


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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: David A. Hulseberg, Village Manager
DATE: March 28, 2011 (BOT) Date: April 7, 2011
TITLE: PC 11-06: Text Amendments to the Lombard 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 Village of Lombard requests a text amendment to Section 155.413(C) of the Lombard Zoning Ordinance allowing 'Outside service areas for other permitted or conditional uses in this district' to be listed as a conditional use within the B1 - Limited Neighborhood Shopping District.

The Plan Commission recommended approval of this petition.

Please place this item on the April 7, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X  _____ Date 3/24/11

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. Hulseberg, Village Manager

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

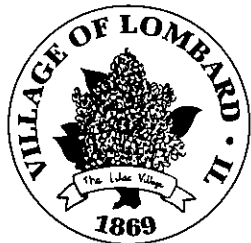
DATE: April 7, 2011

SUBJECT: PC 11-06: Text Amendments to the Lombard Zoning Ordinance

Attached please find the following items for Village Board consideration as part of the April 7, 2011 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 11-06; and
3. An Ordinance approving text amendments to the Lombard Zoning Ordinance Title 15, Chapter 155 of the Code of Lombard, Illinois;

The Plan Commission recommended approval of the text amendments associated with the petition.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3931
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

April 7, 2011

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees

Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

"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."

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

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

Subject: PC 11-06: Text Amendments to the Zoning Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village requests a text amendment to Section 155.413(C) of the Lombard Zoning Ordinance allowing 'Outside service areas for other permitted or conditional uses in this district' to be listed as a conditional use within the B1 – Limited Neighborhood Shopping District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 21, 2011.

Chairperson Ryan opened the meeting for public comment.

There were no comments or questions from the public.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the petition. The Village of Lombard is requesting a text amendment to allow 'Outside service areas for other permitted or conditional uses in this district' to be listed as a conditional use within the B1 – Limited Neighborhood Shopping District.

From a land use perspective, it is staff's opinion that the proposed use is suitable for the B1 District. The Zoning Ordinance describes the B1 – Limited Neighborhood Shopping District as an area *intended to provide convenience shopping for persons residing in adjacent residential areas, and to permit only such uses as are necessary to satisfy those basic shopping needs which occur daily or frequently and so require shopping facilities in relative proximity to places of residence.* As such, the proposed use is consistent with the intent of the B1 District. Lastly, staff believes that the B1 District does not differ from the B2 – General Neighborhood Shopping District with regard to

adjacency to residential properties and potential impacts on such residential properties.

The proposed use is intended to function only as an ancillary use to any business that is legally established within the applicable zoning district. An outside service area can range in the types of activities associated with such use. A restaurant providing outdoor dining could be classified as having an 'outside service area'. As a restaurant is a permitted use in the B1 District, an outside service area would be permissible as a conditional use. The outdoor storage area of related product could also be classified as an outside service area, as long as the use is lawfully established. Designating an outside service area as a conditional use allows for each plan to be assessed on a case-by-case basis. For example, if the outdoor storage area of related product were to be proposed, the conditional use process would allow staff to examine any necessary screening elements associated with such use. Staff notes that an outside service area does not allow for 'Outside display and sales of products the sale of which is a permitted or conditional use in such district' as such use is a separate and distinct use (not in the B1 District).

Similar to the B2 District, the B1 District is already limited to the types of businesses that would not interfere with the residents living in close proximity. Staff has reviewed the list of permitted and conditional uses offered in the B1 District and believes there to be no uses (permitted or conditional) that would create a nuisance by utilizing an outside service area.

Furthermore, staff is recommending approval of PC 11-06.

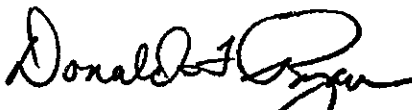
Chairperson Ryan opened the meeting to the Commissioners.

Commissioner Sweetser stated that the request seems reasonable.

On a motion by Commissioner Flint and a second by Commissioner Cooper, the Plan Commission voted 4 to 0 that the Village Board **approve** the text amendments associated with PC 11-06.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: March 21, 2011

FROM: Department of
Community Development

PREPARED BY: Michael S. Toth
Planner I

TITLE

PC 11-06; Text Amendments to the Lombard Zoning Ordinance: The Village requests a text amendment to Section 155.413(C) of the Lombard Zoning Ordinance allowing 'Outside service areas for other permitted or conditional uses in this district' to be listed as a conditional use within the B1 – Limited Neighborhood Shopping District.

GENERAL INFORMATION

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

ANALYSIS

DESCRIPTION

The Village of Lombard is requesting a text amendment to allow 'Outside service areas for other permitted or conditional uses in this district' to be listed as a conditional use within the B1 – Limited Neighborhood Shopping District.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Public Works Engineering has no comments at this time.

PRIVATE ENGINEERING SERVICES

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

BUILDING

The Building Division has no comments since the proposed Zoning Ordinance change would allow only conditional approval. There are specific requirements that would need to be met in reference to the Illinois Accessibility Code and the International Fire Code, and those requirements will be reviewed upon each application.

FIRE

The Fire Department has no comments.

PLANNING

Compatibility with the Zoning Ordinance

Use	B1	B2	B3	B4	B4A	B5	B5A
'Outside service areas for other permitted or conditional uses in this district'	-	C	C	C	C	C	C
"C" = Conditional Use, "P" = Permitted Use, "-" Prohibited Use							

Table 1

As Table 1 illustrates, the proposed use is prohibited in the B1 – Limited Neighborhood Shopping District; however, if someone wanted to establish an outside service area, this could be done in the any another business district, as a conditional use.

From a land use perspective, it is staff’s opinion that the proposed use is suitable for the B1 District. The Zoning Ordinance describes the B1 – Limited Neighborhood Shopping District as an area *intended to provide convenience shopping for persons residing in adjacent residential areas, and to permit only such uses as are necessary to satisfy those basic shopping needs which occur daily or frequently and so require shopping facilities in relative proximity to places of residence.* As such, the proposed use is consistent with the intent of the B1 District. Lastly, staff believes that the B1 District does not differ from the B2 – General Neighborhood Shopping District with regard to adjacency to residential properties and potential impacts on such residential properties.

Impact on Adjacent Properties

The proposed use is intended to function only as an ancillary use to any business that is legally established within the applicable zoning district. An outside service area can range in the types of activities associated with such use. A restaurant providing outdoor dining could be classified as having an ‘outside service area’. As a restaurant is a permitted use in the B1 District, an outside service area would be permissible as a conditional use. The outdoor storage area of related product could also be classified as an outside service area, as long as the use is lawfully established. Designating an outside service area as a conditional use allows for each plan to be assessed on a case-by-case basis. For example, if the outdoor storage area of related product were to be proposed, the conditional use process would allow staff to examine any necessary screening elements associated with such use. Staff notes that an outside service area does not allow for ‘Outside display and sales of products the sale of which is a permitted or conditional use in such district’ as such use is a separate and distinct use (not in the B1 District).

Similar to the B2 District, the B1 District is already limited to the types of businesses that would not interfere with the residents living in close proximity. Staff has reviewed the list of permitted and conditional uses offered in the B1 District and believes there to be no uses (permitted or conditional) that would create a nuisance by utilizing an outside service area.

Proposed Text Amendments

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

SECTION 155.414 B1 LIMITED NEIGHBORHOOD SHOPPING DISTRICT REQUIREMENTS

C. Conditional Uses

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

1. Cultural facilities/institutions
2. Day care centers
3. Learning Centers, with an outdoor component
4. Outside service areas for other permitted or conditional uses in this district
5. Package liquor and party supply stores
6. Parking lots, open, including commercial and other than accessory, for the storage of private passenger automobiles.
7. Planned developments in conformance with Section 155.500 of this Ordinance
8. Public utility and service uses
9. Religious Institutions
10. Taverns and cocktail lounges, not including entertainment and dancing
11. 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 recommends that the petition as presented does meet the standards set forth in the Zoning Ordinance and recommends that 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

Lombard Plan Commission

Re: PC 11-06

Page 4

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 11-06.

Inter-Departmental Review Group Report Approved By:



William Heniff, AICP

Director of Community Development

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Exhibit A – Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. Staff’s responses to Standards for Text Amendments 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 text amendment would allow ‘Outside service areas for other permitted or conditional uses in this district’ as a conditional use’ within the B1 – Limited Neighborhood Shopping District. As such, the proposed text amendment would be applicable to all properties within the B1 – Limited Neighborhood Shopping District.

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

Use	B1	B2	B3	B4	B4A	B5	B5A
‘Outside service areas for other permitted or conditional uses in this district’	-	C	C	C	C	C	C
“C” = Conditional Use, “P” = Permitted Use, “-“ Prohibited Use							

Table 1

As Table 1 illustrates, the proposed use is prohibited in the B1 – Limited Neighborhood Shopping District; however, if someone wanted to establish an outside service areas, this could be done in the any another business districts as a conditional use.

From a land use perspective, it is staff’s opinion that the proposed use is suitable for the B1 District. The Zoning Ordinance describes the B1 – Limited Neighborhood Shopping District as an area *intended to provide convenience shopping for persons residing in adjacent residential areas, and to permit only such uses as are necessary to satisfy those basic shopping needs which occur daily or frequently and so require shopping facilities in relative proximity to places of residence.* As such, the proposed use is consistent with the intent of the B1 – Limited Neighborhood Shopping District. Lastly, staff believes that the B1 District does not differ from the B2 – General Neighborhood Shopping District with regard to adjacency to residential properties and potential impacts on such residential properties.

- 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 not previously existed as a permitted or conditional use within the B1 – Limited Neighborhood Shopping District.

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

The proposed text amendment would make the ordinance more permissive by allowing an additional conditional use within the B1 – Limited Neighborhood Shopping District.

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

There are very few properties located in the B1 – Limited Neighborhood Shopping District. Of the select number of properties; the Comprehensive Plan recommends either Neighborhood Commercial or Office for such properties. The proposed use is already listed as a conditional use in other Neighborhood Commercial and the O – Office District. As such, staff believes that the proposed use is compatible with the Comprehensive Plan.

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 petitions or to clarify the intent of the Ordinance provisions. In 2010, the Village approved text amendments to the Zoning Ordinance allowing “Motor vehicle sales” to be listed as a conditional use within the I - Limited Industrial District.

ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD SUBDIVISION AND DEVELOPMENT ORDINANCE
TITLE 15, CHAPTER 154 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 11-06; Text Amendments to the Zoning Ordinance)

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, the Board of Trustees deem it reasonable to periodically review said 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 March 21, 2011 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 400, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

**SECTION 155.414 B1 LIMITED NEIGHBORHOOD SHOPPING DISTRICT
REQUIREMENTS**

C. Conditional Uses

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

1. Cultural facilities/institutions
2. Day care centers
3. Learning Centers, with an outdoor component
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6. Parking lots, open, including commercial and other than accessory, for the storage of private passenger automobiles.
7. Planned developments in conformance with Section 155.500 of this Ordinance
8. Public utility and service uses
9. Religious Institutions
10. Taverns and cocktail lounges, not including entertainment and dancing
11. 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 3: 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 _____, 2011.

First reading waived by action of the Board of Trustees this ____ day of _____, 2011.

Passed on second reading this ____ day of _____, 2011.

Ayes: _____

Nayes: _____

Absent: _____

Ordinance No. _____
Re: PC 11-06
Page 3

Approved this _____ day of _____, 2011.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2011.

Brigitte O'Brien, Village Clerk