

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: April 19, 2010

FROM: Department of
Community Development

PREPARED BY: Michael S. Toth
Planner I

TITLE

PC 10-04: Text Amendments to the Zoning Ordinance: The Village requests a text amendment to Section 155.420(C) of the Lombard Zoning Ordinance (and other sections where needed for clarity) allowing “Motor vehicle sales” to be listed as a conditional use within the I - Limited Industrial District.

GENERAL INFORMATION

Petitioner: Village of Lombard
255 E. Wilson Ave
Lombard, IL 60148

ANALYSIS

DESCRIPTION

Recently, Village staff has received a number of requests to establish automotive sales facilities within industrial areas of the Village. As a result, the Planning Services Division is initiating this text amendment to allow “Motor vehicle sales” to be listed as a conditional use within the I-Limited Industrial District.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

The Department of Public Works has no comments on the petition.

PRIVATE ENGINEERING SERVICES

The Private Engineering Services Division of Community Development has no comments.

BUILDING DIVISION

The Building Division offers the following comments in reference to PC 10-04;

1. In most cases, vehicle sales would constitute a change of use in the industrial district, and as such would require all applicable codes to be met for that new use group.
2. In addition to changes within the building, additional accessible parking may be required to accommodate the new use and occupant loads.

FIRE DEPARTMENT

The Fire Departments comments are:

1. Storage of Motor Vehicles inside a building requires that the building be fully equipped with a fire sprinkler system.
2. Indoor auto sales show rooms are considered storage of vehicles.

PLANNING

The Planning Services Division has been receiving an increased number of inquires from prospective businesses seeking to establish automotive sales facilities within industrial areas of the Village. Currently, “Motor vehicle sales” are neither a permitted or conditional use in the I-Limited Industrial District. As a result, staff has initiated the text amendment to allow “Motor vehicle sales” to be listed as a conditional use within the I - Limited Industrial District. This text amendment, if approved, will allow Village staff to better respond to the requests and accommodate such a use.

Table 1 below illustrates how the various automotive uses are currently being regulated in the Zoning Ordinance.

Uses	B1	B2	B3	B4	B4A	B5	B5A	I
Automobile Repair	-	C	C	C	C	-	C	C
Automobile Service	-	C	C	C	C	C	C	C
Mobile Home Sales	-	-	-	C	-	-	-	-
<i>Motor vehicle sales</i>	-	C	C	C	C	-	-	-
Outside Storage of Motor Vehicles	-	-	-	-	-	-	-	C
“C” = Conditional Use, “P” = Permitted Use, “-” = Prohibited Use								

Table 1

From a land use perspective motor vehicle sales is very similar to Outside Storage of Motor Vehicles which is already a Conditional Use in the I-Limited Industrial District. In addition, many of the ancillary uses associated with motor vehicle sales (automobile repair and service) are also listed as a Conditional Use in the I - Limited Industrial District.

For reference purposes, staff completed an analysis of surrounding communities that did allow motor vehicle sales in their industrial district(s) to better understand how they regulate the use. Table 2 below depicts how those surrounding communities regulate motor vehicle sales in their industrial districts.

Municipality	Permitted	CU/SU	Comments
Carol Stream		X	
Downers Grove		X	Special Use in the M-1 Manufacturing District (I- District equivalent).
Elmhurst		X	
Franklin Park		X	Conditional Use in the I -1 Restricted Industrial District.
Glen Ellyn	X		Permitted use in the C3 Service Commercial District (I – District equivalent).
Hannover Park		X	
Itasca	X		Permitted Use in the M Manufacturing District (I- District equivalent) when in a completely enclosed building.
Villa Park	X		Permitted use in the M-1 Light Industrial District and M-1 Industrial District.

Table 2

It is staff’s opinion that “Motor vehicle sales” as a conditional use in the I-Limited Industrial District is appropriate. Many of the prospective automotive sales businesses seeking buildings in the I-Limited Industrial District generate their sales through the internet rather than from walk-in customers. Therefore, these businesses seek larger warehousing buildings found in the industrial areas of the Village. If the text amendment is approved, the Conditional Use process will allow staff, the Plan Commission and the Village Board the opportunity to review each case to ensure that all the applicable standards are being met.

Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards and staff’s responses are noted below:

- The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*

The proposed amendments would be uniformly applied to the I-Limited Industrial District as a conditional use. All similar use proposals in the I-Limited Industrial District would be subject to the conditional use process. From a land use perspective, several automotive uses already exist as conditional uses in the I-Limited Industrial District, which includes: Automobile repair, Automotive service, Cartage and express facilities and Outside storage of motor vehicles.

- The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The I-Limited Industrial District is intended to provide an environment suitable for industrial activities that do not create appreciable nuisance or hazards, or that require a pleasant, hazard-and- nuisance-free environment.

The I-Limited Industrial District is intended as a major employment generating area and will create significant traffic and other impacts; as such, lands within the I District shall be designated as “areas of critical concern”. In staff’s opinion, the types of activities associated with the proposed use is suitable in the I-Limited Industrial District. Since many of the prospective automotive sales businesses generate their sales through the internet, they will likely seek larger warehousing buildings found in the industrial areas of the Village. In addition, many of the ancillary uses associated with motor vehicle sales (automobile repair and service) are also listed as a Conditional Use in the I - Limited Industrial District.

3. *The degree to which the proposed amendment would create nonconformity;*

The proposed text amendment would not create any non-conforming situations as the proposed use has previously not existed as a permitted or conditional use within the I-Limited Industrial District.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendment will make the ordinance more permissive by right, as it relates to motor vehicle sales in the I-District. Furthermore, the amendments will allow any motor vehicle sales use proposals to petition for a conditional use, without requiring companion text amendment approval.

5. *The consistency of the proposed amendment with the Comprehensive Plan;*

The subject use could be applied to all light industrial properties throughout the Village; however, discretion as to whether a particular site is suitable for such a use would be determined by the conditional use process.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*

The Village has a history of amending its Zoning Ordinance to address evolving circumstances presented by petition or to clarify the intent of the Ordinance provisions. In 2008, text amendments to the Lombard Zoning Ordinance were adopted to allow “Animal Day Care Facilities” and “Kennels” to both be listed as a conditional use within the I-Limited Industrial District. In 2009, text amendments to the Lombard Zoning Ordinance were adopted to allow “Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product)” to be listed as a conditional use within the I-Limited Industrial District. This amendment is similar in scope as it demonstrates an evolving I-Limited Industrial District, which now includes quasi-industrial uses.

Proposed Text Amendments

The following are the proposed text amendments for the Zoning Ordinance and Code of Ordinances. Proposed changes to the Zoning Ordinance is denoted by **underlining** new text.

SECTION 155.420 I LIMITED INDUSTRIAL DISTRICT REQUIREMENTS

C. Conditional Uses

Subject to the provisions of Section 155.103 (F) in this Ordinance, the following conditional uses may be allowed:

1. Adult uses (including but not limited to adult book stores, adult cabarets, adult theaters, and adult video stores) subject to the adult use:

(a) Not being located within 500 feet of a zoning district which permits (or allows as a conditional use) residential development, educational or religious institutions, parks, or playgrounds;

(b) Not being located within 1,000 feet of another adult use (distances to be measured from property lines);

(c) Being conducted in a manner that prohibits the observation of any material depicting, describing or relating to any specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way

2. Animal Day Care Facility

3. Automobile repair

4. Automotive service

5. Banks

6. Building material sales and storage

7. Cartage and express facilities

8. Catering Services

9. Clubs and Lodges, non-profit and fraternal

10. Collection Centers, Attendant

11. Collection Centers, Recycling, provided that the following provisions are met:

(a) The recycling collection center is located in an area where there is an excess of parking beyond that required in Section 155.600 et. seq.

(b) Placement of any containers shall be on a hard surface parking area;

(c) The recycling collection center must be staffed full-time to monitor the use, and all collection is to be removed on a daily basis. Any area involved must be swept and cleaned at the end of the business day.

(d) Recycling collection centers shall not operate without the consent of the property owner stating approved days and hours of operation as part of the application for conditional use approval.

12. Compost collection facility

13. Concrete and cast stone fabrication and molding

14. Contractors, architects, and engineers equipment and material storage yards

15. Cosmetics production

16. Dairy products processing or manufacture

17. Food manufacture, packaging, and processing

18. Gasoline sales

19. Glass products production

20. Heliports, private or commercial

21. Kennels

22. Learning centers (no outdoor component)

23. Metal Plating, Forging, or Casting

24. Mortuarial Services

25. Motor Vehicle Sales

26. Off-site parking, conforming to Section 155.602 (A) (3) (b) of this Ordinance

27. Outpatient medical and dental offices and clinics
28. Paper products manufacture
29. Parks and playgrounds
30. Planned developments in conformance with Section 155.500 of this Ordinance
31. Plastic extruding
32. Recreation buildings or community centers
33. Religious Institutions
34. Restaurants
35. Schools: public and/or private elementary, middle and high
36. Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product)
37. Soap manufacture
38. Stadiums, auditoriums, and arenas – open or enclosed
39. Outside Storage of Motor Vehicles
40. Trade school
41. Other manufacturing, processing, storage, or industrial uses as determined by the Director of Community Development to be of the same general character as the uses permitted in Subsection 155.418(C), above, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, toxic or noxious matter or glare or heat
42. Four (4) story buildings within one hundred feet (100') of residentially-zoned property or a minor or major arterial street and buildings which are forty feet (40') to forty-five feet (45') in height and which are within one hundred (100') of a residentially-zoned property or a minor or major arterial street.
43. Accessory uses and buildings incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Lombard Zoning Ordinance. As such, 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 requested text amendments **comply** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 10-04.

Inter-Departmental Review Group Report Approved By:

William Heniff, AICP
Director of Community Development