

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


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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: January 30, 2008 (BOT) Date: February 7, 2008

TITLE: PC 08-02: 665 West North Avenue (Heron Point Office Center)

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests approval of a use exception within a planned development to allow for a pharmaceutical establishment, located within the Heron Point of Lombard Office Planned Development (OPD) District. (DISTRICT #1)

The Plan Commission recommended approval of this petition with amended conditions.

Please place this item on the February 7, 2008 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	<i>M. W. T. Lichter</i>	Date	1/30/08

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: William T. Lichter, Village Manager
FROM: David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development
[Signature]

DATE: February 7, 2008

SUBJECT: PC 08-02: 665 W. North Av. (Heron Point Planned Development)

Attached please find the following items for Village Board consideration as part of the February 7, 2008 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 08-02;
3. An Ordinance granting approval of an amendment to a conditional use for a planned development with an additional use exception for a pharmaceutical establishment, subject to amended conditions; and
4. Plans associated with the petition.



VILLAGE OF LOMBARD

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February 7, 2008

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

Subject: PC 08-02; 665 West North Avenue (Heron Point Office Center)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests approval of a use exception within a planned development to allow for a pharmaceutical establishment, located within the Heron Point of Lombard Office Planned Development (OPD) District.

Maureen Mehls of Lexington Health Care presented the petition. She stated that they are seeking zoning approvals to allow for a space within the Heron Point office building to be used for their pharmaceutical activities. The business would consist of providing medications for the Lexington Health Care facility. The business will not have a retail component. They have reviewed the standards for conditional uses (for a planned development) and she stated that they meet the standards.

Chairperson Ryan then opened the meeting for public comment. No one spoke in favor or in opposition to the petition. He then requested the staff report.

William Heniff, Senior Planner, presented the staff report. The petitioner is requesting approval of a use exception to allow for a pharmaceutical establishment to be located within the existing Heron Point office building. The proposed use would occupy the existing tenant space within Suite 102. The business would consist of filling prescriptions (i.e., counting pills from their bulk deliveries and placing it in individual containers) for residents within institutional or congregate care centers for distribution. The prescriptions would be delivered by a courier. There will be no retail component associated with the proposed business. No manufacturing will be done on the premises. As the proposed use is not listed within the permitted or conditional uses within the Office District, a use exception is requested.

Village President
William J. Mueller

Village Clerk
Bridgette O'Brien

Trustees
Greg Alan Cron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

The Heron Point Planned Development was approved in 1998. The proposed use will consist of a reception area, a data area, a work area, offices and a courier area. The proposed business would be located within Suite 102 and consists of a tenant space of 2,907 square feet in area.

Staff conducted a code review of the proposed use. Given that no existing land use classification accurately denotes the exact nature of the business use, two options are available to address the proposed use – either create a text amendment to allow for the proposed use as a permitted use in the Office District, or grant a use exception for the existing planned development. Staff suggested that a use exception would be an appropriate way to address the proposed business use as the use is highly unique and could be better regulated through the overall planned development provisions.

Staff finds that the proposed use would be compatible with the adjacent offices as noted within the IDR/C Report. The use will function like an office use in most respects. Given that the office use has already been determined to be compatible with the adjacent land uses, so would the petitioner's use. The use would occupy three percent (3%) of the overall square footage of the existing office building, meeting the use exception percentage requirements.

In consideration of the overall Heron Point planned development and the surrounding uses, he noted that the use would function similarly to other office uses in the building. Staff believes the use will be compatible within the planned development and the adjacent properties.

Chairperson Ryan then opened the meeting for comment among the Commissioners.

Commissioner Olbrys stated that he felt this petition was pretty straight forward.

Commissioner Sweeter asked about the hours of operation. The petitioner noted that their business would be open until 6 p.m.

Commissioner Burke suggested that perhaps the petition should be conditioned to prohibit a retail component. Mr. Heniff noted that the Zoning Ordinance allows retail pharmacies within office buildings as an ancillary use within an office building, but the petition could be conditioned if desired.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition does comply with the standards required by the Lombard Zoning Ordinance and is compatible with the Heron Point Planned Development and that granting approval of the planned development use exception enhances the planned development and is in the public interest; and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review report as the findings of the Plan Commission, and therefore recommend to the Corporate Authorities **approval** of PC 08-02 subject to the following conditions, as amended:

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

TO: Lombard Plan Commission

FROM: Department of Community Development
PREPARED BY: William Heniff, AICP
Senior Planner

HEARING DATE: January 28, 2008

TITLE

PC 08-02: 665 West North Avenue (Heron Point Office Center): The petitioner requests approval of a use exception within a planned development to allow for a pharmaceutical establishment, located within the Heron Point of Lombard Office Planned Development (OPD) District.

GENERAL INFORMATION

Petitioner: CCRX of Illinois LLC
5775 Allentown Blvd., Suite 101
Harrisburg, PA 17112

Property Owner: Samvest of Lombard II Limited Partnership
665 W. North Ave.
Lombard, Illinois 60148

Status of Petitioner: Proposed tenant lessee

PROPERTY INFORMATION

Existing Zoning: O PD Office District – Planned Development

Existing Land Use: Office Building

Size of Property: Approximately 14.34 acres (planned development)

Comprehensive Plan: The Comprehensive Plan identifies the site for mixed use and commercial office.

SURROUNDING ZONING AND LAND USE

North: B3PD Community Shopping District, Planned Development; developed as Northgate (Lombard Landings) Shopping Center

South: Unincorporated DuPage County, R-4 Single-Family Residence District; developed as Single-Family Residences
East: R-1 Single-Family Residence District; developed as Hacker's Glenhard Gardens Nursery and a vacant lot
West: Interstate 355 - Veteran's Memorial Tollway

ANALYSIS

SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development on December 12, 2007:

1. Petition for Public Hearing.
2. Tenant build out plan for the proposed business use, prepared by DDMR Planning, dated December 14, 2007.
3. Aerial Photograph of the Subject Property, prepared by staff.

BACKGROUND

The petitioner is requesting approval of a use exception to allow for a pharmaceutical establishment to be located within the existing Heron Point office building. The proposed use would occupy the existing tenant space within Suite 102. The business would consist of filling prescriptions (i.e., counting pills from their bulk deliveries and placing it in individual containers) for residents within institutional or congregate care centers for distribution. The prescriptions would be delivered by a courier. There will be no retail component associated with the proposed business. No manufacturing will be done on the premises.

As the proposed use is not listed within the permitted or conditional uses within the O Office District, a use exception is requested.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

From a construction or engineering perspective, the Private Engineering Services Division (PES) has no comments on the petitioner's request. However, PES notes that the Heron Point planned development does have an outstanding notice of violation from DuPage County in regard to the required wetland mitigation from their County Stormwater Permit. The development group is working to address these issues; however, at this time, they remain in violation.

PUBLIC WORKS

The Department of Public Works has no comments on the petition.

FIRE AND BUILDING

The Bureau of Inspectional Services offers the following comments:

1. The build-out construction shall meet all current building and fire codes and accessibility requirements of the Village.
2. Fire suppression and fire alarms are to remain and/or be modified to meet the new space configuration.

PLANNING

Compatibility with the Zoning Ordinance

The Corporate Centre at Heron Point Planned Development was approved by the Board of Trustees on September 3, 1998 (Ordinance 4538 and amended by Ordinance 4729). The final plans included a hotel and office building complex with entrances off North Avenue and IL Route 53.

As depicted on the petitioner's site plan, the proposed use will consist of the following elements:

1. A reception area;
2. A data area where prescriptions are received;
3. A work area where the prescriptions are filled;
4. Offices for employees; and
5. A courier (driver) area

The proposed business would be located within Suite 102 and consists of a tenant space of 2,907 square feet in area. Other than minor build out modifications by the petitioner, no other internal or external improvements are proposed as part of the request.

Once staff received this request, staff conducted a code review of the proposed use and made the following interpretations:

1. The proposed use is not listed as a permitted or conditional use in the O Office District.

2. While Section 155.210 (D)(3) provides for drug stores within office buildings as an ancillary use, this provision carries the caveat that "...said accessory uses are

- conducted for the convenience of the employees, patients, patrons or visitors.” Given the proposed business model proposed by the petitioner, staff determined that it would not meet the accessory use criteria.
3. The proposed use is similar to the operations conducted in the back of a pharmacy by a pharmacist. As there is no retail component associated with the establishment, it would not be considered a pharmacy - a permitted use within the B Business Districts.
4. The prescriptions would be filled for the ultimate end user of the product and the medications would not be resold or redistributed. Therefore it is not a warehousing, processing or distribution use (permitted in the I District).
5. No pharmaceutical laboratory research activities are proposed as part of the business (permitted in the I District).

Given that no existing land use classification accurately denotes the exact nature of the business use, two options are available to address the proposed use – either create a text amendment to allow for the proposed use as a permitted use in the O Office District, or in the alternative grant a use exception for the existing planned development. Staff suggested that a use exception would be an appropriate way to address the proposed business use as the use is highly unique and could be better regulated through the overall planned development provisions.

The planned development provisions provide for use exceptions within a planned development, subject to meeting the following provisions:

B. Standards for Planned Developments with Use Exceptions

The ordinance approving the Final Development Plan for the planned development may provide for uses in the planned development not allowed in the underlying district, provided the following conditions are met:

1. *Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses.*

Staff finds that the proposed use would be compatible with the adjacent offices as noted within the IDRC Report.

2. *Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties.*

The use will function like an office use in most respects. Therefore, given that the office use has already been determined to be compatible with the adjacent land uses, so would the petitioner's use.

3. *Proposed use exceptions shall not represent more than 40% of the site area or more than 40% of the total floor area, whichever is less. However, in a residential planned*

development area no more than 10% of the site area or the total floor area shall be devoted to commercial use; furthermore, no industrial use shall be permitted.

The proposed use would occupy 2,907 square feet or three percent (3%) of the overall 98,604 square footage of the existing office building. Therefore it meets the use exception percentage requirements.

Compatibility with Adjacent Land Uses

In consideration of the overall Heron Point planned development and the surrounding residential and commercial land uses, staff makes the following observations based upon representation made by the petitioner:

1. The use would function similarly to other office uses in the building. But for the courier, employees would arrive in the morning, work within the building during the day and leave in the afternoon.

2. As with other tenants, no external signage would be included within the request.

3. Without the laboratory or manufacturing components, the use would be a "quiet use" and would not have large machinery or equipment that would be disruptive to adjacent properties or tenants within the building.

4. The lack of a retail component would minimize traffic to the facility. The courier would be the primary traffic generator for the business. However, staff does not foresee this to be significantly different than courier activities commonly found with business office uses.

Given these parameters, staff believes the use will be compatible within the planned development and the adjacent properties.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends commercial and office uses at this location. While not an office use per se, the use is intended to function like an office use. As such, staff believes the proposed use is compatible with the Comprehensive Plan.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the proposed development is compatible with the surrounding land uses, the Comprehensive Plan and the overall planned development. The Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition subject to the conditions described below:

CCR of Illinois

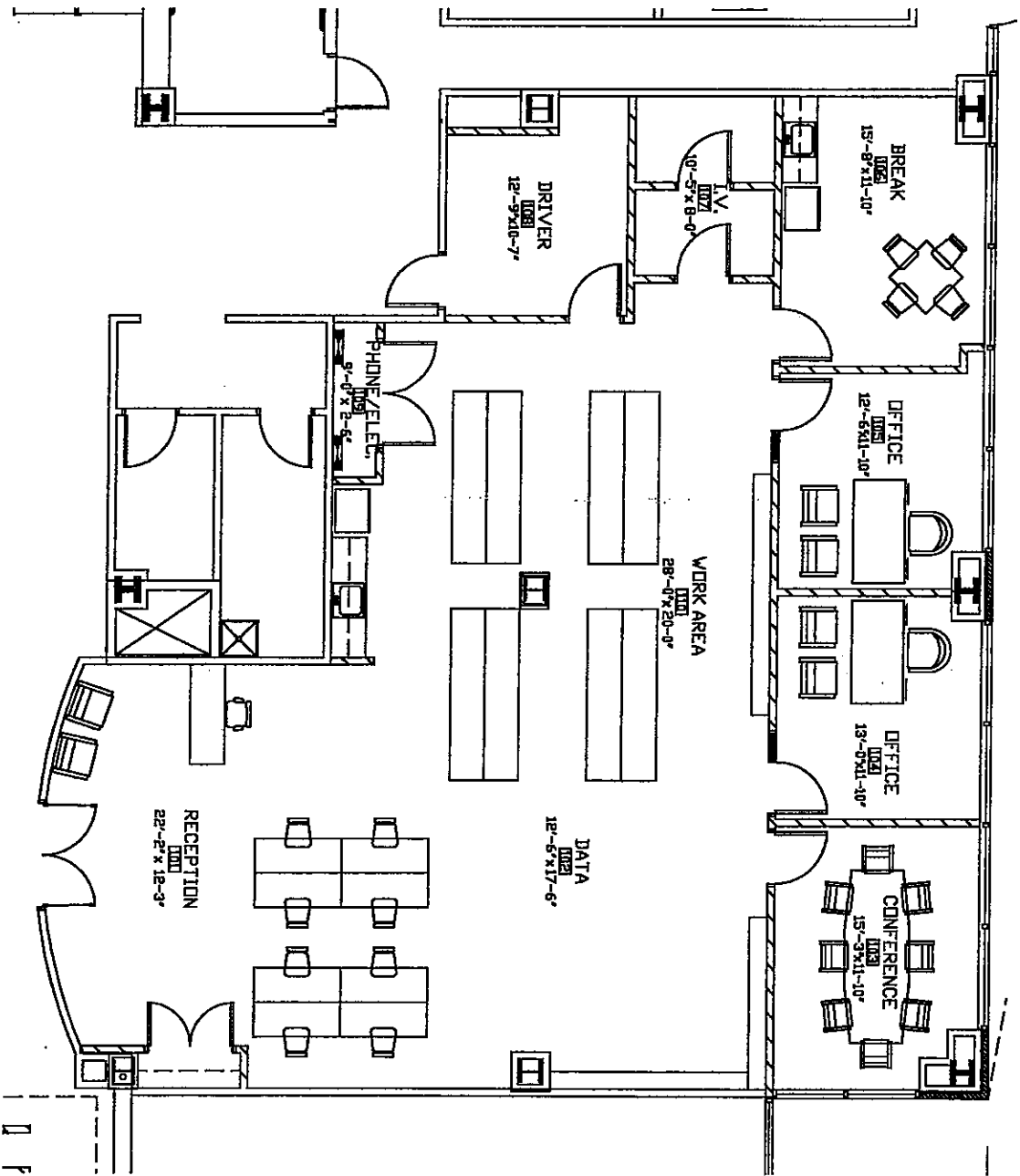
CCR of Illinois is a long term care pharmacy that is not open to the public but provides specialized professional pharmacy services to sub acute facilities and skilled nursing facilities. Our mission is to provide the highest quality of long term care pharmacy services to our clients and the frail elderly residents they serve.

Standards for Conditional Use

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare; and in fact the services provided enhance public health, safety, comfort, and general welfare of the frail elderly in the long term care facilities we serve.
2. Conditional use will not be injurious to the uses and enjoyment of other property in the vicinity for purposes already permitted and will not substantially diminish and impair property values within the neighborhood it is located and would not substantially increase traffic.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district and in fact the deliveries occur at off peak times that allows for better distribution of flow at the business park.
4. There are adequate public utilities, access roads, and necessary facilities to the building.
5. No additional measures are required to provide ingress and egress since the specialized professional pharmacy is not open to the public but serves the healthcare facilities.
6. The proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard.
7. The conditional use shall, in all other respects conform to the applicable regulations of the district except as such regulations may in each instance be modified pursuant to the recommendations of the Plan Commission.

(H)

HERON POINT



1 First Floor
 SCALE N.T.S. 2,907 sqft.

Continuing Care
 Suite B
 Scheme B

DDMR
 PLANNING
 5155 Shepherd Ave. #110
 Grand Bay, TX 77550
 281.931.3300
 FAX: 281.931.6888

KEY PLAN

REV.	DATE	BY	DESCRIPTION

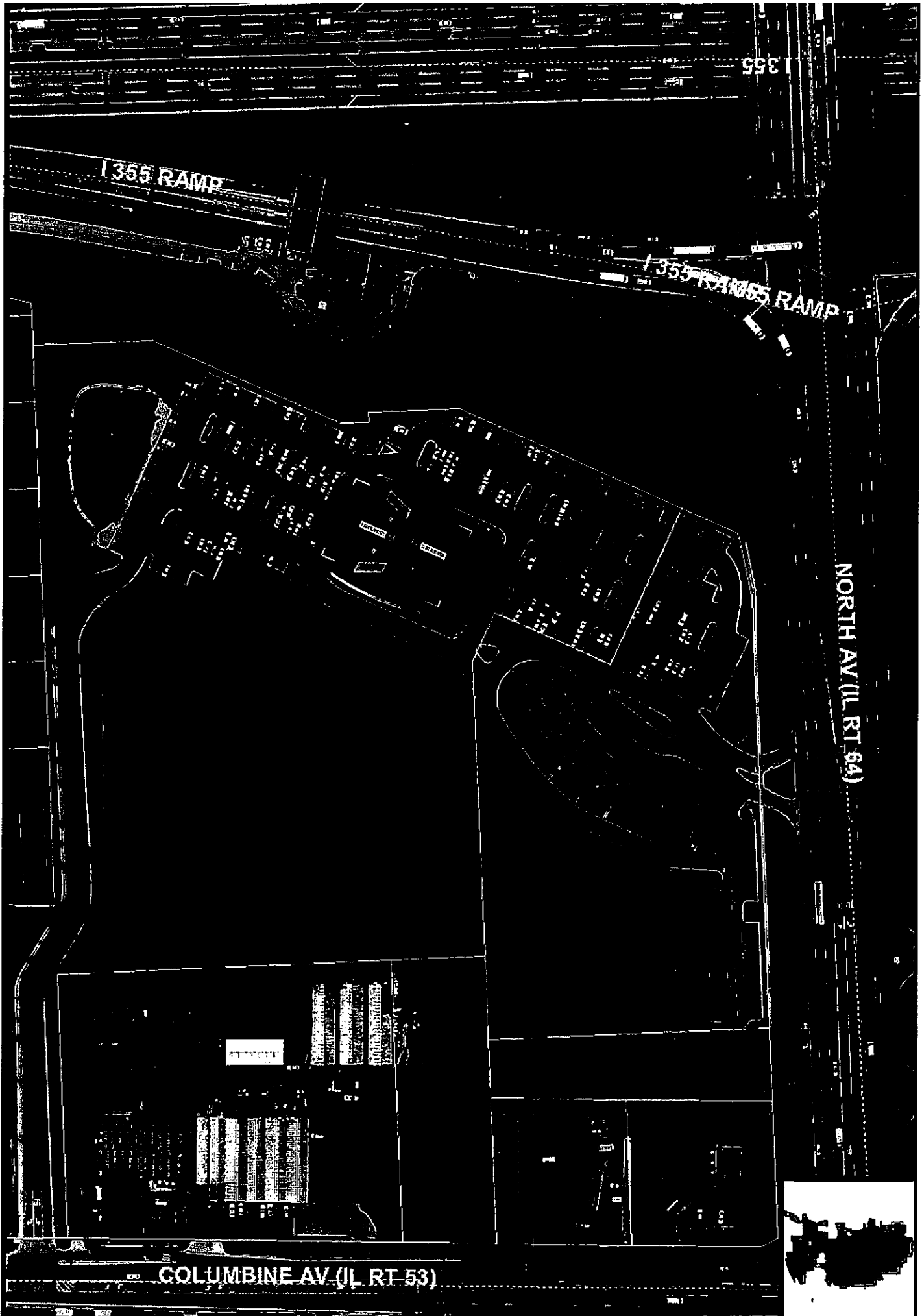
Project
 665 North Ave
 LINDEN, TEXAS

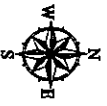
Scale: 1/8" = 1'-0"
 Date: 10/14/07
 Drawn: AL
 Checked: []
 Approved: []



PC 08-02: Heron Point Planned Development Aerial Photo

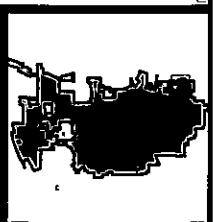
1 in. = 150.0 feet





PC 08-02: 665 W. North Avenue

1 in. = 300.0 feet



ORDINANCE NO. _____

AN ORDINANCE APPROVING A USE EXCEPTION FOR A PHARMACEUTICAL ESTABLISHMENT WITHIN AN THE HERON POINT PLANNED DEVELOPMENT, UNDER TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS

PC 08-02: 665 W. North Avenue (Heron Point Planned Development)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Lombard Village Code; and

WHEREAS, the President and Board of Trustees of the Village of Lombard approved Ordinance 4538 on September 3, 1998 granting approval of a conditional use for a the Heron Point Office planned development, located within the O Office District; and

WHEREAS, an application has been filed with the Village of Lombard requesting approval of a use exception for a pharmaceutical establishment to be located within the previously approved planned development; and

WHEREAS, a public hearing was conducted by the Plan Commission on January 28, 2008, pursuant to appropriate and legal notice, and the Plan Commission recommended approval of the Petition, subject to amended conditions; and

WHEREAS, the President and Board of Trustees concur with the recommendation of the Plan Commission and have determined that it is in the best interest of the Village to approve the Petition.

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 the ordinance is limited and restricted to the property generally located at 665 W. North Avenue, Lombard, Illinois, and legally described as follows:

Lot 2 of the resubdivision of Lot 1 of Heron Point Plat of Resubdivision, being a resubdivision of part of the northeast quarter Section 1, Township 39 North, Range 10 East of the Third Principal Meridian, according to the plat recorded March 30, 2005 as document number R2005-064497, in DuPage County, Illinois.

Parcel Number: 05-01-202-021

(hereinafter the "Subject Property")

SECTION 2: The President and Board of Trustees, hereby finds that the petition does meet the standards for conditional uses for planned developments with use exceptions, and therefore the petition is hereby granted for the Subject Property, subject to the amended conditions set forth as follows:

1. The approval of the use exception for the pharmaceutical establishment shall be for the 2,907 square foot tenant space within Suite 102 within the Heron Point office building. Any further expansion shall require approval of a further use exception.
2. The approval for the use exception shall provide for the filling of prescriptions for ultimate consumers of the prescriptions and shall not include any drug manufacturing activities or retail activities on the subject property.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as required by law.

Passed on first reading this _____ day of _____, 2008.
First reading waived by action of the Board of Trustees this _____ day of _____, 2008.
Passed on second reading this _____ day of _____, 2008, pursuant to a roll

call vote as follows:

AYES: _____
NAYS: _____
ABSENT: _____

APPROVED this _____ day of _____, 2008.

William J. Mueller
Village President

Brigitte O' Brien
Village Clerk

Published by me in pamphlet form this _____ day of _____, 2008.

Brigitte O' Brien
Village Clerk

ATTEST:

Page 3

Ordinance _____
PC 08-02



Village of Lombard Master Report

Village Hall
255 East Wilson Ave.
Lombard, IL 60148
villageoflombard.org

File Number: 080038

File Number: 080038 File Type: Ordinance on Second Reading Status: On Consent Agenda

Version: 0 Reference: Controlling Body: Village Board of Trustees

Requester: Community Development Department Cost: Introduced: 01/23/2008

File Name: PC 08-02: 665 West North Avenue (Heron Point Office Center) Final Action:

Title: PC 08-02: 665 West North Avenue (Heron Point Office Center)
 Requests approval of a use exception within the Heron Point of Lombard Office Planned Development (OPD) District #1

Notes:
 Code Sections:
 Indexes:
 Sponsors:
 Attachments:
 Agenda Date:
 Agenda Number:
 Enactment Date:
 Enactment Number:

History of Legislative File

Ver-Action Body	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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0	Plan Commission	01/28/2008	Recommended for approval to the Corporate Authorities subject to the amended condition(s)			Pass
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Text of Legislative File 080038

PC 08-02: 665 West North Avenue (Heron Point Office Center)
 Requests approval of a use exception within a planned development to allow for a pharmaceutical establishment located within the Heron Point of Lombard Office Planned Development (OPD) District (DISTRICT #1)

[Enter body here.]