

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: June 9, 2014 (B of T) Date: June 19, 2014

TITLE: PC 14-12; 67 W. Eisenhower Lane South – Conditional Use for Food or Dairy Manufacture, Packaging, and Processing

SUBMITTED BY: Department of Community Development *WLS*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, Gina Klafeta, requests that the Village grant approval of a conditional use, pursuant to Section 155.420 (C) of the Village of Lombard Zoning Ordinance, to allow for a food and dairy manufacture, packaging, and processing facility within the I Limited Industrial District. (DISTRICT #3)

The Plan Commission recommended approval of this petition by a voted 4 to 0 vote.

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

Fiscal Impact/Funding Source:

Review (as necessary):
Village Attorney X _____ Date _____

Finance Director X _____ Date _____


Village Manager X _____ Date _____

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: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

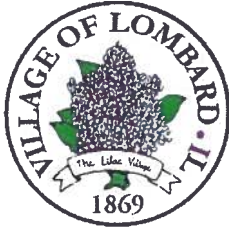
DATE: June 19, 2014

SUBJECT: **PC 14-12: 67 W. Eisenhower Lane South (Nana Creme)**

Please find the following items for Village Board consideration as part of the June 19, 2014 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 14-12;
3. Completed Standards for a Conditional Use; and
4. An Ordinance granting a conditional use, pursuant to Section 155.420 (C) of the Lombard Zoning Ordinance, to allow for a food and dairy manufacture, packaging, and processing facility within the I Limited Industrial District.

The Plan Commission recommended approval of this petition by a vote of 4-0. Please place this petition on the June 19, 2014 Board of Trustees agenda.



VILLAGE OF LOMBARD

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Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
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June 19, 2014

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"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. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 14-12; 67 W. Eisenhower Lane South – Conditional Use for a Microbrewery

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, Gina Klafeta, requests that the Village grant approval of a conditional use, pursuant to Section 155.420 (C) of the Village of Lombard Zoning Ordinance, to allow for a food and dairy manufacture, packaging, and processing facility 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 May 19, 2014. Sworn in to present the petition was Matt Panfil, AICP, Senior Planner and the petitioner, Gina Klafeta, 7816 Queens Court, Downers Grove, IL 60516.

Ms. Klafeta explained she is producing an allergen free non-dairy frozen dessert. The space was previously used for food production and she will not be proposing any construction improvements. Ms. Klafeta said the only interior modifications will be installing new sinks in the same location they were previously located. She explained the product is made by hand so there is no industrial equipment and no noise.

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

Tracy Norton, 2720 S. Highland Avenue, had questions regarding the

hours of operation and if odors would affect the apartment community adjacent to the subject property.

In response to the questions, Ms. Klafeta explained that the product is made by hand and is cold produced; there is no cooking on site therefore there should be no orders. She is purchasing all of the products from the whole sale grocery store so there will not be any delivery trucks. The hours of operation are Monday thru Friday 9:00 a.m. to 5:00 p.m.

Mr. Panfil, Senior Planner, presented the staff report, which was submitted to the public record in its entirety. Mr. Panfil stated there are no exterior site improvements proposed at this time and no utility improvements are necessary for the operation. Signage, if submitted, will be reviewed at a later date. Per the Zoning Ordinance, a food and dairy manufacture, packaging, and processing facility requires a conditional use permit within the I Limited Industrial Zoning District.

Mr. Panfil said the Inter-Departmental Review committee had no issues or concerns regarding the project at this time.

Mr. Panfil also stated the facility is located within the heart of a large I Limited Industrial Zoning District, and therefore Staff finds the proposed use is consistent with the zoning and existing land use of the surrounding properties.

Mr. Panfil then summarized that staff finds that as the proposed food and dairy manufacture, packaging, and processing facility is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance. Especially in comparison to other uses permitted by right within the I Limited Industrial Zoning District, the proposed facility will not substantially exceed the number of deliveries, on-site demand for parking, or traffic congestion as said permitted uses.

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

On a motion by Commissioner Mrofcza, and a second by Commissioner Burke, the Plan Commission voted 4-0 that the Village Board approve the conditional use pursuant to Section 155.420 (C) of the Village of Lombard Zoning Ordinance, to allow for a food and dairy manufacture, packaging, and processing facility within the I Limited Industrial District, associated with PC 14-12, subject to the following five conditions:

1. That this relief is limited to the operation of a food and dairy manufacture, packaging, and processing facility only and any physical site improvement or alterations require approval through the Village;
2. That the petitioner shall develop the site in accordance with plans submitted as part of this request;

3. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
4. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the food and dairy manufacture, packaging, and processing facility is not established by said date, this relief shall be deemed null and void; and
5. Any dumpster associated specifically with the petitioner's establishment shall be fully enclosed pursuant to Village Code.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

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PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

NANA CREME – 67 W. EISENHOWER LANE SOUTH

MAY 19, 2014

Title

PC 14-12

Petitioner

Gina Klafeta
7816 Queens Court
Downers Grove, IL 60516

Property Owner

The Realty Associates
440 W. Eisenhower Lane
Lombard, IL 60148

Property Location

67 W. Eisenhower Lane South
(06-30-205-010)
(Trustee District #3)

Zoning

I Limited Industrial Zoning
District

Existing Land Use

Multi-Tenant Industrial Building
(previous use of tenant space was
a catering service).

Comprehensive Plan

Mixed Office and Industrial

Approval Sought

Conditional use to allow for a
“Food and Dairy Manufacture,
Packaging, and Processing” facility
within the I Limited Industrial
Zoning District.

Prepared By

Matt Panfil, AICP
Senior Planner



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to establish a “Food and Dairy Manufacture, Packaging, and Processing” facility in order to produce an allergen-friendly non-dairy frozen dessert. The petitioner has indicated that the use is for wholesale production only; there will be no on-site retail space.

There are no proposed exterior site improvement proposed at this time and no utility improvements are necessary for the operation. As the previous use was a catering service, minimal interior changes will be necessary.

Signage is to be submitted at a later date.

APPROVAL(S) REQUIRED

Per Section 155.420 (C)(14) of the Zoning Ordinance, a “Food and Dairy Manufacture, Packaging, and Processing” facility requires a conditional use permit within the I Limited Industrial Zoning District.

EXISTING CONDITIONS

The subject property is currently improved with an approximately 70,560 square foot one-story brick structure that is utilized as a multi-tenant industrial building. The petitioner is seeking to occupy an approximately 1,500 square foot space within the structure.

PROJECT STATS

Lot & Bulk

Parcel Size: 4.4 acres
 Building Area: 70,560 sq. ft.
 Tenant Area: 1,500 sq. ft.
 Lot Coverage: approx. 89.4%

**Reqd Setbacks & Lot Dimensions
 – Existing (Proposed)**

Front: 25' (69')
 Interior Side: 15' (49')
 (West)
 Interior Side: 15' (33')
 (East)
 Rear: 15'(85')
 Lot Width: 150' (153')

Parking Spaces

Shared – 142 Parking Spaces

Submittals

1. Petition for a public hearing, submitted April 16, 2014;
2. Response to Standards for a Conditional Use; and
3. Plat of Resubdivision, prepared by Edward J. Molloy & Associates, Ltd., dated September 6, 2005 and submitted April 16, 2014.

Parking is shared throughout the lot, which has approximately one-hundred and forty-two (142) parking spaces. Access to the site is limited to one (1) curb cut off of Eisenhower Lane South.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the project at this time. A full review will be conducted during the building permit process.

Fire Department:

The Fire Department notes that all improvement and equipment installations within the tenant space must meet the Fire Code.

Private Engineering Services:

Private Engineering Services (PES) has no issues or concerns regarding the project at this time.

Public Works:

The Department of Public Works has no issues or concerns regarding the project at this time.

Planning Services Division:

The Planning Services Division (PSD) notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	I	Light manufacturing and warehouse/distribution
South	Downers Grove M2	Restricted Manufacturing
East	CR & R4PD	Allerton Ridge Cemetery and Arboretum Park Townhomes
West	I	Light manufacturing and warehouse/distribution

Located within the heart of a large I Limited Industrial Zoning District, staff finds the proposed use is consistent with the Zoning Map and existing land use of the surrounding properties.

2. Comprehensive Plan Compatibility

The proposed site location and land use a “Food and Dairy, Manufacture, Packaging, and Process” facility is consistent with

the Comprehensive Plan's recommendation of Mixed Office and Industrial uses.

3. *Zoning & Sign Ordinance Compatibility*

The existing structure meets all lot, bulk, and setback standards for the I Limited Industrial Zoning District. As a condition of approval of PC 11-05 any dumpster associated with the specific tenant space was to be fully enclosed pursuant to Village Code. Staff recommends that this condition of approval be carried forward to the current petition.

The petitioner has not yet proposed any signage for the location. Any future signage applications will be reviewed by staff for their consistency with the Village's Sign Ordinance. If any future signage is determined to be non-compliant the petitioner will have the option to request a variation from the Plan Commission and Village Board of Trustees.

4. *Site Plan: Access & Circulation*

Staff believes that the proposed conditional use will not substantially increase traffic congestion or the demand for off-street parking.

5. *Elevations*

The petitioner is not proposing any changes to the exterior elevations at this time.

SITE HISTORY

The existing multi-tenant building was constructed in 1976.

PC 11-05

A conditional use for a catering business was recommended for approval by the Plan Commission and received final approval from the Village Board of Trustees on April 7, 2011.

FINDINGS & RECOMMENDATIONS

Staff finds that as the proposed food and dairy manufacture, packaging, and processing facility is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance. Especially in comparison to other uses permitted by right within the I Limited Industrial Zoning District, the proposed facility will not substantially exceed the number of deliveries, on-site demand for parking, or traffic congestion as said permitted uses.

The Inter-Departmental Review Committee has reviewed the standards for the requested conditional use for a food and dairy manufacture, packaging, and processing facility and finds that the proposed use **complies** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 14-12:

Based on the submitted petition and the testimony presented, the proposed conditional use does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional use permit is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Committee Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 14-12, subject to the following conditions:

1. That this relief is limited to the operation of a food and dairy manufacture, packaging, and processing facility only and any physical site improvement or alterations require approval through the Village;
2. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
3. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
4. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the food and dairy manufacture, packaging, and processing facility is not established by said date, this relief shall be deemed null and void; and
5. Any dumpster associated specifically with the petitioner's establishment shall be fully enclosed pursuant to Village Code.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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STANDARDS FOR CONDITIONAL USES

1. *The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.*

It is my intention to set up a wholesale food production for the purpose of manufacturing an allergen-friendly, non-dairy frozen dessert. This operation and maintenance will not be detrimental, endanger, or affect the safety of the public health. The use will be confined to the space. I will be following all the property food safety and sanitation guidelines.

2. *That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located.*

The conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity. All activity will be confined to the leased space. This space has previously been used for food production purposes and is already outfitted to do so. This will not entail any construction, therefore cannot diminish any property value in any way. The product production is quiet. There will be no noise pollution.

3. *That the establishment of the conditional use will not impeded the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

There will be no infringement on any of the surrounding areas whatsoever. There is no outside or inside construction needed. The production does not involve the area outside of the leased space.

4. *That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided.*

Public utilities, access roads, drainage, and necessary facilities have already been provided by the owner.

5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

There will be no access or need for the public to frequent the space. There will be no traffic congestion generated during the production of my product.

6. *That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard.*

My business coincides with and is not contrary to the objective of the current Comprehensive Plan for the Village of Lombard. It will be a desirable contribution to the business community. I will be serving a portion of the population in a positive way.

7. *That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

I have every intention of following the provisions, guidelines, and regulations of the district. I will be responsible for any modifications the Plan Commission recommends.

The only change that I will be making to the property is installing three (3) sinks in the exact positions that they were in by the previous tenants. I am making my product by hand and the only industrial sized machinery I will be using is an ice cream machine with dimensions of 18¼" (46.4 cm) x 37¾" (95.9 cm) x 20" (50.8 cm).

Nowakowski, Tamara

From: Panfil, Matthew
Sent: Thursday, June 05, 2014 1:41 PM
To: Nowakowski, Tamara
Cc: Ganser, Jennifer
Subject: FW: PC 14-12 - Village Board Meeting

From: gina klafeta [<mailto:gklafeta@gmail.com>]
Sent: Thursday, June 05, 2014 12:45 PM
To: Panfil, Matthew
Subject: Re: PC 14-12 - Village Board Meeting

Okay, great. I would like to request the waiver then.

Thank you!

On Thursday, June 5, 2014, Panfil, Matthew <PanfilM@villageoflombard.org> wrote:

I would recommend requesting the waiver, especially in consideration that the next Village Board meeting will not be until July 17. Obviously I cannot guarantee anything, but it is a good sign that the Plan Commission approved it unanimously. Also, if an issue arises it is doubtful the board would vote no before exercising all options to help address anyone's concerns.

From: gina klafeta [<mailto:gklafeta@gmail.com>]
Sent: Thursday, June 05, 2014 12:01 PM
To: Panfil, Matthew
Subject: Re: PC 14-12 - Village Board Meeting

Hi Matthew

What would you recommend for me? One less meeting sounds great, but I do want make sure I am doing everything possible for this to pass.

Thank you

Gina

On Thursday, June 5, 2014, Panfil, Matthew <PanfilM@villageoflombard.org> wrote:

Gina:

Items approved by the Plan Commission generally appear at two meetings of the Village Board, unless you specifically request a “waiver of first reading.” You can simply respond to this e-mail requesting the waiver and that is sufficient for our records.

Thank you,

Matt Panfil, AICP

Senior Planner

Village of Lombard

255 E. Wilson Avenue

Lombard, IL 60148

t 630.620.5744

f 630.629.2374

panfilm@villageoflombard.org

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE
PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.420 (C)
OF THE LOMBARD ZONING ORDINANCE**

PC 14-12: 67 W. Eisenhower Lane South (Nana Creme)

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 described in Section 2 below, is zoned I Limited Industrial District; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Title 15, Chapter 155, Section 420 (C) of the Lombard Village Code to provide for a food and dairy manufacture, packaging, and processing facility; and

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on May 19, 2014 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 described herein; and,

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 a conditional use is hereby granted for the Subject Property, as described in Section 2 below, pursuant to Title 15, Chapter 155, Section 420 (C) of the Lombard Village Code to provide for a food and dairy manufacture, packaging, and processing facility.

SECTION 2: That this Ordinance is limited and restricted to the property located at 67 W. Eisenhower Lane South, Lombard, Illinois and legally described as follows:

LOMBARD INDUSTRIAL PARK UNIT NO. 5, A PLAT OF SUBDIVISION OF A PART OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 16, 1974 AS DOCUMENT R74-62478, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-30-205-010; (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:

1. That this relief is limited to the operation of a food and dairy manufacture, packaging, and processing facility only and any physical site improvement or alterations require approval through the Village;
2. That the petitioner shall develop the site in accordance with the plans submitted as part of this request;
3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee (IDRC) Report;
4. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the food and dairy manufacture, packaging, and processing facility is not established by said date, this relief shall be deemed null and void; and
5. Any dumpster associated specifically with the petitioner's establishment shall be fully enclosed pursuant to Village Code.

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 _____, 2014.

Ordinance No. _____
Re: PC 14-12
Page 3

First reading waived by action of the Board of Trustees this _____ day of _____, 2014.

Passed on second reading this _____ day of _____, 2014, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2014.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2014.

Sharon Kuderna, Village Clerk