

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: William T. Lichter, Village Manager
DATE: April 27, 2005 (BOT) Date: May 5, 2005
TITLE: PC 05-13: Text Amendments to the Lombard Zoning Ordinance
SUBMITTED BY: Department of Community Development *J.H.*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation requesting approval of a text amendment to Section 155.416 and Section 155.417 of the Lombard Zoning Ordinance, allowing public recreational and social facilities to be listed as a conditional use within the B5 Central Business District and the B5A Downtown Perimeter District. (DISTRICT #1)

The Plan Commission recommended approval of this petition.

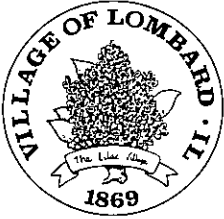
Staff is requesting waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W.T. Lichter* _____ Date *4/28/05*

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: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *Deff*

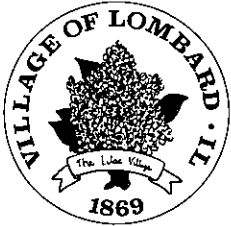
DATE: May 5, 2005

SUBJECT: PC 05-13: Text Amendments to the Lombard Zoning Ordinance

Attached please find the following items for Village Board consideration as part of the May 5, 2005 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 05-13;
3. An Ordinance granting approval of a text amendment to the Zoning Ordinance to allow for public recreational and social facilities to be listed as a conditional use within the B5 Central Business District and the B5A Downtown Perimeter Districts;
4. Plans associated with the petition.

Staff requests a waiver of first reading of the aforementioned Ordinance.



VILLAGE OF LOMBARD

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May 5, 2005

Village President
William J. Mueller

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

Trustees

Tyler L. Williams, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

Subject: PC 05-13; Text Amendments to the Lombard Zoning Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. This petition was heard at the April 18, 2005 Plan Commission meeting.

The Village of Lombard requests approval of a text amendment to Section 155.416 and Section 155.417 of the Lombard Zoning Ordinance, allowing public recreational and social facilities to be listed as a conditional use within the B5 Central Business District and the B5A Downtown Perimeter District.

Since the Village in this case acted as petitioner, Jennifer Backensto, Planner I, presented the staff report. The Village is proposing text amendments that would allow public recreational and social facilities as a conditional use within the downtown area in the B5 and B5A Districts. (Such uses are already allowable as conditional uses within the R6 Central Residence District.) This petition is being brought forward to allow for new park facilities including the sprinkler park being proposed by the Lombard Park District in PC 05-14. This text amendment would be applicable to all properties within the B5 and B5A Districts.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

The Lombard Park District is proposing to construct and operate a sprinkler park on the eastern portion of the Fifth Third Bank property at 211 W. St. Charles Road. A detailed discussion of their request is considered as part of PC 05-14. However, before the Village can consider the merits of their petition, the Zoning Ordinance must be amended to list public recreational and social facilities as a conditional use in the B5 Central Business District. Although the Park District's petition does not directly impact any properties within the B5A Downtown Perimeter District, staff believes that the rationale for permitting public recreational and social facilities is the same in both of these districts that encompass the overall Central Business District.

Re: PC 05-13
May 5, 2005
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Currently, public recreational and social facilities are defined in the R1 District as golf courses, noncommercial recreational clubs, parks and playgrounds, noncommercial recreational buildings and community centers, noncommercial swimming pools, and noncommercial tennis clubs and courts. For the sake of consistency, public recreational and social facilities should be defined in the same way in all sections of the Zoning Ordinance.

Ms. Backensto stated that the Standards for Text Amendments have been affirmed. Should the amendment be approved, it would apply to all properties with B5 and B5A zoning. Any property for which a public recreational or social facility is proposed would have to meet the standards for conditional uses and would be subject to a future public hearing process.

There are currently a large number of residents within the B5 and B5A Districts, and this number can be expected to grow as redevelopment continues within the downtown. Although Lilacia Park is a substantial amenity for the area, there is an absence of play areas for children. The purpose of the ordinance is to provide opportunities for locating neighborhood public recreational and social facilities. Currently, various types of recreational and social facilities are allowed as conditional uses in all zoning classifications except the B1, B2, B5, and B5A districts. Staff believes that allowing review on a case-by-case basis whether a proposed recreational use is appropriate for a particular site is consistent with the ordinance and is preferable to rezoning small, individual sites to the CR Conservation Recreation District.

No nonconformities would be created by these amendments, and the proposed amendment would make the Zoning Ordinance more permissive only to the extent that it would allow public recreational and social facilities within the B5 and B5A Commercial Districts through the conditional use public hearing process. Without the text amendment, public recreational and social facilities could only be approved if the property was rezoned into a district that would permit public recreational and social facilities (such as the R6 District), which staff believes would not be practical or desirable in most cases. Therefore, establishing the review through the conditional use process is more desirable.

Staff believes that allowing the possibility for public recreational and social facilities, in those locations where the Plan Commission and Board of Trustees have deemed them appropriate, enforces the recommendations of the Comprehensive Plan. Furthermore, 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 in this regard.

Chairperson Ryan then opened the meeting for public comment. There was no one present to speak for or against the petition.

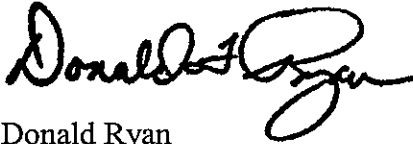
Commissioner Olbrysh moved to approve the petition. The motion was seconded by Commissioner Sweetser.

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After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed request complies with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities **approval** of PC 05-13.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink, appearing to read "Donald Ryan", written in a cursive style.

Donald Ryan
Chairperson
Lombard Plan Commission

DR:JB

attachments

c. Petitioner
Lombard Plan Commission

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VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: April 18, 2005

FROM: Department of
Community Development

PREPARED BY: Jennifer Backensto, AICP
Planner I

TITLE

PC 05-13; Text Amendments to the Lombard Zoning Ordinance: The Village of Lombard requests approval of a text amendment to Section 155.416 and Section 155.417 of the Lombard Zoning Ordinance, allowing public recreational and social facilities to be listed as a conditional use within the B5 Central Business District and the B5A Downtown Perimeter District.

ANALYSIS

BACKGROUND

The Village is proposing text amendments that would allow public recreational and social facilities as a conditional use within the downtown area in the B5 and B5A Districts. (Such uses are already allowable as conditional uses within the R6 Central Residence District.) This petition is being brought forward to allow for new park facilities including the sprinkler park being proposed by the Lombard Park District in PC 05-14. This text amendment would be applicable to all properties within the B5 and B5A Districts.

INTER-DEPARTMENTAL REVIEW COMMENTS

PLANNING

Compatibility with the Zoning Ordinance

The Lombard Park District is proposing to construct and operate a sprinkler park on the eastern portion of the Fifth Third Bank property at 211 W. St. Charles Road. A detailed discussion of their request is considered as part of PC 05-14. However, before the Village can consider the merits of their petition, the Zoning Ordinance must be amended to list public recreational and social facilities as a conditional use in the B5 Central Business District. Although the Park District's petition does not directly impact any properties within the B5A Downtown Perimeter District, staff believes that the rationale for permitting public recreational and social facilities is the same in both of these districts that encompass the overall Central Business District.

Land Use Classification

Currently, public recreational and social facilities are defined in the R1 District as golf courses, noncommercial recreational clubs, parks and playgrounds, noncommercial recreational buildings and community centers, noncommercial swimming pools, and noncommercial tennis clubs and

courts. For the sake of consistency, staff suggests that public recreational and social facilities be defined in the same way in all sections of the Zoning Ordinance.

Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. Staff offers the responses 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 amendment be approved, it would apply to all properties with B5 and B5A zoning. Any property for which a public recreational or social facility is proposed would have to meet the standards for conditional uses and would be subject to a future public hearing process.

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

The Zoning Ordinance lists public recreational and social facilities as follows:

District	Existing	Proposed
C/R Conservation/Recreation District	Conditional	Conditional
R1 – Single-Family Residence	Conditional	Conditional
R2 – Single-Family Residence	Conditional	Conditional
R3 – Attached Single-Family Residence	Conditional	Conditional
R4 – Limited General Residence	Conditional	Conditional
R5 – General Residence	Conditional	Conditional
R6 – Central Residence	Conditional	Conditional
O – Office	Conditional	Conditional
B1 – Limited Neighborhood Shopping	Prohibited	Prohibited
B2 – General Neighborhood Shopping	Prohibited	Prohibited
B3 – Community Shopping	Conditional (Recreation & community centers)	Conditional (Recreation & community centers)
B4 – Corridor Commercial	Conditional (Amusement establishments, outdoor)	Conditional (Amusement establishments, outdoor)
B5 – Central Business	Prohibited	Conditional
B5A – Downtown Perimeter	Prohibited	Conditional
I – Limited Industrial	Conditional (Recreational buildings & community centers, noncommercial)	Conditional (Recreational buildings & community centers, noncommercial)

The B5 and B5A Districts allow and encourage the development of upper-story dwelling units as a component of commercial developments. There are currently a large number of residents within these zoning classifications, and this number can be expected to grow as redevelopment continues within the downtown. Although Lilacia Park is a substantial amenity for the area, there is an absence of play areas for children (see map, following page). The purpose of the ordinance is to provide opportunities for locating neighborhood public recreational and social facilities. Currently, various types of recreational and social facilities are allowed as conditional

uses in all zoning classifications except the B1, B2, B5, and B5A districts. Staff believes that allowing review on a case-by-case basis whether a proposed recreational use is appropriate for a particular site is consistent with the ordinance and is preferable to rezoning small, individual sites to the CR Conservation Recreation District.

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

No nonconformities would be created by these amendments.

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

The proposed amendment would make the Zoning Ordinance more permissive only to the extent that it would allow public recreational and social facilities within the B5 and B5A Commercial Districts through the conditional use public hearing process. Without the text amendment, public recreational and social facilities could only be approved if the property was rezoned into a district that would permit public recreational and social facilities (such as the R6 District), which staff believes would not be practical or desirable in most cases. Therefore, establishing the review through the conditional use process is more desirable.

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

Staff believes that the proposed amendment would be consistent with the Comprehensive Plan. The Comprehensive Plan contains a number of objectives and policies that relate to the provision of recreational facilities as well as statements specific to the Central Business District:

- *Objective: Work with the Lombard Park District to seek adequate neighborhood and community park and recreation sites and facilities.*
- *Downtown Lombard is planned to remain as the Village's mixed-use central activity area...*
- *For the future, it will be important to encourage a mix of land uses that are mutually reinforcing to the overall nature of activities in Downtown Lombard...*
- *Wherever possible and within the physical limitations of the CBD, the Village should encourage a variety of compatible public and quasi-public land uses in the Downtown...These uses would add to the overall variety of CBD activities and create additional trips bound for the Downtown. A "balance" of uses is important to the extent that public land uses do not physically dominate, but maintain a strong presence.*

Staff believes that allowing the possibility for public recreational and social facilities, in those locations where the Plan Commission and Board of Trustees have deemed them appropriate, enforces the recommendations of the Comprehensive Plan.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*

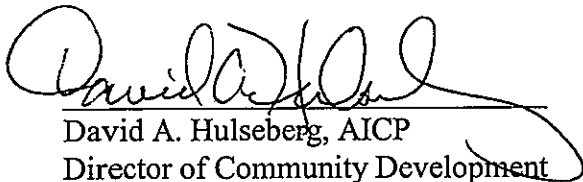
The Village has a history of amending its Zoning Ordinance to address newly evolving circumstances presented by petition or otherwise. The proposed amendments are consistent with established Village policy in this regard.

FINDINGS AND RECOMMENDATIONS

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 to the Zoning Ordinance plan **do comply** with the Standards required by the Zoning Ordinance. Therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission and recommend to the Corporate Authorities **approval** of PC 05-13.

Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Director of Community Development

DAH:JB

ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 05-13; Text Amendments to the Lombard Zoning Ordinance)

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and,

WHEREAS, a public hearing to consider a text amendment to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on April 18, 2005 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 text amendment 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 the Title 15, Chapter 155, Section 416 (C), of the Code of Lombard, Illinois is hereby amended to read in part as follows:

SECTION 155.416 B5 CENTRAL BUSINESS DISTRICT REQUIREMENTS

C. Conditional Uses

16. Public recreational and social facilities, as defined in the R1 District

SECTION 2: That the Title 15, Chapter 155, Section 417 (C), of the Code of Lombard, Illinois is hereby amended to read in part as follows:

SECTION 155.417 B5A DOWNTOWN PERIMETER DISTRICT REQUIREMENTS

C. Conditional Uses

17. Public recreational and social facilities, as defined in the R1 District

SECTION 3: That 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 _____, 2005.

First reading waived by action of the Board of Trustees this ____ day of _____, 2005.

Passed on second reading this ____ day of _____, 2005.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2005

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk