

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: May 23, 2005 (BOT) Date: June 2, 2005

TITLE: PC 05-10 401-421 Crescent Boulevard

SUBMITTED BY: Department of Community Development *JCM*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration a petition requesting approval of a conditional use for a Planned Development for the Subject Property, with a use exception to allow photography studio as a permitted use. (DISTRICT #1)

Staff is requesting waiver of first reading.

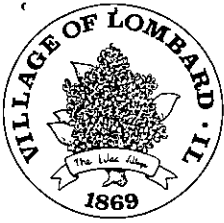
The Plan Commission recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X W.T. Lichter Date 5/25/05

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



## MEMORANDUM

**TO:** William T. Lichter, Village Manager

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

**DATE:** June 2, 2005

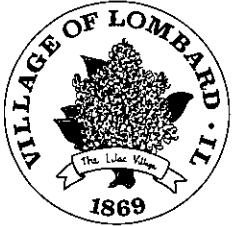
**SUBJECT: PC 05-10: 401-421 Crescent Boulevard**

Attached please find the following items for Village Board consideration as part of the May 16, 2005 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC for PC 05-10; and
3. An Ordinance granting approval of a conditional use for a planned development with a use exception allowing photography studios as a permitted use.

Staff also requests a waiver of the first reading, as the summer schedule for the Village Board meetings will delay Pet Photos from receiving a certificate of occupancy.

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## VILLAGE OF LOMBARD

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www.villageoflombard.org

**Village President**  
William J. Mueller

May 24, 2005

**Village Clerk**  
Brigitte O'Brien

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

**Trustees**  
Greg Alan Gron, Dist. 1  
Richard J. Tross, Dist. 2  
John "Jack" T. O'Brien, Dist. 3  
Steven D. Sebby, Dist. 4  
Kenneth M. Florey, Dist. 5  
Rick Soderstrom, Dist. 6

**Subject: PC 05-10; 401-421 Crescent Boulevard (Lombard Crescent Shopping Center)**

Dear President and Trustees:

**Village Manager**  
William T. Lichter

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on May 16, 2005. Dolores Jorgensen, owner of Lombard Crescent Shopping Plaza, spoke on behalf of the petition. She stated that they were requesting a conditional use for a planned development with a use exception to allow a photography studio. She then introduced Lisa Kruss, owner of pet photos. Mrs. Kruss stated that her business is a photography studio with a specialty in family Pet Photos. Mrs. Jorgensen noted that there is a pet groomer located in the tenant space next to Pet Photos, and that the two businesses would compliment each other very well. She also stated that they were unaware of the zoning restrictions pertaining to photography studios, and did not intentionally disobey the ordinance.

"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."

Michelle Kulikowski, Associate Planner, presented the staff report. She stated that the Lombard Crescent Shopping Center is located southeast of the intersection of St. Charles Road and Crescent Boulevard. She noted that the shopping plaza is 12,000 square foot shopping with eight tenant spaces.

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Ms. Kulikowski gave some background regarding the petition. She noted that Pet Photos submitted an application for certificate of occupancy in December, 2004 for a photography studio to operate on the subject property. She stated that upon review of application, the Community Development Department notified the business owner as well as the property owner that the subject property is zoned B2 General Neighborhood Shopping District and photography studios are not listed as either a permitted or conditional use. Staff noted two options with the property owner to address the photography studio. The first option would be to create an amendment to the Zoning Ordinance to allow photography studios in the B2 General Neighborhood Shopping District. Ms. Kulikowski mentioned that staff was hesitant to have the petitioner pursue this option as such an amendment would have much greater applicability throughout the Village than what is really attempting to be addressed within the shopping plaza on the subject property. She noted that staff suggested that the petitioner consider applying for a conditional use for a planned development with a use exception for the photography studios.

With regard to the petition, Ms. Kulikowski stated that the subject property meets the minimum width and area requirement for a planned development, having 350 feet of street frontage and is approximately 30,500 square feet in area. She also noted that the photography establishment can be supported by staff because it will occupy approximately 1,000 square feet of the 12,000 square foot shopping plaza (8.3%) and no external modifications will be needed that would negatively affect the subject property or the properties abutting the subject property.

Ms. Kulikowski noted that the Comprehensive Plan recommends low to medium density residential for the area around the intersection of Crescent and St. Charles Boulevard. She stated that staff feels that the planned development can be considered compatible with the Comprehensive Plan because it is a established commercial area and is zoned for commercial activity. She noted that the conditional use for the planned development is not an expansion of the commercial function, but instead is intended to provide for a mix of uses and activities consistent with local commercial activities.

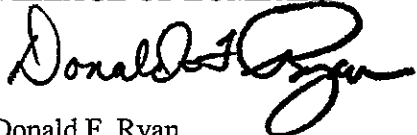
Chairperson Ryan then opened the meeting for discussion among the Plan Commissioners. Commissioner Olbrysh stated that the proposed use would be a fine addition to the shopping center.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition does comply with the standards required by the Lombard Zoning Ordinances and will enhance the development; and, therefore, I move that the Plan Commission adopt the findings included within the Inter-Departmental Group Report as the findings of the Lombard Plan Commission, and recommend to the Corporate Authorities **approval** of PC 05-10, subject to the following conditions:

1. Pet Photos shall obtain a certificate of occupancy within 30 days of approval of the Ordinance.
2. That the use exception be limited to the tenant space addressed as 421 E. Crescent Boulevard and comprising the west 20 feet of the existing shopping center building.

Respectfully,

VILLAGE OF LOMBARD



Donald F. Ryan  
Lombard Plan Commission

c. Petitioner  
Lombard Plan Commission

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

TO:	Lombard Plan Commission	HEARING DATE:	May 16, 2005
FROM:	Department of Community Development	PREPARED BY:	Michelle Kulikowski Associate Planner

**TITLE**

**PC 05-10; 401-421 Crescent Boulevard:** The petitioner requests approval of a conditional use for a Planned Development for the Subject Property, with a use exception to allow photography studio as a permitted use.

**GENERAL INFORMATION**

Petitioner/ Property Owner:	Lombard Crescent, LLC P.O. Box 217 Lombard, 60148
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**PROPERTY INFORMATION**

Existing Land Use:	Neighborhood shopping center
Size of Property:	30,573 square feet
Comprehensive Plan:	Low to Medium Density Residential
Existing Zoning:	B2 Neighborhood Shopping District
Surrounding Zoning and Land Use:	
North:	B2 Neighborhood Commercial District and R4 Limited General Residential District; developed as an office building and an apartment building
South:	R2 Single Family Residential District; Union Pacific Railroad
East:	R4 Limited General Residential District; vacant lot
West:	R4 Limited General Residential District, vacant lot

## ANALYSIS

### SUBMITTALS

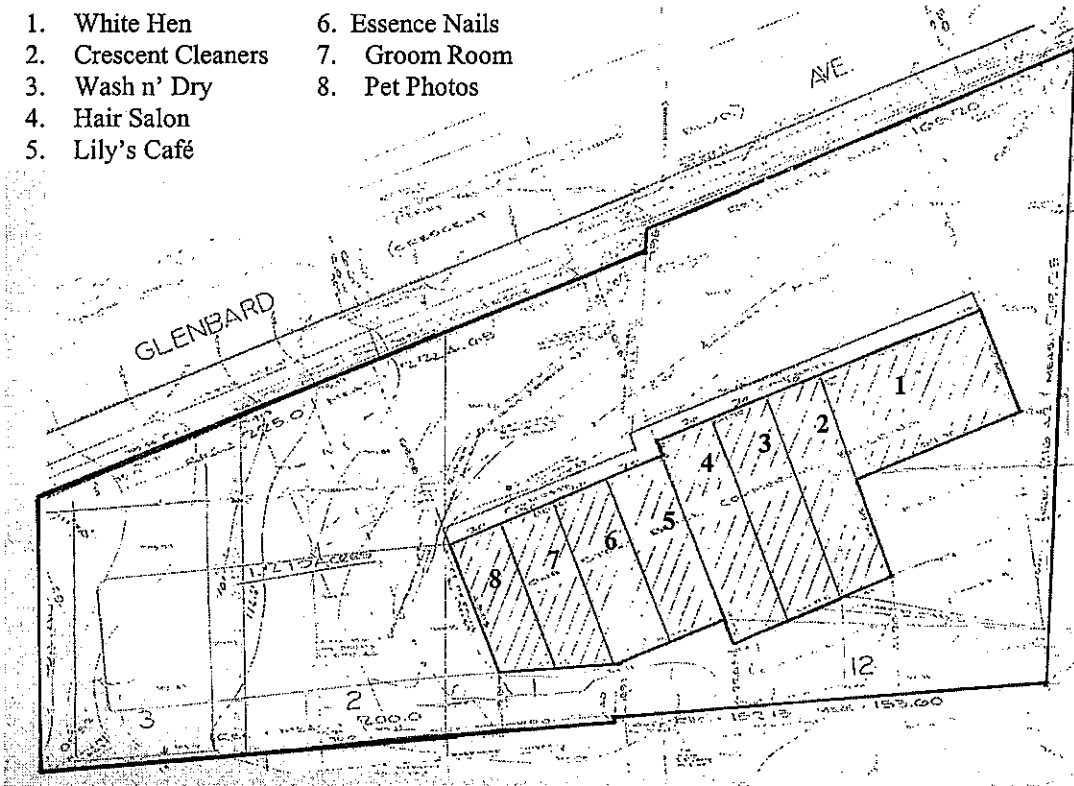
This report is based on the following documentation, which was filed with the Department of Community Development:

1. Petition for Public Hearing, received April 6, 2005, with response to standards.
2. Plat of Survey, prepared by Glen D. Krisch Land Surveyer, Inc., dated August 20, 1982.

### DESCRIPTION

The Lombard Crescent shopping center is located southeast of the intersection of St. Charles Road and Crescent Boulevard. The petitioner is requesting a conditional use for a planned development with a use exception to allow photography studios. The property is improved with a 12,000 square foot shopping center with eight tenant spaces.

- |                      |                  |
|----------------------|------------------|
| 1. White Hen         | 6. Essence Nails |
| 2. Crescent Cleaners | 7. Groom Room    |
| 3. Wash n' Dry       | 8. Pet Photos    |
| 4. Hair Salon        |                  |
| 5. Lily's Café       |                  |



## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **ENGINEERING**

#### Private Engineering Services

Private Engineering Services has no comments regarding this project.

#### Public Works

The Department of Public Works has no comments regarding this application.

### **FIRE AND BUILDING**

The Fire Department/Bureau of Inspectional Services has the following comments:

1. Fire Prevention inspections need to be conducted, along with any inspections by the building department, then obtain a certificate of occupancy with proper approvals of space usage.
2. The petitioner will need to obtain any building permits that would pertain to any alternation/construction within the rentable space.
3. Updating of fire alarm system may be required by the Fire Marshal's office. If space is already occupied, compliance to all codes and ordinances must be met.

### **PLANNING**

Pet Photos submitted an application for certificate of occupancy in December, 2004 for a photography studio to operate on the subject property. Upon review of application, the Community Development Department notified the business owner as well as the property owner that the subject property is zoned B2 General Neighborhood Shopping District and photography studios are not listed as either a permitted or conditional use.

Staff noted two options with the property owner to address the photography studio. The first option would be to create an amendment to the Zoning Ordinance to allow photography studios in the B2 General Neighborhood Shopping District. Staff was hesitant to have the petitioner pursue this option as such an amendment would have much greater applicability throughout the Village than what is really attempting to be addressed within the shopping plaza on the subject property.

As an alternate, staff suggested that the petitioner consider applying for a conditional use for a planned development with a use exception for the photography studios. The petitioner is now bringing an application forward in this manner.

Conditional Use for a Planned Development

The subject property meets the minimum width and area requirement for a planned development. The property has 350' of street frontage and is approximately 30,500 square feet in area. Staff believes that by creating a planned development for the property, the proposed uses can be considered in the context for the standards for planned development.

Use Exceptions

Section 155.508 (B) provides for the establishment of uses within a planned development that are not permitted by the underlying Zoning Ordinance.

Staff notes that the photography establishment can be supported based upon the following considerations:

1. The petitioner notes that the photography studio will occupy approximately 1,000 square feet of the 12,000 square foot shopping plaza (8.3%).
2. No external modifications will be needed to the exterior of the building that would negatively affect the subject property or the properties abutting the subject property.
3. The business activity would be operated consistent with operations of other business in the building.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends low to medium density residential for the area around the intersection of Crescent and St. Charles Boulevard. Staff feels that the planned development can be considered compatible with the Comprehensive Plan. The subject property is a well established area and is zoned for commercial activity. The conditional use for the planned development is not an expansion of the commercial function, but instead is intended to provide for a mix of uses and activities consistent with local commercial activities. Staff finds that as a neighborhood commercial shopping center, the subject property serves an ancillary function to the low and medium density residential in the area.

Compatibility with Surrounding Land Uses

Other commercial uses within the shopping center include a convenience grocery store, dry cleaner, laundromat, hair salon, café, nail salon, and a pet groomer. On the north side of Crescent Boulevard across from the shopping plaza is a multiple-family apartment building and an office building. Another apartment building is located along St. Charles Road to the east of the shopping plaza. A tavern is located to the west of the shopping plaza. Staff feels that a photography studio is compatible with the surrounding land uses and will not impose any negative impacts.



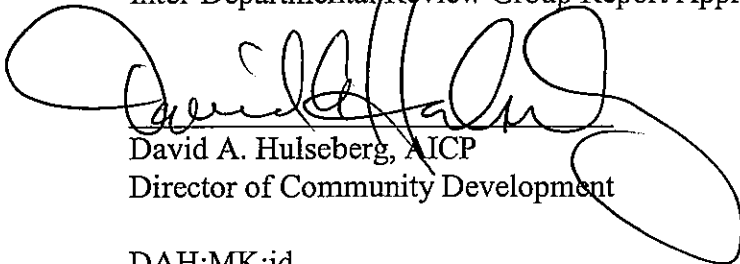
## FINDINGS AND RECOMMENDATIONS

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition subject to the conditions as outlined:

Based on the submitted petition and the testimony presented, the petition does comply with the standards required by the Lombard Zoning Ordinance and meets the standards for conditional uses and for planned developments and that granting a planned development is within the best interest of the Village; and, therefore, I move that the Plan Commission adopt the findings included within the Inter-Departmental Group Report as the findings of the Lombard Plan Commission, and recommend to the Corporate Authorities **approval** of PC 05-10, subject to the following conditions:

1. Pet Photos shall obtain a certificate of occupancy within 30 days.
2. That the use exception be limited to the tenant space addressed as 421 E. Crescent Boulevard and comprising the west 20 feet of the existing shopping center building.

Inter-Departmental Review Group Report Approved By:



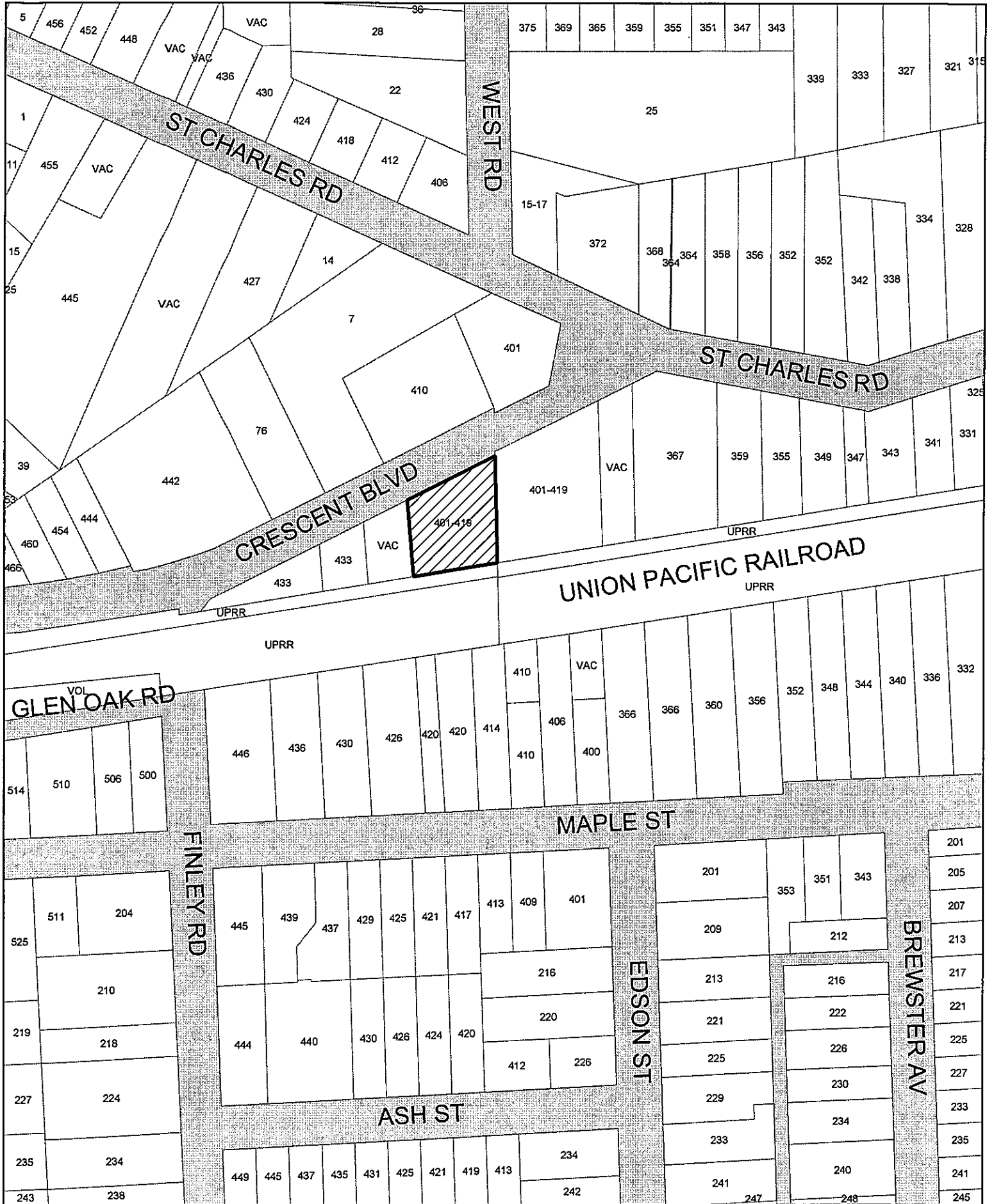
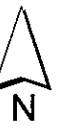
David A. Hulseberg, AICP  
Director of Community Development

DAH:MK:jd

att  
c. Petitioner

# Location Map

PC 05-10: 421 E. Crescent Boulevard



Dear Village of Lombard Plan Commission,

We would like to request the exiting zoning on 421 Crescent Blvd be changed from B2 to B2PD General Neighborhood Shopping Planned Development. It is our understanding that a planned development is a conditional use of the property that provides a mechanism to accommodate development that is in the public interest and might not otherwise be permitted. We are requesting this change so a certificate of occupancy can be issued for Pet Photos. Pet Photos is a family owned business that is taking professional photos of dogs and cats.

We have reviewed the Standards for Planned Developments with Use Exceptions and hope we meet the following conditions.

- 1) Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses. Pet Photos is a family owned business that has created place to have photos taken of their pets. This store is located next to a dog grooming business.
- 2) Proposed use exceptions are not of a nature, nor located, so as to create detrimental influence in the surrounding properties. The presence of this store has not shown to have any negative influence on the surrounding properties.
- 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. This store does not represent more that 40% on the total floor area.

Should you have any additional questions please feel free to contact us at 630-665-3524. Thank you for reviewing the information.

Sincerely,

  
Dolores Jorgensen

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING A  
CONDITIONAL USE FOR A PLANNED  
DEVELOPMENT WITH A USE EXCEPTION TO ALLOW PHOTOGRAPHY  
STUDIOS AS A PERMITTED USE**

(PC 05-10: 401-421 Crescent Boulevard)

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, an application has heretofore been filed requesting approval of a conditional use for a planned development with a use exception to allow photography studios as a permitted use; and,

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

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on May 16, 2005 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation 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 for a planned development with a use exception to allow photography studios as a permitted use is 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 229 S. Main Street, Lombard, Illinois and legally described as follows:

LOTS 1, 2, and 3 in BLOCK 2 IN ANDERSON AND BURKE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 29, 1924 AS DOCUMENT 175798, IN DUPAGE COUNTY ILLINOIS.

ALSO: LOT 12 IN OWNERS SUBDIVISION, BEING A RESUBDIVISION OF OUTLOT 9 IN THE TOWN OF LOMBARD, BEING A SUBDIVISION IN SECTION 5, 6, 7, 8, AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID OWNERS SUBDIVISION RECORDED SEPTEMBER 21, 1925, AS DOCUMENT 200027, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-07-208-001, 06-07-106-008 and 009

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

1. Pet Photos shall obtain a certificate of occupancy within 30 days from the date of approval of this Ordinance.
2. That the use exception be limited to the tenant space addressed as 421 E. Crescent Boulevard and comprising the west 20 feet of the existing shopping center building.

Ordinance No. \_\_\_\_\_  
Re: PC 05-10  
Page 3

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 \_\_\_\_\_, 2005.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_, day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk