

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

TEXT AMENDMENTS TO THE ZONING ORDINANCE – Motor Vehicle Rental

April 17, 2017

Title

PC 17-13

Petitioner & Property Owner

Gaylord Goclan
Nuts & Volts Auto Repair
333 S. Main Street
Lombard IL 60148

Property Location

B5A Zoning District

Approval Sought

Text amendment to Section 155.419(I) of the Lombard Zoning Ordinance to amend the text for consistency and to Section 155.419(C) of the Lombard Zoning Ordinance allowing “motor vehicle rental, as an accessory use, in conformance with Section 155.210 of this Ordinance” (and any other relevant sections for clarity) to be listed as a conditional use within the B5A Zoning District

Submittals

1. Petition for a public hearing; and
2. Response to Standards for a Text Amendment.

Prepared By

Jennifer Ganser, AICP
Assistant Director

DESCRIPTION

The petitioner, Nuts & Volts Auto Repair, is requesting a text amendment to Section 155.419(I) of the Lombard Zoning Ordinance to amend the text for consistency and to Section 155.419(C) of the Lombard Zoning Ordinance allowing “motor vehicle rental, as an accessory use, in conformance with Section 155.210 of this Ordinance” (and any other relevant sections for clarity) to be listed as a conditional use within the B5A Zoning District.

A companion request for a conditional use will follow as PC 17-14.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the proposed text amendments to the Zoning Ordinance.

Fire Department:

The Fire Department has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendments to the Zoning Ordinance.

Public Works:

The Department of Public Works has no comments regarding the proposed text amendments to the Zoning Ordinance.

EXISTING & PROPOSED REGULATIONS

The petitioner would like to rent U-Haul trucks from their facility as an accessory use. However, in the B5A District motor vehicle sales (which includes rental) is not allowed.

“Motor vehicle sales is the retail sales or rental of motor vehicles to the general public.”

Staff supports the use as a conditional use in the B5A District with the below text amendments. Downtown perimeter property can be unique and some locations may not be appropriate for motor vehicle rental. This amendment would only give the petitioner and others, the option to apply for a conditional use for rental. This text amendment would not allow for vehicle sales. The amendment to Section 155.419 also includes edits for consistency, with additions underlined and deletions in strike out below.

Section 155.419(I)

Restrictions on business uses. The operation and design of business uses shall conform to the following restriction.

All business activities, servicing, processing, and storage, except for off-street parking or loading, shall be conducted within completely enclosed buildings, ~~except that~~ Accessory uses such as outside display, ~~and sales and rental~~, outside service areas, and drive-through/drive-in services may be allowed as conditional uses pursuant to ~~sub~~Sections 155.103(F) and 155.210 of this ~~Chapter~~ Ordinance.

Section 155.419(C)

(C) *Conditional uses.* Subject to the provisions of subsection 155.103(F) of this Chapter, the following conditional uses may be allowed:

- (1) Amusement establishments, indoor only, including; bowling alleys, pool halls, swimming pools, skating rinks.
- (2) Animal hospitals and kennels.
- (3) Catering businesses on the first floor as a primary use but only if, as an accessory use, either a restaurant, excluding entertainment and dancing, or a related, permitted retail use, designed to generate walk-in trade, is located in the storefront.
- (4) Convention and exhibition halls.
- (5) Day care centers.
- (6) Drive-through and drive-in establishments/services.
- (7) Funeral homes.
- (8) Gasoline sales (or any expansion of a principal, secondary or ancillary use on the same lot as a gasoline sales establishment).
- (9) Learning centers, with outdoor component.
- (10) Motor vehicle repair.
- (11) Motor vehicle service.
- (12) Motor vehicle rental, as an accessory use, in conformance with Section 155.210 of this Ordinance.
- ~~(13)~~ Off-site parking, in conformance with subsection 155.602(A)(3)(b) of this Chapter.
- ~~(14)~~ Outside display and sales of products the sale of which is a permitted or conditional use in this district.
- ~~(15)~~ Outside service areas for other permitted or conditional uses in this district.
- ~~(16)~~ Parking garages or structures, as the principal use of the property.
- ~~(17)~~ Parking lots, open, as the principal use of the property.

- (~~17~~18) Planned developments in conformance with § 155.500 of this Chapter.
- (~~18~~19) Public recreational and social facilities, as defined in the R1 District.
- (~~19~~20) Public utilities and governmental services.
- (~~20~~21) Religious institutions.
- (~~21~~22) Accessory uses and buildings, incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with § 155.210 of this Chapter.

The petitioner has provided responses to the standards for a text amendment which are attached to this document. Staff finds the standards have been affirmed.


FINDINGS & RECOMMENDATIONS

Staff finds the proposed amendments to be consistent with the objectives of the Zoning Ordinance. The proposed amendments are also consistent with the intent of the Comprehensive Plan in general.

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the 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 Village of 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 17-13.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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NUTS AND VOLTS AUTO REPAIR

March 13, 2017

To: Planning Commission Members.

Re: Request for a Text Amendment change for conditional use -
Rental of small trucks and vans.

I am requesting a text amendment change for;
Conditional use to permit rental of small trucks and vans.

1. The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property. It benefits all. It represents an expansion of service to the community by offering rental of small trucks and vans for residential and business moving tasks. This service draws other people to Lombard who may visit other businesses for other services. Increasing business revenue for the business owners and tax revenue for the village. By expanding their business with offering these services gives the owners an option to obtain a conditional use permit from the village and increase their services and revenue. As a whole the change to the entire zone simply gives the owners an option to try and obtain a conditional use permit from the village instead of having no option at all when it comes to business ventures of this kind. In no way is this amendment not beneficial to any specific business or property owner. It benefits all.
2. The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations. Small truck and van rentals presently are not listed in the permitted or conditional use subcategory of the zoning regulations. We feel this venture is not an infraction against the intent of these regulations. It does not present any negative or counterproductive act against the objectives for setting these zoning regulations.
3. The degree to which the proposed amendment would create nonconformity. The village board requires anyone in this zone to acquire a conditional use permit to venture in the amendment we are proposing for small truck and van rentals. With the village having the ultimate decision on how many of this type of business are allowed to operate, conformity can be sustained. We believe there are a number of other regulations that help control this as well, such as signage; distance from streets, required landscape allowed parking spots of customers to business owned vehicles and employee parking.
4. The degree to which the proposed amendment would make this ordinance more permissive. It brings into Lombard customers looking for other services. It helps Lombardians acquire a needed service which there are currently none in their town.

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5. The consistency of the proposed amendment with the Comprehensive Plan. It does not change the Comprehensive Plan of Lombard. The Plan with our zoning layout is for our zone to be a small business and service zone. That's exactly what we are trying to accomplish. Small truck and van rental only adds to the many things Lombard has permitted in this zone. The business in our zone which consist of Harris Bank, Tropiquatics previously Ace Hardware, The Salon and dentist office with residents, the strip mall including the American Fireams, Sphinx computers and several salons with residents on top, Steve Wilk Insurance, The art supply store, Dairy Queen, The Church, Rob Lynn construction building, J and J Pool supply on the East side. Bills Auto, Hapkido, Empty retail store and undeveloped property on the west side are all retail and service oriented. With only the undeveloped land, Steve Wilk Insurance Agency and the empty retail lot for sale or lease we believe the Comprehensive Plan will stay in place.
6. The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances. We are unable to find any previous rulings on petitions involving similar circumstances at this time. We do believe little to none of the current property owners of the business in our zone have applied to have this amendment changed for small truck and van rentals.



Respectfully Submitted
Gaylord G. Goclan