

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: September 25, 2007 (BOT) Date: October 4, 2007

TITLE: PC 07-30: 345 W. Roosevelt Road

SUBMITTED BY: Department of Community Development *John*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village approve the following actions for the subject property located within the B4 Corridor Commercial District:

1. A conditional use for a planned development, with a deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage.
2. A conditional use, pursuant to Section 155.415 (C)(2) of the Zoning Ordinance for a motor vehicle service establishment.
3. A conditional use, pursuant to Section 155.415 (C)(17) of the Zoning Ordinance, to allow for outdoor display and sales of products.

(DISTRICT #6)

The Plan Commission recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	<i>William T. Lichter</i>	Date	<i>9/25/07</i>

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, Assistant Village Manager/Director of Community Development *dash*

DATE: October 4, 2007

SUBJECT: PC 07-30: 345 W. Roosevelt Road (K-Mart/Sears)

Attached please find the following items for Village Board consideration as part of the October 4, 2007 Village Board meeting:

1. Plan Commission referral letter;
2. IDR report for PC 07-30;
3. An Ordinance granting approval of a conditional use for a planned development with signage deviations, along with conditional uses for a motor vehicle repair establishment and for outdoor display and sales of products; all subject to conditions of approval.
4. Plans associated with the petition.

Please feel free to contact me if you have any questions regarding the attached materials.



VILLAGE OF LOMBARD
255 E. Wilson Avenue
Lombard, IL 60148-3931
(630) 620-5700 FAX: (630) 620-8222
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October 4, 2007

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

Subject: PC 07-30; 345 West Roosevelt Road (K-Mart/Sears)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village approve the following actions for the subject property located within the B4 Corridor Commercial District:

1. A conditional use for a planned development, with a deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage.

2. A conditional use, pursuant to Section 155.415 (C)(2) of the Zoning Ordinance for a motor vehicle service establishment.

3. A conditional use, pursuant to Section 155.415 (C)(17) of the Zoning Ordinance, to allow for outdoor display and sales of products.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on September 17, 2007. Before the public hearing started, Commissioner Olbrysh stated that he is chairman of NARSE, a pension organization of former Sears employees. Given his affiliation and their relationship to the petitioner and to avoid any appearance of impropriety, he is recusing himself from consideration of the petition.

Thomas Eisele of Sears Holdings, petitioner, presented the petition. He noted that K-Mart previously operated an auto center on the property. Sears has merged with K-Mart and they are looking to re-establish the auto service use on the site. They propose to provide tires and service, batteries, shocks and struts, brake service and oil and coolant changes. No auto body work will be done on-site.

Village President
William J. Mueller

Village Clerk
Brittne O'Brien

Trustees

Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3

Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

"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."

They were asked to make upgrades to the property including landscape islands as shown on the plans. They are also seeking approvals for their existing garden center already on site. The area is used for seasonal garden sales and for selected sales in front of the site. Currently, the 12 foot wide walkway has been used for periodic sales activity.

Mr. Eisele also noted the Amvets drop-off activity. He noted that the landlord has not given approval for the Amvets use, citing insurance and liability concerns. Sears Holdings does not have an issue with their use. They will work with Amvets to get the issue resolved.

He then discussed the sign relief. He showed the existing signage on the site and the proposed signage. They are proposing to add a Sears Auto Center sign above the auto bays. They are also proposing smaller non-illuminated signage above the bay door. The improvements they are proposing will give the site a fresh look.

Chairperson Ryan then opened the meeting for public comments. There was no one present to speak in favor or against the petition. He then requested the staff report.

William Heniff, Senior Planner, presented the staff report. The petitioner seeks approval of zoning actions to reestablish an auto service facility on the premises. Since the previous auto service use had not operated on the property over the past twelve months, the nonconforming status is therefore expired and a new conditional use is required. This use would not be subject to the Roosevelt Road development moratorium, although the conditional use approval would still need to be applied for and granted by the Village.

The petitioner is seeking approvals to allow for wall signs denoting the Sears Auto Center use and identification signage over the bay doors. The petitioner is also requesting conditional use approval for the outdoor sales activity occurring on the subject property. In light of these requests, staff suggested that a planned development be established for the site.

Referencing the IDRC comments, the Fire Department states that as the existing facility has not been used in a number of years, it will need to be inspected by BIS and Fire Prevention, to determine if it is code compliant. If not, parts or all of the facility may need to be addressed in order to meet current codes as part of the building permit submittal.

Regarding the zoning relief, staff recommended that the petition should be considered as part of an overall planned development application. As a trade off for the aforementioned relief, the Village could review the property comprehensively. Moreover, it will also provide a process to address other existing and/or proposed business activities on the site. Staff notes that the property meets the area and width requirements for a planned development.

Auto service establishments are classified as conditional uses within the B4 District. Staff noted that proper access and circulation should be provided and that parking for vehicles being serviced and/or being dropped off should be denoted. The petitioner's plan shows their proposed parking arrangement. The petitioner also noted that vehicles would only be serviced in the building and

that overnight storage of vehicles is not anticipated. Sears will perform traditional auto service activities (i.e., tires, batteries, oil changes, etc.) and will not perform repair activities (transmission rebuilding, body work, etc.) as part of their operations.

Staff recommended the exterior area around the auto service center should be brought up to current Village Code as much as possible. Three landscape islands are proposed on the petitioner's plan. Staff believes this would help better control traffic circulation and parking on the site and could soften the impact of the auto use on adjacent properties.

The subject property abuts multiple family residential properties. As such, careful attention to the business must be made to ensure that the business activity does not affect the residences. The existing facility is not air-conditioned and open doors address vehicle exhaust concerns. Staff recognizes the balance between the previously operated auto service activities and abutting residential concerns. Staff recommends that additional treatments be provided to mitigate noise concerns. This should consist of a six foot solid fence along the south property line from a point 30 feet east of Finley Road to a point east of the west wall of the K-Mart building.

Staff recommended that the existing outdoor sales element should be addressed as part of the petition, particularly since it is located adjacent to the auto center. Outdoor sales activity occurs underneath the roofed-over front elevation as well as the garden center on the west side of the building. The petitioner's plans propose a reduction of the outdoor sales activity to facilitate the new auto center. Access to this area will be through the department store and staff recommends that this area remain segregated from the auto sales area/parking lot with fencing.

The K-Mart store currently has one wall sign on the north elevation (facing Roosevelt Road) and one wall sign on the west elevation (facing Finley Road). A legal non-conforming "Pharmacy" sign also exists on the north elevation as well and a "Garden Center" sign is located at the outdoor sales area. The Sign Ordinance limits the number of signs on a property to one per street frontage. Therefore, all of the proposed wall signs for the auto use will need wall signage relief.

The petitioner's sign package consists of a "Sears Auto Center" sign on the west elevation located in a similar manner as the previously erected Penske sign. Smaller non-illuminated signs are proposed over the garage doors. Staff notes the proposed signs are appropriately sized and should not create a negative appearance on adjacent properties.

The petitioner is proposing a new "Sears Auto Center" sign, which will be attached to the existing K-Mart freestanding sign. New freestanding signs are subject to the moratorium provisions. As such, this item cannot be permitted or erected until the moratorium expires. However, this sign is intended to meet all Village Code requirements.

Referencing past concerns, when the property was last comprehensively reviewed in 2000, concerns were raised about the southwest entrance drive to Finley Road. While the primary source of the problem at that median cut may not be K-Mart, it does not change the fact that a

problem exists. Staff therefore suggests that cross-access be granted by K-Mart to the Point West Condominiums so that a better entranceway can be designed for both properties.

A charitable clothing drop-off facility has been located on the premises for years. This facility consists of one or two trucks with manned daytime operations. The facility is located on the west side of the property and is considered a legal non-conforming use. Staff requested that this activity be addressed in the plans. The petitioner informed the property owner of the Village's desire to review this activity relative to the overall site. However, the property owner stated that they did not want to sign off on a petition granting zoning approvals for the collection center. Absent this authorization, the petitioner could not request approval of any zoning actions. Given the property owner's unwillingness to authorize the activity, staff recommends as a condition of approval that the charitable clothing use be removed from the property.

He stated that the proposed use complies with the recommendation of the Comprehensive Plan and the proposed improvements would be compatible for adjacent properties.

Chairperson Ryan opened the public hearing for discussion by the Plan Commission.

Commissioner Flint asked about the clothing collection issue – was this issue brought up as part of the 2000 approval? Mr. Heniff stated that the 2000 staff report was silent on the issue, but as this petition relates directly to the western side of the property where the collection center is, staff believes it is appropriate to consider the item at this time.

Commissioner Burke asked about tying the petitioner's request to the collection center use, as the petitioner has no ability to address this issue. Does the petitioner have any leverage? Mr. Heniff noted that the property owner does have discretion on this issue. Staff did not want to automatically include this item within this petition, as the owner did not support the relief. If they do not want the use on their site, it should be removed. Staff does not inherently object to the Amvets use remaining on site, but it should be coordinated with the proposed use.

Commissioner Burke referenced proposed condition 3, but noted that the petitioner cannot provide what staff is looking for. Mr. Heniff stated that the condition is intended to force the owner to address the issue by seeking relief or by removing the use.

Mr. Eisele referenced the existing collection area and stated that they contacted Amvets to secure the approval of the actions from the owner.

Commissioner Swetsler referenced condition 4 discussing cross-access. Mr. Heniff noted that the cross-access condition is not mandatory.

Chairperson Ryan asked about the proposed solid fence as a condition of approval. The condition is proposed to be located 30 feet off of Finley Road, but if the fence needs to be modified to provide for cross-access, the condition can be modified at that time.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposal does comply with the standards required by the Lombard Zoning and Sign Ordinance; and that granting approval of a planned development is in the public interest. Therefore, the Plan Commission, accepted the findings of the Inter-departmental Review Report as the findings of the Plan Commission and by a roll call vote of 4-0 with one abstention, recommended to the Corporate Authorities approval of petition associated with PC 07-30, subject to the following conditions:

1. The site shall be developed in substantial compliance with the submitted Site and Landscape Plan and Details, prepared by S. A. Miro, Inc., dated August 6, 2007, and the proposed Sign Plan, prepared by Sears Holdings, dated June 25, 2007.

2. That the perimeter of the outdoor garden area shall be fenced, with primary access being provided through the department store.

3. That the existing clothing collection center use shall be removed from the property prior to the issuance of a Certificate of Occupancy/Zoning Certificate for the automotive service use on the property, unless the property owner applies to the Village for requisite zoning relief accordingly.

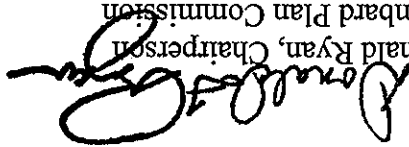
4. Cross-access at the southwest corner of the property shall be granted to the property to the south. If this cross-access is to be used, the two parties (K-Mart and the Point West Condominiums) shall submit to the Village for approval a plan which shows how the entrance drives for the two sites can be shared.

5. A six foot solid fence shall be erected along the south property line from a point 30 feet east of Finley Road to a point east of the west wall of the K-Mart building.

6. This conditional use approval shall become null and void one (1) year from the date of approval if construction has not commenced or an extension been granted. This conditional use approval shall become null and void eighteen (18) months from the date of approval if construction has not been completed or an extension has been granted.

Respectfully,

VILLAGE OF LOMBARD


Donald Ryan, Chairperson
Lombard Plan Commission

att-

c. Petitioner

Lombard Plan Commission

**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission
FROM: Department of Community Development
HEARING DATE: September 17, 2007
PREPARED BY: William Heniff, AICP
Senior Planner

TITLE

PC 07-30; 345 West Roosevelt Road: The petitioner requests that the Village approve the following actions for the subject property located within the B4 Corridor Commercial District:

1. A conditional use for a planned development, with a deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage.
2. A conditional use, pursuant to Section 155.415 (C)(2) of the Zoning Ordinance for a motor vehicle service establishment.
3. A conditional use, pursuant to Section 155.415 (C)(17) of the Zoning Ordinance, to allow for outdoor display and sales of products.

GENERAL INFORMATION

Petitioner: Sears Holdings Corporation
3333 Beverly Road
Hoffman Estates, IL 60179

Property Owner:

LaSalle Bank NA, Trust
120 S. LaSalle Street
Chicago, IL 60611

Petitioner/Trust Beneficiary:

Donald Geller
919 N. Michigan Ave., #3201
Chicago, IL 60611

PROPERTY INFORMATION

Existing Land Use:

Big K (K-Mart) department store

Size of Property:

Approximately 9.94 acres

Comprehensive Plan: Recommends Community Commercial
Existing Zoning: B4 Corridor Commercial District

Surrounding Zoning and Land Use:

North:	B4 Corridor Commercial District; developed as P.M. Bedroom Gallery, The Light Brothers, Glenbard Auto Body, Subway, and Cassidy Tire
South:	R5PD, General Residence District, Planned Development; developed as Point West Condominiums
East:	B4PD Corridor Commercial District, Planned Development; developed as Heritage Cadillac
West:	B4 Corridor Commercial District; developed as the Dania shopping Center (includes bank, auto glass repair, auto repair, cleaners and furniture store)

ANALYSIS

SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development on August 17, 2007:

1. Petition for Public Hearing, with Description of Request and Response to Standards.
2. Plat of Survey, prepared by Atwell Hicks, dated August 29, 2007.
3. Sears Auto Center cover sheet, prepared by S.A. Miro, Inc., dated August 6, 2007.
4. Site and Landscape Plan with Details, prepared by S. A. Miro, Inc., dated August 6, 2007.
5. Overall Fixture Plan (interior layout plan), prepared by S. A. Miro, Inc., dated August 6, 2007.
6. Proposed Sign Plan, prepared by Sears Holdings, dated June 25, 2007.

DESCRIPTION

The petitioner seeks approval of zoning actions to reestablish an auto service facility on the premises. Since the previous auto service use had not operated on the property over the past twelve months, the nonconforming status is therefore expired and a new conditional use is required. This use would be classified a "non-motor vehicle sales retail/service combined" use, as no motor vehicle sales are taking place, yet services are being provided and items (parts/tires) are being sold at retail as part of said services. As long as the new commercial use falls into the same category, it would not be subject to the Roosevelt Road development moratorium, although the conditional use approval would still need to be applied for and granted by the Village.

The petitioner is seeking approvals to allow for wall signs denoting the Sears Auto Center use and identification signage over the bay doors. The petitioner is also requesting conditional use approval for the outdoor sales activity occurring on the subject property. In light of these requests, staff suggested that a planned development be established for the site.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

The Public Works Department does not have any comments on the petition.

PRIVATE ENGINEERING

Private Engineering Services does not have any comments on the petition.

FIRE AND BUILDING

The Fire Department does not have any comments on the petition. However, as the existing facility has not been used in a number of years, it will need to be inspected by BIS and Fire Prevention, to determine if it is code compliant. If not, parts or all of the facility may need to be addressed in order to meet current codes as part of the building permit submittal the Fire Department

PLANNING

Compliance with the Zoning Ordinance

Conditional Use for a Planned Development
The Zoning Ordinance encourages and/or requires the establishment of planned developments for commercial properties seeking selected variations. Staff recommended that the petition should be

considered as part of an overall planned development application. As a trade off for the aforementioned relief, the Village could review the property comprehensively. Moreover, it will also provide a process to address other existing and/or proposed business activities on the site. Staff notes that the property meets the area and width requirements for a planned development.

Conditional Use for Auto Service

The Subject Property is zoned B4 Corridor Commercial District. Auto service establishments are classified as conditional uses within this district. As the previously established auto service use has not operated for a period of more than twelve months on the subject property, a new conditional use will be required before the establishment could open.

In discussions with the petitioner, staff noted that proper access and circulation should be provided and that parking for vehicles being serviced and/or being dropped off should be denoted. The petitioner's plan shows their proposed parking arrangement. The petitioner also noted that vehicles would only be serviced in the building (a code requirement) and that overnight storage of vehicles in not anticipated. Sears will only perform traditional auto service activities (i.e., tires, batteries, oil changes, etc.) and will not perform repair activities (transmission rebuilding, body work, etc.) as part of their operations. Fluids, tires and trash will be stored indoor, per Building Code requirements.

Staff recommended the exterior area around the auto service center should be brought up to current Village Code as much as possible. The petitioner has modified the existing parking lot on the west side of the building to the Village's current parking lot landscaping standards. Three landscape islands are proposed on the petitioner's plan. Staff believes this would help better control traffic circulation and parking on the site and could soften the impact of the auto use on adjacent properties.

The subject property abuts multiple family residential properties. As such, careful attention to the business must be made to ensure that the business activity does not affect the residences. The petitioner notes their existing facility is not air-conditioned and open doors address vehicle exhaust concerns. Staff recognizes the unique balance between the previously operated auto service activities and the abutting residential concerns. As such, staff recommends that additional treatments be provided to mitigate any potential noise concerns. This should consist of a six foot solid fence along the south property line from a point 30 feet east of Finley Road to a point east of the west wall of the K-Mart building.

Conditional Use for Outdoor Sales

Outdoor sales and display of merchandise is classified as a conditional use in the B4 District. Staff recommended that the existing outdoor sales element should be addressed as part of the petition, particularly since it is located adjacent to the auto center. Currently, outdoor sales activity occurs underneath the roofed-over front elevation as well as the garden center on the west side of the

The petitioner's plans propose a reduction of the outdoor sales activity to facilitate the new auto center. Access to this area will be through the department store and staff recommends that this area remain segregated from the auto sales area/parking lot with fencing.

Compliance with the Sign Ordinance

The K-Mart store currently has one wall sign on the north elevation (facing Roosevelt Road) and one wall sign on the west elevation (facing Finley Road). A legal non-conforming "Pharmacy" wall sign also exists on the north elevation as well and a "Garden Center" sign is located at the outdoor sales area. The Sign Ordinance limits the number of signs on a property to one per street frontage. Therefore, all of the proposed wall signs for the auto use will need wall signage relief.

The petitioner's sign package consists of a "Sears Auto Center" sign on the west elevation located in a similar manner as the previously erected Penske sign. Smaller non-illuminated signs are also proposed over the various existing garage doors denoting some of the business activities performed on site. Staff notes the proposed signs are appropriately sized and should not create a negative appearance on adjacent properties.

The petitioner is proposing a new "Sears Auto Center" sign, which will be attached to the existing K-Mart freestanding sign. New freestanding signs are subject to the moratorium provisions. As such, this item cannot be permitted or erected until the moratorium expires (currently proposed for October 5, 2007). However, this sign is intended to meet all Village Code requirements.

Other Concerns

Traffic Flow

In 2000, when the property was last comprehensively reviewed, concerns were raised about the southwest entrance drive to Finley Road. While the primary source of the problem at that median cut may not be K-Mart, it does not change the fact that a problem exists. Staff therefore suggests that a solution be offered to the Point West Condominiums – that cross-access be granted by K-Mart to the Point West Condominiums so that a better entranceway can be designed for both properties. If Point West Condominiums desire to use the cross-access, then a plan should be submitted to the Village for review which shows how the entrance will function if one of the two drives is closed and the remaining drive is shared by both properties. How to share the cost of making the improvements, which may also involve regarding the entrance to provide a more manageable slope, will have to be worked out between the two parties.

Charitable Clothing Drop-off Center

A charitable clothing drop-off facility is also located on the property. Staff notes that this activity has been located on the premises for years. Typically this facility consists of one or two trucks with

manned daytime operations. The facility is also located on the west side of the property and is considered a legal non-conforming use. Staff requested that this activity be addressed in the plans. Additionally, as it is located on the west side of the property, the use should be reviewed for code compliance as well.

The petitioner informed the property owner of the Village's desire to review this activity relative to the overall site. However, the property owner stated that they did not want to sign off on a petition granting zoning approvals for the collection center. Absent property owner authorization, the petitioner could not request approval of any zoning actions. Given the property owner's unwillingness to authorize the activity on the subject property, staff recommends as a condition of approval that the charitable clothing use be removed from the property.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Community Commercial uses at this location. The proposed use complies with the recommendation of the Comprehensive Plan.

Compatibility with Surrounding Land Uses

Should the petitioner address the concerns noted above, it will present an improved image to the western portion of the property. As such, staff believes that the improvements would be compatible for adjacent properties.

FINDINGS AND RECOMMENDATIONS

Staff has reviewed the submitted standards for variations, conditional uses and planned developments and finds that the petition meets the standards. Staff believes that the proposed conditional uses will enhance the K-Mart site by providing a viable business activity to an underutilized center. The provision of the accompanying landscaping will also provide a considerable enhancement. Staff believes that the proposed conditional uses are compatible with the surrounding area and is 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 and Sign Ordinance; and that granting approval of a planned development 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 therefore recommend to the Corporate Authorities approval of PC 07-30, subject to the following conditions:

1. The site shall be developed in substantial compliance with the submitted Site and Landscape Plan and Details, prepared by S. A. Mitro, Inc., dated August 6, 2007, and the proposed Sign Plan, prepared by Sears Holdings, dated June 25, 2007.

2. That the perimeter of the outdoor garden area shall be fenced, with primary access being provided through the department store.

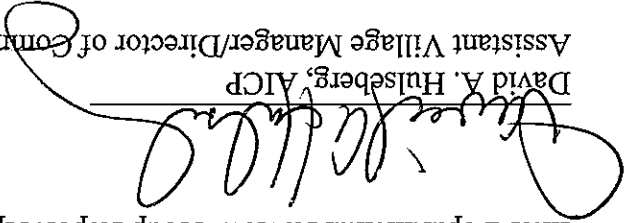
3. That the existing clothing collection center use shall be removed from the property prior to the issuance of a Certificate of Occupancy/Zoning Certificate for the automotive service use on the property, unless the property owner applies to the Village for requisite zoning relief accordingly.

4. Cross-access at the southwest corner of the property shall be granted to the property to the south. If this cross-access is to be used, the two parties (K-Mart and the Point West Condominiums) shall submit to the Village for approval a plan which shows how the entrance drives for the two sites can be shared.

5. A six foot solid fence shall be erected along the south property line from a point 30 feet east of Finley Road to a point east of the west wall of the K-Mart building.

6. This conditional use approval shall become null and void one (1) year from the date of approval if construction has not commenced or an extension been granted. This conditional use approval shall become null and void eighteen (18) months from the date of approval if construction has not been completed or an extension has been granted.

Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

DAH:WJH
att
c. Petitioner



Thomas J. Eisele
 Project Manager
 Sears Holdings Facilities Construction
 Dept. 824C

Sears Holdings Inc.
 3333 Beverly Rd A2 253 B
 Hoffman Estates, IL 60179
 Phone 847 286-2538
 Fax 847 286-4531

August 8, 2007

William J. Heniff, AICP
 Village of Lombard
 255 E. Wilson Avenue
 Lombard, IL 60148

Dear Mr. Heniff

RE: Sears Auto Center Lombard, IL

Attached are the requested documents and plans requested to apply for a conditional use permit to open a Sears Auto Center in the space that was previously occupied by Penske Auto Center. This space was built to accommodate select automotive business and did so until 2000 when Penske closed its doors. The Sears Auto Centers is run independently from the Kmart store and has its own POS systems and associates. Sears will have no more than 9 associates working in the store at the same time. Sears Auto Center intends to perform the following automotive services:

1) Sell and install tires. They will also balance tires and perform on car alignments with state of the art equipment.

2) Sell and install vehicle batteries, shocks, struts and brakes.

3) Offer Oil change services as well as a coolant system flush

Sears Auto Center is a highly respected automotive service that has been a leader in recycling and handling waste products. All tires and batteries are picked up by national carriers to dispose or recycle all materials. Safety Clean picks up and handles all waste fluids and Johnson Control recycles all old batteries. All used products are stored inside the building until picked up.

At the direction of the Village of Lombard Sears Auto is requesting a few Condition Use Permits?

1) To open as an Automotive Retailer in the old Penske Automotive Space.

2) To request a sign variance to install a Sears Auto Center sign, an entrance sign and directional services signs over the shop bays on the side of the Kmart Building.

3) To request a conditional use permit to place garden materials in the parking area adjacent to our garden shop for seasonal sales. In addition we request a use for seasonal products and pop machine on the Kmart storefront sidewalk and under canopy.

Sears is very excited to open in this location. It will provide the residents with another value pricing on automotive products and services. It will also greatly improve the character of the building by updating this now vacant side of a Kmart building.

Please advise if I can provide any additional information.

Sincerely,

Thomas Eisele

Project Manager

**STANDARDS
FOR PLANNED DEVELOPMENTS**

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards should be provided for all requests for Planned Developments.

SECTION 155.508 (A) (B) (C) OF THE LOMBARD ZONING ORDINANCE

Except as provided below, no planned development shall be approved unless the Village Plan Commission and the Village Board find that the development meets the standards for conditional uses, and the standards set forth in this Section. Notwithstanding the foregoing, the Village Board may approve a planned development which does not comply with these standards or with the standards for conditional use, if the Board finds that the application of such standards, to the development being considered, would not be in the public interest.

A. General Standards

1. Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.
Yes
2. Community sanitary sewage and potable water facilities connected to a central system are provided.
Not applicable
3. The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.
Yes – re-open existing
4. That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.
yes
5. That the streets have been designed to avoid:
existing, N/A
- a. Inconvenient or unsafe access to the planned development;
N/A
- b. Traffic congestion in the streets which adjoin the planned development;
N/A

c. An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.

N/A

B. Standards for Planned Developments with Use Exceptions

The ordinance approving the Final Development Plan for the planned development may provide for uses in the planned development not allowed in the underlying district, provided the following conditions are met:

1. Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses
*Re-opens a closed building and improves
And improves appearance of parking area*

2. Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties
Same properties as when Penske was open.

3. Proposed use exceptions shall not represent more than 40% of the site area or more than 40% of the total floor area, whichever is less. However, in a residential planned development area no more than 10% of the site area or the total floor area shall be devoted to commercial use; furthermore, no industrial use shall be permitted.

C. Standards for Planned Developments with Deviations

The Village Board may approve planned developments which do not comply with the requirements of the underlying district regulations governing lot area, lot width, bulk regulations, parking and sign regulations, or which require modification of the subdivision design standards when such approval is necessary to achieve the objectives of the proposed planned development, but only when the Board finds such exceptions are consistent with the following standards:

1. Any reduction in the requirements of this Ordinance is in the public interest
Local community will have more options for
Servicing their vehicles.

2. The proposed deviations would not adversely impact the value or use of any other property

They would not.

3. That such deviations are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding properties
4. That the overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district
5. That in residential planned developments the maximum number of dwelling units allowed shall not exceed by more than 40% the number of dwelling units permitted in the underlying district
6. That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:
 - a. The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.
 - b. All transitional yards and transitional landscape yards of the underlying zoning district are complied with.
 - c. If required transitional yards and transitional landscape yards are not adequate to protect the privacy and enjoyment of property adjacent to the development, the Plan Commission shall recommend either or both of the following requirements:
 - 1) All structures located on the perimeter of the planned development must set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses;
 - 2) All structures located along the entire perimeter of the planned development must be permanently screened with sight-proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.
7. That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zone district.

STANDARDS
FOR CONDITIONAL USES
(Sears Auto Center Services at the Kmart Retail Store)

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards should be provided for all conditional uses of the Lombard Zoning Ordinance.

SECTION 155.103 (F)(8) OF THE LOMBARD ZONING ORDINANCE:

No conditional use shall be recommended by the Plan Commission unless it finds:

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 re-opening of auto center service area as a Sears Auto Center will be re-establishing the previously use in the same location. The operations are carried on inside the service area, there are no aspects are detrimental to or endanger the public health, safety, morals, comfort of general welfare. It will provide auto service for the community.

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;
Use will not be injurious or diminish property values since the use is re-establishment of a prior use, changes with the exception of signs are on the interior of the building and not visible from the exterior and the auto center parking lot area is being upgraded with new seal coat, striping and landscaping to improve the experience of neighbors and others.

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;
Re-opening of the Auto Center will not impede further development and improvement in the area. Only minor exterior changes are included and signage and landscaping will not impede development in the area.

4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;
There is no need to modify utilities, access roads or drainage since those items are already in place to support this use.

This statement is true.

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

Provision of auto center services is not contrary to the objectives of the Comprehensive Plan.

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

The Auto Center is re-opening and adequate ingress and egress from the site to the public street has already been provided.

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;

STANDARDS
FOR CONDITIONAL USES
(Outside Sales and Display of Merchandise at Kmart Sidewalk/Canopy Area)

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards should be provided for all conditional uses of the Lombard Zoning Ordinance.

SECTION 155.103 (F)(8) OF THE LOMBARD ZONING ORDINANCE:

No conditional use shall be recommended by the Plan Commission unless it finds:

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 use of the sidewalk for display and sales including pop machines and temporary merchandise such as plants and other occasional displays is not detrimental to nor does it endanger the public health, safety, morals, comfort or general welfare. The merchandise is organized in such a manner that the general public is still able to use the sidewalk and provides desired services to the public.

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

The use of the sidewalk for display and sales including pop machines and temporary merchandise such as plants and other occasional displays is not injurious nor does it impair property values. The area of display is limited to that under the canopy and fits with this type of business and provides additional interest and convenience to the using this business.

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 use of the sidewalk to display temporary merchandise is on the property currently owned by Kmart and no impact on development and improvement on surrounding properties will occur.

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

There is no need to modify utilities, access roads or drainage since those items are already in place to support this use. This merchandise is not in the public right of way nor does it block any access to other properties.

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;

This statement is true.

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.

Allowance for sidewalk display and sales is not contrary to the objectives of the Comprehensive Plan.

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

The use of the sidewalk for temporary merchandise such as plants and pop machines will not impact traffic flow because it is on the sidewalk in front of the store and not in the way of traffic or any public streets.

G Anne Campbell

Point West Bldg I residents

We hope for favorable consideration.

Dania parking lot.

I would be hardpressed to believe the owners of this property cannot afford to make it more like the

Lombard's best interest to make sure all property is kept up.

What is wrong with the planning commission anyway letting this corner go to pot. It would be in

This is done by homeowners not big property owners that are just interested in turning a profit.

Property took care of this very large property to minimize it's eyesore qualities, maybe we wouldn't be so disagreeable. But we at Point West spend 10's of thousands each year to maintain this property.

There was at one time a facility for minor car repairs so that's okay. If the owners of this

Outdoor display and sale of products.

3.) A conditional use, pursuant to Section 155.415 (C)(17) of the zoning ordinance, to allow for

of the sign ordinance to allow for more than one wall sign per street frontage.

In 1.) A conditional use for a planned development with a deviation from Section 153.505 (B) (19) (a) (2)

The residents of Point West Bldg 1 which is 1301 S. Finley Rd are against the changes referred to

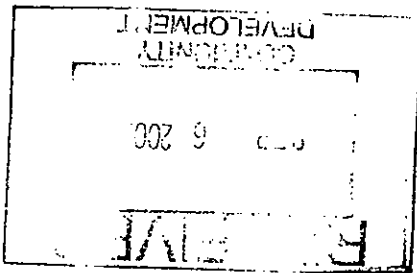
Re: PC 07-30—public hearing 9/17/07

Lombard, Illinois 60148

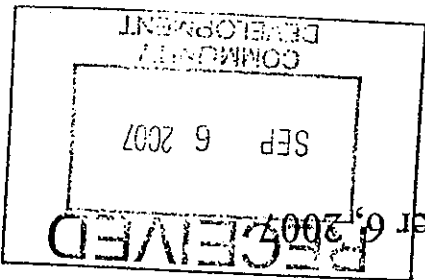
255 E. Wilson Ave

Lombard Village Hall

September 5, 2007



Nancy J. Bennett # 213
Gin Tucker # 287
Pat Dean # 204
Max Kool # 218



Department of Community Development

255 E. Wilson Avenue
Lombard, Illinois 60148

RE: PC07-30

A review of the proposed amendments has resulted in the following concerns of the residents of Point West Condominiums, 1301 S Finley Rd, Lombard, IL

The residents are opposed to allowing more than one sign unless;
A) Not of the flashing variety.
B) Not to be pole mounted
C) Not to be free standing

The residents would accept deviations on Ordinance 155.415 allowing outdoor displays with the sole condition of a 6 ft privacy fence constructed along the affected property line and be a poly-vinyl material for lasting appearance.

The following residents attest and agree to the above requirements;

~~Enriquez~~
Enriquez # 313

Walter Bush # 318
Ed. E. Miller # 312

Robert Farmer # 320
J. E. Sulz # 321-322

James Smith # 319
Cleora Doe # 317

Barbara R. Samble # 309
Cecilia O. Bracia # 311
M. Baird # 308
F. Bracia # 306
Mrs. Madalena # 305
Gaurdon # 304
Indukumar Veeramani # 301
Yommal Yachet # 315

RECEIVED
 SEP 6 2007
 COMMUNITY DEVELOPMENT

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

RE: PC07-30

A review of the proposed amendments has resulted in the following concerns of the residents of Point West Condominiums, 1301 S Finley Rd, Lombard, IL

The residents are opposed to allowing more than one sign unless:
 A) Not of the flashing variety.
 B) Not to be pole mounted
 C) Not to be free standing

The residents would accept deviations on Ordinance 155.415 allowing outdoor displays with the sole condition of a 6 ft privacy fence constructed along the affected property line and be a poly-vinyl material for lasting appearance.

The following residents attest and agree to the above requirements;

Charles & Beverly Burroughs #422
 Michael Newman #409
 Daniel Myer #415
 Denise G. Grest #415
 Barbara Burton #413
 John & Helen #485
 Mr. and Mrs. Gudrun Mustafa #2403
 one Apartment #401
 Ms. Jacqueline Fowler #402
 Cindy Doto #421
 John Vokod #422
 Jim Gibson #408
 Paula H. Wood #410
 Lucky Galt #411
 Freddy Bantley #417
 Mr. and Mrs. Gudrun Mustafa #2403
 one Apartment #401
 Ms. Jacqueline Fowler #402

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees recommending approval of the petition, subject to conditions; and,

WHEREAS, a public hearing September 17, 2007 pursuant to appropriate and legal notice; and,

WHEREAS, said application requests approval of aforementioned actions on the property described in Section 2 below; and,

WHEREAS, said application also requests a conditional use, pursuant to Section 155.415 (C)(17) of the Zoning Ordinance, to allow for outdoor display and sales of products; and

WHEREAS, said application also requests a conditional use, pursuant to Section 155.415 (C)(17) of the Zoning Ordinance for a motor vehicle service establishment; and

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for a planned development with a deviation from Section 153.505 (B)(19)(a)(2) to allow for more than one wall sign for a tenant space in a B4 Corridor Commercial Zoning District; and,

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,

(PC 07-30: 345 W. Roosevelt Road)

**AN ORDINANCE GRANTING A
CONDITIONAL USE FOR A PLANNED DEVELOPMENT
WITH DEVIATIONS FOR WALL SIGNAGE AND CONDITIONAL USES
FOR A MOTOR VEHICLE SERVICE ESTABLISHMENT AND
FOR OUTDOOR DISPLAY AND SALES OF PRODUCTS, LOCATED
IN THE B4 CORRIDOR COMMERCIAL ZONING DISTRICT**

ORDINANCE NO. _____

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a conditional use for a planned development with a deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage (for up to 12 wall sign per the submitted plans), along with a conditional use, pursuant to Section 155.415 (C)(2) of the Zoning Ordinance for a motor vehicle service establishment and a conditional use, pursuant to Section 155.415 (C)(17) of the Zoning Ordinance, to allow for outdoor display and sales of products, are hereby granted for the Subject Property legally described in Section 2, subject to compliance with the conditions enumerated in Section 3.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 345 W. Roosevelt Road, Lombard, Illinois, and is legally described as:

Lot 2 of Mobil's Roosevelt and Finley Subdivision, being a subdivision in the west ½ of the northeast ¼ of Section 19, Township 39 North, Range 11 east of the Third Principal Meridian, according to the plat recorded on February 27, 1990 as document R1990-024288, in DuPage County, Illinois.

Parcel Numbers: 06-19-200-012 and 013

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

1. The site shall be developed in substantial compliance with the submitted Site and Landscape Plan and Details, prepared by S. A. Miro, Inc., dated August 6, 2007, and the proposed Sign Plan, prepared by Sears Holdings, dated June 25, 2007.

2. That the perimeter of the outdoor garden area shall be fenced, with primary access being provided through the department store.

3. That the existing clothing collection center use shall be removed from the property prior to the issuance of a Certificate of Occupancy/Zoning Certificate for the automotive service use on the property, unless the property owner applies to the Village for requisite zoning relief accordingly.

4. Cross-access at the southwest corner of the property shall be granted to the property to the south. If this cross-access is to be used, the two parties (K-Mart and the Point West Condominiums) shall submit to the Village for approval a plan which shows how the entrance drives for the two sites can be shared.

5. A six foot solid fence shall be erected along the south property line from a point 30 feet east of Finley Road to a point east of the west wall of the K-Mart building.

6. This conditional use approval shall become null and void one (1) year from the date of approval if construction has not commenced or an extension been granted. This conditional use approval shall become null and void eighteen (18) months from the date of approval if construction has not been completed or an extension has been granted.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nays: _____

Brigitte O'Brien, Village Clerk

Published by me this _____ day of _____, 2007

Brigitte O'Brien, Village Clerk

ATTEST:

William J. Mueller, Village President

Approved this _____, day of _____, 2007.

Absent: _____