

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 *DAH*
DATE: October 20, 2010 (BOT) Date: November 4, 2010
TITLE: PC 10-19: 11 S. Eisenhower Lane
SUBMITTED BY: Department of Community Development *U*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The petition requests that the Village approve a conditional use to allow a Contractors material storage yard for the subject property located within the I - Limited Industrial District along with the following variations:

1. A variation from Section 155.210(A)(3)(b) of the Lombard Zoning Ordinance to allow an accessory structure to exceed seventeen (17) feet.
2. A variation from Section 155.420(J) of the Lombard Zoning Ordinance to reduce the required transitional building setback from forty-five (45) feet to twenty (20) feet.
3. A variation from Section 155.420(J) of the Lombard Zoning Ordinance to reduce the required transitional landscape yard from thirty (30) feet to twenty (20) feet.

The Plan Commission recommended approval of this petition with conditions.

Please place this item on the November 4, 2010 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *DAH* _____ Date 10/20/10

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

DATE: November 4, 2010

SUBJECT: PC 10-19; 11 W. Eisenhower Lane S.

Attached please find the following items for Village Board consideration as part of the November 4, 2010 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 10-19;
3. An Ordinance granting a conditional use pursuant to Title 15, Chapter 155, Section 155.420(C) of the Lombard Zoning Ordinance providing for a Contractors materials storage yard and variations;
4. Plans associated with the petition.

The Plan Commission recommended approval of the zoning actions associated with the petition subject to conditions..



VILLAGE OF LOMBARD

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(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

November 4, 2010

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 10-19; 11 W. Eisenhower Lane S.

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the following actions be taken on the subject property located within the B4A Roosevelt Road Corridor District:

1. Approve a conditional use for a Contractors material storage yard;
2. A variation from Section 155.210(A)(3)(b) of the Lombard Zoning Ordinance to allow an accessory structure to exceed seventeen (17) feet.
3. A variation from Section 155.420(J) of the Lombard Zoning Ordinance to reduce the required transitional building setback from forty-five (45) feet to twenty (20) feet.
4. A variation from Section 155.420(J) of the Lombard Zoning Ordinance to reduce the required transitional landscape yard from thirty (30) feet to twenty (20) feet.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on October 18, 2010.

Jeff Baity, Matocha Associates, 5846 Sunrise Ave, Clarendon Hills presented the petition on behalf of Gasaway Maintenance Co, located at 11 S. Eisenhower Lane. Mr. Baity indicated that they are proposing to construct an outdoor salt storage bin and outdoor brine storage tanks. The property currently has an outdoor storage yard, which is completely fenced in. The intent of this design is to install the salt storage dome at the southeast corner of property, slightly increase the outdoor yard area and install a two-bin salt storage bin. The intent of the storage bin is to protect the storage of the bulk salt. They will divide the bin into two. Mr. Baity

stated that the first variance they are requesting is for the height of the building. The height of the building is approximately 34' in front and will taper down to 25' in height toward the back and is 35' wide at its opening. He then mentioned that the height of the building is indicative of how it will function. In order for the dump truck to raise up, it has to clear the overhang; consequently, the height in the front of the building is designed to be taller in order to provide enough clearance.

To be good neighbors to the residential area to the east they will alleviate the impact of the building by making use of the topography. He explained how the property has a radical vertical rise – 26' -30' at the rear of the building and is well vegetative. Currently, there is vegetation, an unimproved right-of-way and another row of vegetation between the subject property and the residential properties to the east. Mr. Baity then mentioned that they have a unique situation on the property because their interior side yard abuts the rear yard of the property to the south because of its configuration. He added that the property to the east and south are owned by the Village of Lombard. They want to bring the building towards the rear of the property for access purposes. This will result in not having to modifying or disrupt the cross over to the building. Mr. Baity then discussed the variations being requested. He stated that bringing the building back would hide it from the eastern and southern properties. He added that they will make use of the vegetative berm as a screen. He also mentioned that they are also proposing four brine storage tanks on the property.

David Gasaway, 8534 Thistlewood, Darien (owner of Gasaway Maintenance Co.) stated that the brine tanks will contain only salt brine. He noted they distribute products to various villages, including Lombard. Salt brine is used to energize rock salt to make it work faster. The biggest products they have in the tanks are salt brine and magnesium chloride. All these products are non-placard (non- hazardous) products. Everything they deal with (both dry and liquid) are non-hazardous.

Mr. Baity finished their presentation by stating that they want to move the proposed building far enough away so as to not impede the operation because they are forced to use their side and rear yards. Lastly, he stated that they're increasing the existing storage yard by 1000 square feet. That back area is currently fenced in and we are increasing that area.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition.

No one spoke in favor or against the petition.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. The petitioner is proposing to construct two covered salt storage bins and four brine storage tanks. The salt bins would be constructed adjacent to the southern portion of the existing building and the brine storage tanks would be constructed adjacent to the eastern portion of the existing building. The salt storage bins would

be constructed to a height of thirty-four (34) feet. As such, a variation is required to allow an accessory structure to exceed the maximum height of seventeen (17) feet.

Properties located within the I – District, which abut properties in a residence district, are required to provide a forty-five (45) foot transitional building setback and a thirty (30) foot transitional landscape yard. The eastern property line of the subject property abuts property in the R4 – Limited General Residential; therefore, the transitional yards are required. The transitional building setback includes accessory structures and the transitional landscape yard requires that the designated area be free of any improved surfaces and/or structures. The proposed salt bins are located twenty (20) feet from the eastern property line; as such, they are located within the required transitional building setback and transitional landscape yard. The brine storage tanks are located forty-two (42) feet from the eastern property line; therefore, they are located within the required transitional building setback, but outside of the required transitional landscape yard.

Lastly, the petitioner has been operating on the subject property as a Contractors office since 2009. With the inclusion of the proposed outdoor amenities, the use of the property transitions to become a ‘Contractors office and yard’, which requires conditional use approval in the I – Limited Industrial District.

The Gasaway Maintenance Company has been working in the pavement maintenance industry (snow removal, dust control & bulk water delivery) for almost thirty years. The subject property is primarily used for off-season storage and support activities for their main location in Romeoville, IL. During the winter months, the plow trucks and salt trucks that service the Lombard/Oak Brook area operate out of the subject property. The loaders and heavy pieces of equipment are kept at the job sites, when in operation, but are returned to storage in April. Furthermore, the 14,000 square foot warehouse space is used for inside storage of snow removal equipment and other miscellaneous articles. The 6,000 square foot office is used by sales representatives on an as-needed basis.

As previously mentioned, the petitioner has been operating on the subject property as a Contractors office since 2009. With the inclusion of two covered salt storage bins and four brine storage tanks, the use of the property transitions to now be considered a ‘Contractors office and yard’, which requires conditional use approval in the I – Limited Industrial District.

The salt bins would be constructed adjacent to the southern portion of the existing building and the brine storage tanks would be constructed adjacent to the eastern portion of the existing building. With the inclusion of these structures, additional outdoor on-site activities would occur. As the proposed structures would contain elements that are used in the snow removal/de-icing process, they will be primarily used in the winter months during snow and ice events. The hours of operation could fluctuate drastically, depending upon the time of a storm occurrence. Moreover, there is no set timeframe to which the on-site activities could be fully operational. Due to the configuration of the subject property the proposed structures would be located adjacent to the property lines that abut Village-owned properties. As such, the additional outdoor on-site

operations would most impact Village-owned property. Staff also notes that both Village-owned properties are currently vacant.

Lastly, the previous tenant that conducted business on the subject property, Pyramid Stone, received conditional use approval to operate a concrete and stone fabrication and molding facility in 2004 (PC 04-32). As such, the site has a history of conditional use approval for outdoor 'yard' activities.

The intent of a transitional yard is to provide a buffer area between two differing land uses, one of which is more intensely used than the other. The subject industrial property abuts property in the R4 – Limited General Residential; however, the abutting property is actually a forty-three (43) foot wide unimproved strip of Main Street, which is owned by the Village and is heavily vegetated. The unimproved portion of Main Street spans the entire length of the eastern property line of the subject property and acts as a natural buffer between the subject property and the residential properties to the east. The petitioner has indicated that the proposed location of the salt bins was specifically chosen in order provide safe maneuvering and mobility space for vehicles. Essentially, pushing back the salt bins towards the east will allow the existing south side overhead door, which provides access to the main building, to remain clear of any structures and allow for optimal vehicular maneuverability.

The salt storage bins would be constructed to a height of thirty-four (34) feet. The salt storage bins would be connected to the principal structure by means of a small enclosed addition. As the storage bins are functionally considered incidental to the principal building, they are still considered to be accessory structures and therefore must meet the seventeen (17) foot height requirement. Although the height variation being requested is double than that permitted by code, the topography of the property significantly minimizes the affect that a taller structure would have on adjacent properties. As previously mentioned, the salt bins would be constructed adjacent to the southern portion of the existing building. As such, those structures would be located closest to the southern and eastern property lines of the subject property. Moreover, both adjacent properties that abut the southern and eastern property lines of the subject property are vacant and owned by the Village. Furthermore, there is a significant grade change on the eastern portion of the property that would diminish the affects of the salt domes from the residential properties that are located to the east of the unimproved portion of Main Street.

Staff is supportive of the conditional use and associated variations. If approved, the additional outdoor operations created by the conditional use would not have a significant impact on adjacent properties. The unimproved portion of Main Street acts as a natural buffer between the subject property and the residential property to the east. The change in grade on the eastern portion of the subject property minimizes the height impact of the proposed accessory structures. As such, the geographic and topographic conditions on the subject property reduce the impact that the variations would create on the surrounding area. The petitioner has provided a response to the Standards for Conditional Uses and Variations. Staff finds that those standards have been met.

Staff is recommending approval of this petition, subject to six conditions.

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

Commissioner Sweetser stated that it seems like everything is straight forward and the rationale is very reasonable.

Commissioner Burke questioned the petitioner's testimony in that moving the building to the east and into the berm area, reduces the affect on the adjacent property. He commented that statement was subjective. Even if you move it closer to the back and bury it in the berm, it is still 35' in height. He asked how this will have less affect on the neighbors and requested an explanation.

Jeff Baity stated that there is no neighbor to the south except for the Village owned property, which is vacant. The front of the salt bin will be 34' high and the back will get buried. Rather than have a large building and see complete mass, they have the ability to bury it into the berm and minimize the overall visual effect of the storage bins.

Mr. Toth distributed a picture of the subject property from a westward perspective. He stated that the picture was taken when he was standing on the unimproved portion of Main Street with the vegetative buffer in front and behind him and the residential properties located at his back. The picture demonstrates how much of a grade change there is and how the vegetative buffers play a significant role in the screening.

Commissioner Burke stated that he is not suggesting that it is not going to be visible but by asking for a variance to move it closer to the property line makes it less expensive for the petitioner because they will not have to change the existing building around. It won't be visible meeting our ordinances for setbacks , so moving it back won't make it less visible. There were two reasons the petitioner gave for the variance. One is that it would be less visible from the Village right of way and the other was that it saved cost on site with regards to not having to change the facility. He wasn't sure that either reason is a legitimate reason for our standards for variations.

Christopher Stilling, Assistant Community Development Director, answered that there is cost involved, but given the location, grade change and the distance to the residential property, staff felt comfortable supporting the petition.

Commissioner Burke questioned the standards for variations and stated that the testimony isn't accurate in that there is a financial benefit for the petitioner for this variation for on site improvements. He added that the variations aren't necessary and added that there is no direct benefit to placing them at their proposed location.

Mr. Gasaway stated that there is a 45' to 50' radius they are putting into the hill so you don't see the back of the structure, which makes it less noticeable. We need this because of the rotation of

the wheel loader and trucks at the side door. That southern door cannot be moved to the west because there is a 6" main coming into the building. He added that they tried to make the plan functional and they are only asking for relief in what they really need.

Jeff Baity mentioned that they are unique in that area because they are the only lot that abuts the R4 in the back yard. Because of the required transitional setback, they are required to be set back 45'. If they were on the next lot, they could build 15' from the lot line because that lot is not adjacent to the R4 District.

Commissioner Sweetser stated that she understands Commissioner Burke's point but believes that it has to do with how the petitioner presented his testimony specifically the statement about the visibility. She added that a new piece of information was just provided regarding how the fire requirements preclude the entrance from being changed, which could be a mitigating factor. She stated that she doesn't object to this, but needs clarification as to the testimony.

George Wagner, Village Attorney, referred to the standards for variations and stated there is a basis to financial gain and the standards says there cannot be a primary basis for a financial gain but that standards can be met.

Commissioner Burke stated one of the reasons the petitioner gave isn't legitimate in that moving the building makes it less visible when further testimony stated that it would never be visible.

Attorney Wagner stated that the only part as to the fire main comes in is that it could be moved you still get into whether that is a specific condition of the land and unique to cause the salt bin to be located where it is.

Mr. Stilling stated that staff's position is based upon the given the circumstances of the existing building. He added that this is the most suitable location for the salt bins and brine tanks and staff is supportive of it.

Attorney Wagner added that is based on the uniqueness of the land. The vegetation and where it is and the location of the salt bin in location to the Village property and would be a hardship to be relocated. The hardship might be on their operations and how it might be seen from the outside.

Commissioner Burke stated that it can be reworded. He added that all he is saying is that the request and the testimony are not jiving.

Chairperson Ryan stated that if the rewording the standards based upon the testimony provided, there is no objection to it.

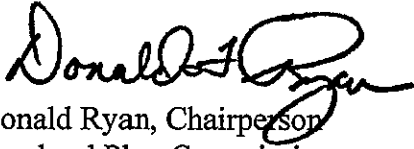
Attorney Wagner stated that they can add that to the standards to reflect the testimony.

November 4, 2010
PC 10-19
Page 7

On a motion by Commissioner Sweetser and a second by Commissioner Flynt, the Plan Commission voted 5 to 0 that the Village Board **approve** the conditional uses and variations based upon the testimony provided by the petitioner during the meeting, which provided the necessary justification to meet the required Standards as set forth in the Zoning Ordinance.

Respectfully,

VILLAGE OF LOMBARD

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

Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission HEARING DATE: October 18, 2010
FROM: Department of Community Development PREPARED BY: Michael S. Toth
Planner I

TITLE

PC 10-19; 11 W. Eisenhower Lane S.: The petitioner requests that the Village approve a conditional use to allow a Contractors material storage yard for the subject property located within the I – Limited Industrial District along with the following variations:

1. A variation from Section 155.210(A)(3)(b) of the Lombard Zoning Ordinance to allow an accessory structure to exceed seventeen (17) feet.
2. A variation from Section 155.420(J) of the Lombard Zoning Ordinance to reduce the required transitional building setback from forty-five (45) feet to twenty (20) feet.
3. A variation from Section 155.420(J) of the Lombard Zoning Ordinance to reduce the required transitional landscape yard from thirty (30) feet to twenty (20) feet.

GENERAL INFORMATION

Petitioner: Matocha Associates
17W220 22nd St.
Suite 500
Oakbrook Terrace, IL 60181

Property Owner: Have Two Pots, LLC
1290 Lakeside Dr
Romeoville, IL 60446

PROPERTY INFORMATION

Existing Zoning: I – Limited Industrial District
Existing Land Use: Industrial

Size of Property: 65,808 square feet

Surrounding Zoning and Land Use:

- North: I – Limited Industrial District; developed as a construction office/shop, known as Furmanite.
- South: I – Limited Industrial District; vacant parcel.
- East: R4PD – Limited General Residential Planned Development; unimproved right-of-way.
- West: I – Limited Industrial District; developed as a commercial strip center.

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on September 15, 2010:

1. Petition for Public Hearing
2. Standards for Conditional Uses and Variations
3. ALTA/ACSM Survey, dated March 2, 2009, prepared by Alan D. Carradus
4. Site Plan, dated September 14, 2010, prepared by Matocha Associates
5. Elevation Plan, dated September 14, 2010, prepared by Matocha Associates
6. Revised Partial Site Plan and Fence Plan, dated October 6, 2010, prepared by Matocha Associates

DESCRIPTION

The petitioner, Gasaway Maintenance Co., is proposing to construct two covered salt storage bins and four brine storage tanks. The salt bins would be constructed adjacent to the southern portion of the existing building and the brine storage tanks would be constructed adjacent to the eastern portion of the existing building. The salt storage bins would be constructed to a height of thirty-four (34) feet. As such, a variation is required to allow an accessory structure to exceed the maximum height of seventeen (17) feet.

Properties located within the I – District, which abut properties in a residence district, are required to provide a forty-five (45) foot transitional building setback and a thirty (30) foot transitional landscape yard. The eastern property line of the subject property abuts property in the R4 – Limited General Residential; therefore, the transitional yards are required. The transitional

building setback includes accessory structures and the transitional landscape yard requires that the designated area be free of any improved surfaces and/or structures. The proposed salt bins are located twenty (20) feet from the eastern property line; as such, they are located within the required transitional building setback and transitional landscape yard. The brine storage tanks are located forty-two (42) feet from the eastern property line; therefore, they are located within the required transitional building setback, but outside of the required transitional landscape yard.

Lastly, the petitioner has been operating on the subject property as a Contractors office since 2009. With the inclusion of the proposed outdoor amenities, the use of the property transitions to become a 'Contractors office and yard', which requires conditional use approval in the I – Limited Industrial District.

ENGINEERING

The PES Division of Community Development has the following comments on the above petition:

- 1) All work shall be done to Village Standards and Specifications.
- 2) Per § 151.55, Stormwater Detention is required for all disturbed areas, including new construction.
- 3) The petitioner shall identify what the “manhole” in rear area is connected to/used for. Depending on its use, staff is concerned about the proximity to the salt and stored chemicals.

Further comments will be provided once full plans are submitted.

PUBLIC WORKS

Village Cross Connection Records show backflow devices are overdue for testing. Current test certificates shall be submitted prior to approval. Also, new chemical feed system shall meet cross connection codes.

FIRE

The proposed installation of four (4) fiberglass brine storage tanks adjacent to the eastern portion of the existing building located at 11 W. Eisenhower shall meet the following requirements of the International Fire Code, Section 2704:

1. **Outdoor design.** Secondary containment for outdoor storage areas shall be designed to contain a spill from the largest vessel. If the area is open to rainfall, secondary containment shall be designed to include the volume of a 24-hour rainfall, and provisions shall be made to drain accumulations of ground water and rain water.
2. **Monitoring.** An approved monitoring method shall be provided to detect hazardous materials in the secondary containment system. Where secondary containment is subject to the intrusion of water, a monitoring method for detecting water shall be provided.

3. **Drainage system design.** Drains shall terminate in an approved location away from buildings and storm drains.

BUILDING

The Building Division offers the following comments:

1. Any domestic water connection to the brine tanks will be required to have a backflow device (RPZ) installed and or an air gap used at the tank connection.
2. The following codes will be applicable to this project:

APPLICABLE CODES

2000 International Building Code

2008 National Electric Code

2004 Illinois Plumbing Code

2000 International Fire Code

2000 NFPA 13 - Fire Protection Code

2000 NFPA - 101 Life Safety Code

Lombard Municipal Code Chapter 150: Building Code

Lombard Municipal Code Chapter 155: Zoning Ordinance

PLANNING

Conditional use to allow a Contractors material storage yard

The Gasaway Maintenance Company has been working in the pavement maintenance industry (snow removal, dust control & bulk water delivery) for almost thirty years. The subject property is primarily used for off-season storage and support activities for their main location in Romeoville, IL. During the winter months, the plow trucks and salt trucks that service the Lombard/Oak Brook area operate out of the subject property. The loaders and heavy pieces of equipment are kept at the job sites, when in operation, but are returned to storage in April. Furthermore, the 14,000 square foot warehouse space is used for inside storage of snow removal equipment and other miscellaneous articles. The 6,000 square foot office is used by sales representatives on an as-needed basis.

As previously mentioned, the petitioner has been operating on the subject property as a Contractors office since 2009. With the inclusion of two covered salt storage bins and four brine storage tanks, the use of the property transitions to now be considered a 'Contractors office and yard', which requires conditional use approval in the I – Limited Industrial District.

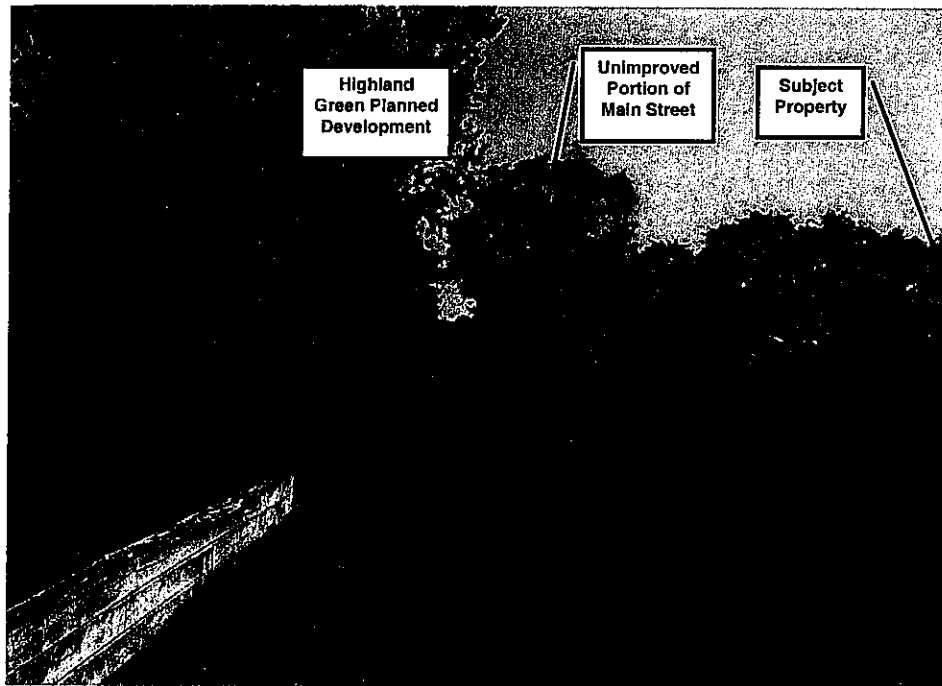
The salt bins would be constructed adjacent to the southern portion of the existing building and the brine storage tanks would be constructed adjacent to the eastern portion of the existing building. With the inclusion of these structures, additional outdoor on-site activities would occur. As the proposed structures would contain elements that are used in the snow removal/de-icing process, they will be primarily used in the winter months during snow and ice events. The hours of operation could fluctuate drastically, depending upon the time of a storm occurrence. Moreover, there is no set timeframe to which the on-site activities could be fully operational. Due

to the configuration of the subject property the proposed structures would be located adjacent to the property lines that abut Village-owned properties. As such, the additional outdoor on-site operations would most impact Village-owned property. Staff also notes that both Village-owned properties are currently vacant.

Lastly, the previous tenant that conducted business on the subject property, Pyramid Stone, received conditional use approval to operate a concrete and stone fabrication and molding facility in 2004 (PC 04-32). As such, the site has a history of conditional use approval for outdoor 'yard' activities.

Transitional Setback Variations

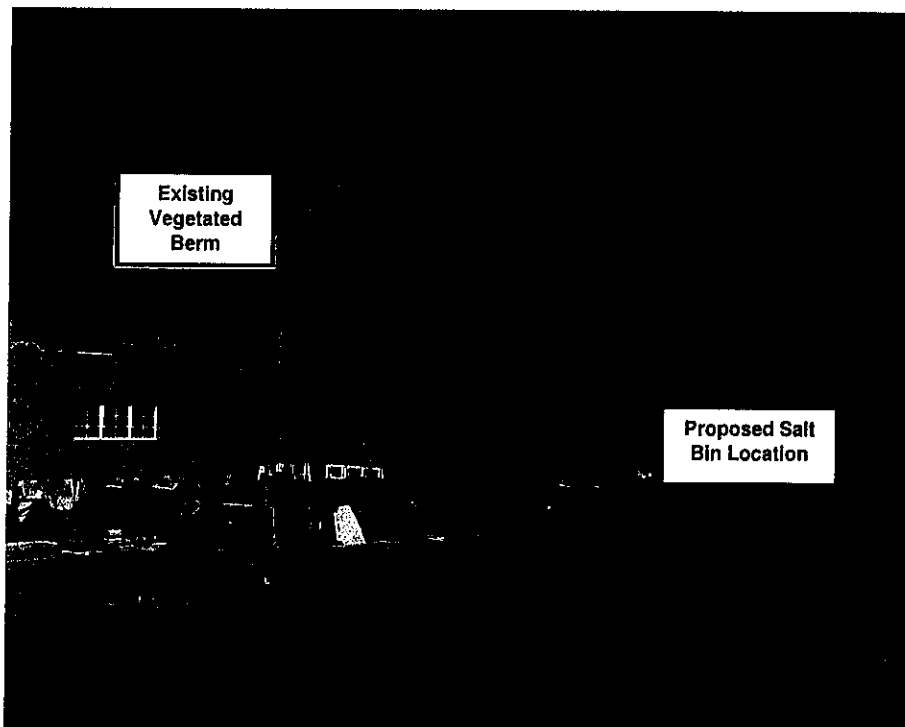
The intent of a transitional yard is to provide a buffer area between two differing land uses, one of which is more intensely used than the other. The subject industrial property abuts property in the R4 – Limited General Residential; however, the abutting property is actually a forty-three (43) foot wide unimproved strip of Main Street, which is owned by the Village and is heavily vegetated. The unimproved portion of Main Street spans the entire length of the eastern property line of the subject property and acts as a natural buffer between the subject property and the residential properties to the east. The petitioner has indicated that the proposed location of the salt bins was specifically chosen in order provide safe maneuvering and mobility space for vehicles. Essentially, pushing back the salt bins towards the east will allow the existing south side overhead door, which provides access to the main building, to remain clear of any structures and allow for optimal vehicular maneuverability.



Unimproved Portion of Main Street Located Behind Subject Property

Accessory Structure Height Variation

The salt storage bins would be constructed to a height of thirty-four (34) feet. The salt storage bins would be connected to the principal structure by means of a small enclosed addition. As the storage bins are functionally considered incidental to the principal building, they are still considered to be accessory structures and therefore must meet the seventeen (17) foot height requirement. Although the height variation being requested is double than that permitted by code, the topography of the property significantly minimizes the affect that a taller structure would have on adjacent properties. As previously mentioned, the salt bins would be constructed adjacent to the southern portion of the existing building. As such, those structures would be located closest to the southern and eastern property lines of the subject property. Moreover, both adjacent properties that abut the southern and eastern property lines of the subject property are vacant and owned by the Village. Furthermore, there is a significant grade change on the eastern portion of the property that would diminish the affects of the salt domes from the residential properties that are located to the east of the unimproved portion of Main Street.



Proposed Project Area (Southeast Portion of Subject Property)

Staff is supportive of the conditional use and associated variations. If approved, the additional outdoor operations created by the conditional use would not have a significant impact on adjacent properties. The unimproved portion of Main Street acts as a natural buffer between the subject property and the residential property to the east. The change in grade on the eastern portion of the subject property minimizes the height impact of the proposed accessory structures. As such, the geographic and topographic conditions on the subject property reduce the impact that the variations would create on the surrounding area. The petitioner has provided a response to the Standards for Conditional Uses and Variations. Staff finds that those standards have been met.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Conditional Uses and Variations for the requested actions. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of PC 10-19:

Based on the submitted petition and the testimony presented, the requested variations **do comply** with the Standards required for Conditional Uses and Variations by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and recommend to the Corporate Authorities **approval** of PC 10-19, subject to the following conditions:

1. The subject property shall be developed and operated in conformance with the site plan dated October 6, 2010, prepared by Matocha Associates.
2. The petitioner shall satisfactorily address all comments within the IDRC report.
3. The petitioner shall apply for and receive a building permit for the proposed plans.
4. The conditional use shall permit outdoor storage of related equipment within the fenced-in outdoor storage area only.
5. The existing dumpster located on the northeast portion of the subject property shall be screened pursuant to Section 155.710 of the Zoning Ordinance.
6. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the conditional use and variations.

Inter-Departmental Review Group Report Approved By:

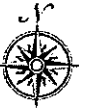


for WJH

William J. Heniff, AICP
Director of Community Development

att-
c: Petitioner

PC 10-19: 11 W. Eisenhower Ln. S.

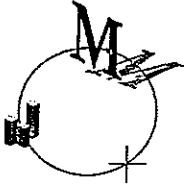


MATOCCHA

A S S O C I A T E S

Architecture, Development, and
Program Management

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500
OAKBROOK TERRACE, ILLINOIS
60181
VOICE 630 530 - 2300
FAX 630 530 - 2335



September 14, 2010

Village of Lombard – Plan Commission
255 E Wilson Avenue
Lombard, Illinois 60148-3931

RE: Petition for Public Hearing
11 S. Eisenhower Lane

DESCRIPTION OF REQUEST:

Project is to erect an outdoor covered salt storage bin and four adjacent brine storage tanks within the east portion of the existing fenced equipment yard and immediately behind the existing building. The project requires the following ordinance reviews and considerations:

1. Conditional Use Review of Outdoor Storage.
2. Variance to required landscape buffer when abutting a residential district.
3. Variance to requirement for rear yard setback from 45 feet to 20 feet.
4. Variance to the maximum height restriction for an accessory structure.

STANDARDS FOR CONDITIONAL USES

(Reference Page 11 Petitioner's Guide To The Plan Commission, Article VII Standards for Conditional Uses)

1. **True**
No substantial change in use except that the existing passive storage yard would be an active storage yard seasonally.
2. **True**
3. **True**
4. **True**
5. **True**
All loading and off-loading of material is contained on-site without congestion to public streets.
6. **True**
7. **True**

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STANDARDS FOR VARIATIONS

(Reference Page 17 Petitioner's Guide To The Plan Commission, Article XI Standards for Variations)

1. **True:**
The natural topography of our property is unique along the East, (rear yard) and South, (interior side yard). From approximately 15 feet east of the rear of the existing building the ground elevation quickly rises upwards to our east property line plus an additional unused (possibly vacated) right-of-way that is unimproved by at minimum, 50 feet before it levels off as it nears the adjacent residential property. The total rise in elevation is as much as 50 feet or more. The entire area is substantially vegetated and provides a natural and effective screening between our property and the residential property beyond, to the east. Because of this natural topography the existing building is sited an additional 10 feet west to avoid this steep rise in elevation.
2. **True:**
The properties to our north and south do not have the same natural barriers to the residential area to the east. There is an improved street to the east of the industrial building to our north and no landscape barrier between the street and the building. Additionally, the topography is not as steep and the grade differential is not as great. As the building is addressed to the facing side street, their east yard is a side yard and not a rear yard. The property to our south is a Village owned property and has a much higher elevation than our property without having the steep grade.
3. **True:**
The purpose for the variation request is due to the fact that placement of the salt storage building must be such that it; a) provides safe maneuvering and mobility space within the existing fenced yard for the equipment and manpower required to operate the salt storage bins, b) does not block the existing south side overhead door access to the main building which aligns with the existing overhead door on the north side, and c) to push the building back into the hill to benefit in hiding the overall structure for everyone.
4. **True:**
The Owner performed his due diligence prior to the purchase of the property in 2009 by meeting with Village staff and receiving guidance to the future construction of the salt bin. The need for a salt bin was discussed and was not precluded from the zoning according to staff. The ordinance is appropriate when the natural topography is level

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and a reasonable visual buffer is required between the two different uses. However, the particular location of this lot in relationship to the residential topography elevation plus, the unimproved right-a-way with the existing landscape coverage creates a unique difficulty and hardship as it places a unique rear yard setback requirement on this property that does not affect property to the north or south. The street configuration of the industrial park allows the properties to the north and south to use their east property line as a side yard rather than a rear yard.

5. True:

By placing the building into the side of the hill the structure will stand out less and virtually disappear for everyone in the area. By adding appropriate landscaping of evergreens around the structure we can make the building disappear to the residential area to the east. If they could see the structure at all, they would see a portion of the roof.

6. True:

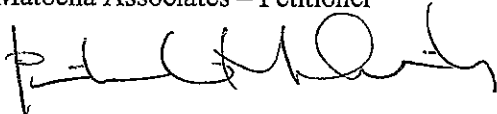
The construction materials and the use of the structure itself is consistent with the industrial park and its character.

7. True:

The structure will not impair an adequate supply of light and air. Nor impair natural drainage or create drainage problems on adjacent properties. This is another reason to recess the structure into the side of the hill. The building structure, brine tanks and materials stored within are noncombustible and will not increase the danger of fire. The materials stored and the structure will not endanger the public safety, but rather facilitates the public safety through its service function and will not diminish or impair property values within the neighborhood.

Respectfully Submitted

Matocha Associates – Petitioner



Patrick W. McCarty, AIA, NCARB
Principal
Petitioner Representative

ORDINANCE NO. _____

AN ORDINANCE GRANTING CONDITIONAL USES PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.420 (C) OF THE LOMBARD ZONING ORDINANCE, PROVIDING FOR CONTRACTORS MATERIAL STORAGE YARD AND VARIATIONS

(PC 10-19; 11 W. Eisenhower Lane S)

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 Code of Lombard, Illinois; and,

WHEREAS, the Subject Property as defined below is zoned I – Limited Industrial District; and,

WHEREAS, an application has been filed requesting approval of conditional uses pursuant to Title 15, Chapter 155, Section 420 (C) of the Lombard Village Code to allow a Contractors material storage yard; and

WHEREAS, said application also requests approval of a variation to Title 15, Chapter 155, Section 155.210(A)(3)(b) of the Lombard Zoning Ordinance to allow an accessory structure to exceed seventeen (17) feet.; and

WHEREAS, said application also requests approval of a variation to Title 15, Chapter 155, Section 155.420(J) of the Lombard Zoning Ordinance to reduce the required transitional building setback from forty-five (45) feet to twenty (20) feet; and,

WHEREAS, said application also requests approval of a variation to Title 15, Chapter 155, Section 155.420(J) of the Lombard Zoning Ordinance to reduce the required transitional landscape yard from thirty (30) feet to twenty (20) feet; and,

WHEREAS, a public hearings on the forgoing application were conducted by the Village of Lombard Plan Commission on October 18, 2010 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 conditional use and variations described herein, subject to six conditions; and,

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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 the following relief is hereby granted for the Subject Property, as described in Section 4 below, subject to the conditions set forth in Section 3 below:

1. A conditional use to allow a Contractors material storage yard.
2. A variation from Section 155.210(A)(3)(b) of the Lombard Zoning Ordinance to allow an accessory structure to exceed seventeen (17) feet.
3. A variation from Section 155.420(J) of the Lombard Zoning Ordinance to reduce the required transitional building setback from forty-five (45) feet to twenty (20) feet.
4. A variation from Section 155.420(J) of the Lombard Zoning Ordinance to reduce the required transitional landscape yard from thirty (30) feet to twenty (20) feet.

SECTION 2: That this Ordinance is limited and restricted to the property located at 11 S. Eisenhower Lane, Lombard, Illinois and legally described as follows:

THE NORTH 215 FEET OF LOMBARD INDUSTRIAL PARK UNIT 7, A SUBDIVISION OF PART OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN RECORDED AUGUST 5, 1976 AS DOCUMENT R76-53191 IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-30-205-017; (the "Subject Property").

SECTION 3: The conditional use, as provided for in Section 1 of this Ordinance shall be granted subject to compliance with the following conditions:

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1. The subject property shall be developed and operated in conformance with the site plan dated October 6, 2010, prepared by Matocha Associates.
2. The petitioner shall satisfactorily address all comments within the IDRC report.
3. The petitioner shall apply for and receive a building permit for the proposed plans.
4. The conditional use shall permit outdoor storage of related equipment within the fenced-in outdoor storage area only.
5. The existing dumpster located on the northeast portion of the subject property shall be screened pursuant to Section 155.710 of the Zoning Ordinance.
6. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the conditional use and variations.

SECTION 4: 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 _____, 2010.

First reading waived by action of the Board of Trustees this _____ day of _____, 2010.

Passed on second reading this _____ day of _____, 2010, pursuant to a roll call vote as follows:

Ayes: _____

Nayes: _____

Absent: _____

Approved by me this _____ day of _____, 2010.

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William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet from this _____ day of _____, 2010.

Brigitte O'Brien, Village Clerk