

ANALYSIS

SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development on February 26, 2009:

1. Petition for Public Hearing
2. Letter of Intent, dated February 9, 2009.

DESCRIPTION

Ordinance 5163, which was approved on July 18, 2002 as part of PC 02-22, granted Westgate Lincoln Mercury conditional use approvals for a planned development; the sales, service and repair of automobiles and two principal buildings on a lot of record. Westgate Lincoln Mercury has since closed their business for more than 12 months. Section 155.103(F)(12) of the Zoning Ordinance states that conditional use approval shall expire if the conditional use shall cease for more than 12 months for any reason. Westgate Lincoln Mercury plans to reopen their business as it once operated; therefore, conditional use approval is required to reestablish the sales, service and repair of automobiles and maintain two principal buildings on a lot of record on the subject property.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

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

PUBLIC WORKS

Public Works Engineering has no comments at this time.

FIRE AND BUILDING

Since the structure has been vacant for more than 12 months, the Fire Prevention inspectors and BIS inspectors will need to re-inspect the premises to ensure that it is still in good structural condition and that all the life safety devices are fully operational and up to code. This will include, but not limited to fire suppression, fire alarm system, emergency/exit lighting and require means of egress.

PLANNING

Zoning History

The portion of the subject property along Roosevelt Road was originally developed under DuPage County jurisdiction as an automobile sales use (Lombard Lincoln Mercury) in 1970. The Village as part of an annexation, annexation agreement and rezoning petition in 1985 (Ordinances 2763, 2764 and 2765) approved a further expansion of this use. The annexation agreement was established for a ten-year period and essentially recognized the existing functions, design and operations of the existing business as permissible during the life of the agreement. As the agreement has since expired, any structures or uses on the property was considered legal non-conforming.

When the property was annexed in 1985, automobile repair was a permitted use in the B4 District. In 1990, a Zoning Ordinance text amendment was adopted that changed the classification of automobile repair in the B4 District from a permitted use to a conditional use. At that time, the automobile sales service and repair activities became a legal nonconforming use.

In 2002, conditional use approval was granted (as part of PC 02-22) to allow for the sales, service and repair of automobiles on the subject property. The intent of PC 02-22 was to ultimately construct a 5,000 square foot addition to the existing facility; however, the proper conditional use approvals were necessary to bring the business into legal conforming status. Conditional use approval was also granted to establish the subject property as a planned development.

Compatibility with the Zoning Ordinance/Planned Development

The petitioner intends to reopen the existing car sales and automotive repair as previously granted. The petitioner has indicated that it would be for the sale of used cars only; however, new cars may come at a later date. The petitioner anticipates the sales of between 25-30 cars per month after the initial opening. Light auto repair, such as, oil changes, brake and tires will also be conducted on-site as it was before. There are currently no plans to make exterior modifications, aside from new signage, which will come at a later date. The subject property has a number of previously approved signage deviations that would still apply today. Those approvals are discussed later as part of this IDRC Report.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends that the subject property be developed as a Community Commercial use. The Comprehensive Plan definition of a Community Commercial area is that it is a commercial area which provides services extending beyond daily living needs and includes comparison shopping goods which includes motor vehicles. The proposed use is therefore compatible with the intent of the Community Commercial designation.

Compatibility with the Sign Ordinance

The petitioner has not formally submitted a signage plan for the subject business; however, there have been a number of signage deviations granted in the past that would allow the petitioner to install wall and freestanding signage beyond that permitted by the Sign Ordinance. The following is a brief synopsis of the previously approved signage deviations:

Wall Signage

PC 02-22 granted approval to allow for more than one wall sign per street frontage. More specifically, approval was granted to allow five (5) wall signs on the south elevation of the principal dealership building. An additional “used cars” wall sign was also approved for the used car office, which is located to the east of the principal dealership building.

Freestanding Signage

SPA 03-02 granted site plan approval to allow for three (3) freestanding signs on the subject property. Three legal non-conforming free-standing signs existed on the property during the time of the petition, which is two more than permitted the Sign Ordinance. The petitioner was granted zoning relief in order to remove and replace one of the signs with a new sign similar in style to the proposed building elevations.

As part of SPA 03-06, site plan approval was granted to allow for a freestanding sign fronting on a state right-of-way of 144 square feet in size where a maximum of 125 square feet in sign surface area is permitted. Approval was also granted to allow for a freestanding sign fronting on a state right-of-way of 29 feet 11 inches in height where a maximum of 25 feet is permitted. The Plan Commission originally denied this petition, but the Board of Trustees overturned the Plan Commission’s decision and adopted Ordinance 5338, which granted the aforementioned relief. All signage relief still applies to the subject property.

Standards for Conditional Uses

For a conditional use to be approved, the standards for conditional uses must be met. Staff has reviewed the petitioner’s plan and the standards and offers the following comments:

- 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 process allows staff the opportunity to review each applicable petition in context with the surrounding area in regards to health, safety, and general welfare. As indicated in the submittal package, the major business operations associated with the proposed use were already approved as an acceptable conditional use in 2002. The site and facility are to remain the same as well as the business operation. The petitioner has also indicated that he will maintain a safe environment inside and outside of the building.

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 proposed use has been conducted on the subject property since 1970. Preserving the same automobile sales, service and repair use that has occurred for almost 40 years would maintain consistency in relation to the surrounding neighborhood.

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;

The petitioner plans to conduct conditional use within the confines of the existing building and current site layout as it was once approved through Ordinance 5163. From a land use perspective, the type of use being proposed is compatible with the surrounding properties; as such, the normal and orderly development and improvement of the surrounding properties would not be adversely affected.

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

As the petitioner intends to utilize the vacant building on the subject property and not alter the existing site, any necessary infrastructural improvements are already in existence. Should any infrastructural improvements be deemed necessary, the Private Engineering comments provided within this report shall address such improvements.

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;

There are four existing points of ingress/egress leading to and from the subject property – one on Roosevelt Road, one on Edgewood Avenue and two along Fairfield Avenue. No improvements to those existing drive aisles are being proposed at this time. However, two of the four are considering legal non-conforming (Roosevelt Road and Edgewood Avenue drive aisles) with respects to the minimum width requirement (24 feet); therefore, if they are to be altered, they must meet all Code requirements.

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

The Comprehensive Plan recommends that the subject property be developed as a Community Commercial use. The Comprehensive Plan definition of a Community Commercial area is that it is a commercial area which provides services extending beyond daily living needs and includes

comparison shopping goods which includes motor vehicles. The proposed use is therefore compatible with the intent of the Community Commercial designation.

Encourage property owners to maintain and enhance the overall condition of existing industrial, business and office developments.

This policy refers to the development in a property maintenance context. Not only would the petitioner need to demonstrate proper property stewardship, future property maintenance must also be carried on through the life of the business.

New development shall have adequate off-street parking and loading facilities.

The ability to provide adequate parking and loading facilities should be provided for all commercial sites. The subject property is 5.5 acres. Over 75% of the subject property is reserved as parking and staging area for the automobiles, which leaves over 4 acres for parking, staging and sales. The petitioner has indicated that the business will not contain the large sales inventory that it had prior to closing its doors.

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.

Staff has reviewed the petition and if it were to be approved, the applicable code issues and/or conditions of approval would be addressed during the permit review process. As is, the site conforms to all requirements set forth in the Zoning Ordinance and all other applicable ordinances. The petitioner would need to receive an updated Certificate of Occupancy/Zoning Certificate that permitted the proposed conditional uses.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition subject to the conditions as outlined:

Based on the submitted petition and the testimony presented, the proposed ordinance amendment does comply with the standards required by the Lombard Zoning Ordinance and that the planned development amendment enhances the development and is in the public interest; and, therefore, I move that the Plan Commission adopt the findings included within the Inter-department Group Report as the findings of the Lombard Plan Commission, and recommend to the Corporate Authorities **approval** of the PC 09-03, subject to the following conditions:

1. That the petitioner shall satisfactorily address the comments included within the IDRC report.
2. The conditions of approval outlined in Section 2, Ordinance 5163, adopted July 18, 2002 shall remain in full effect for the subject property.
3. All property maintenance issues shall be addressed prior to the issuance of a Certificate of Occupancy.

Inter-Departmental Review Group Report Approved By:

William J. Heniff, AICP
Director of Community Development

WJH:MST
att
c. Petitioner