

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

 X

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: October 25, 2004 (B of T) Date: November 4, 2004

TITLE: PC 04-36: 315 Eisenhower Lane South

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration a petition requesting that the Village approve the following items on the subject property, located within the I Limited Industrial District:

1. A conditional use for outdoor storage of motor vehicles (trailers); and
2. A variation from Section 155.418 (L) (2) of the Lombard Zoning Ordinance to allow stored equipment to be visible over a 10-foot high fence.

(DISTRICT #3)

The petitioner is requesting a waiver of first reading.

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

Fiscal Impact/Funding Source:

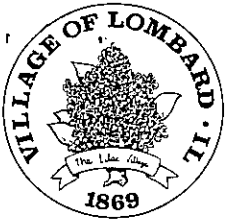
Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X *W. T. Lichter* _____ Date *10/26/04*

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, Director of Community Development *DAH*

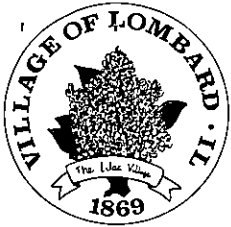
DATE: November 4, 2004

SUBJECT: **PC 04-36: 315 Eisenhower Lane South**

Attached please find the following items for Village Board consideration as part of the November 4, 2004 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 04-36; and
3. An Ordinance approving a conditional use for outdoor storage of motor vehicles and for a variation to allow stored equipment to be visible over a ten-foot high fence within the I Limited Industrial District.

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



VILLAGE OF LOMBARD

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November 4, 2004

Village President
William J. Mueller

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

Trustees

Joan DeStephano, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

Subject: PC 04-36: 315 Eisenhower Lane South

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. This petition was heard at the October 18, 2004 Plan Commission meeting. The petitioner requests approval of a conditional use for outdoor storage of motor vehicles (trailers) and a variation from Section 155.418 (L) (2) of the Lombard Zoning Ordinance to allow stored equipment to be visible over a 10-foot high fence, both within the I Limited Industrial District.

Representing the petitioner was Roger Lisy of Break Thru Enterprises, Inc. He stated that he is one of the owners of the company, which is currently located in Elmhurst and is a prospective buyer of the subject property. He stated that they are requesting permission to erect a 10-foot high chain link fence where stored equipment would be visible over the top of the fence. They are also requesting a conditional use for outdoor storage of motor vehicles.

Mr. Lisy stated that the 29,800-square foot building will be used for offices, tool storage, and a shop for repairing equipment, compressors, and tools. As part of their renovations, they will reconstruct the truck dock area. The outdoor storage area will reduce the number of parking spaces from the existing 71 spaces. Although Code requires 42 spaces, they will only need a maximum of 26 spaces for their employees. The outdoor storage area was designed to meet the Fire Marshal's request that there be vehicle access through the area.

Chairperson Ryan then opened the meeting for public comment.

George Bogdanovic, 1500 Centre Circle, Downers Grove, stated that he is the managing partner for two buildings immediately south of the subject property. He asked how many pieces of equipment would be on the site, what the company's growth plans were, and if the fenced-in area would be large enough to accommodate that growth. He stated that he would like to know the weight of the equipment, as well as descriptions of the equipment and the height of the equipment on top of the trailers. He asked if the parking lot had been tested for its ability to withstand the weight and movement of the equipment. He stated that he was concerned about dust being generated on the property as there is a printing company in his building where dust and vibration would be an issue.

"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."

John Coleman, 1980 Springer Drive, stated that he is the senior vice president of Alter Asset Management, which is the landlord for Siebert Engineering at 261 Eisenhower Lane South. He stated that they are concerned with the height of the fence and its setback from the street. He stated that a 10-foot fence would be inconsistent with other fences in the industrial park, and that other fences are set further back from the front property line. He noted that the petitioner's proposed fence would be closer to the street than the building. He asked if more than three vehicles would be stored there and where additional pieces of equipment would be parked. He stated that his tenant has 30 employees and they believe there will be a safety risk due to line of sight obstruction from equipment visible above the fence. He stated that he would like the Plan Commission to add a condition of approval requiring the fence to be set back at least 125 feet from the front property line.

James Klouda, 1516 Centre Circle, stated that he has a business south of the subject property. He is concerned that the weight of the equipment and trailers coming in to the docks will break up the asphalt parking lot. He is concerned with dust. He asked if the equipment would be hosed down and if that would clog and contaminate the sewer system. He believes that if the parking lot fails, pieces of it will fall down onto his property.

Jared Margelis, 315 Eisenhower Lane South, stated that he is the owner of the property. He stated that he understands the concerns of the neighboring property owners, but he believes the requested improvements will enhance the area. Break Thru will construct a dock and make interior improvements, adding to the value of the property by expanding the loading area. He noted that the subject property is surrounded by industrial parks and is not near a residential area. He does not believe that this relief will set a precedent because similar conditions already exist elsewhere in the park. He stated that he does not see how the storage area would create a line of sight issue, and he asked the Plan Commission to recommend approval of the petition.

Mr. Coleman stated that they were not concerned with the height of the fence, but they were concerned about the setback.

Hugh Williams, 2046 W. Willow, Chicago, stated that he represents the ownership of the property. He stated that they have sold over 12 million square feet of industrial facilities, and a good percentage of those buildings that have acceptable outdoor storage areas have higher values than those that do not. He stated that the proposed improvements would increase the value of the subject property and, therefore, the entire industrial park.

The petitioner then gave the Plan Commission members photos of the propane, bobcats, and bobcat trailers that would be stored outdoors. He stated that currently they have three pieces of equipment, but they might get one more. He stated that this equipment would be mainly left at job sites until those projects are completed, at which time they will be moved to new job sites. He noted that they do not have much heavy equipment, as approximately 85% of their work is selective interior demolition that is performed with hand tools and bobcats. He estimated that one of the pieces of equipment is about 40,000 lbs., but that equipment is not stored on the trailers and they do not move the heavy equipment themselves. The large equipment would be stored on the south end of the storage area, but never outside the fence. The east side of the storage area will remain open for maneuverability. He stated that they have not tested the parking lot, but it will be repaired as necessary. He stated that the large equipment would be washed outside, and the bobcats would be stored and washed indoors. There would be minimal vibration from the large equipment, as it would only move a maximum of 10 feet. They currently own

four trailers. He stated that there are only two pieces of equipment that are taller than the fence, but they will only be there for about two months out of the year. He stated that the storage area can't be pushed back because it would then interfere with the loading docks.

Mr. Coleman asked why a fence would be necessary if the equipment was usually at a job site. He stated that the repair activities would be a primary use that would require a special approval.

The petitioner stated that in addition to the large equipment, the fenced-in area will be used for trailers, propane, and small equipment.

Mr. Klouda asked where the dirt would be going.

The petitioner stated that the existing docks allow trailers to back in. He does not see a problem because there was previously a printing company in that building that received semi-trailers loaded with paper. He does not believe dirt will be an issue because the wash basins will be located inside the mechanics area, and the large equipment would only be washed three or four times per year.

Commissioner Flint asked if there was any latitude in moving the fenced-in area. The petitioner stated that was possible, but he would need to do a new layout to see if it is workable.

Commissioner Burke asked where the triple basins would be located. The petitioner stated that they would be at the loading docks and inside the building.

Commissioner Sweetser asked what percentage of the business would be repair activities. The petitioner stated that they repair cracks in their equipment, change tires, do oil changes, and repair small equipment like Sawzalls. William Heniff, Senior Planner, stated that repairing their own equipment would be an ancillary use.

Chairperson Ryan then requested the staff report. Jennifer Backensto, Planner I, stated that, given that the proposed outdoor storage of motor vehicles shall be limited to trailers and that these trailers will be stored within an enclosed area, staff does not feel that this conditional use will negatively impact adjacent properties or create a nuisance. However, to prevent the possibility of a future property owner using the property for general storage of motor vehicles (e.g., a vehicle salvage yard), approval of this conditional use should be limited to trailers within the fenced-in area.

Although the petitioner could have requested a variation to erect a higher fence, that fence would need to be at least 12'-8" tall in order to screen all of the construction equipment. Staff feels that any fencing higher than 10 feet begins to create the undesirable effect of an additional building on the property. Therefore, staff believes that it is preferable for the stored equipment to be occasionally visible above the fence.

Break Thru estimates that they will require a maximum of 26 parking spaces; however, the Zoning Ordinance requires 42 spaces. The fencing-in of a portion of the parking lot will reduce the number of spaces outside the fence to 37. Staff recognizes that the parking spaces within the fenced area are not being physically removed from the property, and will therefore be available for any future property owners. Provided that a minimum of five parking spaces within the fenced-in area are designated for

business vehicle/trailer parking only, no parking variation is necessary. This interpretation would be consistent with a prior case in Oak Creek.

With regard to the proposed repair shop within the building, staff is comfortable with the interpretation that this is an ancillary use that supplements the petitioner's primary business. However, to ensure that no automobile service/repair business occupies the property without receiving prior conditional use approval, staff suggests that a condition be added that restricts repair and service to those vehicles and pieces of equipment owned or leased by the petitioner.

Ms. Backensto also noted that the Zoning Ordinance requires all outdoor storage areas to be screened by a solid fence, and that 10-foot fences were permitted by right in the I District.

Chairperson Ryan then opened the meeting for discussion among the Plan Commission members.

Commissioner Sweetser asked about the solid fencing. Ms. Backensto stated that the Zoning Ordinance considers solid fencing to be any fence that is not at least 75% open, so a chain link fence with slats would be considered solid. Mr. Heniff said that the Village would review the other fences in the industrial park. He added that another company in the park that appeared before the Plan Commission the previous month was required to install a solid fence.

Commissioner Sweetser noted that slatting is not very durable. She stated that she would like the fence to be at least in line with the front of the building. She added that the outdoor washing does not seem to be a nuisance, and the parking lot surface is really a business issue.

Chairperson Ryan noted that no vehicles could be parked in front of the fence and Condition 3 in the staff report covers future storage.

Commissioner Burke agreed that the fence should be set back along the building line. He noted that power washing could bring back mud, grease, and oil contaminants from construction sites and bring them into our storm sewers. He asked what sort of regulations the Village has with regard to this issue. Ms. Backensto stated that the Zoning Ordinance has a section on performance standards for the I District that limits noise, vibrations, and particulate matter emanating from the site. She stated that any runoff problems would be addressed by the Private Engineering Services Division. Mr. Heniff noted that the Zoning Ordinance permits repair and washing of vehicles, and that any issues with runoff would result in an enforcement action.

Chairperson Ryan stated that an additional condition could be required for engineering review.

Commissioner Sweetser made a motion to approve the petition, subject to the conditions in the staff report and those suggested at the meeting. The motion was seconded by Commissioner Burke.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed requests complied with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 4 to 0, recommended to the Corporate Authorities **approval** of PC 04-36, subject to the following conditions:

1. The petitioner's building and site improvements shall be designed and constructed consistent with Village Code and all also address the comments included within the IDRC report.
2. The conditional use for outdoor storage of motor vehicles shall permit outdoor storage of trailers exclusively. Outdoor storage of passenger vehicles, trucks, truck-trailers, and semi-trailers shall not be permitted.
3. No more than two trailers may be stored outdoors.
4. All outdoor storage must be within the fenced-in area designated on the submitted site plan.
5. The fenced-in outdoor storage area may be no closer to the front property line than the front wall of the principal building.
6. A minimum of five (5) parking spaces within the fenced-in outdoor storage area shall be designated for business vehicle/trailer parking only.
7. No vehicle repair or service activities may occur on the premises, with the exception of work performed on those vehicles and pieces of equipment owned or leased by the petitioner.
8. Runoff generated by the washing of vehicles and equipment, both indoors and outdoors, shall be subject to the review of the Private Engineering Services Division of the Department of Community Development.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan
Chairperson
Lombard Plan Commission

DR:JB

attachments

c. Petitioner
Lombard Plan Commission

ANALYSIS

SUBMITTALS

This report is based on the following documents filed on September 23, 2004 with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to Standards.
3. ALTA/ACSM Land Title Survey, prepared by The Balsamo/Olson Engineering Company, dated March 19, 2004 and last revised June 2, 2004.
4. Site Plan Overlay.
5. Photographs of construction equipment.

DESCRIPTION

The petitioner, Break Thru Demolition, intends to purchase the subject property for use as a warehouse. The existing building will also include ancillary office space and a shop for repairing the company's equipment. An approximately 84-foot by 108-foot area of the parking lot will be fenced off for an outdoor storage area for equipment and supplies. Part of this storage will include trailers for transporting construction equipment, which requires a conditional use for outdoor storage of motor vehicles (defined by the Zoning Ordinance as "any passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power"). Also, as the construction equipment varies in height up to a maximum of 12'-8" tall, the petitioner will require a variation to allow the stored equipment to be visible over the top of the fence.

INTER-DEPARTMENTAL REVIEW COMMENTS

Public Works

Public Works has no objections, comments or changes.

Private Engineering Services

From an engineering or construction perspective, PES has no comments.

Building and Fire

The Fire Department/Bureau of Inspectional Services states that the petitioner will need to propose a new location for the propane storage area. Propane storage cannot be adjacent to the overhead door and interior of a building. The petitioner must comply with the storage methods of any

hazardous materials as defined by the 2000 ICC Fire Code, specifically, amounts and required distances from buildings or structures.

Planning

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends that this property be developed as part of a Planned Business Park. The Eisenhower Lane industrial park is an appropriate use within this designation. The requested relief is intended to supplement the permitted warehouse use on the premises.

Compatibility with the Surrounding Land Uses

The property is entirely surrounded by industrial parks in both Lombard and Downers Grove, making the petitioner's business and requested relief compatible with the surrounding land uses.

Compatibility with the Zoning Ordinance

Given that the proposed outdoor storage of motor vehicles shall be limited to trailers and that these trailers will be stored within an enclosed area, staff does not feel that this conditional use will negatively impact adjacent properties or create a nuisance. However, to prevent the possibility of a future property owner using the property for general storage of motor vehicles (e.g., a vehicle salvage yard), approval of this conditional use should be limited to trailers within the fenced-in area.

Although the petitioner could have requested a variation to erect a higher fence, that fence would need to be at least 12'-8" tall in order to screen all of the construction equipment. Staff feels that any fencing higher than 10 feet begins to create the undesirable effect of an additional building on the property. Therefore, staff believes that it is preferable for the stored equipment to be occasionally visible above the fence.

Break Thru estimates that they will require a maximum of 26 parking spaces; however, the Zoning Ordinance requires 42 spaces. The fencing-in of a portion of the parking lot will reduce the number of spaces outside the fence to 37. Staff recognizes that the parking spaces within the fenced area are not being physically removed from the property, and will therefore be available for any future property owners. Provided that a minimum of five parking spaces within the fenced-in area are designated for business vehicle/trailer parking only, no parking variation is necessary. This interpretation would be consistent with a prior case in Oak Creek (SPA 02-01), wherein parking spaces used for business vehicles within an outdoor storage area were not deducted from the overall on-site parking count.

With regard to the proposed repair shop within the building, staff is comfortable with the interpretation that this is an ancillary use that supplements the petitioner's primary business. However, to ensure that no automobile service/repair business occupies the property without receiving prior conditional use approval, staff suggests that a condition be added that restricts repair and service to those vehicles and pieces of equipment owned or leased by the petitioner.

FINDINGS AND RECOMMENDATIONS

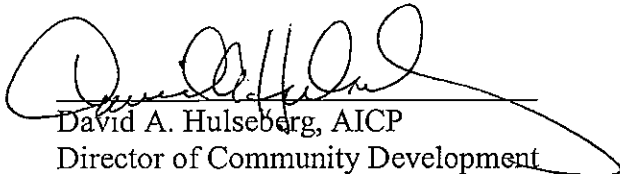
Based on the above findings, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested relief complies with the standards required by the 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 04-36, subject to the following conditions:

1. The petitioner's building and site improvements shall be designed and constructed consistent with Village Code and all also address the comments included within the IDRC report.
2. The conditional use for outdoor storage of motor vehicles shall permit outdoor storage of trailers exclusively. Outdoor storage of passenger vehicles, trucks, truck-trailers, and semi-trailers shall not be permitted.
3. All outdoor storage must be within the fenced-in area designated on the submitted site plan.
4. A minimum of five (5) parking spaces within the fenced-in outdoor storage area shall be designated for business vehicle/trailer parking only.
5. No vehicle repair or service activities may occur on the premises, with the exception of work performed on those vehicles and pieces of equipment owned or leased by the petitioner.

Inter-Departmental Review Group Report Approved By:

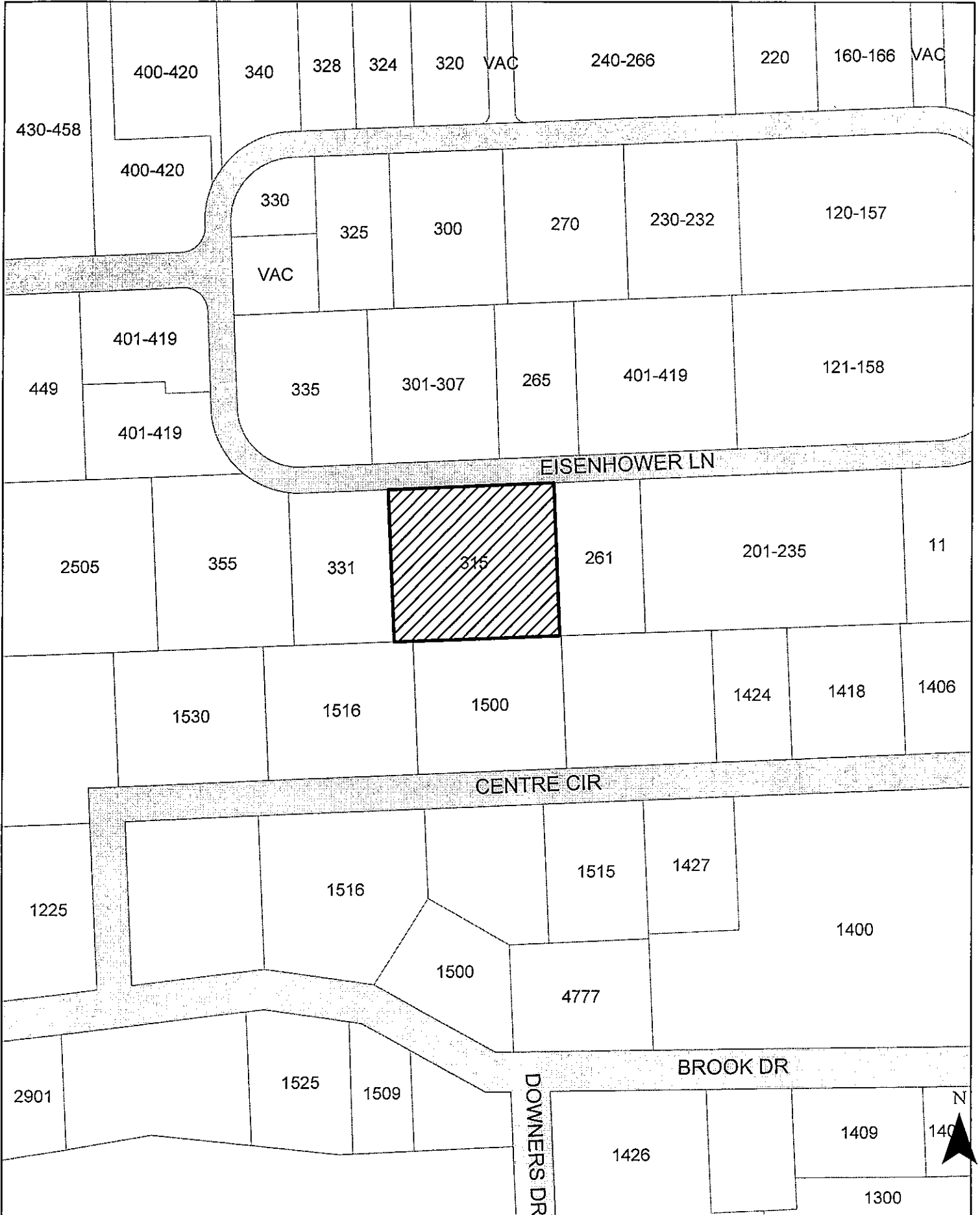


David A. Hulseberg, AICP
Director of Community Development

DAH:JB:jd

Location Map

PC 04-36: 315 Eisenhower Lane South





Phone: 630-832-7400

Fax: 630-832-7466

September 23, 2004

Village of Lombard

Re: 315 Eisenhower Lane South
Lombard, IL

To Whom It May Concern:

I, Roger J. Lisy president of Break Thru Enterprises, Inc. am requesting a "*Waiver of the First*" reading. The reason for the request is I; Roger Lisy is trying to determine a decision on purchasing the building for Break Thru Enterprises, Inc. I also would like to close on the property early November. This would enable us to process for permit and get construction started before the bad winter months approach.

Sincerely,

Roger J. Lisy
President

ORDINANCE NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE FOR OUTDOOR STORAGE OF MOTOR VEHICLES (TRAILERS) AND A VARIATION WITHIN THE I LIMITED INDUSTRIAL DISTRICT

(PC 04-36: 315 Eisenhower Lane South)

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 is zoned I Limited Industrial District; and,

WHEREAS, an application has been filed requesting a conditional use to allow the outdoor storage of motor vehicles (trailers) on the property described in Section 3 below; and,

WHEREAS, an application has been filed requesting a variation from Section 155.418 (L) (2) of the Lombard Zoning Ordinance to allow stored equipment to be visible over a 10-foot high fence on the property described in Section 3 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on October 18, 2004 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees recommending approval of the conditional use described herein, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard hereby adopt the findings and recommendations of the Plan Commission as set forth herein, and make same part hereof, subject to certain revisions as more fully set forth below;

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 a conditional use is hereby granted to allow for the outdoor storage of motor vehicles (trailers) for the property at 315 Eisenhower Lane South.

SECTION 2: That a variation is hereby granted to allow stored equipment to be visible over a 10-foot high fence on the property at 315 Eisenhower Lane South.

SECTION 3: That this ordinance is limited and restricted to the property generally located at 315 Eisenhower Lane South, Lombard, Illinois and legally described as follows:

THE WEST 140.00 FEET OF LOT 18 AND ALL OF LOT 19 IN LOMBARD INDUSTRIAL PARK, UNIT NO. 10, BEING A SUBDIVISION OF PART OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 20, 1977 AS DOCUMENT R77-28209, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-30-205-034

SECTION 4: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner's building and site improvements shall be designed and constructed consistent with Village Code and all also address the comments included within the IDRC report.
2. The conditional use for outdoor storage of motor vehicles shall permit outdoor storage of trailers exclusively. Outdoor storage of passenger vehicles, trucks, truck-trailers, and semi-trailers shall not be permitted.
3. No more than two trailers may be stored outdoors.
4. All outdoor storage must be within the fenced-in area designated on the submitted site plan.
5. The fenced-in outdoor storage area may be no closer to the front property line than the front wall of the principal building.
6. A minimum of five (5) parking spaces within the fenced-in outdoor storage area shall be designated for business vehicle/trailer parking only.
7. No vehicle repair or service activities may occur on the premises, with the exception of work performed on those vehicles and pieces of equipment owned or leased by the petitioner.

Ordinance No. _____
Re: PC 04-36
Page 3

8. Runoff generated by the washing of vehicles and equipment, both indoors and outdoors, shall be subject to the review of the Private Engineering Services Division of the Department of Community Development.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 2004.

First reading waived by action of the Board of Trustees this _____ day of _____, 2004.

Passed on second reading this _____ day of _____, 2004.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk