


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


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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager 

DATE: April 26, 2010 (BOT) Date: May 6, 2010

TITLE: PC 10-04: Text Amendments to the Zoning Ordinance

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

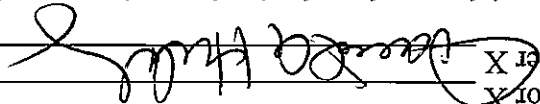
Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The petitioner, the Village of Lombard, is requesting a text amendment to Section 155.420(C) of the Lombard Zoning Ordinance (and other sections where needed for clarity) allowing "Motor vehicle sales" to be listed as a conditional use within the I - Limited Industrial District.

The Plan Commission recommended approval of this petition.

Please place this item on the May 6, 2010 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X  _____
Date _____
Date 4/27/10 _____
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: David A. Huliseberg, Village Manager

FROM: William Heniff, AICP
Director of Community Development *WH*

DATE: May 6, 2010

SUBJECT: PC 10-04: Text Amendments to the Zoning Ordinance – Motor Vehicle Sales

Attached please find the following items for Village Board consideration as part of the May 6, 2010 Village Board meeting:

1. Plan Commission referral letter;

2. IDRC report for PC 10-04;

3. An Ordinance approving text amendments to the Lombard Zoning Ordinance;

The Plan Commission recommended approval of the actions associated with this petition.

H:\CD\WORDUSER\PC\CASES\2010\PC 10-04\DAH referral memo.doc

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



May 6, 2010

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

William J. Mueller
 Village President
 Brigitte O'Brien
 Village Clerk

Subject: PC 10-04: Text Amendments to the Zoning Ordinance – Motor Vehicle Sales

Dear President and Trustees:

Greg Alan Gron, Dist. 1
 Richard J. Tross, Dist. 2
 Zachary C. Wilson, Dist. 3
 Dana L. Moreau, Dist. 4
 Laura A. Fitzpatrick, Dist. 5
 William "Bill" Ware, Dist. 6
 Trustees

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, requests a text amendment to Section 15.420(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.

David A. Hulseberg
 Village Manager

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 19, 2010. Christopher Stilling, Assistant Director of Community Development, presented the petition.

"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."

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.

Internal review comments were received from the Building Division and the Fire Department. The Building Division noted that vehicle sales would constitute a change of use in the industrial district, and would require all applicable codes to be met for that new use group. In addition to changes within the building, additional accessible parking may be required to accommodate the new use and occupant loads.

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

The Fire Department noted that storage of motor vehicles inside a building requires that the building be fully equipped with a fire sprinkler system and indoor auto sales show rooms are considered storage of vehicles.

The Planning Services Division has been receiving an increased number of inquiries 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. He referred to a table which illustrates how the various automotive uses are currently being regulated in the Zoning Ordinance and noted that it is considered a conditional use in the B2, B3, B4 and B4A districts.

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. Mr. Stilling mentioned each community surveyed and how each regulates motor vehicle sales in their industrial district.

Concluding, Mr. Stilling stated that 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. He referred to the standards for text amendments, how they have been affirmed and staff's recommendation of approval of the petition.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition. There was no one to speak in favor or against the petition. Chairperson Ryan then opened the meeting for comments among the Commissioners.


Commissioner Sweetser stated that this amendment is needed and makes sense. She agreed with staff's recommendation.

On a motion by Commissioner Sweetser and a second by Commissioner Olbrish, the Plan Commission voted 6 to 0 that the Village Board approve the petition based on the finding that the petition had met the required Standards as set forth in the Zoning Ordinance.

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 adopt the findings included within the Inter-departmental Review Report as the findings of the Lombard Plan Commission and recommend to the Corporate Authorities approval of PC 10-04.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

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

TO: Lombard Plan Commission

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 Department 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 inquiries 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	-	-	-	-
Motor vehicle sales	-	C	C	C	C	-	-	-
Outside Storage of Motor Vehicles	-	-	-	-	-	-	-	C

Table 1

"C" = Conditional Use, "P" = Permitted Use, "-" = Prohibited Use

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	CV/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 - I 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 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:

1. *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.

2. *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, signs, 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. Carriage 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

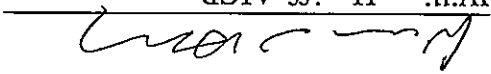
27. Outpatient medical and dental offices and clinics
28. Paper products manufacture
29. Parks and playgrounds
30. Planned developments in conformance with Section 155.500 of this Ordinance
31. Plastic extruding
32. Recreation buildings or community centers
33. Religious Institutions
34. Restaurants
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

ORDINANCE

AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS

(PC 10-04: "Motor vehicle sales" as a conditional use within the I - Limited Industrial District)

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, Section 155.102 (E)(13) of the Zoning Ordinance directs the Director of Community Development to initiate a review of the provisions established within the Zoning Ordinance; and

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and

WHEREAS, as the Director has identified and recommends text amendments to the Zoning Ordinance as set forth herein; and

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on April 19, 2010 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 text amendments 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 Title 15, Chapter 155, Section 200, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

SECTION 155.418 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, signs, 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.
- SECTION 2: That 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 _____, 2010.

First reading waived by action of the Board of Trustees this _____ day of _____, 2010.

Passed on second reading this _____ day of _____, 2010.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2010.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2010.

Brigitte O'Brien, Village Clerk