

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

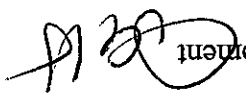
Resolution or Ordinance (Blue) X
Recommendations of Boards, Commissions & Committees (Green)
Waiver of First Requested
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: April 25, 2007 (BOT) Date: May 3, 2007

TITLE: PC 07-15: 246 Eisenhower Lane North, Units 1-3

SUBMITTED BY: Department of Community Development


BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village grant a conditional use, pursuant to Section 155.418 (C) of the Zoning Ordinance, to allow for an outdoor equipment and material storage yard within the I Limited Industrial District. (DISTRICT #3)

The Plan Commission recommended approval of this petition with amended conditions. The petitioner is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X
Finance Director X
Village Manager X
Date _____
Date _____
Date 4/24/07

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager
FROM: David A. Hulseberg, AICP
Assistant Village Manager/
Director of Community Development
DATE: May 3, 2007
SUBJECT: PC 07-15: 246 Eisenhower Lane North

Attached are the following items for Village Board consideration as part of the May 3, 2007 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 07-15;
3. An Ordinance granting approval of a conditional use for outdoor equipment and material storage yard in the I District; and
4. Plans associated with the petition.

The petitioner is requesting a waiver of first reading. Please find their written request attached. Please contact me if you have any questions regarding the aforementioned materials.



VILLAGE OF LOMBARD
255 E. Wilson Avenue
Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5812
www.villageoflombard.org

May 3, 2007

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

Subject: PC 07-15; 246 Eisenhower Lane North

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests approval of a conditional use to allow for an outdoor equipment and material storage yard within the I Limited Industrial District

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 16, 2007. Mike Magliano of Grubb & Ellis stated that he was representing Indelco Plastics in their move from DuPage Avenue to Eisenhower Lane. He stated that the business includes outdoor storage of PVC pipes and fittings and displayed a picture of their current facility at 930 N. DuPage Avenue. The stacked pipes will not exceed six feet in height. The site was previously occupied by Harmon Glass, who used the fenced-in storage area for at least five years. Indelco Plastics would like to request the same use.

Chairperson Ryan asked if anyone had any questions of the petitioner. Hearing none, he then opened the meeting for public comment.

Bruce Bernardo, 2242 S. Elizabeth, stated that he was the president of the 331-unit Arboretum Park Condo Association. At least four of their buildings are immediately behind or adjacent to the subject site. He stated that he had a few questions. He displayed pictures of the current fencing and trailers behind 260 Eisenhower Lane. He was concerned that the new tenant would not maintain the site. He then showed pictures of a fence that was being installed that morning. He stated that the property is poorly handled and unsightly to the neighborhood and that can diminish their property values. They do not object to the project but questioned why the fence was erected before the public hearing was held and asked how the site could be allowed to deteriorate.

"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."

Village President
William J. Mueller
Village Clerk
Bridgette O'Brien
Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Forey, Dist. 5
Rick Soderstrom, Dist. 6
Village Manager
William T. Lichter

Valerie Rissky, 289 Arboretum Drive, stated that her property backs up to the properties along Eisenhower Lane. She stated that there is noise coming from the industrial park at all hours of the night and it affects her and other residents.

Marianne O'Keefe, 77 Arboretum Drive, stated that she is concerned about the hours of operation and that she is also awakened early in the morning by noise from the industrial park. Her building is very close to the property line and there is a lot of noise. She asked if the subject property will be well-hit at all hours. She stated that their second-floor bedrooms overlook the storage area and it affects the quality of their lives. She would like further studies to be done or assurances that there will be no negative impact.

Victoria Palko, 173 W. Arboretum Drive, stated that her property backs right up to this. The previous tenant also stored pipe and turned the area into a mess. The fencing doesn't screen anything because the residences are set much higher than the industrial properties. The noise is incredible, with semi-trucks that arrive in the middle of the night and run their engines. It is out of hand and decreases property values. She can't use her patio because it has a clear view of the industrial park. She stated that when she bought her property, she was assured by Village staff that all work would be performed indoors. The tenants then worked inside but opened their doors and began work at 6:00 a.m. They would start at 7:00 a.m. on Saturdays. The property is a bridge between commercial and residential.

Kenny Gault, 113 S. Westmore-Meyers, stated that his business at 324 Eisenhower Lane is one of those that faces the residences and he is just down the street from the subject properties. He asked which came first: the industrial park or the condominiums. When you build townhomes next to an industrial park, what can you expect? He stated that starting work at 6:00 a.m. or 7:00 a.m. is wrong and that businesses should accept time limits. They feel bad when they have to work late and create noise when their trucks back up, but it is a federal law to have those "beeps." He stated that the property maintenance in the area is deplorable. He felt that both the businesses and the residents can survive, but hours of operation and maintenance are important.

Mr. Magliano stated that Indelco Plastics had, as part of their lease, negotiated for the fence to be repaired and certain improvements made. Indelco is just a distributor, not a manufacturer, and their business hours are 8:00 a.m. to 5:00 p.m.

Beau Stelken, Vice President of Indelco Plastics, stated that they basically work 8:00 a.m. to 5:00 p.m. They may work inside up until 9:00 p.m. during their semi-annual inventory. Their truck dock is at the front of the building, not the rear, so there should be little truck noise affecting the residents. They have kept their property at 930 N. DuPage in good condition and have not received any citations.

Ms. Palko asked if the trucks would come in back to pick up pipe. Mr. Stelken stated that would not occur early in the morning because any early deliveries would be made from the front dock door because they would have been pre-loaded the day prior to the pickup. He reiterated that they basically work 8:00 a.m. to 5:00 p.m., Monday through Friday, except for two annual

inventories that are done indoors. During inventory they may work until 9:00 p.m. No loading would be done after 5:00 p.m.

Ms. Palko asked when deliveries would be made. Mr. Stelken stated that any deliveries would come in between 8:00 a.m. and 5:00 p.m., but they only get a semi load once every three months on average.

Chairperson Ryan then requested the staff report. Jennifer Backensto, Planner II, stated that the petitioner intends to use the rear portion of the property for the outdoor storage of PVC pipe. There was no record of a previously-granted conditional use, so this petition is being brought forward to ensure that the property is in compliance with the Zoning Ordinance.

Ms. Backensto stated that the Comprehensive Plan calls for this area to be developed with light industrial land uses. The property complies with the recommendations of the Comprehensive Plan. The property is surrounded on three sides by light industrial uses. Although there are residences to the immediate north of the property, the proposed use will not be substantially different from what those residents have been accustomed to seeing within the industrial park. Staff finds that a contractor's equipment and materials storage yard is compatible with the surrounding land uses.

One of the adjacent residents contacted staff to express a concern regarding noise on the property. Although this concern was not specifically directed toward the proposed conditional use, the petitioner should nonetheless be made aware of Section 93.02 of the Lombard Code of Ordinances. This section states that, within 300 feet of a residential building, it is unlawful to conduct any noise-producing exterior property maintenance work or other operations between the hours of 10:00 p.m. and 7:00 a.m., other than those conducted within a fully enclosed building or structure.

Ms. Backensto stated that Section 155.418(L)(2) of the Zoning Ordinance requires storage yards to be screened by a solid fence no less than six feet (6') in height and no more than eight feet (8') in height. There is an existing eight foot (8') chain link fence with slats surrounding the storage yard. The fence is in poor condition and does not qualify as a solid fence as Section 155.802 of the Lombard Zoning Ordinance which specifically states that chain link fences with slats do not constitute a solid fence. If a conditional use is granted, staff recommends that a new solid fence be required as a condition of approval. The petitioner is aware of the Limited Industrial District requirement that no stored materials may be visible above the fence, and they intend to fully comply with this restriction.

Ms. Backensto stated that the new fence being installed on the subject property was not a solid fence, and the petitioner would be required to obtain a permit for and install a solid fence prior to using the outdoor storage area.

Staff finds that the proposed use meets the Standards for Conditional Uses. A properly screened contractor equipment and materials storage yard is compatible with the surrounding properties

and the Comprehensive Plan. Furthermore, the installation of a solid fence will improve the overall appearance of the property and bring the storage area into compliance with the Zoning Ordinance.

Mrs. Backensto added that the Fire Department had submitted two comments that morning requesting that the fence be at least 10 feet from the property line and that all combustible outdoor storage must be within the fenced-in area. She recommended that those two requirements be added as conditions of approval.

Chairperson Ryan asked if anyone had any questions of the staff report. Mr. Bernardo asked who can address compliance issues. William Heniff, Senior Planner, stated that Code Enforcement could look into those issues.

Chairperson Ryan then stated that the meeting was open to the Commissioners for comments and questions.

Commissioner Olbrysh asked if the Village has imposed limitations on hours of operation for any of the other recent Eisenhower Lane petitioner. Mr. Heniff stated that they had not.

Commissioner Sweetser asked if the petitioner was aware of the Village's lighting restrictions. Ms. Backensto stated that she did not know if the petitioner was currently aware of them, but she could provide the petitioner with that section of the Zoning Ordinance.

Chairperson Ryan requested that a Code Enforcement officer go out to the industrial park to issue code violations to clean the area up, since there were so many complaints from residents.

Commissioner Sweetser stated that people should be encouraged to report noise complaints when they happen because noise issues are difficult for Code Enforcement to spot check.

Commissioner Olbrysh stated that the noise that is generating the complaints is coming from the entire industrial park, not just this one tenant space. He stated that it is unfortunate that there have been complaints and there should be a balance between everyone's needs.

Commissioner Sweetser restated that the Plan Commission wished the petitioner to be aware of the Village's regulations regarding lighting, noise, and fencing, and also that the Plan Commission requests that Code Enforcement visit the subject property and surrounding area.

Commissioner Burke clarified that the Plan Commission was not adding a condition that would restrict the petitioner's hours of operation.

It was moved by Commissioner Burke, seconded by Commissioner Nelson, that the petition be forwarded to the Village Board with a recommendation of approval, subject to three conditions, as follows:

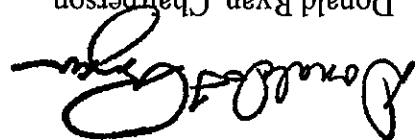
1. That the eight-foot high chain link fence surrounding the outdoor storage area shall be replaced with a solid fence (as defined by the Zoning Ordinance) between six feet and eight feet in height.

2. That the storage fence shall not be within ten feet (10') of the rear lot line.
3. That all combustible outside storage shall be stored inside the fenced areas.

The motion carried by a 5-0 vote.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson

Lombard Plan Commission

at-

c. Petitioner

Lombard Plan Commission

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

TO: Lombard Plan Commission

FROM: Department of Community Development
PREPARED BY: Jennifer Backensto, AICP
Planner II

TITLE

PC 07-15; 246 Eisenhower Lane North: The petitioner requests approval of a conditional use to allow for an outdoor equipment and material storage yard within the I Limited Industrial District.

GENERAL INFORMATION

Petitioner:

Indeco Plastics
930 N. DuPage Ave
Lombard, IL 60148

Property Owner:

Realty Associates Fund VII, LP
403 Eisenhower Lane South
Lombard, IL 60148

Relationship of Petitioner:

Tenant

PROPERTY INFORMATION

Existing Land Use: Industrial warehouse building and storage yard

Size of Property: Approximately 3.1 acres

Comprehensive Plan: Recommends Light Industrial

Existing Zoning: I Limited Industrial District

Surrounding Zoning and Land Use:

North: R4PD Limited General Residence District, Arboretum Park Planned Development – developed with multiple-family residential uses
South: I Limited Industrial District – developed with industrial uses
East: I Limited Industrial District – developed with industrial uses
West: I Limited Industrial District – developed with industrial uses

ANALYSIS

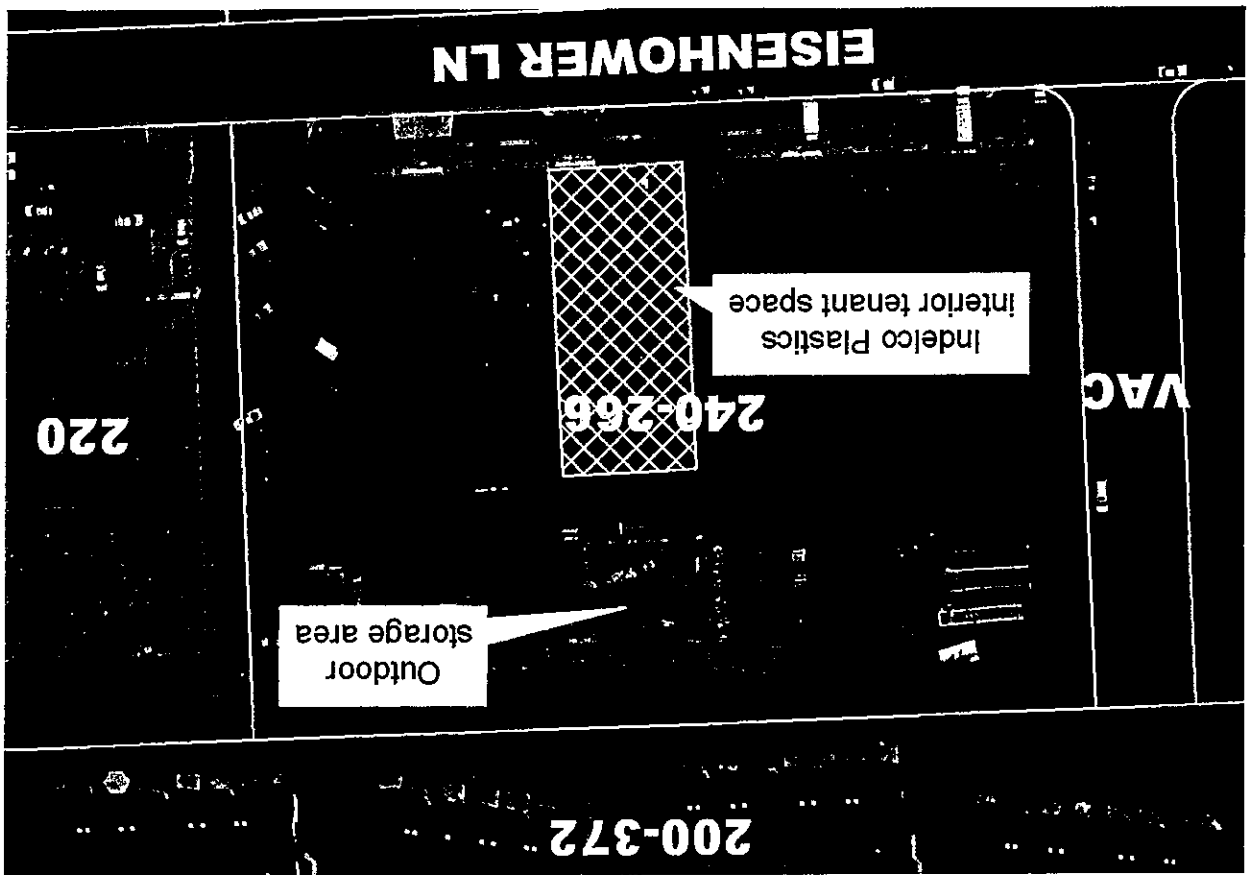
SUBMITTALS

This report is based on the following documents filed on March 30, 2007 with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to Standards.
3. Plat of Survey, prepared by Gentile and Associates, dated February 20, 2006
4. Interior floor plan, prepared by KLLM Architects, dated March 3, 2006.
5. Photographs of 930 N. DuPage Avenue.

DESCRIPTION

The petitioner, Indelco Plastics, has leased a tenant space at 246 Eisenhower Lane North to relocate their business that is currently operating at 930 N. DuPage Avenue. They intend to use the existing fenced-in area at the rear of the property for the outdoor storage of PVC pipe. Although this area was previously used for outdoor storage, no conditional use was previously granted on the site and it is unclear if this use was legally established. This petition is being brought forward to ensure that the petitioner is operating in compliance with the Zoning Ordinance.



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 & FIRE

The Fire Department/Bureau of Inspectional Services has no comments.

PLANNING

Compatibility with the Comprehensive Plan

The Comprehensive Plan calls for this area to be developed with light industrial land uses. The property complies with the recommendations of the Comprehensive Plan.

Compatibility with the Surrounding Land Uses

The property is surrounded on three sides by light industrial uses. There are residences to the immediate north of the property, but the proposed use will not be substantially different from what those residents have been accustomed to seeing within the industrial park. Staff finds that a contractor equipment and materials storage yard is compatible with the surrounding land uses.

One of the adjacent residents contacted staff to express a concern regarding noise on the property. Although this concern was not specifically directed toward the proposed conditional use, the petitioner should nonetheless be made aware of Section 93.02 of the Lombard Code of Ordinances. This section states that, within 300 feet of a residential building, it is unlawful to conduct any noise-producing exterior property maintenance work or other operations between the hours of 10:00 p.m. and 7:00 a.m., other than those conducted within a fully enclosed building or structure.

Compatibility with the Zoning Ordinance

Fencing

Section 155.418(L)(2) of the Zoning Ordinance requires storage yards to be screened by a solid fence no less than six feet (6') in height and no more than eight feet (8') in height. There is an existing eight foot (8') chain link fence with slats surrounding the storage yard. The fence is in poor condition and does not qualify as a solid fence as Section 155.802 of the Lombard Zoning Ordinance which specifically states that chain link fences with slats do not constitute a solid fence. If a conditional use is granted, staff recommends that a new solid fence be required as a condition of approval.

The petitioner is aware of the Limited Industrial District requirement that no stored materials may be visible above the fence, and they intend to fully comply with this restriction.

Standards for Conditional Uses
Staff finds that the proposed use meets the Standards for Conditional Uses. A properly screened contractor equipment and materials storage yard is compatible with the surrounding properties and the Comprehensive Plan. Furthermore, the installation of a solid fence will improve the overall appearance of the property and bring the storage area into compliance with the Zoning Ordinance.

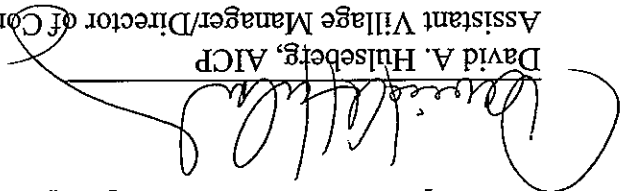
FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does not meet the standards set forth in the Zoning Ordinance and recommends that 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 07-15, subject to the following condition:

1. That the eight-foot high chain link fence surrounding the outdoor storage area shall be replaced with a solid fence (as defined by the Zoning Ordinance) between six feet and eight feet in height.

Inter-Departmental Review Group Report Approved By:



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

DAH:JB

Outdoor Storage

Indelco Plastics will be using the outdoor storage space to store full lifts of PVC pipe. When this material comes into our facility, it comes on a flat bed truck and is unloaded outside with a forklift, and immediately put away in stacks into the storage yard. The stacks of pipe will not exceed the height of the fence.

Standards for Conditional Uses

Indelco Plastics request for Outside Storage

Indelco Plastics will be using the outdoor storage space to store full lifts of PVC pipe. When this material comes into our facility, it comes on a flat bed truck and is unloaded outside with a forklift, and immediately put away in stacks into the storage yard. The stacks of pipe will not exceed the height of the fence.

240-246 Eisenhower Ln, Lombard was previously occupied by Harmon Glass, which used the fenced outside storage area, in the rear of the facility, for storage of there glass product. Indelco Plastics is requesting the same use for there PVC pipes within the fenced storage area.

1. Indelco Plastics' use will not be detrimental to or endanger the Public health, safety, morals, comfort, or general welfare through its use of outside storage.

2. The storage will not be injurious to the uses and enjoyment of other property as it is being used similar to the current use by Harmon Glass

3. The site is intended for industrial use following the prior use and does not impede the normal and orderly development.

4. There are adequate public utilities, access roads, drainage, and /or necessary facilities for the number the employees that occupy this standard Industrial setting.

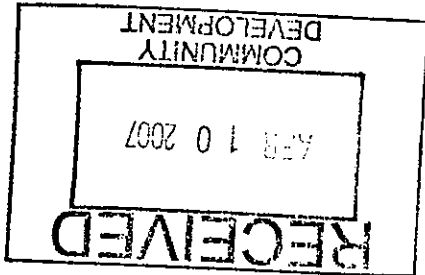
5. Adequate measures have been taken to avoid traffic congestion, similar to current tenants who have employees commuting the same way.

6. The proposed use is not contrary to the objectives of the current comprehensive plan as it is similar to the use of Harmon Glass.

7. The use does conform to the regulations of the district in which it is located.

April 4, 2007

Department of Community Development
255 E. Wilson Ave.
Lombard, IL 60148



To Whom It May Concern

Sub: Eisenhower Lane-Equipment and Material Storage Yard.

We, the residents of 259 Arboretum Dr., Lombard, submit for the above subject, our objections for consideration.

• Eisenhower Lane is the immediate street south of Arboretum Dr.

• Our Master Bedroom with large door and Balcony directly face the proposed area.

• At present, there is already a noisy industrial set up.

• Especially, at late nights and early mornings, trucks pull in the area and make a lot of noise unloading and loading of goods. Metal articles can and do rattle one out of

sleep.

• Waste Management trucks also collect waste early mornings and make up for a lot of sleep disturbance. This creates problem for getting up in time.

• The problem is further exacerbated during the winter. The trees being barren, there

is absolutely no noise filter. Also, heavier air allows the sound to travel farther and

louder.

• Since we moved in about 9 years ago, the noise has been increasing. We

understand that industries have to grow. But, imagine further growth.

With the above in view, we submit that any additional storage dump allowed on Eisenhower Lane, will cause a lot of nuisance, noise and activity that the undersigned and the neighbors should not be made to suffer.

Raksha Trivedi

Bhupen Trivedi



"Magliano, Michael"
<Michael.Magliano@Grubb-Ellis.com>
04/23/2007 04:41 PM

To: <Backenstoj@villageoflombard.org>
Cc: <HeniffW@villageoflombard.org>
bcc
Subject: Waiver of First Reading - Indelco Plastics

Waiver of first reading

This Request of waiver of first reading is brought forward due to our client, Indelco Plastics, tenant, is already occupying the facility and we would like to proceed moving forward due to the outside storage, which is essential to our use.

Michael Magliano
Industrial Sales Associate
direct 847.655.8404
cell 847.529.7529

Grubb & Ellis Company 9550 W. Higgins Rd. Suite 1050 | Rosemont, IL 60018
Phone: 847.390-8040 | Fax: 847.823-1466 | michael.magliano@grubb-ellis.com

**AN ORDINANCE APPROVING A CONDITIONAL USE FOR AN
OUTDOOR EQUIPMENT AND MATERIAL STORAGE YARD IN
THE I LIMITED INDUSTRIAL DISTRICT**

PC 07-15: 246 Eisenhower Lane North

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

WHEREAS, the subject property, located at 246 Eisenhower Lane North, as legally described in Section 1 below (the "Subject Property"), is zoned I Limited Industrial District; and

WHEREAS, an application has been filed with the Village of Lombard requesting approval of a conditional use for an outdoor equipment and material storage yard on the Subject Property (the "Petition"); and

WHEREAS, a public hearing was conducted by the Plan Commission on April 16, 2007, pursuant to appropriate and legal notice, and the Plan Commission recommended approval of the Petition, subject to conditions; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: That the ordinance is limited and restricted to the property generally located at 246 Eisenhower Lane North, Lombard, Illinois, and legally described as follows:

Lot 2 and Lot 3 in Lombard Industrial Park Unit Number One, a subdivision of part of Section 30, Township 39 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois.

Parcel Number: 06-30-202-003

ORDINANCE NO. _____

SECTION 2: The President and Board of Trustees, hereby finds that the Petition does meet the standards for conditional uses and hereby grants a conditional use for an outdoor equipment and material storage yard on the Subject Property described in Section 1 above and subject to the conditions of approval set forth in Section 3.

SECTION 3: That the conditional use approval as set forth herein shall be subject to the following conditions:

1. That the eight-foot high chain link fence surrounding the outdoor storage area shall be replaced with a solid fence (as defined by the Zoning Ordinance) between six feet and eight feet in height.
2. That the storage fence shall not be within ten feet (10') of the rear lot line.
3. That all combustible outside storage shall be stored inside the fenced areas.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as required by law.

Passed on first reading this _____ day of _____, 2007.
First reading waived by action of the Board of Trustees this _____ day of _____, 2007.
Passed on second reading this _____ day of _____, 2007, pursuant to a roll call vote as follows:

AYES: _____
NAYS: _____
ABSENT: _____

APPROVED by me this _____ day of _____, 2007.

ATTEST:

Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this _____ day of _____, 2007.

Brigitte O'Brien
Village Clerk

William J. Mueller
Village President
