

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development on December 16, 2008:

1. Petition for Public Hearing.
2. Response to Standards.
3. Plat of Survey, prepared by Preferred Survey, Inc., dated February 17, 2005 (includes site plan created by the petitioner).

DESCRIPTION

The petitioner is proposing a contractor construction office/yard to be located behind an existing commercial building within the B4 zoning district. As contractor's construction offices, shops, and yard uses are listed in the Zoning Ordinance as a conditional use within the B4 zoning district, Village Board approval is required.

The proposed contractor's yard would occupy the southern portion of the subject property and would be used for the storage of industrial landscaping equipment including dump trucks, trailers, and a wood chipper. The office element is to be located within the existing commercial building, which is one story in height and of block construction. The proposed use will utilize all existing drive aisles to access the southern portion of the property.

Certain site improvements are also being proposed as an adjunct to the contractor's offices and yard. Relative to the contractor's yard, asphalt paving (along with the required storm water detention) is being proposed within the southern portion of the property. The addition of a wood gate, which would adjoin the existing eight (8) foot wood fence, is to be added to help conceal the yard. As the parking lot and yard area are located within required yards, a five (5) foot perimeter landscaping area shall be installed and is reflected on the plan.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Public Works has no comments regarding this petition.

PRIVATE ENGINEERING

The PES Division of Community Development has the following comments on the above petition:

- 1) Any new impervious surface (i.e., pavement) will require stormwater detention consistent with Village Code.
- 2) Separate approval from DuPage County will be required if the stormwater system is to discharge along the GWT.
- 3) Pavement section along drive lanes and loading areas shall be per VOL detail for “heavy duty” pavement section.

FIRE AND BUILDING

Upon review of the above referenced request for conditional use for a construction office and equipment yard, the Fire Department/Bureau of Inspectional Services has the following comment:

- 1) There shall be no storage of combustible/flammable materials or liquids on the premises, including in the yard, shed, and garage. The owner must also maintain proper access lanes for emergency equipment at all times.

PLANNING

The Village Code Enforcement staff undertook a comprehensive review of the commercial properties along East St. Charles Road in 2007 to ensure that the business uses were operating in compliance with code requirements. A number of properties were identified as being in violation in regard to use and/or other specific issues such as property maintenance. Through a cooperative effort between property/business owners and staff, a number of issues have been resolved.

Through this inspection effort, staff found that a number of landscape contractor trucks were being parked on the subject property in an unimproved area behind the strip center. Further investigation of this activity found that the petitioner has purchased the subject property and was using the rear of the property as a landscape contractor’s yard. Landscape contractor’s offices, shops and yards are listed as conditional uses within the B4 Corridor Commercial District. Since there were no prior Village approvals that could legally tie the landscape contractor’s business use to any legal rights afforded to the property, the subject property was found to be in violation. Therefore, the petitioner is seeking conditional use approval to allow for the aforementioned use on the subject property.



Contractor's equipment currently being stored on subject property (to remain upon approval).



View of contractor's yard from neighboring property to the east (Christine's Hair Salon).

Compliance with the Zoning Ordinance

Zoning History

The existing one-story building located on the subject property was built in 1971 as an electronic store. The building has since seen a number of tenants, all of which have been commercial businesses. A tailor shop now situates one of the building's tenant spaces, while the other space remains vacant. Aside from the tenant spaces located along St. Charles Road, the building contains an additional office, storage space, and a garage. In this case, the office element is intended to be a subordinate activity to the principal use being proposed, which is the contractor's yard. Similar to other businesses that have come forward to utilize a portion of their property for a contractor's yard use, staff has required full Code compliance.

Landscaping

A five (5) foot perimeter landscape aisle is required per Section 155.706(C) of the Zoning Ordinance. Additional grasses and plantings will be provided around the perimeter of the parking lot and yard area which are intended to screen and/or segregate parking and circulation areas from adjacent properties.

Open Space

The subject property has an area of 17,250 square feet with a total 1,682 square feet of open space, just short of the required 10% open space at 9.5%. The addition of the required perimeter landscaping would also increase the amount of open space (as defined by Code) on the subject property by 1,575 square feet, which is almost 10% of the total lot area ($1,575/17,250 = .091$). Thus, with the addition of the required perimeter landscaping, the total open space for the subject property would be around 19%.

Standards for Conditional Uses

For a conditional use to be approved, the standards for conditional uses must be met. Staff has reviewed the petitioner's plan and the standards and offers the following comments:

1. That 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;

The conditional use process allows staff the opportunity to review each applicable petition in context with the surrounding area in regards to health, safety, and general welfare. In this case, the petitioner has come forth to receive the right to maintain, operate, and store large industrial equipment on the subject property. As the surrounding area consists of commercial, recreational, and residential properties, the operation of such large industrial equipment to and from the subject property could pose safety issues. The surrounding properties along St. Charles Road are retail commercial in nature, which by design are intended to service the local and community

shopping needs of the community. The petitioner's proposal is to permit a semi-industrial use, which differs in both function and impact on adjacent properties. The difference is significant as the proposed use would be primarily an outdoor use and activity and therefore the impacts of the use (noise, hours of operation, etc.) would also be greater.

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;

Introducing a semi-industrial use into a neighborhood consisting of commercial and residential properties may have negative repercussions on adjacent properties due to possible visual blight and excessive noise and dirt. It is noted that the petitioner has gone to certain lengths to visually conceal the contractor's yard (per submitted plans) by erecting an eight (8) foot wood fence (with gate) and also plans to add aesthetically enhancing landscape elements to the property in its entirety. However, the fencing only serves as a basic screening element and does not address other impacts of such uses or activities, including additional truck traffic and noise.

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

The subject property is bordered to the east by a commercial retail strip center and to the west by a beauty shop. The existing tailor shop located on the subject property is compatible with those surrounding uses as it is commercial by nature. The proposed office that would utilize the southern portion of the existing building on the subject property would also be compatible with those surrounding land uses because there are already a number of office uses surrounding the subject property. The contractor's yard element is a light industrial use and is therefore incompatible due to a lack of commercial/retail components. Staff notes that the properties located to the south of Great Western Trail are strictly residential and any noise or general disturbances could directly affect those properties. The adjacent property to the north, which is located in Villa Park, has multiple motor vehicles located on the property; however, those vehicles are for retail sale, again, resulting in a commercial land use distinction.

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

Any necessary infrastructural improvements are already in existence or shall be provided per the approved plans. The Private Engineering comments provided within this report shall address all on-site infrastructural improvements.

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;

The existing drive aisle is twenty-four (24) feet wide, which is the minimum requirement for a two-way drive aisle. No improvements to the existing ingress/egress are required, nor being proposed.

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

The Comprehensive Plan identifies the site for Community Commercial Use. The Comprehensive Plan defines Community Commercial as a commercial area which provides services extending beyond daily living needs and includes comparison shopping goods. This area was also reviewed as part of the East St. Charles Road corridor plan in 1999. The Plans advise that the property be developed to include retail, commercial and office uses. The proposed use includes a contractor's yard with an ancillary office, lacking any retail use or principal office component. The primary land use does not consist of a retail component, and as such would be more consistent with a light industrial land use. Therefore, the use would be inconsistent with the Comprehensive Plan, as it clearly defines the subject property to be designated for commercial uses.

Staff notes that a landscape yard in itself could theoretically be deemed compatible with a retail commercial corridor if the use was an ancillary component of a retail activity. An example could be a landscape garden center that may have outdoor sales of mulch products and with an ancillary nursery. However, this petition primarily consists of storage of larger trucks for landscaping field operations.

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.

Staff has reviewed the petition and if the petition was approved, the applicable code issues would be addressed during the permit review process. The only issue in question relating to the zoning district is the type use proposed on the subject property. However, staff believes that the proposed use could not be conditioned to alleviate the negative impact of the use on the Corridor and the adjacent properties.

FINDINGS AND RECOMMENDATIONS

Staff has reviewed the petition and finds that petition does not meets the standards set forth in the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion to **deny** PC 08-01:

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 accept the findings of the Inter-

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departmental Review Report as the findings of the Plan Commission and therefore the Plan Commission recommends to the Corporate Authorities **denial** of PC 08-01.

Inter-Departmental Review Group Report Approved By:

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

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