opened the meeting for public comment.

Don Stob, a resident at 2N055 La Londe Avenue provided comments regarding the petition. He stated that he had some questions about the lighting, but Mr. Zemenak already answered them. He noted that La Londe Avenue is an old narrow street that dead ends at the industrial area to the north. He stated that when the property was previously used as a billard hall, the customers would turn right when leaving the property and drive through the residential neighborhood. He noted that he doesn't want that to happen again with this business.

Mr. Zemenak responded that the parking lot lighting will meet all Village requirements. He also noted that the sales staff can direct customers not to use the residential streets when test driving the vehicles. He mentioned that with the type of cars they will be selling, most customers will want to test drive the car at higher speeds and will likely use North Avenue. He also stated that the petitioners would agree to a condition that a no right turn sign be placed at the ingress/egress to the property.

Chairperson Ryan then requested the staff report.

Michelle Kulikowski, Planner I, presented the staff report which is submitted to the public record. She stated that the petitioner wishes to open a "pre-owned" car dealership at the subject property. She noted that the petitioner will be utilizing the existing building, and will not be constructing any building additions. She mentioned that the building is approximately 5,015 square feet, most of which will be used as showroom space. She noted that no vehicle service or repairs will be performed in the building or on the property. She stated that the existing parking lot will be used for customer parking and as an outdoor display area. She noted that there will be no access onto North Avenue from the subject property, and the existing access drive on to La Londe Avenue will provide ingress and egress to and from the property.

Ms. Kulikowski noted that the Comprehensive Plan recommends Community Commercial at this location, and the proposed use complies with the recommendation of the Comprehensive Plan. She stated that the proposed use is compatible with the surrounding land uses. She noted that the properties to the east, south, and west are zoned B4 Corridor Commercial Shopping District. She

mentioned that the residential properties north of the site are screened by a six-foot (6') board on board fence.

Ms. Kulikowski stated that the property to the east of the subject property has been used as a motor vehicle sales establishment for a number of years. She noted that at one time a single motor vehicle sales establishment operated on both the subject property and the adjacent property to the east. She mentioned that when both properties were originally developed, motor vehicle sales was a permitted use in the B4 District, but in 1990, a Zoning Ordinance text amendment was adopted that changed the classification of motor vehicle sales, service, and repair in the B4 District from a permitted use to a conditional use. She stated that in 1992, the subject property changed uses to a billiards hall and the adjacent property to the west remained as a motor vehicle sales establishment. She noted that the adjacent property to east is a legal non-conforming conditional use as the use as a motor vehicle sales establishment has not ceased on the property for more than a year, and because of the previous change in use, the subject property no longer retains any legal non-conforming rights associated with the previous motor vehicle sales establishment. She mentioned that the property to the west received conditional use approvals for a motor vehicle sales establishment in 1999, 2000, and 2002 (PC 99-06, PC 00-46, and PC 02-27), but a car dealership never opened for business. She stated that none of the conditional use approvals was acted upon within twelve months, and the conditional use became null and void. She noted that the property to the west is currently used as a furniture store.

Ms. Kulikowski noted that the subject property is legal non-conforming with respect to lot size, lot width, front yard setback and corner side yard setback. She mentioned that the petition does not include any relief from the underlying bulk requirements. She also noted that the existing non-conforming building and pavement functionally prevents the petitioner from bringing the property into full compliance with the current landscaping requirements. She stated that reducing the paved area for perimeter and interior parking lot landscaping would significantly hinder the use of the property. She also mentioned that the configuration of the site does not allow for a transitional landscape yard, but there is an existing six-foot (6') board on board fence along the northern and eastern property lines. Ms. Kulikowski stated that there are currently, seven (7) light poles exist on the site, and that a photometric study is currently being performed on the property.

Ms. Kulikowski stated that the Village requires seventeen (17) visitor parking spaces with one (1) handicapped accessible parking space, which is provided on the plans. She mentioned that a twenty-four foot (24') drive aisle must be maintained for the parking space located on the east side of the building. She mentioned that all loading and unloading of vehicles will be done on the subject property. She noted that neither the subject property nor the adjacent property to the east has access onto North Avenue. The two properties comprise an entire block face. She stated that the access drive for the subject property is located off of La Londe Avenue, and the access drive for the adjacent property is located off of Fairfield Avenue. She mentioned that North Avenue is designated as a Strategic Regional Arterial, and as such access drives for properties on North Avenue is limited.

Ms. Kulikowski mentioned that the subject property consists of two and one-half (2.5) of these lots, and that the petitioner will be required to submit a Plat of Consolidation to make the subject property a single lot of record. She also noted that the petitioner is not proposing any signage at this time. Any future signage must meet the full provisions of the Sign Ordinance.

Chairperson Ryan opened the meeting for comments from the Plan Commission.

Commissioner Flint stated that the petitioner's business would be a great asset to Lombard. He also mentioned that he felt that a condition requiring a no right turn sign would be appropriate.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed conditional use does comply with the standards of the Lombard Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5-0, recommended to the Corporate Authorities **approval** of the petition associated with PC 07-16 subject to the following conditions:

1. The petitioner shall submit for final approval a Plat of Consolidation to consolidate the three (3) lots and the vacated alley into a single lot of record.
2. The petitioner shall submit a final photometric plan that complies with the Zoning Ordinance.
3. A fence of no less than six feet (6') and no greater than eight feet (8') in height shall be maintained along the northern property line.
4. The proposed use shall operate on the property in substantial compliance with the site plan, prepared by Capital Design, LTD. and dated March 15, 2007.
5. The vehicle display/sales area shall be limited to the area depicted on the approved site plan. Moreover, all vehicles parked and/or displayed on the subject property shall be in operable condition.
6. That the petitioner shall erect a *no right turn* sign at the access drive for vehicles exiting the property.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

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c. Petitioner
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