

June 5, 2008

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

Subject: PC 08-16; 951 N. Ridge Ave.

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests the following approvals related to conditional uses:

1. The petitioner requests conditional use approval from Section 155.420 (C) (13) to allow for an existing Landscape Contractor's Storage Yard in the I Limited Industrial District.
2. The petitioner requests approval from Section 155.420 (C) (39) for the construction of accessory structures (two above ground diesel fuel tanks) associated with a conditional use in the I Limited Industrial District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on May 19, 2008.

Bruce Church, 951 N. Ridge Ave., Lombard, of Balanced Environments presented the petition. Mr. Church described the first petition for a conditional use. In 1983, Mr. Church's father, Denny Church, bought and developed the subject property as a landscape contractor's storage yard. Later, it was leased to another landscaping company and was continually used as a landscape contractor's storage yard. In 2008, Bruce Church reassumed the lease at the subject property and continued operation as a landscape contractor's storage yard. Therefore, the use is legal non-conforming. Mr. Church described the second petition for a conditional use. He stated that there was an existing diesel fuel tank on subject property. The tank was recently removed by the previous tenant.

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

Chairperson Ryan then requested the staff report.

Stuart Moynihan, Associate Planner, presented the staff report. Staff has prepared a report and is submitting it to the public record in its entirety. The subject property, addressed as 951 North Ridge Avenue, is currently being used as a Landscape Contractor's Storage Yard. An asphalt and concrete repair business, Hard Surface Solutions, is also located on the property.

The property has been in use as contractor's yard beginning in or before 1983 and is, therefore, considered a legal non-conforming use. Approval of the petitioner's first request would address this legal non-conformity. As a Contractor's Storage Yard in the I Limited Industrial District is a conditional use, Village Board approval is required.

The petitioner also requests approval to allow the construction of two above ground diesel fuel tanks on the property. Within the past two years, an above ground fuel tank of a similar nature was removed from the property. As accessory structures on the same property as a conditional use in the I Limited Industrial District are considered conditional uses themselves, Village Board approval is required.

With regard to the Fire Department, the Fire Marshall will be conducting a full review of the permit.

As part of the conditional use review process, staff has reviewed the current conditions on the property as they relate to parking and landscaping requirements.

The property currently has forty-nine (49) spaces, meeting the total number required. However, the property only has one Accessible Parking Space where two are required.

Balanced Environments currently stores its dumpsters within the contractor's yard area itself. However, this does not meet the dumpster screening provisions of Section 155.710 of the Zoning Ordinance. The petitioner would need to install a solid wood fence at a height of not less than six (6) feet and not more than eight (8) feet to meet this requirement.

Within the contractor's storage yard, there is a large unpaved area that is currently covered with gravel. Staff believes it desirable to have this area paved as vehicles will be parked there overnight.

The approval of the requested conditional use would not have significant effects on surrounding properties as the current business already operates as a legal non-conforming use. The proposed diesel fuel tanks have been reviewed by both the Village of Lombard's Fire Department and the Office of the State Fire Marshal. The tanks are not anticipated to be a danger or nuisance to surrounding properties.

The Comprehensive Plan recommends Light Industrial uses at this location. The proposed use complies with the recommendation of the Comprehensive Plan.

The subject business is industrial in nature and is surrounded exclusively by other industrial uses. The proposed use is compatible with surrounding land uses.

Staff has reviewed the petition and finds that petition does meet the Standards for Conditional Uses set forth in the Zoning Ordinance. Staff is recommending approval subject to the five (5) conditions in the staff report.

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

Commissioner Olbrysh asked what the capacity of the tanks would be.

Bruce Church answered that the tanks would be two thousand five hundred (2500) gallons each.

Commissioner Olbrysh asked why the tanks were being placed above ground.

Bruce Church stated that this way the tanks could be easily visually inspected. Also, the tanks would be electronically monitored for fuel being taken out.

Commissioner Olbrysh asked why the concrete structure around the tanks was necessary and if there should be a top as well.

Bruce Church stated that normally a top is not needed for these kinds of tanks. Also, the concrete is an extra safety precaution as the tanks are double-walled.

Commissioner Sweetser motioned to approve PC 08-16 subject to the conditions outlined in the staff report. The motion was seconded by Commissioner Olbrysh.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposal **complies** with the standards required by the Lombard Zoning Ordinance; and, therefore, moved 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 therefore, recommends to the Corporate Authorities **approval** of the zoning actions associated with PC 08-16 for the subject property, subject to the following conditions:

1. The subject property shall be developed and operated in conformance with the site plan prepared by Bruce Church, dated April 15, 2008.
2. The tanks shall meet the following provisions:
 - a. The tanks shall be double walled.
 - b. A Spill Prevention Control and Containment plan shall be provided to the Fire Marshall for review.
 - c. The tanks shall be placed within a containment pad designed to retain twice the volume of the tanks.
 - d. The petitioner shall obtain permit for above ground storage from the Office of the State Fire Marshal.

- e. The petitioner will need permits from the Village to install the tank(s) and any electrical work, etc.
 - f. The fuel tanks shall be exclusively used in conjunction with the business establishment located on the subject property and shall not be used for general fueling purposes.
3. All dumpsters or other outside waste containers associated with the business use shall be effectively screened per the provisions of Section 155.710 of the Zoning Ordinance. The petitioner shall apply for a permit for the fence and screening improvements.
 4. The petitioner shall create one additional Accessible Parking Space on the subject property. The Accessible Parking Space shall be located at close to the front entrance of the business as possible.
 5. The petitioner shall apply for a permit to pave the large gravel area located within the contractor's storage yard. The permit shall also address any requisite Stormwater detention requirements.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission