

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission HEARING DATE: September 15, 2008

FROM: Department of PREPARED BY: Stuart Moynihan
 Community Development Associate Planner

TITLE

PC 08-27; 591 S. Main Street: The petitioner requests conditional use approval to allow for automobile repair in the B2 General Neighborhood Shopping District.

GENERAL INFORMATION

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

Property Owner: Chicago Title Land Trust
 TR B7991139154
 181 W. Madison Street No. 17 Fl.
 Chicago, IL 60602

Relationship of Petitioner: Party to a 1989 agreement

PROPERTY INFORMATION

Existing Land Use: Automobile repair facility

Size of Property: Approximately 17,889 square feet

Comprehensive Plan: Recommends Neighborhood Commercial

Existing Zoning: B2 General Neighborhood Shopping District

Surrounding Zoning and Land Use:

- North: R2 Single-Family Residence District; developed as Single-Family Residences.
- South: B2 General Neighborhood Shopping District; developed as office spaces.
- East: R2 Single-Family Residence District; developed as Single-Family Residences.
- West: B2 General Neighborhood Shopping District; developed as a White Hen, a dry cleaners, and a fast food restaurant.

ANALYSIS

SUBMITTALS

This report is based on the following documents filed on September 5, 2008 with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to Standards.
3. Site plan detailing parking lot improvements approved August 9, 1995.
4. Resolution R12289 dated April 20, 1989 between the Village of Lombard and the owner of the subject property (Attachment A).

DESCRIPTION

The subject property is located at the northeast corner of Main Street and Madison Street. The property is developed with an automobile repair building approximately 2,180 square feet in size.

This public hearing is intended to address an agreement entered into April 20, 1989 between JoeShayne Automotive and the Village of Lombard. The agreement stated that the Village would grant a conditional use for automotive repair in consideration of JoeShayne agreeing to, among other things, a dedication to the Village of approximately one hundred (100) square feet located at the northeast corner of Main Street and Madison Street. However, the agreed upon conditional use was never approved by the Village through a public hearing process. The Village of Lombard is acting as petitioner in order to fulfill this obligation. This petition is intended to memorialize the representations in the 1989 agreement.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Public Works has not offered any comments at this point in time.

PRIVATE ENGINEERING SERVICES

From an engineering or construction perspective, PES has no comments.

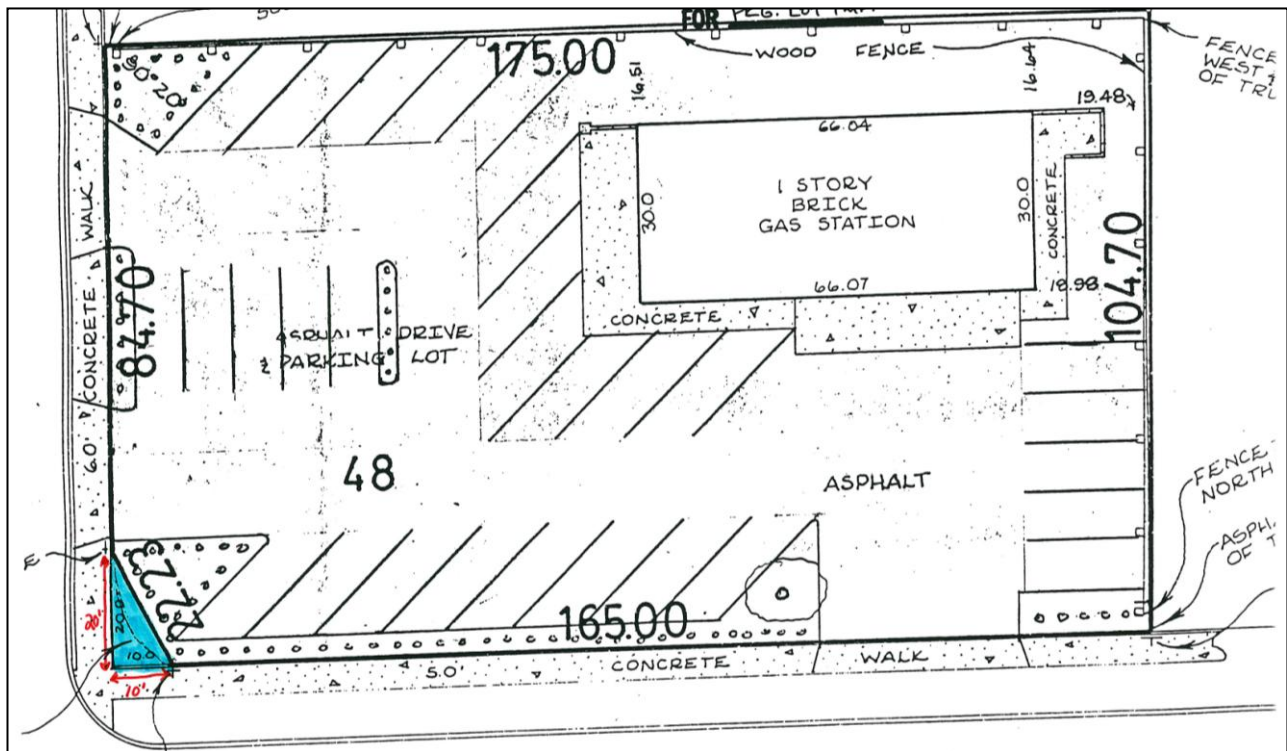
BUILDING AND FIRE

Upon review of the above referenced request, the Fire Department/Bureau of Inspectional Services has no comments.

PLANNING

The business operator, JoeShayne Meloun, was issued a Certificate of Occupancy on January 14, 1987 to operate an automobile service station at 591 S. Main Street. At that time, the Zoning Ordinance required that all automobile service stations provide gasoline pumping services. JoeShayne Automotive originally provided this service. However, Mr. Meloun desired to remove the underground fuel tanks on the property to avoid the possibility of environmental effects from future leakages. In order for Mr. Meloun to continue servicing automobiles without providing gasoline pumping services, a change in use to automobile repair was necessary.

On April 20, 1989, JoeShayne Automotive and the Village entered into an agreement which would grant a conditional use for an automotive repair business on the subject property (see Attachment A). As part of that agreement, Mr. Meloun agreed to deed a triangle approximately one hundred (100) square feet in size at the southwest corner of this property to the Village as part of a road widening and modernization program (see below).



The conditional use was to be granted subject to the following conditions:

1. The subject site and landscape improvement plan including striping for parking shall be reviewed and approved by the Director of Planning prior to the issuance of the permit to remove said fuel tanks.

Status: A permit for a site and landscape improvement plan was issued on August 9, 1995 (see above site plan).

2. The existing gas price sign and pole shall be removed concurrent with the relocation of the existing free standing identification sign.

Status: The gas price sign and pole have been removed and the freestanding sign has been relocated.

3. Curbing per ordinance shall be provided between landscaped and paved areas.

Status: Curbing has been provided per ordinance.

4. A solid wood six (6) foot fence shall be installed along the north and east property lines subject to the review and approval of the Director of Planning.

Status: A six (6) foot high solid wood fence is in place along the north and east property lines.

5. A screened trash receptacle shall be maintained subject to the review and approval of the Director of Planning.

Status: A corral for a dumpster has been constructed. However, it is too small to contain a dumpster of sufficient size for the business. A six (6) foot fence must be permitted and constructed per ordinance on the eastern side of the existing building in order to screen the trash receptacle.

6. No outside storage shall be permitted except the temporary (generally not to exceed three (3) days) vehicles awaiting repair. Three (3) vehicles owned by Carfano Meats (and/or its assigns) contracted to be serviced by "JoeShayne" which are currently parked on the premises as part of the business may be maintained.

Status: Mr. Meloun states that only those vehicles awaiting repair are stored on the property and that the repair shop no longer services Carfano Meats trucks.

7. Petitioner may remove fuel storage tanks.

Status: On August 15, 1989, a permit was issued to allow Best Environmental, Inc. of Channahon, IL to remove the fuel storage tanks. A document provided by Best Environmental lists JoeShayne Automotive as a closed account indicating that these tanks were removed.

The agreement called for a conditional use to be granted. However, a conditional use may only be granted through a public hearing process. A public hearing was never held concerning the automobile repair shop. Nevertheless, JoeShayne Automotive has been performing automotive service and repairs for more than twenty years. The Code Enforcement Division reports that in the

past ten years the only issues on the property were the existence of portable sign and the sale of a recreational vehicle from the parking lot. Both issues were resolved at Code Enforcement's request.

Compatibility with the Comprehensive Plan

The Comprehensive Plan calls for this area to be developed with Neighborhood Commercial uses. The agreement for a conditional use predates the Comprehensive Plan adopted in January 1998.

Compatibility with the Surrounding Land Uses

The property is primarily surrounded by a gas station, convenience shopping and services, offices, and residential properties. Staff finds the proposed use to be compatible with the surrounding land uses. The use of the subject property as an automobile repair shop is not anticipated to be of a noxious, noisy, or hazardous nature as to be a particular nuisance to surrounding residential properties.

Compatibility with the Zoning Ordinance

As no changes to the building or site are proposed at this time, the conditional use itself is the only zoning issue under consideration. Staff also notes that any activities beyond those set forth within Resolution R12289 and the ordinance of approval may constitute an amendment to the conditional use approval.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it will meet the standards for conditional uses, subject to the conditions of approval as set forth in 1989. As such, the IDRC 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 08-27, subject to the conditions set forth in the Resolution R12289, as follows:

1. The subject site and landscape improvement plan including striping for parking shall be reviewed and approved by the Director of Planning (said plan was approved August 9, 1995) prior to the issuance of the permit to remove said fuel tanks.

2. The existing gas price sign and pole shall be removed concurrent with the relocation of the existing free standing identification sign.
3. Curbing per ordinance shall be provided between landscaped and paved areas.
4. A solid wood six (6) foot fence shall be installed along the north and east property lines subject to the review and approval of the Director of Planning.
5. A screened trash receptacle shall be maintained subject to the review and approval of the Director of Planning.
6. No outside storage shall be permitted except the temporary (generally not to exceed three (3) days) vehicles awaiting repair. Three (3) vehicles owned by Carfano Meats (and/or its assigns) contracted to be serviced by "JoeShayne" which are currently parked on the premises as part of the business may be maintained.
7. Petitioner may remove fuel storage tanks.

Inter-Departmental Review Group Report Approved By:

William J. Heniff, AICP
Acting Director of Community Development

WJH
c: Petitioner