

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: David A. Hulseberg, Village Manager
DATE: January 24, 2012 (BOT) Date: February 2, 2012
TITLE: PC 12-03: 844 N. Ridge Ave. (Flesk Brewing Co. LLC)
SUBMITTED BY: Department of Community Development *M*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests a conditional use per Section 155.420(C)(17) of the Zoning Ordinance to allow for Food Manufacturing, Packaging, and Processing in the I Limited Industrial District.

The Plan Commission recommended approval of this request with conditions.

Please place this item on the February 2, 2012 Board of Trustees agenda.

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: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP
Director of Community Development *WH*

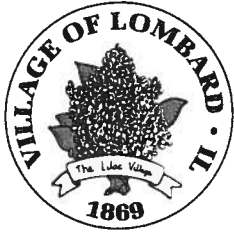
DATE: February 2, 2012

SUBJECT: **PC 12-03; 844 N. Ridge Ave. (Flesk Brewing Co. LLC)**

Attached please find the following items for Village Board consideration as part of the February 2, 2012 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 12-03;
3. Completed Standards for Conditional Uses;
4. An Ordinance granting a conditional use pursuant to Section 155.420(C)(16) of the Zoning Ordinance to allow for Food Manufacturing, Packaging, and Processing in the I Limited Industrial District, and;
5. Plans associated with the petition.

The Plan Commission recommended approval of the zoning actions associated with the petition.



VILLAGE OF LOMBARD

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(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

February 2, 2012

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

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

Subject: PC 12-03; 844 N. Ridge Ave. (Flesk Brewing Co. LLC)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant a conditional use pursuant to Section 155.420(C)(16) of the Zoning Ordinance to allow for Food Manufacturing, Packaging, and Processing 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 January 23, 2012.

William O'Brien, 5800 Oaklund Drive, Lisle, presented the petition. He stated that his brother and he want to establish a nano-brewery in Lombard. They have been home brewing for five years and his brother studied to be a brew master. He then mentioned his brother's schooling and work background. He stated that a nano-brewery is a tiny step up from a home brewing system. Their location on Ridge Ave. would consist of two fermenters and water consumption used for this process would be approximately 50,000 gallons. He then stated that they would like to expand sometime in the future and the subject property will allow them to do so.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition. No one in the audience spoke in favor or against the petition.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. Flesk Brewing Co. LLC, intends to occupy a 2,065 square foot space within the existing multi-tenant building on the subject property and operate a "Nano Brewery". Nano breweries are microbreweries, which the ATF TTP (Alcohol Tobacco and Firearms Tax and Trade Bureau) defines as very small brewery operations. From a zoning

perspective, the use would be deemed a conditional use within the I District as food manufacturing or process.

Food manufacturing and processing establishments are listed as conditional uses within the I Limited Industrial District. As part of the conditional use review process, staff has reviewed the current conditions on the subject property relative to the proposed use.

According to the petitioner, their operations will use about 50,000 gallons of water annually. It is anticipated that Flesk Brewing Co. will brew about 100 barrels of beer, with the remainder being bottled. Aside from loading and shipping functions, the operations associated with the brewery will be conducted within the confines of the tenant space. More specifically, Flesk Brewing Co. intends to use the tenant space to brew, package and distribute the product from the premises. They intend to sell their beer to local restaurants/bars and liquor stores. There will be no consumption of alcohol on the premises.

Given their small size, logistics will be made using their own personal vehicles and/or small delivery trucks as recent changes in federal/state laws will now allow small brewers to distribute their own product. As the subject tenant space has a garage door, which is intended for loading purposes, all products will be moved through the loading door. Furthermore, the petitioner does not plan to store any materials outside.

Flesk Brewing Co. would be sharing a dumpster with the other tenants located on the subject property. The dumpster currently located on the subject property is not properly screened per Section 155.710 of the Zoning Ordinance. Upon inspection of the site, staff noticed a pile of wood next to the dumpster and other loose debris scattered throughout the subject property. In order to maintain optimal site conditions, a condition of approval will require that the wood pile and any other loose debris be removed from the property. According to the petitioner, spent grain will be a by-product of the brewing process, which will be placed in containers and disposed of by a waste management company. Due to limited dumpster space, a condition of approval will also require that any waste, which is a by-product of the brewing process, be stored within the confines of the building until it can be properly disposed of.

Food manufacturing, packaging, and processing is listed as a conditional use in the I Limited Industrial District due in part to the potential for a wide range of usage intensities associated with this use. While large scale and/or noxious food manufacturing operations would likely raise concerns about noise, odor, and waste products, staff believes that the small scale operation of Flesk Brewing Co. to not be of that variety.

The Zoning Ordinance requires one (1) parking space per one and a half (1.5) employees in the I Limited Industrial District. According to the petitioner, on-site staffing will be limited to only those times in which the master brewer needs to be on premises to make the product. There are currently sixty (60) parking spaces on the property.

Staff finds that all of the Standards for Conditional Use, as submitted by the petitioner, have been met.

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. Flesk Brewing Co.'s operations, as described by the petitioner, are not intensive enough to be a nuisance, safety concern, or health concern for the surrounding land uses.

Staff finds that the approval of the requested conditional use would not have significant impacts on the subject property or surrounding area. With the exception of loading operations done from the overhead garage door, all business activities are conducted within the tenant space.

Staff is recommending approval of the petition subject to the three (3) conditions listed in the staff report.

Chairperson Ryan then opened the meeting for comments among the Commissioners. The Commissioners had no questions or comments.

On a motion by Commissioner Burke and a second by Commissioner Cooper, the Plan Commission voted 6 to 0 that the Village Board **approve** the petition based on the finding that the petitioner had met the required Standards as set forth in the Zoning Ordinance.

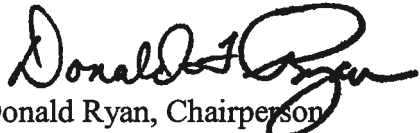
Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does meet the standards set forth in the Zoning Ordinance and recommends that Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission and therefore the Plan Commission and recommend to the Corporate Authorities **approval** of PC 12-03, subject to the following conditions:

1. The dumpster shall be screened per the provisions of Section 155.710 of the Zoning Ordinance. The petitioner or property owner shall apply for a permit for the fence and screening improvements.
2. The wood pile on the southwest corner of the subject property, and any other loose debris, shall be removed from the property.
3. Any waste, which is a by-product of the brewing process, shall be stored within the confines of the building until it can be properly disposed of.

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Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink, appearing to read "Donald Ryan". The signature is fluid and cursive, with a large initial "D" and "R".

Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

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South: I – Limited Industrial District; developed as a multi-tenant industrial center.

East: I – Limited Industrial District; developed as a multi-tenant industrial center.

West: I – Limited Industrial District; developed as a warehouse, known as System Service International.

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development on December 15, 2011:

1. Petition for Public Hearing.
2. Response to Standards for Conditional Uses.
3. Plat of Survey, prepared by Glen D. Kirsch Land Surveyor, dated June 26, 2001.

DESCRIPTION

Flesk Brewing Co. LLC, intends to occupy a 2,065 Sq. ft. space within the existing multi-tenant building on the subject property and operate a “Nano Brewery”. Nano breweries are microbreweries, which the ATF TTP (Alcohol Tobacco and Firearms Tax and Trade Bureau) defines as very small brewery operations. From a zoning perspective, the use would be deemed a conditional use within the I District as food manufacturing or process.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Public Works has no comments at this time.

PRIVATE ENGINEERING

Private Engineering Services has no comments.

FIRE

The Fire Department has no comments on the petition; however, the building use, equipment installations and manufacturing process must meet the requirements of the International Fire Code.

BUILDING DIVISION

The Building Division has no comments on the petition; however, any subsequent building improvements must meet the requirements of the International Building Code, which will be addressed through the building permit process.

PLANNING

Compliance with the Zoning Ordinance

Food manufacturing and processing establishments are listed as conditional uses within the I Limited Industrial District. As part of the conditional use review process, staff has reviewed the current conditions on the subject property relative to the proposed use.

Operations

According to the petitioner, their operations will use about 50,000 gallons of water annually. It is anticipated that Flesk Brewing Co. will brew about 100 barrels of beer, with the remainder being bottled. Aside from loading and shipping functions, the operations associated with the brewery will be conducted within the confines of the tenant space. More specifically, Flesk Brewing Co. intends to use the tenant space to brew, package and distribute the product from the premises. They intend to sell their beer to local restaurants/bars and liquor stores. There will be no consumption of alcohol on the premises.

Given their small size, logistics will be made using their own personal vehicles and/or small delivery trucks as recent changes in federal/state laws will now allow small brewers to distribute their own product. As the subject tenant space has a garage door, which is intended for loading purposes, all products will be moved through the loading door. Furthermore, the petitioner does not plan to store any materials outside.

Flesk Brewing Co. would be sharing a dumpster with the other tenants located on the subject property. The dumpster currently located on the subject property is not properly screened per Section 155.710 of the Zoning Ordinance. Upon inspection of the site, staff noticed a pile of wood next to the dumpster and other loose debris scattered throughout the subject property. In order to maintain optimal site conditions, a condition of approval will require that the wood pile and any other loose debris be removed from the property. According to the petitioner, spent grain will be a by-product of the brewing process, which will be placed in containers and disposed of by a waste management company. Due to limited dumpster space, a condition of approval will also require that any waste, which is a by-product of the brewing process, be stored within the confines of the building until it can be properly disposed of.

Food manufacturing, packaging, and processing is listed as a conditional use in the I Limited Industrial District due in part to the potential for a wide range of usage intensities associated with this use. While large scale and/or noxious food manufacturing operations would likely raise concerns about noise, odor, and waste products, staff believes that the small scale operation of Flesk Brewing Co. to not be of that variety.

Parking

The Zoning Ordinance requires one (1) parking space per one and a half (1.5) employees in the I Limited Industrial District. According to the petitioner, on-site staffing will be limited to only those times in which the master brewer needs to be on premises to make the product. There are currently sixty (60) parking spaces on the property.

Staff finds that all of the Standards for Conditional Use, as submitted by the petitioner, have been met

Compatibility with the Comprehensive Plan

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

Compatibility with Surrounding Land Uses

The subject business is industrial in nature and is surrounded exclusively by other industrial uses. Flesk Brewing Co.'s operations, as described by the petitioner, are not intensive enough to be a nuisance, safety concern, or health concern for the surrounding land uses.

Staff finds that the approval of the requested conditional use would not have significant impacts on the subject property or surrounding area. With the exception of loading operations done from the overhead garage door, all business activities are conducted within the tenant space.

FINDINGS AND RECOMMENDATIONS

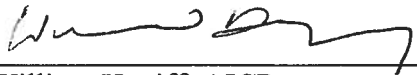
The Department of Community Development finds that the information presented **meets** the Standards for Conditional Use, as submitted by the petitioner and as part of this petition, and as set forth in the Zoning Ordinance. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does meet the standards set forth in the Zoning Ordinance and recommends that Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission and therefore the Plan Commission and recommend to the Corporate Authorities **approval** of PC 12-03, subject to the following conditions:

1. The dumpster shall be screened per the provisions of Section 155.710 of the Zoning Ordinance. The petitioner or property owner shall apply for a permit for the fence and screening improvements.
2. The wood pile on the southwest corner of the subject property, and any other loose debris, shall be removed from the property.

3. Any waste, which is a by-product of the brewing process, shall be stored within the confines of the building until it can be properly disposed of.

Inter-Departmental Review Group Report Approved By:



William Heniff, AICP
Director of Community Development

WJH:MST

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Standards for Conditional Uses

Flesk Brewing – 844 N. Ridge Ave.

No conditional use shall be recommended by the Plan Commission unless it finds:

- (a) 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. Flesk Brewing intends to use the existing structure as a nano-brewery to brew, package and distribute craft beer from the premises. The operation of the nan-brewery will be within the existing structure and, with the exception of loading the product into the delivery vehicle and occasional deliveries to the westerly overhead door of the property, there will be no operations conducted outside of the interior portion to the building. Furthermore, Flesk Brewing intends to use a corralled dumpster for waste disposal and store any by-product of the brewing process in the interior of the building until it can be properly disposed of.

- (b) 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, nor substantially diminish and impair property values within the neighborhood in which it is to be located.

The proposed use would be conducted entirely within the confines of the existing brick building, which is located in an established industrial area and surrounded by other industrial uses. As such, the proposed use would be consistent with those surrounding light industrial properties.

- (c) 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 petitioner plans to conduct business entirely within the confines of the existing building with no site improvements planned for the future. From a land use perspective, the type of use being proposed is compatible with the surrounding properties; as such, the normal and orderly development and improvement of the surrounding properties would not be adversely affected.

- (d) That adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;

As the petitioner intends to utilize the vacant portion of the multi-tenant building on the subject property and not alter the existing site, any necessary infrastructural improvements are already in existence. Should any infrastructural improvements be

deemed necessary, the IDRC comments provided within this report shall address such improvements.

- (e) 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 are two (2) existing drive aisles leading into the property at 844 N. Ridge Ave. Both are less than the minimum of twenty-four (24) feet that is required for two-way drive aisles. However, as the drive aisles already exist, they are considered legal non-conforming.

- (f) 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 recommends Light Industrial at this location. The North Lombard Light Industrial Area is specifically described in the Comprehensive Plan as an established industrial area with some vacant land available. Although described in the Comprehensive Plan, there are no recommendations for the specific types of uses that should occur within the North Lombard Light Industrial Area, only the general recommendation of light industrial land uses.

- (g) 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 it were to be approved, the applicable code issues and/or conditions of approval would be addressed during the permit review process. As is, the site conforms to all requirements set forth in the Zoning Ordinance, with respect to the use. The petitioner would need to receive an updated Certificate of Occupancy/Zoning Certificate that permitted the proposed conditional uses.

Flesk Brewing Company – Written Response to Applicable Standards

In support of its petition for Conditional Use of 844 N. Ridge, Lombard

- 1) No hardship to the owner would result to the physical surroundings, shape, or topographical conditions of the specific property by granting this petition for conditional use of the property for a commercial nano-brewery. Flesk Brewing intends to use the existing structure as a nano-brewery to brew, package and distribute craft beer from the premises. The operation of the nano-brewery will be within the existing structure and, with the exception of loading product onto the delivery vehicle and occasional deliveries to the westerly overhead door of the property, there would be no exterior use of the structure. There will be no storage of materials exterior to the building and there will be no operations conducted to the exterior of the building. Flesk Brewing intends to use a corralled dumpster for waste disposal.**
- 2) The brewing process and subsequent packaging is similar to food processing which is an approved use of the property.**
- 3) The operation of Flesk Brewing is to satisfy a desire for consumers to be able to purchase small batch, finely crafted beer that uses high quality ingredients and is produced with traditional brewing methods.**
- 4) Flesk Brewing is unaware of any difficulty or hardship caused by this ordinance or of any person who may have created this ordinance who may have an interest in the property.**
- 5) Granting this variance will not be detrimental to the public welfare or injuries to other property in the neighborhood. Flesk Brewing is a very small producer of beer and will be producing 100 to 200 barrels of beer per year. One barrel of beer is 31 gallons. There are no mechanized systems utilized in the brewing process and the residue from each batch of beer, known as “spent grain” will be placed in containers and will be properly disposed of by a waste collection company. The cleaning materials utilized to clean the equipment will be environmentally sound and at the point of discharge into the water system, will have no hazardous substances.**
- 6) The granting of this variance will not alter the character of the neighborhood since this is an area used predominantly as an industrial area. Beer brewing is very similar to food production which is a permitted use of the property.**
- 7) Granting this variance will not impair supplies of light or air to adjacent property nor will it substantially increase traffic congestion, fire danger, or create any drainage problems for other properties. The brewery will not endanger the public safety or substantially impair or diminish property values in the neighborhood. The scale of production for Flesk Brewing Company is small and consistent with most startup companies.**

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE
PURSUANT TO TITLE 15, CHAPTER 155, SECTION
155.420(C)(16) OF THE LOMBARD ZONING ORDINANCE**

(PC 12-03; 844 N. Ridge Ave. (Flesk Brewing Co. LLC))

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 defined below is zoned I – Limited Industrial District; and,

WHEREAS, an application has been filed requesting conditional use pursuant to Section 155.420(16) of the Lombard Zoning Ordinance to allow food manufacturing, packaging, and processing; and,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on January 23, 2012 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 zoning actions described herein, subject to conditions; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested zoning actions 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 the following conditional uses as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

Ordinance No. _____

Re: PC 12-03

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Grant a conditional use pursuant to Section 155.420(16) of the Lombard Zoning Ordinance to allow food manufacturing, packaging, and processing in the I – Limited Industrial District.

SECTION 2: That this Ordinance is limited and restricted to the properties located at 844 N. Ridge Avenue, Lombard, Illinois and legally described as follows:

THE NORTH 46.05 FEET OF LOT 3 AND ALL OF LOT 2 IN LOMBARD BUSINESS CENTER THIRD RESUBDIVISION OF LOTS 1 AND 2 IN LOMBARD BUSINESS CENTER UNIT THREE, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED JUNE 1, 1978 AS DOCUMENT R78-47483, ALL IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 03-31-401-062; (the “Subject Property”).

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The dumpster shall be screened per the provisions of Section 155.710 of the Zoning Ordinance. The petitioner or property owner shall apply for a permit for the fence and screening improvements.
2. The wood pile on the southwest corner of the subject property, and any other loose debris, shall be removed from the property.
3. Any waste, which is a by-product of the brewing process, shall be stored within the confines of the building until it can be properly disposed of.

SECTION 4: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Ordinance No. _____
Re: PC 12-03
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Passed on first reading this _____ day of _____, 2012.

First reading waived by action of the Board of Trustees this _____ day of _____, 2012.

Passed on second reading this _____ day of _____, 2012, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2012.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet from this _____ day of _____, 2012.

Brigitte O'Brien, Village Clerk