

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: March 29, 2006 (BOT) Date: April 6, 2006

TITLE: PC 06-07: 270 Eisenhower Lane North, Units 1-3

SUBMITTED BY: Department of Community Development



BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village grant a conditional use, pursuant to Section 155.418 (C) of the Zoning Ordinance, to allow for automobile repair within the I Limited Industrial District. (DISTRICT #3)

The Plan Commission recommended approval of this petition with amended conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X 
Date _____
Date 03/29/06

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 *DH*

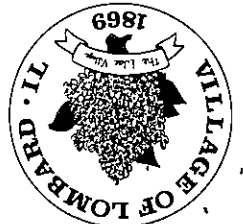
DATE: April 6, 2006

SUBJECT: PC 06-07: 270 Eisenhower Lane North, Units 1-3

Attached are the following items for Village Board consideration as part of the April 6, 2006 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 06-07;
3. An Ordinance granting approval of a conditional use for an automobile repair establishment, subject to conditions.

Please let me know if you have any questions on the aforementioned materials.



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 William J. Mueller

Village Clerk
 Brigitte O'Brien

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

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

Subject: PC 06-07; 270 Eisenhower Lane North, Units 1-3

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner is requesting that the Village grant a conditional use, pursuant to Section 155.418 (C) of the Zoning Ordinance, to allow for automobile repair 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 March 20, 2006. Maury Schell of Automotivation, Inc., petitioner, presented the petition. He stated that he was seeking a conditional use for his automobile repair and maintenance business that he has operated in Lombard for the past 12 years. They are moving to a new tenant space to allow for more working room, better visibility, ease of moving vehicles, and easier product delivery. The new tenant space was originally occupied by a truck repair business. The parking will be unchanged and they will meet all federal, state, local, EPA, and OSHA requirements.

Vice-Chairperson Flint then opened the meeting for public comment. James Sherry, 300 Eisenhower Lane North, stated that he has run a business adjacent to the subject property for the past 12 years. His concern is the appearance of the site, with the potential for broken down cars parking everywhere. He stated there was a boat in the rear of the property, cargo containers in the parking lot, and the fence dividing their properties continues to fall down. Mr. Sherry stated that he has no objection to the requested conditional use, but he would like the Board to make certain the property is kept in proper condition.

The petitioner responded that there were no abandoned vehicles on the property and that any vehicles were kept in a fenced-in parking area. He noted that some vehicles are on-site longer than others due to needing parts or the financial situation of the customer. There are three cargo containers on the property. The fence was damaged during construction on the adjacent property. The petitioner stated that the cargo containers and fence are not under his control, but they could be brought up to the property owner.

"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."

Commissioner Sweetser asked who the fenced in area is leased by. The petitioner stated that, as a tenant, he was not qualified to answer that question.

Commissioner Sweetser asked if the petitioner has the right to keep cars in the fenced-in area. The petitioner stated that he does park vehicles there but has never been cited for abandoned vehicles. There had been two occasions where vehicles had been abandoned and the petitioner had the vehicles ticketed and towed. All other vehicles are there for repair and are parked in an orderly fashion to ensure continual access in and out of the lot. Their delivery vehicles require a 53-foot turning radius, so the site must be kept clear. The petitioner stated that he does his best to maintain the property.

Commissioner Burke asked about the boat and cargo containers. The petitioner responded that the boat belongs to a customer who brought the boat in for a repair estimate and then decided to junk it. He is attempting to locate the title.

Commissioner Burke asked how long the boat had been on the property. The petitioner stated that the boat had been there for six months. He added that none of the three cargo containers belonged to his business.

Mr. Sherry stated that the property owner should be required to bring the fence up to a reasonable appearance if he wants to lease these units.

The petitioner stated that he does not know if there are any codes that regulate the aesthetics of fences. He stated that the fence was up, but some of the supports may need to be addressed.

Commissioner Sweetser asked if this was a code enforcement issue and, if so, she recommended that the fence be looked into. William Heniff, Senior Planner, stated that it would be a code enforcement issue if the fence were in disrepair. He added that there is a nexus between vehicle storage and screening, so this issue could be added as a condition of approval.

There being no further questions, Vice-Chairperson Flint then requested the staff report.

Mr. Heniff presented the staff report. AutoMotivation is an automobile repair establishment that has been operating at 270 Eisenhower Lane North, Unit 10, for several years. The company now wishes to relocate to a larger tenant space within the same building, Units 1-3. Both Units 1-3 and Unit 10 have previously been granted conditional use approvals for various types of motor vehicle repair. The space in Units 1-3 has not been used for vehicle repair activities for a time period of greater than one year, therefore, a new conditional use is required.

The Comprehensive Plan calls for this area to be developed as a Planned Business Park. With the approval of the requested conditional use, the property would be substantially in compliance with the recommendations of the Comprehensive Plan.

The subject property is surrounded by other properties within the Eisenhower Lane industrial park, which is occupied by various types of light industrial land uses. All repair activities will be

conducted indoors and there are no exterior changes planned for the building. Given that the petitioner's business has operated on the same property for a number of years, the relocation to a different tenant space should not create any additional impact on the surrounding properties.

Automobile repair establishments are listed as conditional uses within the I Limited Industrial District. With the approval of this petition, the proposed use will be in compliance with Village Code. Five conditional uses have been granted for tenant spaces within the building on the subject property. In 1979, a conditional use for motor vehicle repair was granted in Units 1-3. However, since more than one year has elapsed since the tenant space has been used for motor vehicle repair, a new conditional use must be granted. Motor vehicle activities have taken place on the subject property for the past 27 years. This, combined with the fact that a similar conditional use was granted for the specific tenant space in question, establishes that the Village has previously considered this an appropriate location for automobile repair activities.

Given the substantial precedent for automobile repair at this location, plus the lack of impact on the adjacent properties, staff recommends approval of the proposed conditional use.

Vice-Chairperson Flint then opened the meeting to the Plan Commissioners.

Commissioner Sweetser noted that boats were not likely included with the Class B license plate category. Mr. Heniff states that boat repair is outside the parameters of motor vehicle repair.

Commissioner Burke recommended that a condition be added to allow staff to conduct a code review of the property prior to the issuance of a Certificate of Occupancy.

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 Ordinance, and therefore, I move that the Plan Commission accept the findings of the Inter-department Review Report as the findings of the Plan Commission and that granting the conditional use is in the public interest and therefore, the Plan Commission recommends to the Corporate Authorities approval of PC 06-07, by a roll call vote of 4-0, subject to the following amended conditions:

1. The petitioner shall apply for and receive a new Zoning Certificate/Certificate of Occupancy for the existing and proposed spaces to be used for the business establishment.

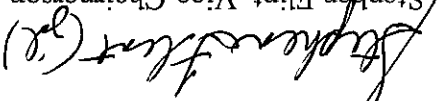
2. This conditional use shall be limited to the service and repair of automobiles or any motor vehicle requiring a standard or a Class B plate as determined by the Office of the Secretary of State of Illinois. Any other repair or motor vehicle repair activities shall be deemed a modification of a conditional use and would require new conditional use approval per Section 155.103 (F)(13) of the Zoning Ordinance.

3. All service and repair activities shall be done within an enclosed building.

4. Prior to the issuance of a Certificate of Occupancy, the property owner shall comply with a code review of the property, particularly with regard to the fence, cargo containers, and boat storage.

Respectfully,

VILLAGE OF LOMBARD


Stephen Flint, Vice-Chairperson
Lombard Plan Commission

att-

c. Petitioner
Lombard Plan Commission

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

TO: Lombard Plan Commission
FROM: Department of Community Development
PREPARED BY: Jennifer Backensto, AICP Planner II
HEARING DATE: March 20, 2006

TITLE

PC 06-07; 270 Eisenhower Lane North, Units 1-3: The petitioner requests that the Village grant a conditional use, pursuant to Section 155.418 (C) of the Zoning Ordinance, to allow for automobile repair within the I Limited Industrial District.

GENERAL INFORMATION

Petitioner:
AutoMotivation Inc.
270 Eisenhower Lane North, Unit 10
Lombard, IL 60148

Property Owner:
F&G Enterprises
c/o JCS Property Management Co.
1235 S. Highland Avenue
Lombard, IL 60148

Relationship of Petitioner:
Tenant

PROPERTY INFORMATION

Existing Land Use: Vacant tenant space within industrial building

Size of Property: 1.7 acres

Comprehensive Plan: Recommends Planned Business Park

Existing Zoning: I Limited Industrial District

Surrounding Zoning and Land Use:

North: I Limited Industrial District, developed as industrial uses

South: I Limited Industrial District, developed as industrial uses

East: I Limited Industrial District, developed as industrial uses

West: I Limited Industrial District, developed as industrial uses

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development on February 10, 2006:

1. Petition for Public Hearing.
2. Response to Standards.
3. Plat of Survey prepared by Jon P. Tice and dated December 29, 1980.
4. Interior floor plan, dated January 27, 2006.

DESCRIPTION

AutoMotivation is an automobile repair establishment that has been operating at 270 Eisenhower Lane North, Unit 10, for several years. The company now wishes to relocate to a larger tenant space within the same building, Units 1-3. Both Units 1-3 and Unit 10 have previously been granted conditional use approvals for various types of motor vehicle repair. The space in Units 1-3 has not been used for vehicle repair activities for a time period of greater than one year, therefore, a new conditional use is required.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire and Building have no comments on this petition as the space was previously used for motor vehicle repair.

Public Works Engineering

Public Works Engineering has no comments on this petition.

Private Engineering

The Private Engineering Services Division has no comments on this petition.

Planning

Compatibility with the Comprehensive Plan

The Comprehensive Plan calls for this area to be developed as a Planned Business Park. With the approval of the requested conditional use, the property would be substantially in compliance with the recommendations of the Comprehensive Plan.

Compatibility with the Surrounding Land Uses

The subject property is surrounded by other properties within the Eisenhower Lane industrial park, which is occupied by various types of light industrial land uses. All repair activities will be conducted indoors and there are no exterior changes planned for the building. Given that the petitioner's business has operated on the same property for a number of years, the relocation to a different tenant space should not create any additional impact on the surrounding properties.

Compatibility with the Zoning Ordinance

Automobile repair establishments are listed as conditional uses within the I Limited Industrial District. With the approval of this petition, the proposed use will be in compliance with Village Code. Five conditional uses have been granted for tenant spaces within the building on the subject property, as detailed in the table below. In 1979, a conditional use for motor vehicle repair was granted in Units 1-3. However, since more than one year has elapsed since the tenant space has been used for motor vehicle repair, a new conditional use must be granted.

Case	Location	Conditional use granted
PC 79-24	Units 1-3	Inside storage, repair, and servicing of motor vehicles
PC 83-20	Unit 10	Automobile repair garage
PC 79-11	Unit D	Inside storage, repair, and servicing of motor vehicles
PC 81-3	Unit 5	Ambulance dispatch and restocking service
PC 80-7	Unit F	Glass products production operation

Motor vehicle activities have taken place on the subject property for the past 27 years. This, combined with the fact that a similar conditional use was granted for the specific tenant space in question, establishes that the Village has previously considered this an appropriate location for automobile repair activities.

Given the substantial precedent for automobile repair at this location, plus the lack of impact on the adjacent properties, staff recommends approval of the proposed conditional use.

FINDINGS AND RECOMMENDATIONS

Staff has reviewed the response to standards included as part of the petition and concurs that the petition meets the standards set forth in the Zoning Ordinance. Staff believes that the proposed use is appropriate at the subject location and is compatible with surrounding uses.

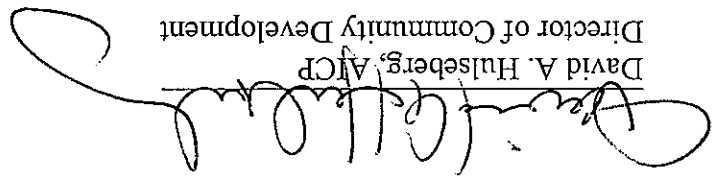
Based on the above findings, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested relief **complies** 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 06-07, subject to the following conditions:

1. The petitioner shall apply for and receive a new Zoning Certificate/Certificate of Occupancy for the existing and proposed spaces to be used for the business establishment.
2. This conditional use shall be limited to the service and repair of automobiles or any motor vehicle requiring a standard or a Class B plate as determined by the Office of the Secretary of State of Illinois. Any other repair motor vehicle repair activities shall be deemed a modification of a conditional use and would require new conditional use approval per Section 155.103 (F)(13) of the Zoning Ordinance.
3. All service and repair activities shall be done within an enclosed building.

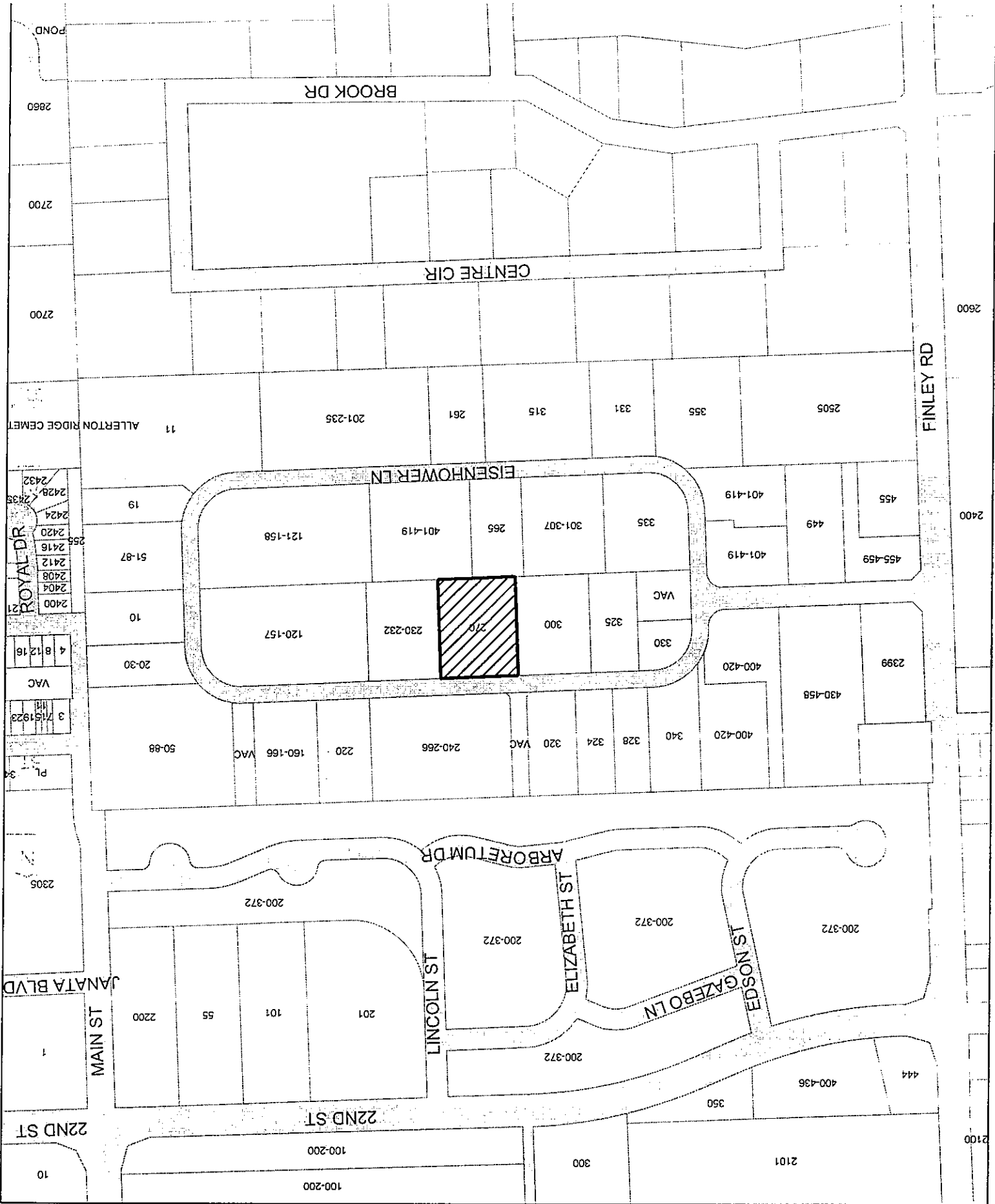
Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Director of Community Development

DAH:JB:

Location Map

PC 06-07
270 Eisenhower Lane North, Units 1-3



Detailed Response To
STANDARDS FOR CONDITIONAL USES
In Lombard Zoning Ordinance

Response 1: The statement is true. AutoMotivation, Inc. has been operating in Lombard for twelve (12) years. It is a self contained operation working within the confines of an industrial park. It handles all matters of comfort, health and safety of all those that work within and visit the location. All matters that deal with health are monitored and if needed removed by licensed professionals.

Response 2: The statement is true. The said conditional use, AutoMotivation, Inc. is located within the confines of an industrial park where like industries function. As mentioned, AutoMotivation, Inc. has been in practice in this location for twelve (12) years and is seeking to move within same structure.

Response 3: The statement is true. As said, the conditional use is within an industrial park where like industries function. As the building is an existing structure, any and all improvements can be made within and around said structure, and indeed have taken place. Several surrounding buildings have made structural improvements within the last several years.

Response 4: The statement is true. All public utilities, access roads, drainages &/or necessary facilities are accessible at any given time and have been in place to afford this.

Response 5: The statement is true. The repair facility as it is located has adequate space within and without (i.e. parking) that no public streets will be affected. Traffic flow as to building location will be as it has been, effected minimally.

Response 6: The statement is true. AutoMotivation, Inc. is within all current Lombard objectives in the Comprehensive Plan in the Village of Lombard as it has been in operation for the past twelve (12) years within the Village of Lombard.

Response 7: The statement is true. AutoMotivation, Inc. (The conditional use) has been and will continue to operate fully within all city, state, federal, EPA and OSHA guidelines. As has conformed to all district codes.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE
PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.418 (C)
OF THE LOMBARD ZONING ORDINANCE**

(PC 06-07: 270 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 defined 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 418 (C) of the Lombard Village Code to provide for an automobile repair establishment; and

WHEREAS, a public hearings on the foregoing application were conducted by the Village of Lombard Plan Commission on March 20, 2006 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, subject to conditions; 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 4 below, pursuant to Title 15, Chapter 155, Section 418 (C) of the Lombard Village Code to provide for an automobile repair establishment, subject to the conditions set forth in Section 3 below.

SECTION 2: That this Ordinance is limited and restricted to the property located at 270 Eisenhower Lane North, Lombard, Illinois and legally described as follows:

LOT 5 (EXCEPT THE EAST 69.0 FEET THEREOF) AND LOT 6 IN LOMBARD INDUSTRIAL PARK UNIT NUMBER ONE, A SUBDIVISION OF PART OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-30-203-007; (the "Subject Property").

SECTION 3: The conditional use, as provided for in Sections 1 of this Ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall apply for and receive a new Zoning Certificate/Certificate of Occupancy for the existing and proposed spaces to be used for the business establishment.

2. This conditional use shall be limited to the service and repair of automobiles or any motor vehicle requiring a standard or a Class B plate as determined by the Office of the Secretary of State of Illinois. Any other repair motor vehicle repair activities shall be deemed a modification of a conditional use and would require new conditional use approval per Section 155.103 (F)(13) of the Zoning Ordinance.

3. All service and repair activities shall be done within an enclosed building.

4. Prior to the issuance of a Certificate of Occupancy, the property owner shall comply with a code review of the property, particularly with regard to the fence, cargo containers, and boat storage.

SECTION 4: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 5: 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 _____, 2006.
First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

Passed on second reading this _____ day of _____, 2006, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet from this _____ day of _____, 2006.

Brigitte O'Brien, Village Clerk