

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


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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: November 22, 2011 (BOT) Date: December 1, 2011

TITLE: PC 11-23: 404 East North Avenue

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village grant conditional uses pursuant to Section 155.416(C)(16), (17) and (18) of the Lombard Zoning Ordinance to allow motor vehicle repair, sales and service in the B4 Corridor Commercial Shopping District.

The Plan Commission recommended approval of this request with amended conditions.

Please place this item on the December 1, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ 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: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP
Director of Community Development *WH*

DATE: December 1, 2011

SUBJECT: PC 11-23: 404 East North Avenue

Attached please find the following items for Village Board consideration as part of the December 1, 2011 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 11-23;
3. An Ordinance granting conditional uses pursuant to Section 155.416(C)(16), (17) and (18) of the Lombard Zoning Ordinance to allow motor vehicle repair, sales and service in the B4 Corridor Commercial Shopping District, and;
4. Plans associated with the petition.

The Plan Commission recommended approval of the zoning actions associated with the petition.



VILLAGE OF LOMBARD

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

December 1, 2011

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees

Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

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

Subject: PC 11-23: 404 East North Avenue

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant conditional uses pursuant to Section 155.416(C)(16), (17) and (18) of the Lombard Zoning Ordinance to allow motor vehicle repair, sales and service in the B4 Corridor Commercial Shopping District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on November 21, 2011.

Gary Grossman, President of Windy City Motorsports, 2566 Lincoln Ave, Long Grove, IL. Mr. Grossman stated that he was before the Plan Commission to petition for a special use permit for the sale and service of used autos. They have been in business for almost 20 years, starting in 1991 in Bloomingdale and then moved to Schaumburg in 1995. They mostly provide internet based sales and sell cars to local and overseas buyers. They want to move to this location and keep their core business while increasing their exposure. He mentioned how other people have requested this use before at this location and had issues with the neighborhood. He noted that they do not let people test drive their cars unless an employee is with them. The type of cars they sell are eclectic and he exemplified the broad base of cars. We have never had an issue with any of the Villages where they conduct business.

Relative to the building, Mr. Grossman stated that it is old and needs repair. They have plans and have turned them over them to the Village. Outside they will repave the parking lot and paint the building to make it more attractive. On the inside they will remove a non-load bearing wall in order to get cars from Grace Street to the opposite side of the building, one car from one side of the building to the other.

"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."

Chairperson Ryan asked if anyone was present to speak in favor or against the petition. No one in the audience spoke in favor or against the petition.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. The petitioner, Windy City Motorsports, wishes to establish an automobile dealership on the subject property. The dealership will serve as a sales destination and will include the service and repair of vehicles associated with the sales business. In doing so, the petitioner will be utilizing the existing building and sales lot on the subject property. The sales, service and repair of motor vehicles are all considered a conditional uses in the B4 Corridor Commercial Shopping District. As the previous motor vehicle sales, service and repair business (European Auto Exchange), has not operated on the subject property in over a one-year timeframe, the previous conditional use has lapsed and a conditional use is required to reestablish such use.

Windy City Motorsports currently operates in Schaumburg as an internet-based car dealer whose sales derive mainly from out-of-state and overseas clientele. They are looking to move their business to a new site that will allow them to continue their online sales component, but also provide a showroom and sales lot. They plan to operate the site in a similar manner which would include a sales portion as well as a service and repair component. They plan to sell high-end and classic cars. The service and repair portion of the business would exist to service and prepare cars for sale and also conduct warranty work.

Conditional uses for the subject property were approved in March 1999 (PC 99-06 Ordinance 4599) and in November 2000 (PC 00-46, Ordinance 4907) for motor vehicle sales. In October of 2008, the prior occupant of the property, European Auto Exchange, received a conditional use for motor vehicle sales (PC 08-05 Ordinance 6161).

In March 2009, the Village discovered that a vehicle lift had been installed inside the garage door at the northern side of building on the subject property. The inspector was informed that the lift was being used for oil changes and minor vehicle service. As the Zoning Ordinance lists motor vehicle service and repair as conditional uses, staff contacted the petitioner informing them that conditional uses would be required for the motor vehicle repair and service function. The petitioner also acknowledged that some minor vehicle repairs were being performed at the facility and later applied for conditional use approval for the service and repair functions. In September, 2009 (PC 09-10 Ordinance 6376) European Auto Exchange received conditional use approval for automobile service and repair, but was limited to vehicles for sale by their dealership and the personal automobiles of their customers. Staff has confirmed with the current petitioner that the motor vehicle service and repair function shall not be open to the public.

Similar to European Auto Exchange, Windy City Motorsports is proposing to service vehicles which are for sale on the lot and to service vehicles which have been sold and are under warranty.

Motor vehicle service and repair service are both distinct uses within the Zoning Ordinance and are defined as follows:

MOTOR VEHICLE REPAIR is the repair of motor vehicles including rebuilding, reconditioning, replacement, or dismantling of major components such as body, frame, or fender repair or painting. Automobile repair generally consists of work that is more intense and less routine than automobile service and sometimes includes overnight storage of vehicles.

MOTOR VEHICLE SERVICE is the service or maintenance of motor vehicles including the installation of minor components such as lubricants, batteries, tires, and mufflers and the performance of maintenance services such as tune-ups, tire É-X-balancing, and car washes. Automobile services generally do not include activities which require overnight storage of vehicles and specifically do not include body work, painting, or repair of major components.

The Comprehensive Plan recommends Community Commercial at this location. As the use on the property will remain commercial retail with an added service component, the proposed use complies with the recommendation of the Comprehensive Plan.

The proposed use is compatible with the surrounding land uses. The North Avenue corridor is a high volume corridor with commercial and industrial sites on the north side of the street and residential sites on the south side of the street with intermittent areas of commercially zoned property. Unincorporated single-family residential properties abut the subject property to the north.

The residential properties north of the site are screened by an eight-foot (8') board on board fence. Additional landscaping is also required along the northern property line. The landscaping requirement is a carry-over condition (per the approved plan) of the previous tenant, European Auto Exchange and will include a row of evergreen shrubs along the northern property line. European Auto Exchange did satisfactorily address the required parkway trees on the subject property.

As a condition of approval, the petitioner shall limit the number of unregistered vehicles on the lot to a maximum of seventy (70) cars. Each car shall be permitted on the lot for a period of no more than six (6) months. A log of the unregistered vehicles with dates of arrival to the lot must be kept on site at all times, with access to the log by an employee of the Community Development Department of the Village of Lombard permitted at any time during business hours. This condition is also a carry-over of PC 08-05 (Ordinance 6161), which prevents the lot from becoming a motor vehicle storage lot. There are a total of eighty-eight (88) parking spaces located on the subject property. Sixty-six (66) of those spaces are reserved for the automobiles for sale on the lot. The remaining twenty-two parking spaces are reserved for visitor parking. The

seventy (70) car condition is based upon those sixty-six (66) allocated spaces and the small number of cars being showcased in the interior portion of the building.

As a condition of Ordinance 6161 (attached), the petitioner was required to install a “no left turn” sign on the LaLonde Avenue driveway, in order to prevent vehicles from being test driven within the adjacent residential neighborhood to the north. This sign was installed on the property; however, staff continued to receive complaints from property owners to the north about test drives occurring within the residential neighborhood. As a result, a condition of PC 09-10 prohibited vehicles from the subject property which are for sale, being serviced, or being repaired from being driven for testing purposes in the residential neighborhood north of the subject property. Staff notes that this condition would remain in effect as part of this petition and no other condition will be added stating, “The “no left turn” sign located on LaLonde Ave. shall be properly maintained.”

As a condition of PC 08-05, the petitioner was required to submit a Plat of Consolidation to make the subject property a single lot of record. The previous petitioner submitted the plat and received comments for revisions; however, a final copy of the plat was never submitted for recording.

The conditions in PC 08-05 also required the petitioner to install sidewalks along all surrounding public rights-of-way for the length of the property. The Subdivision and Development Ordinance requires that these sidewalks be installed. Currently, only one sidewalk exists along North Avenue. Grace Street and LaLonde Avenue currently have no improved sidewalks. Staff is working with the petitioner to develop plans for the installation of the remaining sidewalks.

Staff is recommending approval of the petition subject to the nine conditions in the staff report.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Olbrysh asked if the log of unregistered vehicles is a new requirement.

Michael Toth stated that it was a requirement of the prior tenant.

Chris Stilling stated that staff is currently looking into this issue.

Michael Toth stated that because they have an online inventory of vehicles, they always have that information available at all times.

Commissioner Sweetser asked about the hours of operation.

Gary Grossman stated that they will be open Monday through Friday 10 a.m. to 7 p.m. and Saturday from 10 a.m. to 5 p.m. He added that they may stay open until 9 p.m. two days a week.

Commissioner Flint asked about the 'no left turn' sign. He asked staff if there was any kind of penalty if they don't obey the signage.

Michael Toth stated that the conditional uses could be revoked.

On a motion by Commissioner Olbrysh and a second by Commissioner Burke, the Plan Commission voted 6 to 0 that the Village Board **approve** the petition based on the finding that the petitioner had met the required Standards as set forth in the Zoning Ordinance.


Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance; and, 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 11-23, subject to the following amended conditions:

1. The subject property shall be developed in substantial compliance with the site and landscape plans prepared by KB Partnership, dated May 19, 2009 and submitted as part of this petition, except as they may be changed to conform with to Village codes and the following conditions below.
2. The petitioner shall apply for and receive a building permit for all improvements to be constructed on the subject property. Said permit(s) shall satisfactorily address all building, fire, public works and engineering comments set forth within the IDRC Report.
3. The petitioner shall submit for final approval a Plat of Consolidation to consolidate the five (5) lots prior to the issuance of a Final Certificate of Occupancy.
4. The petitioner shall limit the number of unregistered vehicles on the lot to a maximum of seventy (70) cars. Each car shall be permitted on the lot for a period of no more than six (6) months. A log of the unregistered vehicles with dates of arrival to the lot must be kept on site at all times, with access to the log by an employee of the Community Development Department of the Village of Lombard permitted at any time during business hours.
5. Vehicles from the subject property which are for sale, being serviced, or being repaired shall not be driven for testing purposes in the residential neighborhood north of the subject property.
6. A solid 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.

7. The conditional uses for motor vehicle service and motor vehicle repair shall be limited to vehicles for sale by Windy City Motorsports and the personal automobiles of their customers.
8. Any violation of the provisions set forth within the approved conditional use may result in a revocation of the Conditional Use for the property.
9. The “no left turn” sign located on LaLonde Ave. shall be properly maintained.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

- East: B4 Corridor Commercial Shopping District; improved with a vacant retail building (approved for a motor vehicle establishment)
- West: B4PD Corridor Commercial Shopping District; developed as a CVS Pharmacy

ANALYSIS

SUBMITTALS

This report is based on those documents filed on with the Department of Community Development on October 31, 2011:

1. Petition for Public Hearing.
2. Standards for Conditional Use prepared by the petitioner, dated October 31, 2011.
3. Interior Floor Plan prepared by the petitioner which shows the location of existing vehicle lift, undated.
4. Site plan, prepared by KB Partnership, dated May 19, 2009.

DESCRIPTION

The petitioner, Windy City Motorsports, wishes to establish an automobile dealership on the subject property. The dealership will serve as a sales destination and will include the service and repair of vehicles associated with the sales business. In doing so, the petitioner will be utilizing the existing building and sales lot on the subject property. The sales, service and repair of motor vehicles are all considered conditional uses in the B4 Corridor Commercial Shopping District. As the previous motor vehicle sales, service and repair business (European Auto Exchange), has not operated on the subject property in over a one-year timeframe, the previous conditional use has lapsed and a conditional use is required to reestablish such use.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Public Works has reviewed the petition and has no comments.

PRIVATE ENGINEERING

Private Engineering Services has the following comments:

- 1) The on-site storm sewer shall be televised and the tape provided to the Village for review. Further modifications to the system may be required based on the televised results. The previous tenant had conducted the televising of the sewer, but never submitted the tape.
- 2) Sidewalk shall be completed along LaLonde Ave. and Grace St. as well as through the driveway entrances. All disturbed areas in the ROW shall be restored with topsoil and sod. The obstructing ComEd pole located on the westside of the property was removed, but the previous tenant had gone out of business before the sidewalk could be installed.

BUILDING DIVISION

The Building Division has no comments.

FIRE DEPARTMENT

The Fire Department has the following comments:

The overall sprinkler system in the building located at 404 E. North Ave. is designed to accommodate uses similar to business, office or restaurant use. The proposed use for this building is twofold; automobile showroom and automobile service and repair. The current capacity of the sprinkler system will adequately protect the showroom areas. However, the sprinkler system capacity will have to be upgraded per NFPA 13 criteria to meet the density requirements to protect the areas designated for service and repair.

PLANNING

Windy City Motorsports currently operates in Schaumburg as an internet-based car dealer whose sales derive mainly from out-of-state and overseas clientele. They are looking to move their business to a new site that will allow them to continue their online sales component, but also provide a showroom and sales lot. They plan to operate the site in a similar manner which would include a sales portion as well as a service and repair component. They plan to sell high-end and classic cars. The service and repair portion of the business would exist to service and prepare cars for sale and also conduct warranty work.

Zoning History

Conditional uses for the subject property were approved in March 1999 (PC 99-06 Ordinance 4599) and in November 2000 (PC 00-46, Ordinance 4907) for motor vehicle sales. In October of 2008, the prior occupant of the property, European Auto Exchange, received a conditional use for motor vehicle sales (PC 08-05 Ordinance 6161).

In March 2009, the Village discovered that a vehicle lift had been installed inside the garage door at the northern side of building on the subject property. The inspector was informed that the lift was being used for oil changes and minor vehicle service. As the Zoning Ordinance lists motor vehicle

service and repair as conditional uses, staff contacted the petitioner informing them that conditional uses would be required for the motor vehicle repair and service function. The petitioner also acknowledged that some minor vehicle repairs were being performed at the facility and later applied for conditional use approval for the service and repair functions. In September, 2009 (PC 09-10 Ordinance 6376) European Auto Exchange received conditional use approval for automobile service and repair, but was limited to vehicles for sale by their dealership and the personal automobiles of their customers. Staff has confirmed with the current petitioner that the motor vehicle service and repair function shall not be open to the public.

Compliance with the Zoning Ordinance

Similar to European Auto Exchange, Windy City Motorsports is proposing to service vehicles which are for sale on the lot and to service vehicles which have been sold and are under warranty.

Motor vehicle service and repair service are both distinct uses within the Zoning Ordinance and are defined as follows:

MOTOR VEHICLE REPAIR is the repair of motor vehicles including rebuilding, reconditioning, replacement, or dismantling of major components such as body, frame, or fender repair or painting. Automobile repair generally consists of work that is more intense and less routine than automobile service and sometimes includes overnight storage of vehicles.

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Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Community Commercial at this location. As the use on the property will remain commercial retail with an added service component, the proposed use complies with the recommendation of the Comprehensive Plan.

Compatibility with Surrounding Land Uses

The proposed use is compatible with the surrounding land uses. The North Avenue corridor is a high volume corridor with commercial and industrial sites on the north side of the street and residential sites on the south side of the street with intermittent areas of commercially zoned property. Unincorporated single-family residential properties abut the subject property to the north.

The residential properties north of the site are screened by an eight-foot (8') board on board fence. Additional landscaping is also required along the northern property line. The landscaping requirement is a carry-over condition (per the approved plan) of the previous tenant, European Auto

Exchange and will include a row of evergreen shrubs along the northern property line. European Auto Exchange did satisfactorily address the required parkway trees on the subject property.

As a condition of approval, the petitioner shall limit the number of unregistered vehicles on the lot to a maximum of seventy (70) cars. Each car shall be permitted on the lot for a period of no more than six (6) months. A log of the unregistered vehicles with dates of arrival to the lot must be kept on site at all times, with access to the log by an employee of the Community Development Department of the Village of Lombard permitted at any time during business hours. This condition is also a carry-over of PC 08-05 (Ordinance 6161), which prevents the lot from becoming a motor vehicle storage lot. There are a total of eighty-eight (88) parking spaces located on the subject property. Sixty-six (66) of those spaces are reserved for the automobiles for sale on the lot. The remaining twenty-two parking spaces are reserved for visitor parking. The seventy (70) car condition is based upon those sixty-six (66) allocated spaces and the small number of cars being showcased in the interior portion of the building.

As a condition of Ordinance 6161 (attached), the petitioner was required to install a “no left turn” sign on the LaLonde Avenue driveway, in order to prevent vehicles from being test driven within the adjacent residential neighborhood to the north. This sign was installed on the property; however, staff continued to receive complaints from property owners to the north about test drives occurring within the residential neighborhood. As a result, a condition of PC 09-10 prohibited vehicles from the subject property which are for sale, being serviced, or being repaired from being driven for testing purposes in the residential neighborhood north of the subject property. Staff notes that this condition would remain in effect as part of this petition.

Compliance with the Subdivision and Development Ordinance

As a condition of PC 08-05, the petitioner was required to submit a Plat of Consolidation to make the subject property a single lot of record. The previous petitioner submitted the plat and received comments for revisions; however, a final copy of the plat was never submitted for recording.

The conditions in PC 08-05 also required the petitioner to install sidewalks along all surrounding public rights-of-way for the length of the property. The Subdivision and Development Ordinance requires that these sidewalks be installed. Currently, only one sidewalk exists along North Avenue. Grace Street and LaLonde Avenue currently have no improved sidewalks. Staff is working with the petitioner to develop plans for the installation of the remaining sidewalks.

FINDINGS AND RECOMMENDATIONS

Staff has reviewed the petitioner’s standards for conditional uses and concurs that the proposed motor vehicle repair, sales and service uses meet the standards set forth within the Zoning Ordinance. Staff believes that the proposed uses are compatible with the surrounding zoning and land uses and are appropriate for the site. Based on the above the Inter-Departmental Review

Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance; and, 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 11-23, subject to the following conditions:

1. The subject property shall be developed in substantial compliance with the site and landscape plans prepared by KB Partnership, dated May 19, 2009 and submitted as part of this petition, except as they may be changed to conform with to Village codes and the following conditions below.
2. The petitioner shall apply for and receive a building permit for all improvements to be constructed on the subject property. Said permit(s) shall satisfactorily address all building, fire, public works and engineering comments set forth within the IDRC Report.
3. The petitioner shall submit for final approval a Plat of Consolidation to consolidate the five (5) lots prior to the issuance of a Final Certificate of Occupancy.
4. The petitioner shall limit the number of unregistered vehicles on the lot to a maximum of seventy (70) cars. Each car shall be permitted on the lot for a period of no more than six (6) months. A log of the unregistered vehicles with dates of arrival to the lot must be kept on site at all times, with access to the log by an employee of the Community Development Department of the Village of Lombard permitted at any time during business hours.
5. Vehicles from the subject property which are for sale, being serviced, or being repaired shall not be driven for testing purposes in the residential neighborhood north of the subject property.
6. A solid 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.
7. The conditional uses for motor vehicle service and motor vehicle repair shall be limited to vehicles for sale by Windy City Motorsports and the personal automobiles of their customers.
8. Any violation of the provisions set forth within the approved conditional use may result in a revocation of the Conditional Use for the property.

Plan Commission
Re: PC 11-23
Page 7

Inter-Departmental Review Group Report Approved By:

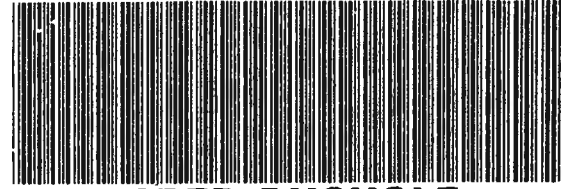


William J. Heniff, AICP
Director of Community Development

WJH

c: Petitioner

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FRED BUCHOLZ
DUPAGE COUNTY RECORDER
OCT.17,2008 3:25 PM
OTHER 03-32-414-015
006 PAGES R2008-154897

ORDINANCE 6161

GRANTING A CONDITIONAL USE PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.416(C) OF THE LOMBARD ZONING ORDINANCE

Address: 404 E. North Avenue, Lombard, IL

PIN's: 03-32-414-015, 016, 017, ~~022~~⁰²⁴ and ~~023~~

Return To:

Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148

ORDINANCE NO. 6161

**AN ORDINANCE GRANTING A CONDITIONAL USE
PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.416 (C)
OF THE LOMBARD ZONING ORDINANCE**

(PC 08-05: 404 E. North Avenue)

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, the Subject Property as defined below is zoned B4 Corridor Commercial District; and,

WHEREAS, an application has been filed requesting approval of a conditional use, pursuant to Section 155.416 (C) of the Zoning Ordinance, to allow for a motor vehicles sales establishment; and

WHEREAS, a public hearings on the forgoing application were conducted by the Village of Lombard Plan Commission on March 24, 2008 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, subject to conditions; 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 variation from Section 153.503(B)(12)(b) of the Sign Ordinance to allow for a third wall sign per street front exposure, where a maximum of two wall signs are permitted pursuant to Ordinance 5917, is hereby granted for the Property, as described in Section 2 below and subject to the conditions set forth in Section 3 below.

Ordinance No. 6161
Re: PC 08-05
Page 2

SECTION 2: That this Ordinance is limited and restricted to the property located at 404 E. North Avenue , Lombard, Illinois and legally described as follows:

LOT 1 IN ADDISON INVESTER'S SUBDIVISION OF LOTS 8, 9, AND 10 IN BLOCK 15 IN NORTH AVENUE MANOR, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ADDISON INVESTER'S SUBDIVISION RECORDED NOVEMBER 3, 1969 AS DOCUMENT R69-47783 AND LOTS 5 THROUGH 7, BOTH INCLUSIVE, IN BLOCK 15, SAID NORTH AVENUE MANOR, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 14, 1928 AS DOCUMENT 269443, AND ALL THAT PART OF THE SOUTH HALF OF THE VACATED ALLEY LYING NORTH OF AND ADJACENT TO THE ABOVE DESCRIBED PROPERTY, ALL IN DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: 03-32-414-015, 016, 017, ~~022~~⁰²⁴ and ~~023~~

SECTION 3: The conditional use, as provided for in Sections 1 of this Ordinance shall be granted subject to compliance with the following conditions:

1. The subject property shall be developed in substantial compliance with the site and landscape plans prepared by KB Partnership, dated February 19, 2008 and submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for all improvements to be constructed on the subject property. Said permit(s) shall satisfactorily address all building, fire and stormwater comments set forth within the IDRC Report.
3. The petitioner shall submit for final approval a Plat of Consolidation to consolidate the five (5) lots and the vacated alley into one lot.
4. The petitioner shall submit a final photometric plan showing that the existing or any proposed lighting complies with the Zoning Ordinance.
5. A solid 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.

Ordinance No. 6161

Re: PC 08-05

Page 3

6. The petitioner shall erect a *no left turn* sign at the access drive for vehicles exiting the property to LaLonde Avenue.
7. The petitioner shall limit the number of unregistered vehicles on the lot to a maximum of seventy (70) cars. Each car shall be permitted on the lot for a period of no more than six (6) months. A log of the unregistered vehicles with dates of arrival to the lot must be kept on site at all times, with access to the log by an employee of the Community Development Department of the Village of Lombard permitted at any time during business hours.
8. Any violation of the provisions set forth within the approved conditional use may result in a revocation of the Conditional Use for the property.

SECTION 4: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 5: 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 _____, 2008.

First reading waived by action of the Board of Trustees this 3rd day of April, 2008.

Passed on second reading this 3rd day of April, 2008, pursuant to a roll call vote as follows:

Ayes: Trustees Gron, Tross, O'Brien, Fitzpatrick and Soderstrom

Nayes: None

Absent: Trustee Moreau

Approved by me this 3rd day of April, 2008.


William J. Mueller, Village President

Ordinance No. 6161

Re: PC 08-05

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ATTEST:



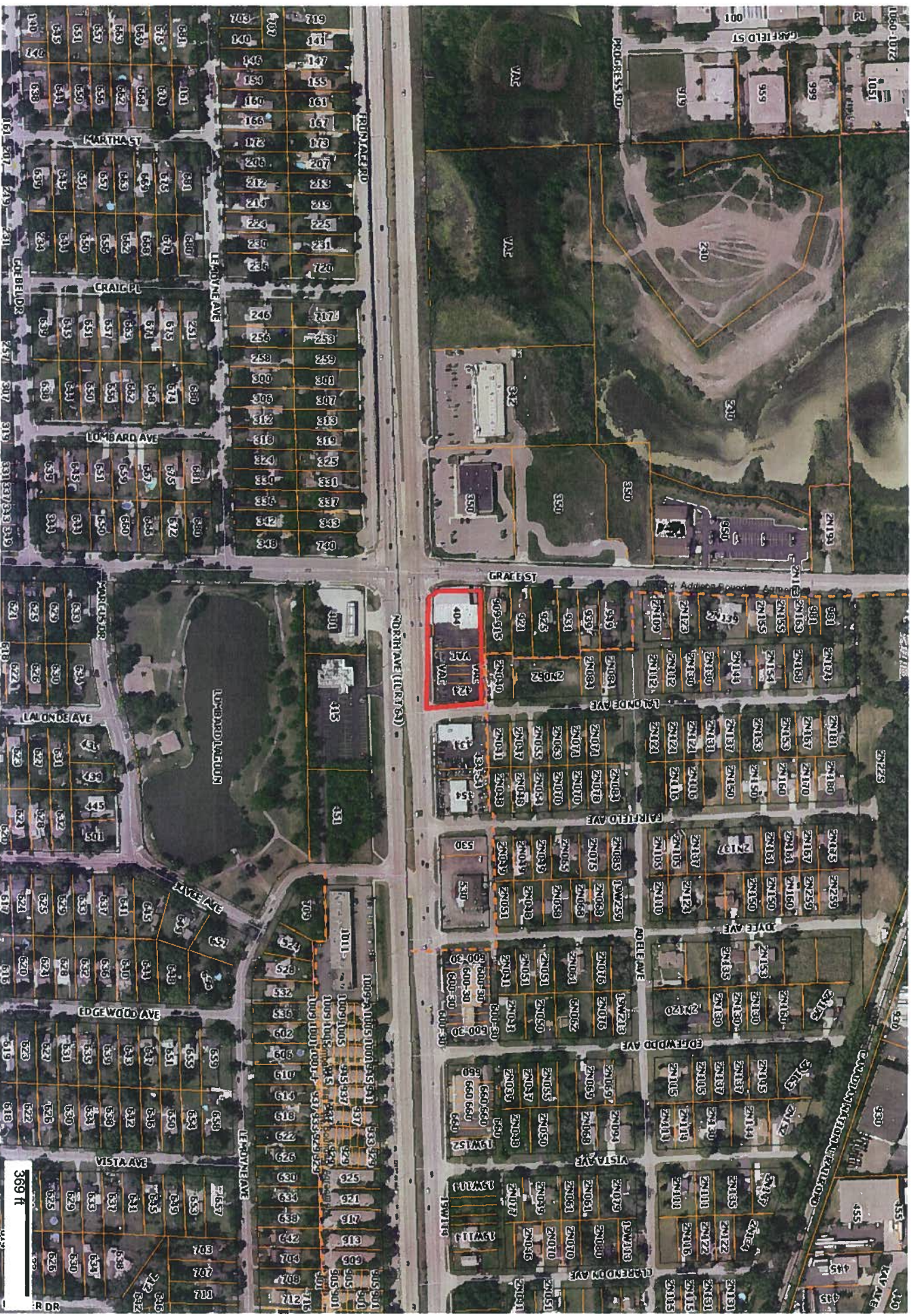
Brigitte O'Brien, Village Clerk

Published in pamphlet from this 7th day of April, 2008.



Brigitte O'Brien, Village Clerk

PC 11-23: 404 E. North Ave.





627 Estes Ave.

Schaumburg, Il. 60193

847-891-4900

(F)847-891-0011

Lombard Standards For Conditional Use

10-31-2011

- 1) Our dealership operations will not be endangering public health as we do not manufacture or use health endangering products.
- 2) Our use will not be injurious and should only increase the property value given that there will no longer be an unoccupied building and that we will maintain a positive appearance.
- 3) Our sales of used vehicles will not interfere with developing and improving the surroundings. We will do our part to improve the surroundings by repaving the lot and keeping things orderly and clean.
- 4) The public utilities, access roads, etc will be left as is and maintained properly by us where necessary.
- 5) The traffic congestion should not be affected by our presence. We will be using the ingress/egress as currently designed.
- 6) Our use will not interfere with the Comprehensive village plan. We will not be conducting business that will go against any plan that the village has currently set in place.
- 7) We will be operating in a way that will conform to the applicable regulations of the district and within the laws of the Secretary of State as well.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING CONDITIONAL USES
PURSUANT TO TITLE 15, CHAPTER 155, SECTION
155.416(C)(16)(17) AND (18) OF THE LOMBARD ZONING
ORDINANCE**

(PC 11-23; 404 East North Avenue)

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, the Subject Property as defined below is zoned B4 Corridor Commercial Shopping District; and,

WHEREAS, an application has been filed requesting approval conditional uses pursuant to Section 155.416(C)(16)(17) and (18) of the Lombard Zoning Ordinance to allow motor vehicle repair, sales and service; and,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on November 21, 2011 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 zoning actions described herein, subject to conditions; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested zoning actions 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 following conditional uses as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

Grant conditional uses pursuant to Section 155.416(C)(16)(17) and (18) of the Lombard Zoning Ordinance to allow motor vehicle repair, sales and service in the B4 Corridor Commercial Shopping District.

SECTION 2: That this Ordinance is limited and restricted to the properties located at 404 East North Avenue, Lombard, Illinois and legally described as follows:

LOT 1 IN ADDISON INVESTER'S SUBDIVISION OF LOTS 8, 9, AND 10 IN BLOCK 15 IN NORTH AVENUE MANOR, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ADDISON INVESTER'S SUBDIVISION RECORDED NOVEMBER 3, 1969 AS DOCUMENT R69-47783 AND LOTS 5 THROUGH 7, BOTH INCLUSIVE, IN BLOCK 15, SAID NORTH AVENUE MANOR, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 14, 1928 AS DOCUMENT 269443, AND ALL THAT PART OF THE SOUTH HALF OF THE VACATED ALLEY LYING NORTH OF AND ADJACENT TO THE ABOVE DESCRIBED PROPERTY, ALL IN DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: 03-32-414-015, 016, 017, 024 and 026; (the "Subject Property").

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The subject property shall be developed in substantial compliance with the site and landscape plans prepared by KB Partnership, dated May 19, 2009 and submitted as part of this petition, except as they may be changed to conform with to Village codes and the following conditions below.
2. The petitioner shall apply for and receive a building permit for all improvements to be constructed on the subject property. Said permit(s) shall satisfactorily address all building, fire, public works and engineering comments set forth within the IDRC Report.
3. The petitioner shall submit for final approval a Plat of Consolidation to consolidate the five (5) lots prior to the issuance of a Final Certificate of Occupancy.

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4. The petitioner shall limit the number of unregistered vehicles on the lot to a maximum of seventy (70) cars. Each car shall be permitted on the lot for a period of no more than six (6) months. A log of the unregistered vehicles with dates of arrival to the lot must be kept on site at all times, with access to the log by an employee of the Community Development Department of the Village of Lombard permitted at any time during business hours.
5. Vehicles from the subject property which are for sale, being serviced, or being repaired shall not be driven for testing purposes in the residential neighborhood north of the subject property.
6. A solid 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.
7. The conditional uses for motor vehicle service and motor vehicle repair shall be limited to vehicles for sale by Windy City Motorsports and the personal automobiles of their customers.
8. Any violation of the provisions set forth within the approved conditional use may result in a revocation of the Conditional Use for the property.
9. The "no left turn" sign located on LaLonde Ave. shall be properly maintained.

SECTION 4: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 5: 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 _____, 2011.

First reading waived by action of the Board of Trustees this ____ day of _____, 2011.

Passed on second reading this ____ day of _____, 2011, pursuant to a roll call vote as follows:

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Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2011.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet from this _____ day of _____, 2011.

Brigitte O'Brien, Village Clerk