

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

TO: Lombard Plan Commission

HEARING DATE: January 28, 2008

FROM: Department of Community
Development

PREPARED BY: William Heniff, AICP
Senior Planner

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 Glenbard 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:

Based on the submitted petition and the testimony presented, the proposal 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:

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 on the subject property.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

c: Petitioner