

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: November 19, 2007

FROM: Department of Community
Development

PREPARED BY: William Heniff, AICP
Senior Planner

TITLE

PC 07-39; Text Amendments to the Lombard Zoning Ordinance: The Village of Lombard requests approval of text amendments to the Lombard Zoning Ordinance to establish definitions and regulations for collection centers as a conditional use within the B3, B4, B4A and I Districts.

BACKGROUND:

The Planning Services Division of the Community Development Department is proposing text amendments to the Zoning Ordinance as it relates to drop-off collection centers. As the existing Zoning Ordinance does not specifically identify such centers as permitted or conditional uses within any of the commercial districts, staff believes establishing such regulations is appropriate.

These amendments are intended to allow for such facilities as a conditional uses in the B3, B4, B4A and I Districts. This amendment establishes definitions for such centers, which would distinguish it from recycling centers or other outdoor sales and service activities.

Staff also received a companion petition (PC 07-40) requesting conditional use approval for an existing collection facility at 345 W. Roosevelt Road, located in the B4A District. Consideration of PC 07-40 is subject to approval of this petition.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The Private Engineering Services Division does not have any comments.

PUBLIC WORKS

Public Works has reviewed the petition and does not have any comments.

BUILDING AND FIRE

The Bureau of Inspectional Services has reviewed the petition and does not have any comments.

PLANNING

Compatibility with the Zoning Ordinance

The intent of this text amendment is to provide regulations pertaining to the activity and function of the drop off collection of used clothing and household items. This activity is usually operated under the auspices of a non-profit entity.

The Zoning Ordinance currently does not have any regulations pertaining to such collection centers, per se. The closest regulations included within the Zoning Ordinance for the business district is the “outdoor display, sales and storage of items, the sale of which is permitted in the district”, which is listed as a conditional use.

Within the I District, recycling collection centers is listed as conditional uses, and is defined as:

RECYCLE COLLECTION CENTER is the use of a lot for the collection of such products only, and not their processing. The placement is required to be on a hard surface parking area, and is permitted only in an area where there is an excess of parking beyond that required in Section 6 (155.600 et.seq.). The collection center must be staffed full-time to monitor the use, and all collection is to be removed on a daily basis. Any area involved must be swept and cleaned at the end of the business day. Additionally, no recycle collection center shall operate without the consent of the property owner stating approved days and hours of operation. Such owners consent must be filed with the office of the Community Development Director prior to operation.

In consideration of this text amendment, staff is proposing a new term associated with collection centers, to distinguish it from traditional recycling centers. The amendment will establish “Collection Center, Attendant” to define the clothing drop-off activity typically done by non-profit entities. As it could be argued that attendant collection centers are a type of recycling, the recycling collection center use definition is also being modified to strengthen the difference between the two uses.

PROPOSED ZONING ORDINANCE REGULATIONS

The proposed text amendments to the Zoning Ordinance are noted below, in underscore or strikeout. Additional comments regarding the proposed amendments are noted in italics.

Section 155.803 - DEFINITIONS

COLLECTION CENTER, ATTENDANT is a staffed drop-off donation facility for the collection of discarded household goods and clothing for the purpose of resale or donation by the facility operator. This term excludes recycling collection centers or any stand alone, unmanned drop boxes or collection sites for discarded household goods or clothing.

The proposed definition provides for collection centers that are manned (either in the form of volunteers or staff). This would preclude drop boxes that are arbitrarily dropped off on sites for collection purposes. Attendant facilities are desired over remote drop boxes as the staffing helps minimize impacts of fly-dumping and help ensure that its operation will be compatible with adjacent land uses.

~~**RECYCLE-COLLECTION CENTER, RECYCLING** is the use of a lot for the collection of household goods such as paper, glass bottles, aluminum cans, and plastic containers such products only, and not their processing. The definition of recycling collection centers specifically excludes junkyards and motor vehicle salvage operations, solid waste transfer stations. The placement is required to be on a hard surface parking area, and is permitted only in an area where there is an excess of parking beyond that required in Section 6. The collection center must be staffed full time to monitor the use, and all collection is to be removed on a daily basis. Any area involved must be swept and cleaned at the end of the business day. Additionally, no recycle collection center shall operate without the consent of the property owner stating approved days and hours of operation. Such owners consent must be filed with the office of the Community Development Director prior to operation.~~

This proposed amendment is intended to help further distinguish it from attendant collection centers. The current definition also includes a number of regulations associated with the operation. As it not good practice to include regulations within definitions, this struck language is being inserted into the listing section of recycling collections in the I District. It is also intended to address issues raised in a recent appellate court decision (Victory Auto Wreckers v. Bensenville).

**Section 155.400 et. seq.
 REGULATIONS BY DISTRICT**

Use	Districts Listing as a Permitted Use	Districts Listing as a Conditional Use
<u>Collection Centers, Attendant</u>		<u>B3, B4, B4A, I</u>
Collection Centers, Recycling		I

Section 155.420 I LIMITED INDUSTRIAL DISTRICT REQUIREMENTS

C. Conditional Uses

Subject to the provisions of Section 155.103 (F) in this Ordinance, the following conditional uses may be allowed:

28. Recycling collection centers, provided that the following provisions are met:
- a. The recycling collection center is located in an area where there is an excess of parking beyond that required in Section 155.600 et. seq..
 - b. Placement of any containers shall be on a hard surface parking area;
 - c. The recycling collection center must be staffed full-time to monitor the use, and all collection is to be removed on a daily basis. Any area involved must be swept and cleaned at the end of the business day.
 - d. Recycling collection centers shall not operate without the consent of the property owner stating approved days and hours of operation as part of the application for conditional use approval.

This section is being added to place the use provisions with the use listing. It also is intended to clarify the provisions associated with the use operation.

Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards and the petitioner's 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.*

Should the proposed amendments be approved, it would apply to all properties within the B3, B4, B4A and I Districts.

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

As noted in the table above, no changes are proposed for the recycling collection center use – it remains a conditional use in the I District. Regarding the attendant collection centers, it is proposed as a conditional use in the B3, B4, B4A and I Districts. The B1 and B2 Districts are the local commercial districts and the designated properties tend to be in very close proximity to residences. Additionally, as this use is intended to provide drop-off services for the community at-large, it should be established in the community or corridor district as well. The downtown districts (B5 and B5A) are not listed as the activity is not consistent with the downtown area (i.e., pedestrian scale with a de-emphasis on automobile related activities). The I District listing is added for consistency.

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

The Ordinance would not create any nonconformities.

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

The proposed amendment would make the Zoning Ordinance more permissive to the extent that it adds the potential new land use into the B3, B4, B4A and I Districts.

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

Staff believes that the proposed amendment would be consistent with the Comprehensive Plan, as the use may be compatible with the commercial or industrial designations, provided that it meets the standards for conditional uses and any appropriate conditions of approval associated with the petition.

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 newly evolving circumstances presented by petition or otherwise. The proposed amendments are consistent with established Village policy.

RECOMMENDATION:

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of the request as proposed:

Based on the submitted petition and the testimony presented, the proposed text amendments comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-department Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of the text amendments described in PC 07-39.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development