

February 7, 2008

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

Subject: PC 08-01: 1041 E. St. Charles Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following actions on the subject property:

The petitioner requests conditional use approval for Contractor construction offices, shops, and yard within the B4 Corridor Commercial District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 28, 2008.

Chairperson Ryan asked if there was anyone to cross-examine the witnesses.

Edgar Rodriguez, 1041 E. St. Charles, presented the petition. He indicated that their proposal consists of an office with a storage yard for their landscaping business. Mr. Rodriguez stated that they have been working with staff to bring the property into compliance with Code. He explained that the storage yard would be gated and out of view. Mr. Rodriguez stated that they would only be there in the morning to pick up the truck and in the evening to drop them off. He then added that there would be no hazardous chemicals being stored on the site.

Chairperson Ryan then opened the meeting for public comment.

Christine Salinas, 1037 E. St. Charles owns the neighboring business to the west of the subject property. She stated that she is in favor of the conditional use being approved.

Bob Brunton (did not speak in favor or against the petition), 18 Kenilworth Ct lives behind the subject property and is concerned about the amount of possible noise that may be created. He asked the petitioner if they plan on acquiring any larger diesel vehicles.

Edgar Rodriguez replied by stating that they do have a number of dump trucks, but the noise from the trucks should be contained to the site by the fencing and perimeter landscaping. Mr. Rodriguez added that the landscaping will consist of trees and shrubs. Mr. Rodriguez also addressed Mr. Brunton's concern by stating that the trucks will only be operational on the site for a few minutes in the morning and evening. He then added that they come and go in short intervals throughout the day.

Commissioner Sweetser asked that the petitioner address Mr. Brunton's question of whether or not they plan on acquiring any larger vehicles.

Mr. Rodriguez replied that they had no plans to obtain any larger vehicles.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. 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.

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.

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.

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.

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.

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.

Concluding, Mr. Toth stated that staff recommended denial of the petition.

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

Commissioner Sweetser asked staff what the difference was between a light industrial use and a semi industrial use.

William Heniff, Senior Planner, stated that the difference between the types of industrial uses in this case is the way they are being used. Mr. Heniff stated that the proposal is semi industrial because the main use is industrial with an ancillary office use. Had it been the other way around,

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the use would be considered light industrial because the office would be the main function with an ancillary contractor's yard.

Commissioner Olbrysh made the motion to recommend denial, which was seconded by Commissioner Flint. Commissioner Burke also voted in favor of denial; however, Commissioner Sweetser and Chairperson Ryan voted against the denial.

Without the required four votes from the Plan Commission, Chairperson Ryan (with direction from Council) asked that the Plan Commission vote to uphold a 'no recommendation' vote.

The Plan Commission, by a roll call vote of 3-2, recommended to the Corporate Authorities **no recommendation** of the petition associated with PC 08-01.

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

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