

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


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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: April 25, 2017 (B of T) Date: May 4, 2017

TITLE: PC 17-13; Text Amendments to the Zoning Ordinance, Motor Vehicle Rental

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition, 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.

The Plan Commission recommended approval of this petition by a vote of 5-0.

The petitioner requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ 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: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *(signature)*

MEETING DATE: May 4, 2017

SUBJECT: **PC 17-13, Text Amendments to the Zoning Ordinance – motor vehicle rental**

Please find the following items for Village Board consideration as part of the May 4, 2017 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 17-13;
3. An Ordinance granting approval of 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) 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.

The Plan Commission recommended approval of this petition by a vote of 5-0. Please place this petition on the May 4, 2017 Board of Trustees agenda with a waiver of first reading as requested by the petitioner.



VILLAGE OF LOMBARD

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

May 4, 2017

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill T. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

*"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. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

**Subject: PC 17-13, Text Amendments to the Zoning Ordinance –
motor vehicle rental**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition, 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.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 17, 2017. Sworn in to present the petition were the petitioners Gaylord and Nicholas Goclan, and Jennifer Ganser of the Village of Lombard.

Chairperson Ryan read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, he proceeded with the petition.

Mr. Nicholas Goclan said they are asking for a text amendment to rent trucks and then obtain a conditional use permit.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. The petitioner, Nuts & Volts Auto Repair, 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. They are applying for a text amendment. A companion request for a conditional use will follow as PC 17-14. 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. Staff would like to note that there was one error, which should not be changed. In the amendment for 155.419 (I) the last word was inadvertently changed from Chapter to Ordinance. Staff will keep it as Chapter, which is the correct word usage. Staff supports the request.

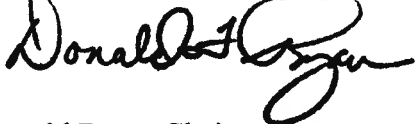
Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Mrofzca asked why sales was mentioned in Section 155.419(I) and Ms. Ganser said that was existing text and the edits to that section are for consistency.

On a motion by Commissioner Sweetser, and a second by Commissioner Mrofzca, the Plan Commission voted 5-0 to recommend that the Village Board approve the petition associated with PC 17-13.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink, appearing to read "Donald Ryan", written over the printed name.

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

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.
- ~~(+213)~~ Off-site parking, in conformance with subsection 155.602(A)(3)(b) of this Chapter.
- ~~(+314)~~ Outside display and sales of products the sale of which is a permitted or conditional use in this district.
- ~~(+415)~~ Outside service areas for other permitted or conditional uses in this district.
- ~~(+516)~~ Parking garages or structures, as the principal use of the property.
- ~~(+617)~~ 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.

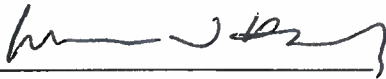
FINDINGS & RECOMMENDATIONS

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

H:\CD\WORDUSER\PCCASES\2017\PC 17-13\PC 17-13_IDRC Report.docx

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.

333 South Main Street
Lombard, IL 60148

PHONE 630-932-8833
FAX 630-932-1272

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 Firearms, 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

Nowakowski, Tamara

From: Ganser, Jennifer
Sent: Thursday, April 20, 2017 9:40 AM
To: Nowakowski, Tamara
Subject: FW: Waiver

From: Ganser, Jennifer
Sent: Wednesday, April 19, 2017 12:44 PM
To: 'BOPER39@aol.com'
Subject: RE: Waiver

Just to clarify with the waiver request the petition will be read on May 4th only. So that is the Board meeting you may want to attend.

Jennifer

From: BOPER39@aol.com [<mailto:BOPER39@aol.com>]
Sent: Wednesday, April 19, 2017 12:28 PM
To: Ganser, Jennifer
Subject: Waiver

Hi Jennifer,

I would like to request a wavier of first reading of the text amendment and permit request on May 4th. We are still working with the Village, Comed, Westsuburban Bank and our construction company on planning and loans. We look forward to the findings and outcome of the May 18th meeting of trustees.

Thank You Very Much
Nicholas and Gaylord Goclan

ORDINANCE _____

**AN ORDINANCE APPROVING A TEXT AMENDMENT
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155, SECTION 155.419(C) and 155.419(I)
OF THE LOMBARD ZONING CODE**

PC 17-13: Text Amendments to the Zoning Ordinance (Motor Vehicle Rental in the B5A District)

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

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; 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 17, 2017, 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 155.419(C) of the Lombard Village Code is hereby amended as follows:

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.**
- ~~(12)~~**13** Off-site parking, in conformance with subsection 155.602(A)(3)(b) of this Chapter.
- ~~(13)~~**14** Outside display and sales of products the sale of which is a permitted or conditional use in this district.
- ~~(14)~~**15** Outside service areas for other permitted or conditional uses in this district.
- ~~(15)~~**16** Parking garages or structures, as the principal use of the property.
- ~~(16)~~**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.

SECTION 2: That Title 15, Chapter 155, Section 155.419(I) of the Lombard Village Code is hereby amended as follows:

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.

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 _____, 2017.

Ordinance No. _____

Re: PC 17-13

Page 3

First reading waived by action of the Board of Trustees this _____ day of _____, 2017.

Passed on second reading this _____ day of _____, 2017.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2017.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2017.

Sharon Kuderna, Village Clerk