

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

Resolution or Ordinance (Blue)     Waiver of First Requested  
 Recommendations of Boards, Commissions & Committees (Green)  
 Other Business (Pink)

**TO :** PRESIDENT AND BOARD OF TRUSTEES

**FROM:** Scott R. Niehaus, Village Manager

**DATE :** October 28, 2019                      **(BOT) Date:** November 7, 2019

**SUBJECT:** PC 19-23; 20 N. Main Street – Rezoning and Conditional Use

**SUBMITTED BY:** William J. Heniff, AICP, Director of Community Development *WJH*

**BACKGROUND/POLICY IMPLICATIONS:**

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village requests a map amendment (rezoning) from the O Office District to the B5 Central Business District and a companion conditional use pursuant to Section 155.418(C)(21) of the Lombard Village Code as public utilities and governmental services for the subject property

The Plan Commission recommended approval of the petition by a vote of 5-0. Please place this petition on the November 7, 2019 Board of Trustees agenda.

**Fiscal Impact/Funding Source:**

Review (as necessary):  
Finance Director \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager \_\_\_\_\_ 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:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**DATE:** November 7, 2019

**SUBJECT:** **PC 19-23; 20 N. Main Street – Rezoning and Conditional Use**

Please find the following items for Village Board consideration as part of the November 7, 2019 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 19-23;
3. An Ordinance granting approval of a Map Amendment from the O zoning district to the B5 zoning district; and
4. An Ordinance granting approval of a Conditional Use for public utilities and governmental services.

The Plan Commission recommended approval of the petition by a vote of 5-0. Please place this petition on the November 7, 2019 Board of Trustees agenda.



## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
[www.villageoflombard.org](http://www.villageoflombard.org)

November 7, 2019

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Anthony Puccio, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Andrew Honig, Dist. 4  
Daniel Militello, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
Scott R. Niehaus

*"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."*

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

**Subject: PC 19-23; 20 N. Main Street – Rezoning and Conditional Use**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village requests a map amendment (rezoning) from the O Office District to the B5 Central Business District and a companion conditional use pursuant to Section 155.418(C)(21) of the Lombard Village Code as public utilities and governmental services for the subject property.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on October 21, 2019. Sworn in to present the petition were: Jennifer Ganser, Assistant Director.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. Currently, the property is an office/utility service owned and operated by AT&T. It is zoned Office. During Board discussions of cannabis dispensaries at PC 19-19, it was noted that this property, though in the downtown, was zoned office. Therefore, after Board approvals of PC 19-19, a cannabis dispensary could locate on the property by right, if AT&T were to demolish the existing facility. Rezoning the property to B5 could allow a cannabis dispensary to locate through a conditional use process.

In addition, the B5 zoning district gives the property owner greater flexibility with setbacks and does not hinder their ability to do business. A companion conditional use is being requested for public utilities and governmental services.

The Village is the petitioner. Staff is not aware of any redevelopment options at the site. Approvals of PC 19-23 would allow AT&T to exist and operate as they do so today. Staff did contact AT&T to notify them about this petition. Ms. Ganser reviewed the zoning chart and map on pages 3 and 4. The standards are attached.

Commissioner Flint asked for public comment. Ms. Kaveria Lezza asked to clarify that AT&T is not leaving. Ms. Ganser said there are no redevelopment proposals at this time.

Commissioner Flint asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Burke asked if another office use could move in. Ms. Ganser said yes, because offices are a permitted use in the downtown.

On a motion by Commissioner Olbrysh, and a second by Commissioner Giuliano, the Plan Commission voted 5-0 to recommend that the Village Board approve the petition associated with PC 19-23.

Respectfully,

**VILLAGE OF LOMBARD**

Steve Flint, Chairperson  
Lombard Plan Commission

# PLAN COMMISSION

## INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

### Map Amendment – 20 N. Main Street

October 21, 2019

**Title**

PC 19-23

**Property Owner**

SBC  
909 Chestnut Unit 36M1  
St. Louis, MO 63101

**Petitioner**

Village of Lombard  
255 E Wilson Avenue  
Lombard, IL 60148

**Property Location**

20 N. Main Street  
Trustee District 1  
PIN 06-07-206-031

**Zoning**

O – Office District (existing)

**Existing Land Use**

AT&T facility

**Comprehensive Plan**

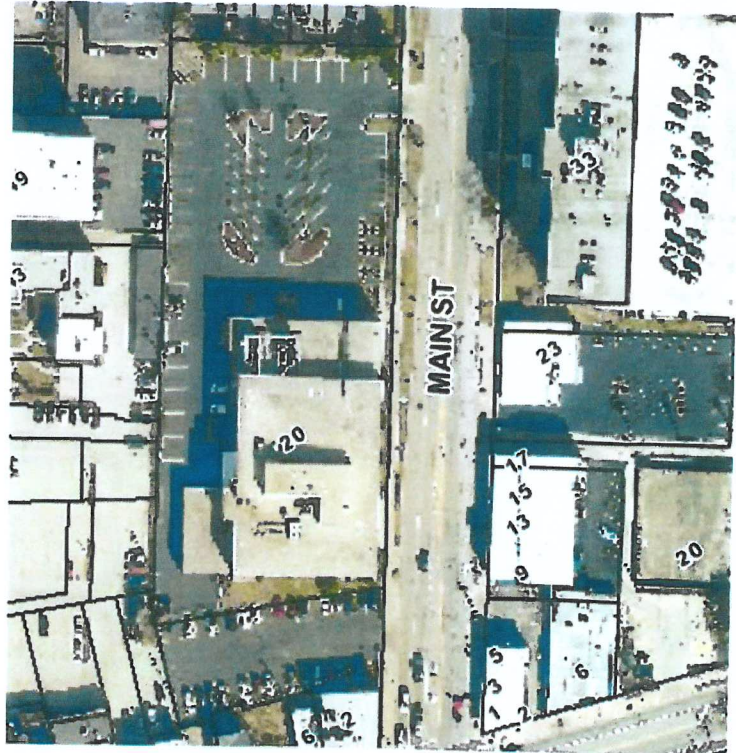
Community Commercial

**Approval Sought**

Map Amendment to B5 and a conditional use for public utilities and governmental services

**Prepared By**

Jennifer Ganser, AICP  
Assistant Director



LOCATION MAP

**DESCRIPTION**

Currently, the property is an office/utility service owned and operated by AT&T. It is zoned Office. During Board discussions of cannabis dispensaries (PC 19-19), it was noted that this property, though in the downtown, was zoned office. Therefore, after Board approvals of PC 19-19, a cannabis dispensary could locate on the property by right, if AT&T were to demolish the existing facility. Rezoning the property to B5 could allow a cannabis dispensary to locate through a conditional use process.

In addition, the B5 zoning district gives the property owner greater flexibility with setbacks and does not hinder their ability to do business. A companion conditional use is being requested for public utilities and governmental services.

The Village is the petitioner, as noted above. Staff is not aware of any redevelopment options at the site. Approvals of PC 19-23 would allow AT&T to exist and operate as they do so today.

**PROJECT STATS**

**Lot & Bulk**

Parcel size: 1.78 acres

**Submittals**

1. Petition for a public hearing and
2. Response to Standards for a map amendment and conditional use.

**APPROVAL(S) REQUIRED**

The Village requests a map amendment (rezoning) from the O Office District to the B5 Central Business District and a companion conditional use pursuant to Section 155.418(C)(21) of the Lombard Village Code as public utilities and governmental services for the subject property.

**EXISTING CONDITIONS**

The subject property is developed with an office building and parking lot.

**INTER-DEPARTMENTAL REVIEW**

**Building Division:**

The Building Division has no comments regarding the petition.

**Fire Department:**

The Fire Department has no comments regarding this petition.

**Private Engineering Services (PES):**

PES has no comments on this petition.

**Public Works:**

The Department of Public Works has no comments on this petition.

**Planning Services Division:**

The Planning Services Division notes the following:

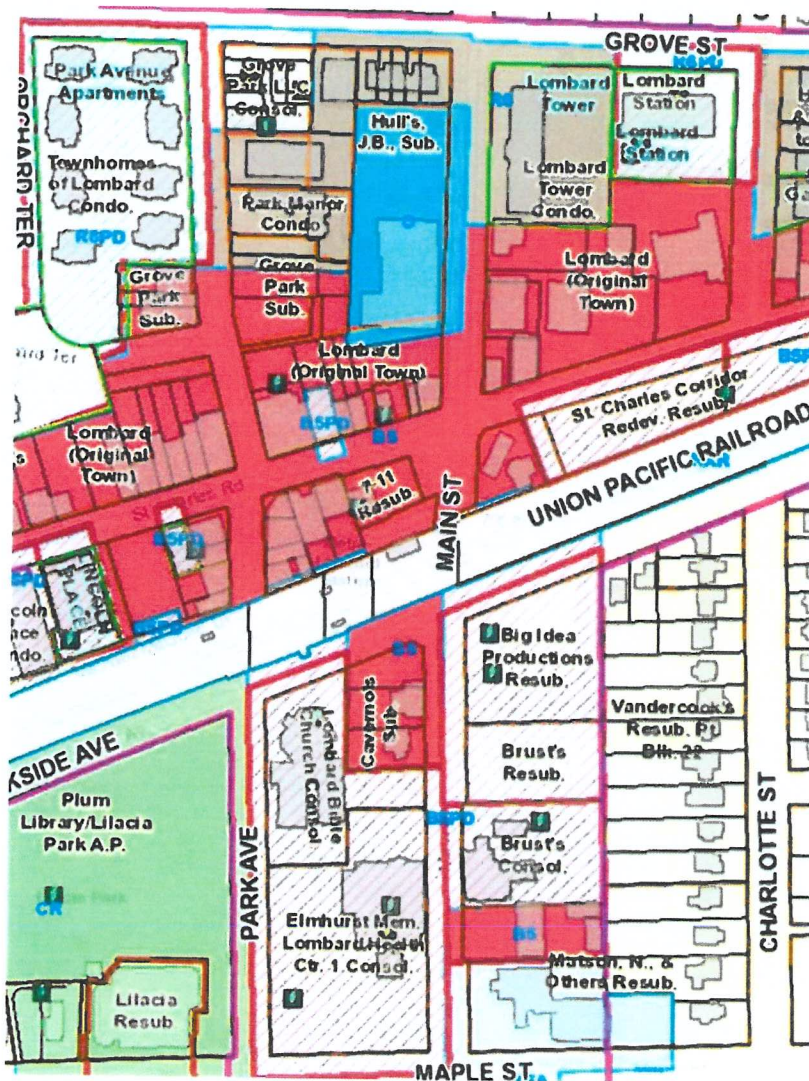
***1. Surrounding Zoning & Land Use Compatibility***

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	R6	Multi-family housing
<b>South</b>	B5	Parking and retail
<b>East</b>	B5 and R6	Retail and multi-family housing
<b>West</b>	B5 and R6	Retail and multi-family housing

The subject property is located within a commercial corridor in downtown Lombard. At the September 19<sup>th</sup> Board meeting, the Village Board discussed potential text amendments regarding cannabis dispensaries, which were approved on October 3<sup>rd</sup>. Cannabis dispensaries are a permitted use in the Office District and a conditional use in the B5 District. The Board noted they wanted cannabis dispensaries to be conditional uses in the downtown, but noted concern with 20 N. Main Street due to the Office zoning designation.

The Village is petitioning for a map amendment to rezone the property to B5 which is consistent with the downtown area. Per Village Code, Section 155.103(E)(3)(b) "Map amendments may be proposed by the owner of the property involved, or an authorized representative, the Village Board, the Plan Commission, Zoning Board of Appeals, or other village officials."

As seen in the map below, AT&T is zoned office (in blue) unlike the surrounding properties. Red represents B5 and brown represents R6 (residential, multi-family). The Village tries to avoid zoning properties in a way that they are not zoned similarly to the properties around it, or are an outlier. B5 zoning would be consistent with the downtown.



2. **Comprehensive Plan Compatibility**

The Comprehensive Plan designates the subject property as suitable for community commercial development. The rezoning would not change this.

### 3. Zoning Ordinance Compatibility

Below is a chart of some differences between the Office and B5 districts. From aerial photographs and a Plat of Survey from a 2004 permit, the building is legal non-conforming in regards to setbacks, open space, and floor area ratio (FAR). If the building was damaged or destroyed it would need to conform to current zoning, or require zoning relief. This action will bring the property into code compliance.

	Office District	B5 District	Existing Conditions
<b>Use (public utility)</b>	Conditional Use	Conditional Use	Conditional Use
<b>Mim. lot area</b>	15,000 square feet	None	77,866 square feet
<b>Mim. lot width</b>	100'	None	179.32'
<b>Front setback</b>	30'	None	Approx. 8'
<b>Side setback</b>	10'	None	Approx. 33' and 217'
<b>Rear setback</b>	25'	None	Approx. 20'
<b>Max. height</b>	4 stories or 45', whichever is less	4 stories or 45', whichever is less	3 stories
<b>FAR</b>	0.35	None	Non-conforming
<b>Mim. open space</b>	35% of lot	None	Non-conforming
<b>Transitional building and yard setbacks</b>	Yes	Yes	No
<b>Parking</b>	4 spaces/1,000 sf	2 spaces/1,000 sf	Approx. 94 spaces

### SITE HISTORY

The building was constructed in approximately 1957.

1980 – AT&T withdrew their petition (PC 80-6) due to resident opposition for a conditional use for a public utility and public service use microwave relay tower installations.

### FINDINGS & RECOMMENDATIONS

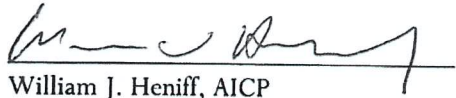
Staff finds the proposed map amendment to be consistent with the objectives of the Zoning Ordinance and the intent of the Comprehensive Plan in general.

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 for **approval** of this petition:

Based on the submitted petition and the testimony presented, the request for a map amendment **complies** 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 recommend to the Village Board **approval** of PC 19-23 subject to no conditions.



Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

c. Petitioner

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## **STANDARDS FOR MAP AMENDMENTS (REZONINGS)**

1. Compatibility with existing uses of property within the general area of the property in question;

*The building has existed for many years in Lombard. Rezoning the property to B5 would make it more compatible to the neighboring non-residential properties.*

2. Compatibility with the zoning classification of property within the general area of the property in question;

*The property is located in downtown Lombard, much of which is already rezoned B5.*

3. The suitability of the property in question to the uses permitted under the existing zoning classification;

*The use of office is permitted in both O and B5. The property use will not change as a result of the rezoning.*

4. Consistency with the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification;

*The property use will not change as a result of the rezoning.*

5. The compatibility of the surrounding property with the permitted uses listed in the proposed zoning classification;

*Surrounding property will not change zoning designations. AT&T can continue to operate after the rezoning.*

6. The objectives of the current Comprehensive Plan for the Village of Lombard and the impact of the proposed amendment of the said objectives;

*The Comprehensive Plan designation of Community Commercial is not being changed.*

7. The suitability of the property in question for permitted uses listed in the proposed zoning classification.

*Many uses are similar. The use of the property will not change as a result of the rezoning.*

## STANDARDS FOR CONDITIONAL USES

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;

*The conditional use will not impact the health or safety or nearby property. The use is not changing.*

2. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located;

*The use the property is not changing as a result of the conditional use or rezoning.*

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

*Correct. The use will not change as a result of the conditional use.*

4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;

*They have been provided for.*

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

*They have been provided for and are not changing due to the conditional use.*

6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and,

*It is not contrary to the Comprehensive Plan. The Comprehensive Plan designation of Community Commercial is not being changed.*

7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.

*All other regulations will be followed.*

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE APPROVING A MAP AMENDMENT (REZONING)  
TO THE LOMBARD ZONING ORDINANCE  
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 19-23: 20 N. Main Street)

(See also Ordinance No. (s) \_\_\_\_\_)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, an application has heretofore been filed requesting a map amendment for the purpose of rezoning the property described in Section 2 hereto from O Office District to B5 Central Business District; and,

WHEREAS, a public hearing thereon has been conducted by the Village of Lombard Plan Commission on October 21, 2019, 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 rezoning 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 155 of the Code of Lombard, Illinois, otherwise known as the Lombard Zoning Ordinance, be and is hereby amended so as to rezone the property described in Section 2 hereof to B5 Central Business District.

SECTION 2: This ordinance is limited and restricted to the property generally located at 20 N. Main Street, Lombard, Illinois, and legally described as follows:

LOT 8 TOGETHER WITH THAT PART OF THE VACATED ALLEY LYING SOUTHERLY OF AND ADJOINING LOT 8, AND LOTS 9, 10, AND 11 ALL IN J.B. HULL'S SUBDIVISION OF PART OF OUT-LOT NO. 4 AND PART OF LOT NO. 1, OF BLOCK 11 IN THE TOWN OF LOMBARD, DUPAGE COUNTY, ILLINOIS, (IN

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Re: PC 19-23  
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THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11  
EAST OF THE THIRD PRINCIPAL MERIDIAN.)

Parcel No. 06-07-206-031

SECTION 3: That the official zoning map of the Village of Lombard be changed in conformance with the provisions of this ordinance.

SECTION 4: 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 \_\_\_\_\_, 2019.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

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Re: PC 19-23

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Sharon Kuderna, Village Clerk

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING APPROVAL OF CONDITIONAL USE PURSUANT TO SECTION 155.418(C)(21) OF THE VILLAGE CODE FOR PUBLIC UTILITIES AND GOVERNMENTAL SERVICES LOCATED IN THE B5 CENTRAL BUSINESS DISTRICT**

**PC 19-23; 20 N. Main Street – Rezoning and Conditional Use**

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois;

WHEREAS, the Subject Property as defined below is zoned B5; and,

WHEREAS, an application requests approval for a conditional use for public utilities and governmental services in the B5 Central Business District on the subject property; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on October 21, 2019 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 conditional use 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 a conditional use is hereby granted for the Subject Property, as described in Section 2 below, pursuant to Title 15, Chapter 155, Section 155.418(C)(21) of the Village Code for a public utilities and governmental services establishment;

SECTION 2: This ordinance is limited and restricted to the property generally located at 20 N. Main Street, Lombard, Illinois, and legally described as follows:

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LOT 8 TOGETHER WITH THAT PART OF THE VACATED ALLEY LYING SOUTHERLY OF AND ADJOINING LOT 8, AND LOTS 9, 10, AND 11 ALL IN J.B. HULL'S SUBDIVISION OF PART OF OUT-LOT NO. 4 AND PART OF LOT NO. 1, OF BLOCK 11 IN THE TOWN OF LOMBARD, DUPAGE COUNTY, ILLINOIS, (IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN.)

PIN Numbers: 06-07-206-031

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Keith Giagnorio, Village President

ATTEST:



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Re: PC 19-23  
Page 3

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Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Sharon Kuderna, Village Clerk