VILLAGE OF LOMBARD REQUEST FOR BOARD OF TRUSTEES ACTION

For Inclusion on Board Agenda

X X	Resolution or Ordinance (Blue)XWaiver of First Requested Recommendations of Boards, Commissions & Committees (Green) Other Business (Pink)				
TO:	PRESIDENT AND BOARD OF TRUSTEES				
FROM:	Scott R. Niehaus, Village Manager				
DATE:	January 27, 2015 (B of T) Date: February 5, 2015				
TITLE:	PC 15-01; Downers Grove Boxing and Martial Arts, LLC. – 86 Eisenhower Lane North				
SUBMITTED BY:	Department of Community Development				
BACKGROUND/POLICY IMPLICATIONS: Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, requests that the Village grant a conditional use, pursuant to Section 155.420 (C) (18) of the Zoning Ordinance, to allow for a Learning Center (indoor athletic training facility) within the I Limited Industrial District. (DISTRICT #3) The Plan Commission recommended approval of this petition by a vote of 5-0.					
The petitioner requests a waiver of first reading of the Ordinance.					
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:

Scott R. Niehaus, Village Manager

FROM:

William J. Heniff, AICP, Director of Community Development

DATE:

February 5, 2015

SUBJECT: PC 15-01; Downers Grove Boxing and Martial Arts, LLC. – 86 Eisenhower

Lane North

Please find the following items for Village Board consideration as part of the February 5, 2015 Board meeting:

1. Plan Commission referral letter;

- 2. IDRC report for PC 15-01; and
- 3. An Ordinance granting approval of Conditional Use to allow for a Learning Center (indoor athletic training facility) within the I Limited Industrial Zoning District.

The Plan Commission recommended approval of this petition by a vote of 5-0. Please place this petition on the February 5, 2015 Board of Trustees agenda with a waiver of first reading, as requested by the petitioner.

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VILLAGE OF LOMBARD

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

February 5, 2015

Mr. Keith T. Giagnorio, Village President, and Board of Trustees Village of Lombard

Subject: PC 15-01; 86 Eisenhower Lane North

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 a conditional use, pursuant to Section 155.420 (C) (18) of the Zoning Ordinance, to allow for a Learning Center (indoor athletic training facility) within the I Limited Industrial District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 26, 2015. Sworn in to present the petition was Jennifer Ganser, Assistant Director, petitioners Gregory Eck and Tom Volvz.

Commissioner Flint read the Plan Commissions procedures and asked if anyone other than the petitioner intended to cross examine, and, hearing none, he proceeded with the petition.

Mr. Eck stated that he and his partner began teaching martial arts about thirty years ago. They would like to move their business from Westmont to Lombard. They focus on one on one training and small group training. They are looking for additional square feet in this new location. There is ample parking. There will be no tournaments held on site. They noted martial arts teach discipline, respect for others, and the betterment of one's self they believe this use would be in the best interest of the Village.

Commissioner Flint asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked

Village President Keith T. Giagnorio

Village Clerk Sharon Kuderna

Trustees

Dan Whittington, Dist. 1 Michael A. Fugiel, Dist. 2 Reid Foltyniewicz, Dist. 3 Vacancy, Dist. 4 Laura A. Fitzpatrick, 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."

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. The petitioners are proposing to operate to an indoor athletic training facility which is a conditional use in the industrial district. They are focused on small group training and this is not an assembly function. She noted that the building that houses 86 Eisenhower Lane North has multiple tenants that function as offices or warehouses. There have been four recent cases of indoor athletic training facilities in the industrial area. Most classes are held in the evenings and weekend which will not compete with parking during normal business hours. As noted, the building does have over one hundred (100) parking spaces. Staff finds the use acceptance with the conditions listed in the staff report.

Commissioner Flint asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Sweetser acknowledged the public input received and asked if condition two would keep all business activity inside. Ms. Ganser concurred that the employees and clients would need to keep all activity inside.

On a motion by Commissioner Burke, and a second by Commissioner Sweetser, the Plan Commission voted 5-0 that the Village Board approve the petition associated with PC 15-01, subject to the following five (5) conditions:

- 1. The conditional use permit for an indoor athletic training facility is exclusively for the tenant space at 86 Eisenhower Lane North. Any expansion of the establishment within the existing building beyond the plans submitted as part of PC 15-01 shall require an amendment to the conditional use;
- 2. All business activity associated with the indoor athletic facility shall be conducted within the existing building;
- 3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
- 4. The parking lot shall be configured so as to meet all Illinois Accessibility Code requirements; and
- 5. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the learning center is not established by said date, this relief shall be deemed null and void.

Respectfully,

VILLAGE OF LOMBARD

Steve Flint, Commissioner, Acting Chairperson Lombard Plan Commission

c. Lombard Plan Commission
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PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

Downers Grove Boxing and Martial Arts, LLC. - 86 Eisenhower Lane North

January 26, 2015

Title

PC 15-01

Petitioner

Downers Grove Boxing and Martial Arts, LLC.

Gregory Eck

235 W. 61" Street

Westmont, IL 60559

Property Owner

The Realty Associates Fund VII, LP

One Oakbrook Terrace

Oakbrook Terrace, IL 60181

Property Location

86 Eisenhower Lane North (06-30-202-014)

Zoning

I Limited Industrial

Existing Land Use

Multi-Tenant Industrial

Comprehensive Plan

Light Industrial

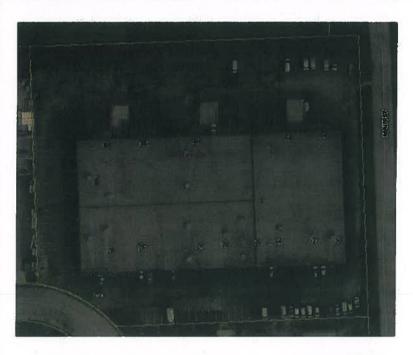
Approval Sought

Conditional Use to allow for a Learning Center (indoor athletic training facility) within the I Limited Industrial Zoning District.

Prepared By

Jennifer Ganser

Assistant Director



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to operate an indoor athletic training facility within an existing tenant space on the subject site. The facility is designed for small group and sport specific training. This use is not an assembly function; there will not be games or tournaments held.

APPROVAL(S) REQUIRED

Per Section 155.420 (C) (18) of the Zoning Ordinance, the use is considered a Learning Center and thus requires a conditional use permit within the I Limited Industrial Zoning District.

EXISTING CONDITIONS

The subject property is bounded by light industrial and office uses to the south and west in the York Brook Business Park and multifamily housing to the north and east. The property is accessed by Eisenhower Lane.

The structure, built in approximately 1974, is divided into multiple units occupied with warehouse and office functions. The tenant space is approximately 2,400 square feet and is currently vacant. There are one hundred and sixty-six (166) parking spaces shared between the tenants at 50-88 Eisenhower Lane North.

PROJECT STATS

Lot & Bulk

Parcel Size:

3.8 acres

Building Size:

64,800 sq. ft.

Tenant Space:

2,400 sq. ft.

Actual Setbacks

Front (south)

88 feet

Corner Side

21 feet

(east)

Side (west)

65 feet

Rear (south)

115 feet

Submittals

- 1. Petition for Public Hearing;
- 2. Response to Standards for Conditional Use;
- 3. Plat of Survey, prepared by Edward J. Molloy & Associates, Ltd., dated 09/30/2005; and
- Existing Site/Floor Plan, prepared by KLLM Architects, Inc. dated 12/18/07;

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments.

Fire Department:

The facility will be located within a non-sprinkler protected building and as such will be limited to an occupant load not to exceed fortynine (49) persons.

Private Engineering Services:

The Private Engineering Services Division has no comments.

Public Works:

The Department of Public Works has no comments.

Planning Services Division:

1. Surrounding Zoning & Land Use Compatibility

	Zoning District	Land Use
North	R4PD	Multi-family residential
South	I	Light Manufacturing
East	R4PD	Multi-family residential
West	I	Light Manufacturing

The building that houses 86 Eisenhower Lane North is divided into multiple separate units occupied with warehouse and office businesses. Staff has discussed parking concerns with the property manager. All parking spaces are common; therefore tenants can utilize all the spaces that are along the building. There are on hundred and sixty six (161) parking spaces in common. Parking is also allowed on Eisenhower Lane during the day. The petitioner anticipates small class sizes of four (4) to five (5) students and one on one personal training sessions. The proposed hours of operation are from 6 pm to 9 pm during the week, which are generally nonworking hours of the neighboring tenants. Saturday hours are proposed from 8 am to noon. There are currently two (2) employees. Occasionally the employees may be present during the daytime for office functions.

This use is not an assembly function; there will not be games or tournaments held.

2. Comprehensive Plan Compatibility

The York Brook Business Park is completely developed and generally well maintained. Although described in the Comprehensive Plan, there are no specific recommendations for the types of uses that should occur within the York Brook Business Park. The proposed use is not a typical light industrial use, but the space required of the equipment associated with the use is better suited for an industrial space. Furthermore, staff finds that the proposed athletic training facility is compatible with the intent of the York Brook Business Park and ultimately the Comprehensive Plan.

3. Zoning Ordinance Compatibility

A conditional use permit is required and the scope of the project under consideration complies with all other zoning regulations. The proposed use is not a typical light industrial use, but the space required of the equipment associated with the use is better suited for an industrial space.

4. Site Plan: Access & Circulation

The site plan/plat of survey indicates that there are no accessible parking spaces, and six (6) are required per Code.

HISTORY

86 Eisenhower Lane North has not appeared before the Plan Commission, Zoning Board of Appeals, or Village Board of Trustees. Similar recent petitions on indoor athletic training facilities that were approved by the Village Board of Trustees are described below.

PC Case	Address	Use
PC 14-39	131 Eisenhower Lane North	Conditional use permit for a
		Learning Center (athletic
		training facility)
PC 14-16	123 Eisenhower Lane South	Conditional use permit for a
		Learning Center (athletic
		training facility)
PC 13-10	600-612 E. Western Avenue	Conditional use permit for a
		Learning Center (athletic
		training facility)
PC 12-11	270 Eisenhower Lane North,	Conditional use permit for a
	Unit #8	Learning Center (athletic
		training facility)

FINDINGS & RECOMMENDATIONS

While the proposed use is not traditionally considered a light industrial use, the unique interior spatial demands for such athletic training facilities are oftentimes best met by light industrial/warehouse structures due to their higher ceilings and open floor plans.

The Inter-Department Review Committee has reviewed the standards for the requested conditional use permit for an indoor athletic training facility and finds that, provided the petitioner can sufficiently address any and all concerns regarding parking and the drop-off/pick-up process, the 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 15-01:

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 15-01, subject to the following conditions:

- 1. The conditional use permit for an indoor athletic training facility is exclusively for the tenant space at 86 Eisenhower Lane North. Any expansion of the establishment within the existing building beyond the plans submitted as part of PC 15-01 shall require an amendment to the conditional use;
- 2. All business activity associated with the indoor athletic facility shall be conducted within the existing building;
- 3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
- 4. The parking lot shall be configured so as to meet all Illinois Accessibility Code requirements; and
- 5. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the learning center is not established by said date, this relief shall be deemed null and void.

Inter-Departmental Review Committee Report approved by:

William J. Heniff, AICP

Director of Community Development

c. Petitioner

STANDARDS FOR CONDITIONAL USE

- 1) Our establishment teaches self defense, discipline and promotes fitness. We enhance the health, safety, morality, comfort (self confidence) and general welfare of our clientele.
- All classes are held indoors and will not be injurious to the uses and enjoyment of other properties in the area. Our business will not diminish or impair property values in any way.
- 3) This conditional use will not impede development and improvement of the surrounding area because we have not work vehicles and all club activities are held inside the facility.
- 4) Adequate public utilities are already being provided at this location as we will use very little gas, water and electricity. Our business has no need for access roads, drainage, or other facilities inside or outside the building.
- 5) Our club has small class sizes (4-5 students) and personal training sessions are 1 on 1. Our hours of operation are from 6:00pm to 9:00pm, so we will be there at off hours compared to the current tenant. We have access to ample parking and students will have no need for street parking. Ingress and egress is not necessary.
- 6) Our business promotes fitness and personal safety. We also teach our members to be aware of their surrounds and to GIVE BACK to the art and to others. We feel that our business aligns itself well with the objectives of the current Comprhensive Plan for the Village of Lombard.
- 7) We believe that our business conforms easily to all applicable regulations in the area in which we are hoping to lease. We do not feel that any modifications of any kind will be necessary, but we are certainly open to any recommendations of the Plan Commission.

To: Village of Lombard Plan Commission

Attention: Plan Commissioners

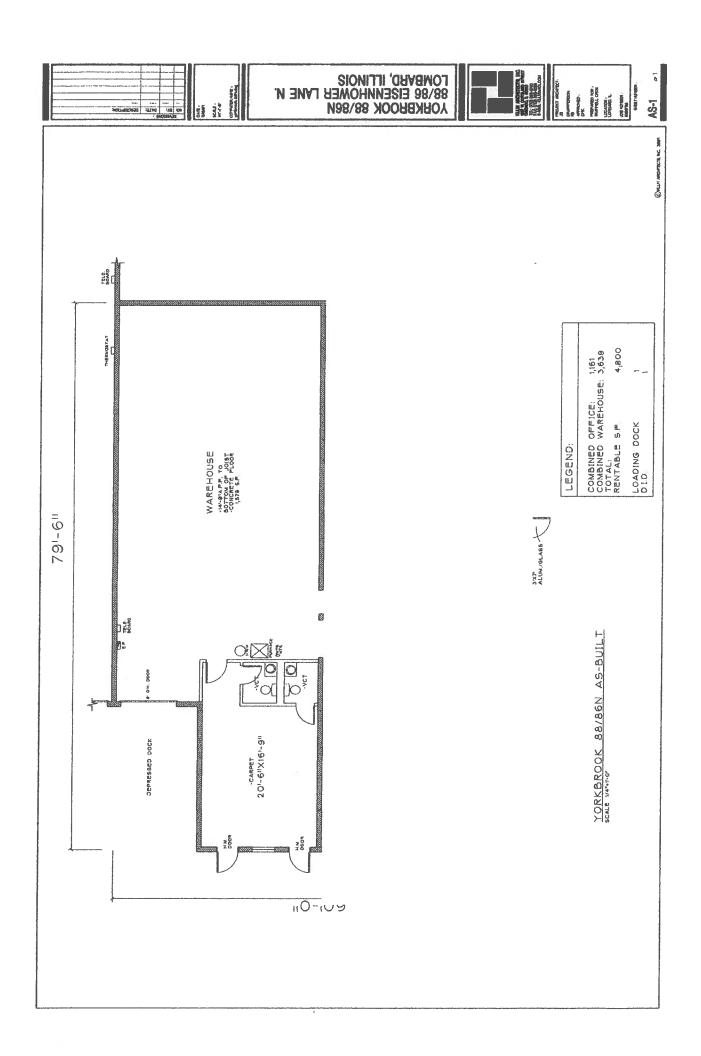
From Eisenhower street there's No official entrance into our Properties. But, there are entrances to our property by un-fenced hills or slopes on Main street. This will allow the Athletes in training access to our properties.

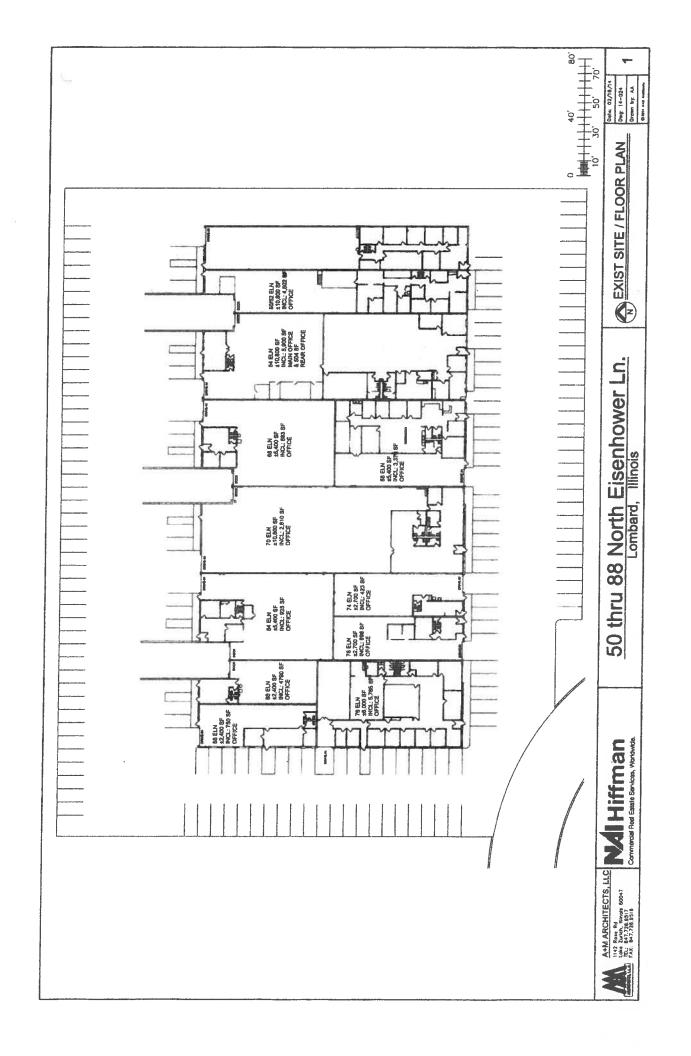
This can resort in the Athletes jogging in the streets and around our parking lots, where congestion or accidents may occur. This can also encourage our children to ride their bikes and etc. in the streets as if it's a play ground. The training center hours and days could interfere with the peace and quiet we have grown accustom to and, because we are property owners and some of us work are entitled to this peace.

When your vote becomes YES, you will be inviting the athletic trainers/trainees into our neighborhood of peace all Hours of the Day and possible night.

All activity must be confined to indoors or to an actual park. Cars are constantly on the road, and this can become a safety hazard.

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LAND & CONSTRUCTION SURVEYORS
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Nowakowski, Tamara

From:

Ganser, Jennifer

Sent:

Tuesday, January 27, 2015 11:12 AM

To:

Nowakowski, Tamara

Subject:

FW: PC 15-01

From: Gregory L. Eck [mailto:greg@beneficialsolutions.com]

Sent: Tuesday, January 27, 2015 11:10 AM

To: Ganser, Jennifer **Cc:** Tom Volz

Subject: RE: PC 15-01

Jennifer,

Due to timing and opening up of our business on 86 Eisenhower Lane North as soon as possible, we would like to request a "Waiver of First Reading"

Sensei Greg Eck DG Boxing & Martial Arts, LLC. 630-560-5650



We were MMA before there was MMA!

From: Ganser, Jennifer [mailto:GanserJ@villageoflombard.org]

Sent: Tuesday, January 27, 2015 10:45 AM **To:** Gregory L. Eck; 15gtv09@gmail.com

Subject: PC 15-01

Please let me know if you would like to request waiver of first. You can request this via email. A waiver of first allows the Village Board (if they motion to approve your petition) to make the final decision on February 5 rather than having the petition read at two Board meetings.

Jennifer

Jennifer Ganser Assistant Director of Community Development Village of Lombard 255 E. Wilson Avenue Lombard, IL 60148

tel: (630) 620-5717

ORDINANCE NO.

AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.420 (C)(18) OF THE LOMBARD ZONING ORDINANCE

PC 15-01: 86 Eisenhower Lane North

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 described in Section 2 below, is zoned I Limited Industrial District; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Title 15, Chapter 155, Section 155.420(C)(18) of the Lombard Village Code to provide for a learning center; and

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on January 26, 2015 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; 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 conditional use is hereby granted for the Subject Property, as described in Section 2 below, pursuant to Title 15, Chapter 155, Section 155.420(C)(18) of the Lombard Village Code to provide for a learning center.

<u>SECTION 2:</u> That this Ordinance is limited and restricted to the property located at 86 Eisenhower Lane North, Lombard, Illinois and legally described as follows:

Ordinance No Re: PC 15-01 Page 2
LOT 10 (EXCEPT THE WEST 65 FEET THEREOF AND EXCEPT THE SOUTH 109.93 FEET THEREOF) IN LOMBARD INDUSTRIAL PARK UNIT NO. 2, A SUBDIVISION OF PART OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 18, 1972 AS DOCUMENT R72-40869, IN DUPAGE COUNTY, ILLINOIS.
Parcel Number: 06-30-202-014; (the "Subject Property").
SECTION 3: The conditional use, as provided for in Section 1 of this Ordinance shall be granted subject to compliance with the following conditions:
A. The conditional use permit for an indoor athletic training facility is exclusively for the tenant space at 86 Eisenhower Lane North. Any expansion of the establishment within the existing building beyond the plans submitted as part of PC 15-01 shall require an amendment to the conditional use;
B. All business activity associated with the indoor athletic facility shall be conducted within the existing building;
C. The petitioner shall satisfactorily address all comments noted within the Inter- Departmental Review Committee Report;
D. The parking lot shall be configured so as to meet all Illinois Accessibility Code requirements; and
E. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the learning center is not established by said date, this relief shall be deemed null and void.
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, 2015.

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

2015.

Ordinance No Re: PC 15-01 Page 3	
Passed on second reading this day of, 2015, pursuant to a reall vote as follows:	roll
Ayes:	
Nays:	
Absent:	
Approved by me this, 2015.	
Keith T. Giagnorio, Village President	
ATTEST:	
Sharon Kuderna, Village Clerk	
Published in pamphlet from this day of, 2015.	
Sharon Kuderna, Village Clerk	