

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

 X 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: Scott R. Niehaus, Village Manager

DATE: April 27, 2016 (B of T) Date: May 5, 2016

TITLE: PC 16-06; 612 E Western, Jonny's Towing

SUBMITTED BY: Department of Community Development *tsA*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, Globe Auto Inc., requests that the Village grant approval of a conditional use, pursuant to Section 155.420 (C) of the Village of Lombard Zoning Ordinance, to allow for Motor Vehicle Repair and Motor Vehicle Sales within the I Limited Industrial Zoning District.

The Plan Commission recommended approval of this petition by a vote of 6-0.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____


Finance Director X _____ Date _____

Village Manager X _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

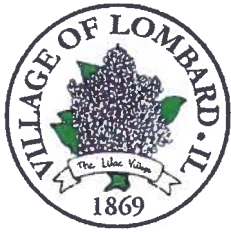
DATE: May 5, 2016

SUBJECT: **PC 16-06; 612 E Western, Jonny's Towing**

Please find the following items for Village Board consideration as part of the May 5, 2016 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 16-06; and
3. An Ordinance granting approval of a conditional use, pursuant to Section 155.420 (C) of the Village of Lombard Zoning Ordinance, to allow for Motor Vehicle Repair within the I Limited Industrial Zoning District.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the May 5, 2016 Board of Trustees agenda with a waiver of first reading, as requested by the petitioner (attached) in order for him to proceed with business plans.



VILLAGE OF LOMBARD

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

May 5, 2016

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill Johnston, Dist. 4
Robyn Pike, 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 16-06; 612 E Western Avenue, Jonny's Towing

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, Jonny's Towing, requests that the Village grant approval of a conditional use, pursuant to Section 155.420 (C) of the Village of Lombard Zoning Ordinance, to allow for Motor Vehicle Repair within the I Limited Industrial Zoning District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 18, 2016. Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development, the petitioner, Jonathan Maye and property owner, Dan Harris.

The petitioner, Mr. Maye, owner of Jonny's Towing, presented his request for an auto repair establishment to be included with his existing business of automobile towing.

Chairperson Ryan asked for public comment, and, hearing none, he asked for the staff report.

Ms. Ganser, Assistant Director of Community Development, presented the staff report, which was submitted to the public record in its entirety. She noted that the business located at 612 E. Western Avenue currently exists and operates as a towing company. The petitioner is requesting the option to repair their own tow trucks in addition to cars towed and in need of repair. Staff finds that the proposal is compatible with the surrounding industrial land use and all repair work would be done within the enclosed building. Ms. Ganser noted that staff received a letter stating concern about noise that was directed to a previous tenant. Repair work performed in the building should address the noise concern. The outdoor storage of vehicles is not allowed. The outside fenced in area can be used for vehicles waiting for repairs or vehicles waiting to be picked up by customers, repairing vehicles in this outside area is not allowed. Vehicles in need of repair are not to be parked in the Village right-of-way. Staff also

reviewed the letter from the concerned neighbor and believes that the conditions set forth in the staff report should alleviate this concern. This address has been before the Plan Commission most recently for a learning center, T's Training Academy in the adjacent leased space. Staff recommends approval of the petition.

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Sweetser clarified that the work done within the building may not address the neighbor's concern of noise unless the windows and doors are closed and it depends on the goodwill of the business owner. Ms. Ganser noted that the property has a solid privacy fence along the rear property line with a buffer of the railroad tracks. Mr. Maye stated that any noise would be of short duration and they do not have plans to use power tools that create excessive noise. Mr. Heniff stated that in the year and half that the business has been operating, staff has not received any correspondence relative to noise. Mr. Heniff also noted that there is a safety concern related to the proper ventilation of running engines within the building. Therefore there is a need to balance all concerns.

On a motion by Commissioner Burke and a second by Commissioner Flint, the Plan Commission voted 6 to 0 that the Village Board **approve** the conditional use, pursuant to Section 155.420 (C) of the Village of Lombard Zoning Ordinance, to allow for Motor Vehicle Repair within the I Limited Industrial Zoning District, associated with PC 16-06, subject to the five conditions:

1. The conditional use for a motor vehicle repair establishment is exclusively for the tenant space at 612 E. Western Avenue. Any expansion of the establishment within the existing building beyond the plans submitted as part of PC 16-06 shall require an amendment to the conditional use. Any physical site improvements or alterations require approval through the Village; and
2. That the petitioner shall keep the frontage along Western Avenue available for customer parking. Tow trucks and vehicles waiting for repairs shall be parked in the tenant's exterior leased space only. The parking spaces in front of the tenant's leased interior space shall be for customer and employee parking only; and
3. That the petitioner shall store all materials and parts inside the building; and
4. That any and all repair work performed on the vehicles must be done inside the building; and
5. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.

Respectfully,

VILLAGE OF LOMBARD

**Donald Ryan, Chairperson
Lombard Plan Commission**

c. Lombard Plan Commission

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PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

JONNY'S TOWING – 612 E. WESTERN AVENUE

April 18, 2016

Title

PC 16-06

Petitioner

Jonny's Towing
612 E. Western Avenue
Lombard, IL 60148

Property Owner

Prairie Centers Management Co.
P.O. Box 761
Itasca, IL 60143

Property Location

600 - 612 E. Western Avenue
(06-05-421-007)

Zoning

I Limited Industrial

Existing Land Use

Multi-tenant industrial building

Comprehensive Plan

Light Industrial

Approval Sought

Conditional use to allow for Motor Vehicle Repair within the I Limited Industrial Zoning District.

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The petitioner leased a portion of 612 E. Western Avenue for towing services only. However, it was later determined that the owners of the towing company would prefer to have the option of repairing their own tow trucks in addition to some cars that are towed and in need of repair. The petitioner indicated that the repairs of vehicles are to be conducted within the building only. The petitioner is not proposing any substantial alterations or site improvements as part of this request. The multi-tenant building has one other tenant, a learning center.

APPROVAL(S) REQUIRED

The petitioner is requesting approval of a conditional use for a motor vehicle repair establishment in the Limited I Industrial District.

EXISTING CONDITIONS

The subject property is currently improved with a multi-tenant building and a parking lot. The site abuts Union Pacific railroad tracks to the north and industrial buildings the east, south and west. Access to the site is available via Western Avenue.

The petitioner, Jonny's Towing, occupies a portion of the subject property, consisting of 8,512 square feet of office space and

PROJECT STATS

Lot & Bulk

Parcel Size: 1.4 acres
62,146 sq. ft.
Building Area: 27,298 sq. ft.
Tenant Space: 8,512 sq. ft.
Year Built: 1954
Lot Coverage: Approx. 90%

Setbacks

Front 27 feet
Side (east) 94 feet
Side (west) 94 feet
Rear 1 foot

Parking Spaces

Supply: 30, 3 accessible
Demand: 8

Submittals

1. Petition for Public Hearing
2. Response to Standards for Conditional Use
3. Plat of Survey / Site Plan, submitted by the petitioner on March 11, 2016 with red delineations added by staff for clarification.

associated repair bays. An approximately 10,000 square foot parking lot including an approximately 2,000 square foot fenced in area is directly adjacent of the petitioner’s leased space to the east for their exclusive use. There is additional parking in the front of the building for customer parking. The property has an eight foot high solid wood fence that is located at the rear lot line.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the project.

Fire Department:

The Fire Department has no issues or concerns regarding the project.

Private Engineering Services:

Private Engineering Services (PES) has no issues or concerns regarding the project.

Public Works:

The Department of Public Works has no issues or concerns regarding the project.

Planning Services Division:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R-2	Union Pacific Railroad Right-of-Way & Single Family Residential
South	I	Lumber Supplier
East	I	Light Manufacturing
West	I	Landscape Contractor

The proposed use is compatible with the surrounding industrial and commercial uses. All proposed repair work will occur within the enclosed building and therefore have no negative impact on the surrounding uses. As indicated by a neighboring residential property owner (see attached), noise such as mechanical equipment and loud music were a nuisance by a past business. In addition the outdoor storage of vehicles is not permitted. Vehicles waiting for repairs shall be parked in the exterior leased space only as shown on Exhibit A and not in

front of the building or the area west of the building. Storing vehicles waiting for repairs on Village right-of-way are also not permitted.

2. Comprehensive Plan Compatibility

The Comprehensive Plan recommends light industrial uses, defined as manufacturing, assembly, production, storage, and distribution and warehousing, for the subject site. The St. Charles Road Light Industrial Area is specifically described in the Comprehensive Plan as comprised of heavy commercial and light-industrial land uses, which are encouraged to continue throughout the area. The proposed use is a traditional commercial activity.

3. Zoning and Sign Ordinance Compatibility

Motor vehicle repair establishments are listed as a conditional use within the I Limited Industrial District. The petitioner is seeking a conditional use for motor vehicle repair as defined under Section 153.802 of the Zoning Ordinance as:

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. Motor vehicle repair generally consists of work that is more intense and less routine than motor vehicle service and sometimes includes overnight storage of vehicles.

The existing business at 612 E. Western Avenue is Jonny's Towing. They currently tow vehicles from destination to destination with the tow trucks stored inside the building when not in use. At this time, they would like to repair their own tow trucks and have the option to repair a vehicle that is in need of towing service. Staff has determined that the proposed business would be considered a motor vehicle repair establishment. Staff finds that the proposed business meets all of the Standards for Conditional Uses.

All vehicles being worked on will be stored inside the building. Materials and vehicles will be brought inside as to not create an adverse impact on the neighborhood. There is an existing fenced in area to the east of the building, which will be utilized to screen the vehicles being dropped off for repairs from the street. The site meets the parking requirements of the Zoning Ordinance. A site plan is attached.

No significant structural changes are proposed to the building.

SITE HISTORY

Rezoning

On August 2, 1973 the subject site was rezoned from R-1 Single Family Residence to M-1 Limited Manufacturing District.

PC 80-11 (606 Western Ave. – Computer Bus Systems):

On August 28, 1980 the subject site was granted a conditional use permit for a garage for internal storage, repair, and servicing of motor vehicles.

PC 91-24 (600 Western Ave.):

On December 19, 1991 the subject site was granted a conditional use permit for boat sales, repair, and outdoor storage. On January 22, 1992, and in conjunction with the conditional use permit, the site was also granted variations for: (a.) the storage of boats within a fenced area but visible above the fence; (b.) a

reduction of the perimeter lot and foundation landscaping; and (c.) reduction of the required public improvements along Western Avenue.

PC 98-10 (600-612 Western Ave.):

On June 4, 1998 the subject site was granted a conditional use permit for auto repair and outside storage of motor vehicles. Companion variations were also granted for: (a.) a reduction in the amount of required perimeter and parking lot landscaping and (b.) to not provide curbing. Permission was also granted to use part of the Village right-of-way for parking.

PC 09-09 (612 Western Ave. – The Bellyrub Klub):

On May 21, 1999 the subject site was granted a conditional use permit for an animal day care facility.

PC 13-10 (600 Western Ave. – T’s Training Academy):

On August 16, 2013 the subject site was granted a conditional use permit for an indoor athletic training facility (learning center).

FINDINGS & RECOMMENDATIONS

As the petitioner has indicated their intention to operate the business as a towing and motor vehicle repair establishment and that the site is designed for such use, staff finds that allowing for the repair vehicles is consistent with the surrounding context, the Village of Lombard Comprehensive Plan and Zoning Ordinance, and is in the best interest of the Village.

The Inter-Department Review Committee has reviewed the standards for the requested conditional use permit for a motor vehicle repair establishment and finds that the proposed use **complies** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 16-06:

Based on the submitted petition and the testimony presented, the proposed conditional use does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional use permit is in the public interest 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 Village Board **approval** of PC 16-06, subject to the following conditions:

1. The conditional use for a motor vehicle repair establishment is exclusively for the tenant space at 612 E. Western Avenue. Any expansion of the establishment within the existing building beyond the plans submitted as part of PC 16-06 shall require an amendment to the conditional use. Any physical site improvements or alterations require approval through the Village; and
2. That the petitioner shall keep the frontage along Western Avenue available for customer parking. Tow trucks and vehicles waiting for repairs shall be parked in the tenant’s exterior leased space only. The parking spaces in front of the tenant’s leased interior space shall be for customer and employee parking only; and
3. That the petitioner shall store all materials and parts inside the building; and
4. That any and all repair work performed on the vehicles must be done inside the building; and

5. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

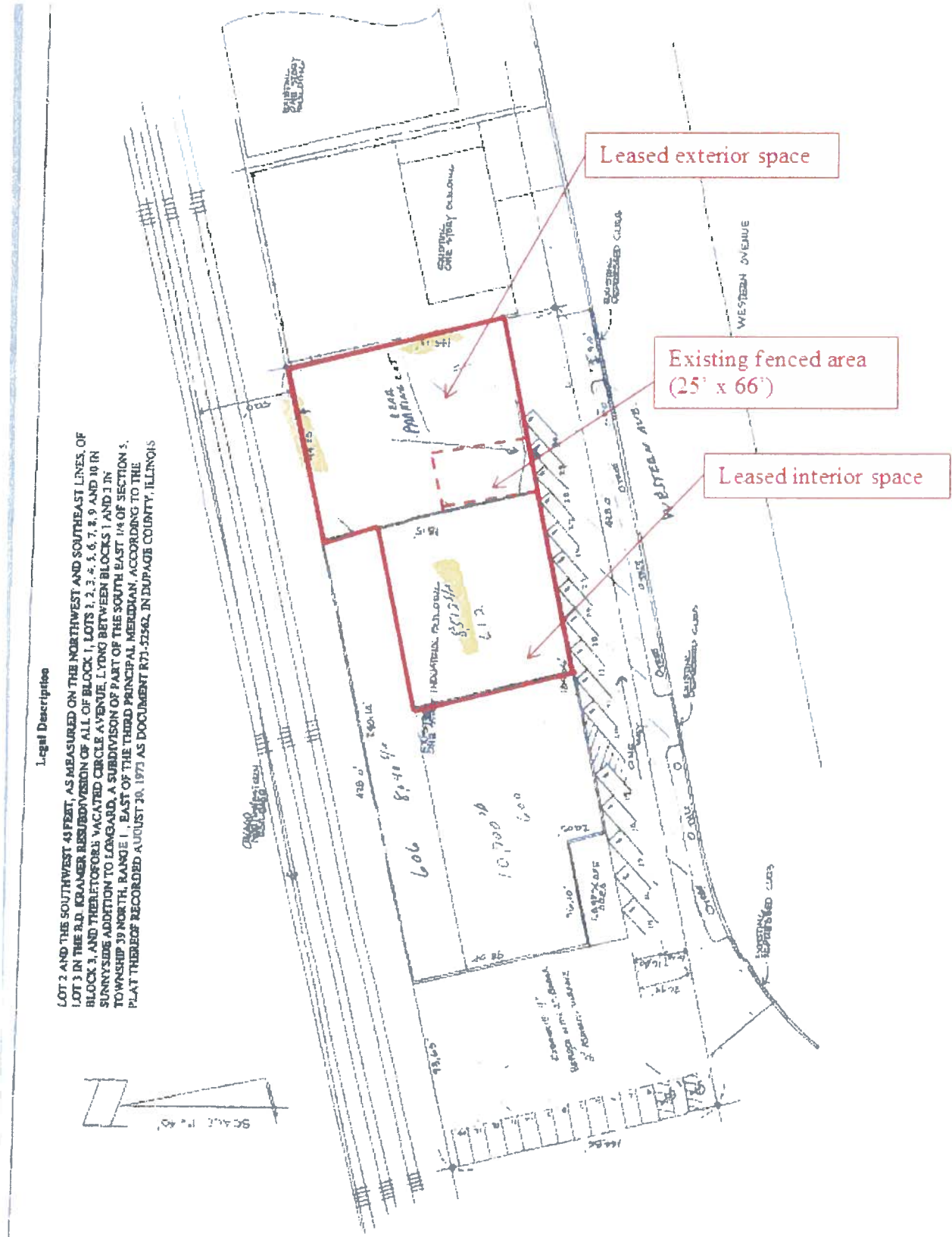
RESPONSE TO STANDARDS AS PREPARED BY THE PETITIONER

Jonny's Towing & Recovery, Inc.
612 E. Western Ave.
Lombard, IL 60148
630-383-1150

Standards For Conditional Uses Answers:

1. Nothing that we will be doing will endanger anyone or anything. All repairs are done inside the building and all materials will also stay inside the building.
2. No employee will be subject to injury and will be properly experienced to be in the type of working environment. The property values will not be affected by our type of work and will not affect the neighborhood.
3. We will not affect any development or improvement of the surrounding properties.
4. Yes all public utilities, access roads, drainage and/or necessary facilities have been provided.
5. There will be no traffic congestion in the public streets at all.
6. No problem
7. No problem

EXHIBIT A: SITE PLAN, 612 E. WESTERN AVE.



Legal Description

LOT 2 AND THE SOUTHWEST 49 FEET, AS MEASURED ON THE NORTHWEST AND SOUTHEAST LINES, OF LOT 3 IN THE S.D. GRAMER RESUBDIVISION OF ALL OF BLOCK 1, LOTS 2, 3, 4, 5, 6, 7, 8, 9 AND 10 IN BLOCK 3, AND THEREFORE VACATED CIRCLE AVENUE LYING BETWEEN BLOCKS 1 AND 3 IN SUNNYSIDE ADDITION TO LONGBEAR, A SUBDIVISION OF PART OF THE SOUTH EAST 1/4 OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 1, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 20, 1971 AS DOCUMENT R71-52562, IN DUPAGE COUNTY, ILLINOIS

Nowakowski, Tamara

Subject: FW: Public Hearing regarding Petition PC 16-06

From: Susan Moody
Sent: Tuesday, April 05, 2016 3:59 PM
To: Ganser, Jennifer
Subject: Public Hearing regarding Petition PC 16-06

Dear Commissioners:

I am writing on behalf of my family. We have resided at 651 East Prairie in Lombard for over 50 years. Our property backs up to the UP railroad tracks, thus within 250' to the proposed Motor Vehicle Repair referred to in Petition PC 16-06.

For a matter of logistics, the railroad tracks offer NO BUFFER to noise emanating from businesses in the proposed area to any of the homeowners on the north side, if anything it acts as a conduit/tunnel. I have over the years witnessed the loud sounds coming from previous businesses in the same general area (a car detail company which would play music outside all summer long;. . .that music permeated the reasonable peace which every home owner of Lombard is afforded). An automobile/truck repair shop that uses hydraulic, pneumatic, etc. equipment would not be conducive to a good quality of "life" for any citizen who lives in the general area. In warm weather we open windows and it is reasonable, as a tax paying property owner, to not be inundated with industrial/repair sounds.

We ask for Petition PC 16-06 to be denied. If, per chance, it is approved, we ask that strict guidelines are put in place which limit the noise of their business (i.e. doors shut while repairs are being made; music and/or announcements not being broadcast outside, gas/diesel engines not allowed to run for unreasonable periods of time outside, etc.).

We will be following up to see what becomes of this petition and again ask this Commission to deny it, or at the least, that it be strictly enforced, as industrial noise permeating the quiet of a residential neighborhood should not be allowed.

Thank you.

Susan May Moody
on behalf of
the May Family
651 East Prairie
Lombard, Illinois

Urish, Tami

From: jonnys towing <jonnystowing@yahoo.com>
Sent: Friday, April 22, 2016 10:17 AM
To: Urish, Tami
Subject: Re: Auto Repair Conditional Use

Yes we would like the waiver

On Friday, April 22, 2016 10:14 AM, "Urish, Tami" <UrishT@villageoflombard.org> wrote:

Wendy,

The approved petition from the April 18 Plan Commission meeting will be going before the Village Board on May 5. You can request a waiver of first reading meaning your petition would not go to the Board twice only once and you would have final approval on May 5th instead of May 19th. Please reply to my email as soon as possible requesting a waiver of first reading since you would like to get your business plan of auto repair underway as soon as you can.

Thanks,
Tami

Call me if you have questions at 630-620-5967.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR
MOTOR VEHICLE REPAIR PURSUANT TO TITLE 15,
CHAPTER 155, SECTION 155.420(C) OF THE LOMBARD
ZONING ORDINANCE**

PC 16-06; 612 E. Western Avenue (Jonny's Towing.)

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 I Limited Industrial District; and,

WHEREAS, an application has been filed requesting approval conditional uses pursuant to Section 155.420(C) of the Lombard Zoning Ordinance to allow motor vehicle repair; and,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on April 18, 2016 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of the conditional uses, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard 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 use for motor vehicle repair are hereby granted for the Subject Property legally described in Section 2 and subject to the conditions set forth in Section 3.

SECTION 2: That this Ordinance is limited and restricted to the property located at 612 E. Western Avenue, Lombard, Illinois and legally described as follows:

LOT 2 AND THE SOUTHWEST 45 FEET AS MEASURED ON THE NORTHWEST AND SOUTHEAST LINES, OF LOT 3 IN THE B.D. KRAMER RESUBDIVISION OF ALL OF BLOCK 1, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10 IN BLOCK 3, AND THERETOFORE VACATED CIRCLE AVENUE, LYING BETWEEN BLOCKS 1 AND 3 IN SUNNYSIDE ADDITION TO LOMBARD, A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 20, 1973 AS DOCUMENT NUMBER R73-52562, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-05-421-007; (the "Subject Property").

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

1. The conditional use for a motor vehicle repair establishment is exclusively for the tenant space at 612 E. Western Avenue. Any expansion of the establishment within the existing building beyond the plans submitted as part of PC 16-06 shall require an amendment to the conditional use. Any physical site improvements or alterations require approval through the Village; and
2. That the petitioner shall keep the frontage along Western Avenue available for customer parking. Tow trucks and vehicles waiting for repairs shall be parked in the tenant's exterior leased space only. The parking spaces in front of the tenant's leased interior space shall be for customer and employee parking only; and
3. That the petitioner shall store all materials and parts inside the building; and
4. That any and all repair work performed on the vehicles must be done inside the building; and
5. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.

Ordinance No. _____
Re: PC 16-06
Page 3

SECTION 4: 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 _____, 2016.

First reading waived by action of the Board of Trustees this _____ day of _____, 2016.

Passed on second reading this _____ day of _____, 2016.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2016.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2016.

Sharon Kuderna, Village Clerk