

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission HEARING DATE: September 19, 2005

FROM: Department of Community Development PREPARED BY: William J. Heniff, AICP
Senior Planner

TITLE

PC 05-36; 506 East St. Charles Place: The petitioner requests that the Village take the following actions to allow for an addition to the existing Scoop's building located within the B4 Corridor Commercial Shopping District:

1. Grant a variation from Section 155.415 (F)(1) of the Zoning Ordinance to allow for a variation in the front yard setback from thirty feet (30') to two feet (2');
2. Grant a conditional use, pursuant to Section 155.208 (C) of the Zoning Ordinance, to allow for two principal buildings to be located on a lot of record; and
3. Grant an amendment to the conditions of approval associated with Ordinances 5324 and 5691 to allow for the re-establishment of the legal nonconforming status of an existing building on the subject property, if necessary.

GENERAL INFORMATION

Petitioner: Mike Trombetta
52 Orchard Terrace
Lombard, IL 60148

Property Owner: Jeffrey Weinberg
124 West Jackson
Villa Park, Illinois 60181

Status of Petitioner: Proposed property tenant

PROPERTY INFORMATION

Existing Land Use: Hobby store and Scoop's ice cream parlor (vacant)

Size of Property: Approximately 20,600 sq. ft.

Comprehensive Plan: Recommends community commercial

Existing Zoning: B4 Corridor Commercial District

Surrounding Zoning and Land Use:

- North: R4 General Residence District, Planned Development; under construction as the Oakview Estates condominium development.
- South: CR Conservation/Recreation District; developed as Lombard Common Park
- East: B4 Corridor Commercial District; developed as the Great Western Trail right-of-way and an office building
- West: St. Charles Road and St. Charles Place rights-of-way

ANALYSIS

DESCRIPTION

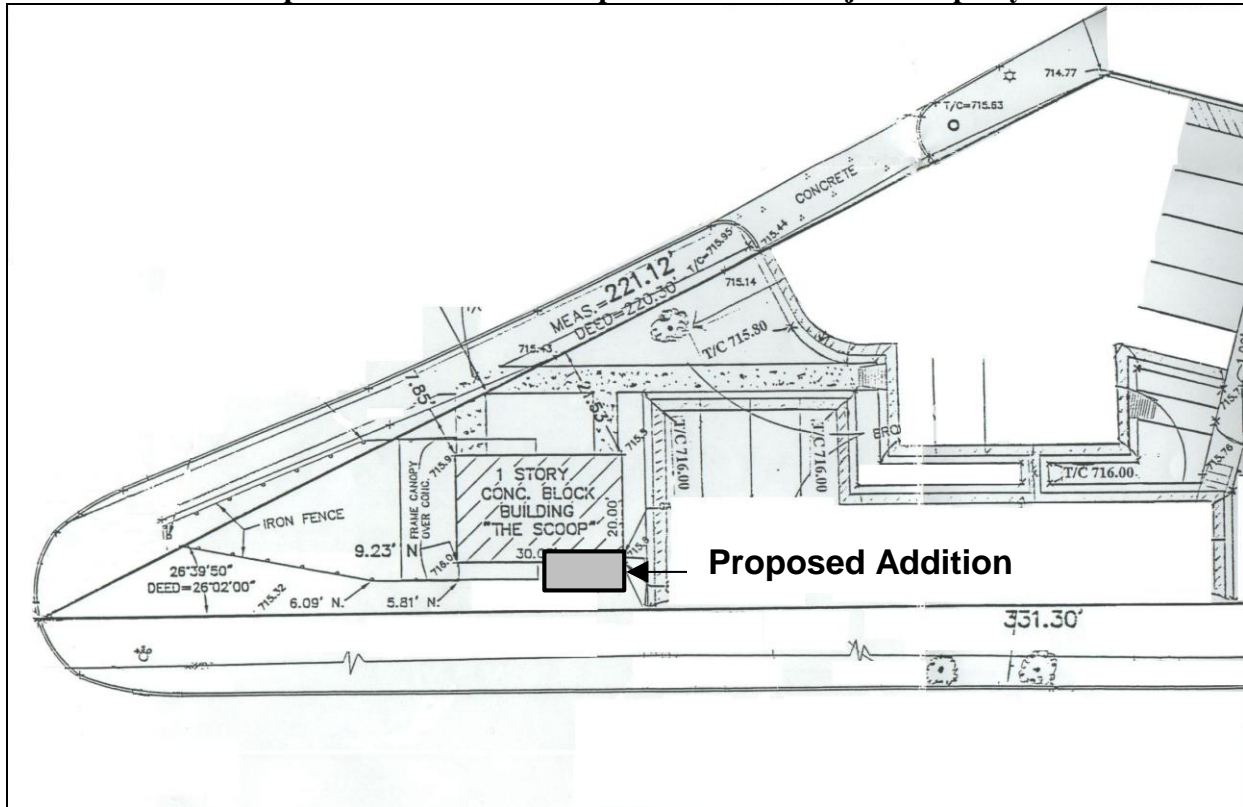
A traffic accident substantially damaged the Scoop's ice cream building in 2001. To provide for the reconstruction and rehabilitation of the building, the Village Board approved a conditional use to re-establish the legal non-conforming status of the ice cream building and allow the property owner to re-establish the business as it was prior to the auto accident (PC 03-11, Ordinance 5324). Amendments to the conditions of approval were adopted by the Village earlier this summer (PC 05-16, Ordinance 5691) which requires specific times for a lease agreement and for issuance of a Certificate of Occupancy and/or Zoning Certificate for the property as follows:

- That a building permit for any requisite interior or exterior improvements shall be applied for no later than forty-five (45) days (i.e., September 22, 2005) from the date of approval of this Ordinance.
- That a Certificate of Occupancy/Zoning Certificate shall be applied for and shall be approved by the Village within one-hundred thirty-five (135) days (i.e., December 31, 2005) from the date of approval of this Ordinance.

Since the latest approval was granted, the lessee of the Scoop's buildings has developed building plans for a fast-food establishment. However, upon review of the plans by the DuPage County Health Department, they are requiring that the lessee provide a new 6'x12' cooler for food products. The additional cooler would be attached to the existing building and would constitute a building addition. As the building is located completely within two front setback yards, additional zoning actions are needed from the Village to accommodate this addition. Moreover, as a building expansion, the petitioner will also need to request conditional use approval to allow for the building expansion of one of the two principal buildings on the lot. Lastly, staff also

referenced Ordinance 5691 in the public hearing request if the associated completion dates need to be amended to accommodate this addition.

Proposed Site Plan of Scoop's Portion of Subject Property



INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The Private Engineering Services Division has the following comment on this petition:

Stormwater detention shall be required for the proposed building addition. However, the Director of Community Development may grant, at his discretion, an administrative variance to accept a fee in lieu of on-site detention per Village Code Section 151.56. (*This fee would be about \$268*)

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services notes the following items that will need to be addressed as part of the building permit submittal:

1. Prior to occupancy, outstanding building codes must be addressed.
2. DuPage County Health Department has a number of issues that need to be addressed prior to their approval for use.
3. The Fire Department needs to have all Life Safety and Fire Code issues addressed as well.
4. Additional comments will be noted on the building permit application and plans.

PLANNING

Compliance with the Zoning Ordinance

The subject property has the following existing characteristics (actions required as part of this petition are highlighted):

	Code Requirements	Existing Scoop's building/ property as constructed	Scoop's building/ property with expansion
Front Yard Setback (St. Charles Road)	30 feet	7.85 feet	7.85 feet
Front Yard Setback (St. Charles Place)	30 feet	8.81 feet	2 feet
Number of principal buildings on a lot	1 permitted; more than 1 permitted as a conditional use	2	2
Outdoor dining area	Conditional use	Partially located within St. Charles Road right-of-way	On private property

Front Yard Setback Variation

As the building is entirely located within setback yards, any expansion to the existing building would necessitate zoning relief, as it would increase the degree of non-conformity. The proposed addition would encroach six feet further into the St. Charles Place front yard setback, placing the building approximately two feet from the second front property line.

From a design aesthetic standpoint, the placement of the cooler on the south side of the building would decrease its visual prominence along St. Charles Road. It would also preserve the parking lot improvements constructed in 2000 immediately to the east of the Scoop's building – hence no parking spaces would be lost by the cooler expansion.

To minimize the impacts of the cooler addition, the petitioner is proposing façade improvements as depicted on the submitted plans. These improvements include a new seam metal roof, rooftop

mechanical screening and an integrated paint scheme to tie the cooler addition with the existing building.

Conditional Use for Two Structures on a Lot

Section 155.208 (C) of the Zoning Ordinance, allows for two principal buildings to be located on a lot of record as a conditional use. As no previous relief has been granted by the Village, the two principal buildings would constitute an expansion to a non-conformity and zoning relief would be required.

Amendments to Previous Ordinances

Ordinances 5324 and 5691 allow for the re-establishment of the legal nonconforming status of the Scoop's building. Ordinance 5691 set forth specific timelines for improvements to be completed. This request was added to the petition to ensure that if the Village Board needed to further amend the time provisions associated Ordinance 5691, proper notice was provided.

In the event that any of these timelines are not met, the conditional use granted through Ordinance 5324 and 5691 would be null and void and the full provisions of Section 155.305 of the Zoning Ordinance would be in effect. This would also require the property owner to be responsible for razing the structure.

Standards for Relief

The Village Board approved two Ordinances setting forth provisions to allow for the Scoop's building to be restored. It must be therefore assumed that it is the desire of the Board to see the existing Scoop's building to be restored and made into a viable business. To implement the desire of the Board, the relief included as part of this petition would also be necessary.

Appendix A is staff's response to the standards for variations and for conditional uses. These responses are based upon the issues raised by the Village and the County Health Department as well as those expressed by the petitioner.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends that the subject property be developed for commercial purposes. The ice cream/restaurant sales activity on the premises would be consistent with the Comprehensive Plan.

Compatibility with Adjacent Land Uses

The property is bordered by open space recreational uses to the south (Moran Water Park). While the proposed addition will be visible from the park, its overall size will not create a substantial visual impact on the park. The building addition will only been seen from higher elevations within the new Oakview Estates Condominiums north of the subject property.

However, to ensure compatibility within the subject property, staff recommends that the Lombard Hobbies building also located on the subject property be improved with façade improvements compatible with the proposed improvements for the Scoops building. Staff suggests that the property owner provide a concept plan for Village Board consideration prior to the final reading of Ordinances approving the property.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, 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 proposal does comply with the standards required by the Lombard Zoning Ordinance, and, therefore, I move that the Plan Commission accept the findings and responses to the standards for variations and conditional uses included within the Inter-departmental Review Report as the findings and responses of the Lombard Plan Commission and therefore, recommends to the Corporate Authorities **approval** of PC 05-36, subject to the following conditions:

1. The property shall be developed in accordance with the site plan and building elevation packet prepared by Randy Prun, ALA, dated September 1, 2005 and made a part of this petition, except as varied by the conditions of approval.
2. The petitioner/property owner shall provide foundation landscaping around the building addition consistent with Section 155.708 of the Zoning Ordinance, consisting of shubbery, evergreens and/or hedges places along the foundation wall areas in addition to approved ground cover, with the final design subject to the Director of Community Development.
3. All private encroachments within the public right-of-way shall be removed.
4. The outdoor dining area shall be fenced, with the design of the fence subject to the approval of the Director of Community Development and pursuant to the fence regulations included within the Zoning Ordinance.
5. All other provisions associated with Ordinances 5324 and 5691 not amended by this Ordinance shall remain in full force and effect.
6. In the event that the provisions of Ordinances 5324 and 5691 are not met, the actions associated with this petition shall also immediately expire. Moreover, in the event that the Scoop's building is razed or is again damaged by more than fifty percent of the value of the building, the relief associated with this petition shall also be null and void.

7. That prior to final consideration of any Ordinances approving the requested actions on the subject property, the property owner shall provide the Village with a building elevation plan to improve the exterior of the Lombard Hobbies building so that it is compatible with the proposed Scoop's building. The Lombard Hobbies building improvements shall be completed within twelve (12) months from the date of approval of the aforementioned Ordinance.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

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att.

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Appendix A

Staff Response to Standards for Variations & Conditional Uses

SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

Staff notes that any expansion of this building would necessitate zoning relief. The hardship is created not by the property owner or petitioner but is a function of DuPage County Health Department requirements that necessitate the addition of a larger cooler to the building.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

The property is uniquely shaped and was developed prior to the property's annexation into the Village.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

The relief is requested in order to make the building a viable business enterprise.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

While the addition is created by the petitioner, its addition is necessitated by the requirements of other governmental agencies.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

The addition will be located outside of any clear line of sight areas and will be located away from the more visible and predominant front yard along St. Charles Road.

6. The granting of the variation will not alter the essential character of the neighborhood; and,

The addition will be integrated into the proposed building architecture.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The addition will be required to meet these provisions.

STANDARDS FOR CONDITIONAL USES

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 two principal structures on this property will not negatively impact the public health, safety, morals, comfort, or general welfare. The property has been developed with two structures for a substantial period of time.

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 addition will provide value to the existing Scoop's building and will eliminate its deleterious appearance. Therefore, the addition will create an enhancement to the area.

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 addition is intended to ensure the development of the property with viable commercial uses.

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

The addition will not affect utilities or access roads. Drainage issues will be addressed as part of the permit submittal or as part of a fee in-lieu of detention payment.

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;

The addition and the two existing principal structures will not impact traffic patterns in the area.

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

The addition will advance the Comprehensive Plan's recommendation that the property be used for retail commercial purposes.

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

This provision will be met.