

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: William T. Lichter, Village Manager

DATE: April 28, 2004 (B of T) Date: May 6, 2004

TITLE: PC 04-14: 86-88 Eisenhower Lane North

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration a petition requesting an amendment to Ordinance 3439 granting conditional use approval for a food products manufacturing, processing and packaging establishment, within the I Limited Industrial District. (DISTRICT #3)

The Plan Commission recommended approval of this petition with amended conditions.

Fiscal Impact/Funding Source:

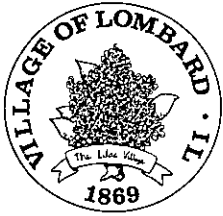
Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X W. T. Lichter Date 4/28/04

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, Director of Community Development *DGH*

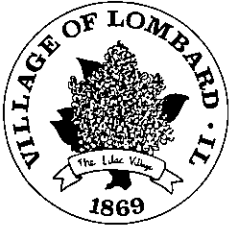
DATE: May 6, 2004

SUBJECT: **PC 04-14: 86-88 Eisenhower Lane North**

Attached please find the following items for Village Board consideration as part of the May 6, 2004 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 04-14;
3. An Ordinance granting approval of a conditional use amendment for a food processing establishment, subject to one condition.
4. Plans associated with the petition.

As the business has already been occupying the premises since 1999 and since there are no physical improvements associated with the petition, staff also requests a waiver of first reading of the Ordinance.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148
630/620-5700 FAX: 630/620-8222
TDD: 630/620-5812
www.villageoflombard.org

May 6, 2004

Village President
William J. Mueller

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

Trustees

Joan DeStephano, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Subject: PC 04-14; 86-88 Eisenhower Lane North

Village Manager
William T. Lichter

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests an amendment to Ordinance 3439 granting conditional use approval for a food products manufacturing, processing and packaging establishment, 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 19, 2004.

Hein Lam, president of Van-Lang Food Products, presented the petition. She noted that they have been operating their business out of the 88 and 86 Eisenhower Lane North tenant space. She said that they seek an amendment to the conditional use so that the space can continue to be used as a food processing plant. She said the IDRC staff report describes the property and their petition very well, so she is here to answer any questions they might have.

"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."

Chairperson Ryan opened the meeting for public comment. No one spoke for or against the petition. He then requested the staff report.

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

William Heniff, Senior Planner, stated that the subject property is located within the Yorkbrook Industrial Park, which contains a mix of warehousing, office, light manufacturing and light industrial uses. The property, addressed as 50-88 Eisenhower Lane North, is improved with a multiple tenant industrial building that was constructed in 1978. In 1991, the petitioner applied for and received approval of a conditional use (PC Case 91-12, Ordinance 3439) for a food processing facility for the 2,400 square foot space at 88 Eisenhower Lane North.

In 1999, the petitioner applied for and received a Certificate of Occupancy (CO) to occupy an adjacent 2,400 square foot tenant space at 86 Eisenhower Lane North as well. In further review of the 1999 (CO), staff has made the interpretation that occupying the space at the 86 Eisenhower Lane North with the food processing use constitutes an expansion of a conditional use. Therefore, this CO should have been approved only as part of an amended conditional use application. Staff recommended to the petitioner that this issue should be addressed as soon as possible so that both the petitioner and property owner will then have assurances that the business operation is in compliance with the provisions of the Zoning Ordinance. The petitioner is now seeking an amendment to the previous conditional use approval so that the space located at 86 Eisenhower Lane North can continue to be utilized as a food processing business already established on the premises. No exterior physical improvements or interior modification to their business is proposed as part of this petition.

The petitioner has integrated the 86 Eisenhower Lane North space into their overall operations that previously only occurred within the 88 Eisenhower Lane North space. The additional space allows for more office area and cooler space for their business. The number of employees and function of the business remains unchanged. Overall, the proposed food processing use encompasses approximately 7.5 percent of the overall building.

Mr. Heniff noted that the proposed industrial use is compatible with the recommendations of the Comprehensive Plan that recommends business park uses. It is also compatible with the surrounding industrial uses. The operations of the use have not been modified since 1999, when they occupied the space. Therefore, adjacent industrial properties should not be impacted by the conditional use amendment.

North of the tenant space is the existing Arboretum Park townhouse development. But for occasional deliveries to and from the site, the use is completely operated within the existing building space. From a historical perspective, we do not have any code enforcement records or violations associated with the business establishment.

He stated that the petition can be supported based on the final considerations:

1. The Plan Commission and the Village Board found that the food processing activity land use on the property met the standards for conditional uses in 1991;
2. The use has operated in compliance with Village Code since its inception;
3. The expansion, while increasing the overall size of the business activity, has not modified the use to a point that it is no longer incompatible with surrounding land uses or contrary to the Comprehensive Plan; and
4. The expansion of the use is consistent with the standards for conditional uses.

He noted that the existing salt mound on the property was removed. Therefore, this item does not need to be added as a condition of approval. An additional item for consideration pertains to

the existing dumpster on the premises. Right now, their dumpster is sitting in the middle of the parking lot, which hinders the ability of vehicles to access the designated parking spaces. Staff recommends that a trash enclosure area be constructed for the petitioner's dumpster, with said enclosure being designed per Village Code.

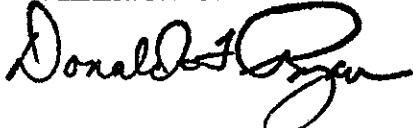
Chairperson Ryan then opened the meeting for discussion among the commissioners. There were no comments.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed conditional use amendment complies with the standards of the Zoning Ordinances. Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities, **approval** of PC 04-14; subject to the following conditions as amended:

1. That this conditional use shall be for the tenant spaces at 86 and 88 Eisenhower Lane North exclusively. Any expansions of the food processing use beyond the 4,800 square feet area currently occupied by the tenant shall require an amended conditional use application to the Village.
2. That a trash enclosure shall be erected on the property for the dumpster associated with the petitioner's establishment. Said trash enclosure shall be designed and constructed consistent with the provisions of the Zoning Ordinance, with the final location of the trash enclosure are subject to the Director of Community Development.
3. That the food processing use be operated consistent with the Village Codes.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

att-

c. Petitioner
Lombard Plan Commission

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

TO: Lombard Plan Commission HEARING DATE: April 19, 2004
FROM: Department of PREPARED BY: William J. Heniff, AICP
 Community Development Senior Planner

TITLE

PC 04-14; 86-88 Eisenhower Lane North: The petitioner requests an amendment to Ordinance 3439 granting conditional use approval for a food products manufacturing, processing and packaging establishment, within the I Limited Industrial District.

GENERAL INFORMATION

Petitioner: Nghi Q. Lam
 Van-Lang Food Products
 88 Eisenhower Lane North
 Lombard, IL 60148

Property Owner: Income & Growth Fund II, LLP
 C/o Alter Asset Management
 1980 Springer Drive
 Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: I - Limited Industrial District

Existing Land Use: Multiple tenant building consisting of various industrial uses

Size of Property: Approximately 3.74 acres

Comprehensive Plan: Planned Business Park

Surrounding Zoning and Land Use:

 North: R4 PD General Residence District, Planned Development; developed as
 Arboretum Park townhomes

 South: I Industrial District; Light manufacturing and warehouse/distribution

East: R4 PD General Residence District, Planned Development; developed as Arboretum Park townhomes
West: I Industrial District; Light manufacturing and warehouse/distribution

ANALYSIS

SUBMITTALS

This report is based on the following documentation:

1. Petition for Public Hearing, with response to Standards for Conditional Uses.
2. Existing Building Plan of Premises, submitted by petitioner, reflecting current operations, undated.

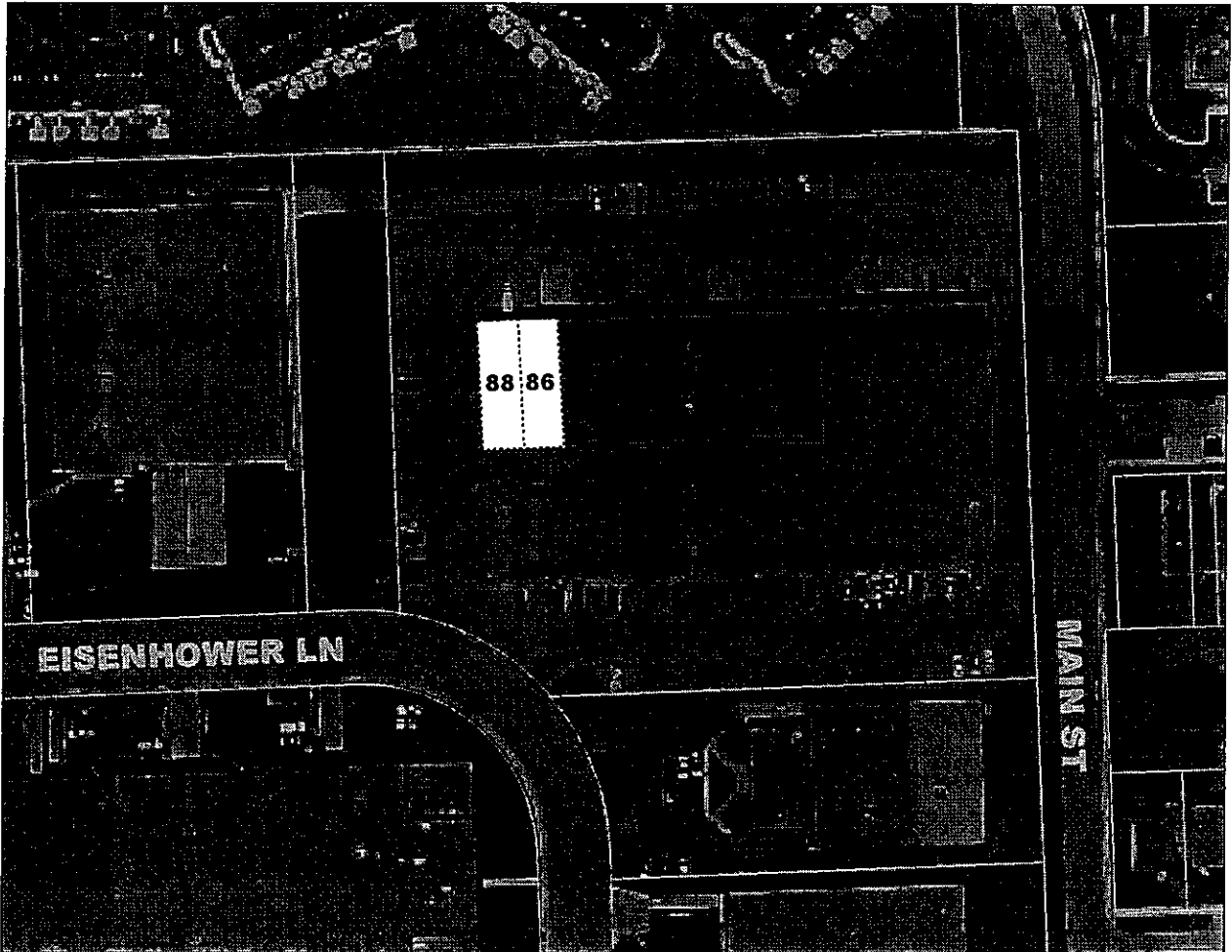
DESCRIPTION

The subject property is located within the Yorkbrook Industrial Park, which contains a mix of warehousing, office, light manufacturing and light industrial uses. The subject property, addressed as 50-88 Eisenhower Lane North, consists of a single multiple tenant industrial building which was constructed in 1978. In 1991, the petitioner applied for and received approval of a conditional use (PC Case 91-12, Ordinance 3439) for a food processing facility within the 2,400 square foot space at 88 Eisenhower Lane North. A copy of Ordinance 3439 is attached for your reference.

In 1999, the petitioner applied for and received a Certificate of Occupancy (CO) to occupy an adjacent 2,400 square foot tenant space at 86 Eisenhower Lane North as well. In further review of the 1999 (CO), staff has made the interpretation that occupying the space at the 86 Eisenhower Lane North with the food processing use constitutes an expansion of a conditional use. Therefore, this CO should have been approved only as part of an amended conditional use application. Staff recommended to the petitioner that this issue should be addressed as soon as possible so that both the petitioner and property owner will then have assurances that the business operation is in compliance with the provisions of the Zoning Ordinance.

The petitioner is seeking an amendment to the previous conditional use approval so that the space located at 86 Eisenhower Lane North can continue to be utilized as a food processing business already established on the premises. No exterior physical improvements or interior modification to their business is proposed as part of this petition.

**Aerial Photo of Subject Property
With location of 86-88 Eisenhower Lane North Tenant Spaces**



INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services has no comments regarding the proposed development.

PUBLIC WORKS

The Engineering and Utilities Divisions of the Public Works Department has no concerns.

Plan Commission
Re: PC 04-14
Page 4

BUILDING AND FIRE

The Fire Department has no comments on the petition.

PLANNING

Compliance with the Zoning Ordinance

Food manufacturing and processing establishments are listed as conditional uses within the I Limited Industrial District.

Section 155.103 (F)(13) of the Zoning Ordinance reads as follows:

13. Modification or Intensification

Any modification or intensification of a conditional use which alters the essential character or operation of the use in a way not intended at the time the conditional use was granted shall require a new conditional use permit. Such conditional use permit shall be applied for prior to any modification of the use or property. The Director of Community Development shall determine whether the proposed modification or intensification represents an alteration in the essential character of the original conditional use as approved. The operator of the conditional use shall provide the Director of Community Development with all the necessary information related to the conditional use to render this determination.

Staff is making the interpretation that the 86 Eisenhower Lane North tenant space is an expansion and would require a new/amended conditional use based upon the submitted plans and testimony which served as the basis of the approval of Ordinance 3439.

The petitioner has since integrated the 86 Eisenhower Lane North tenant space into their overall site operations that previously only occurred within the 88 Eisenhower Lane North space. The additional space allows for additional office area and cooler space for their business. The number of employees and function of the business is otherwise unchanged. The addition constitutes an additional 2,400 square feet of gross floor area. Overall, the proposed food processing use encompasses approximately 7.5 percent of the overall building.

Views of Tenant Space/Subject Property

Photo 1: View of Site Along Eisenhower Lane

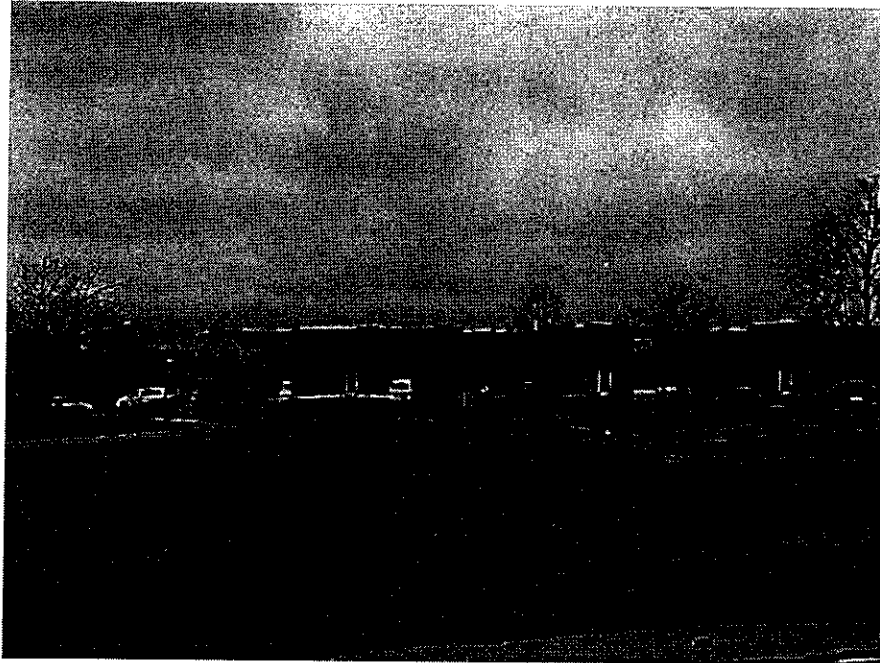


Photo 2: View of West Building Elevation

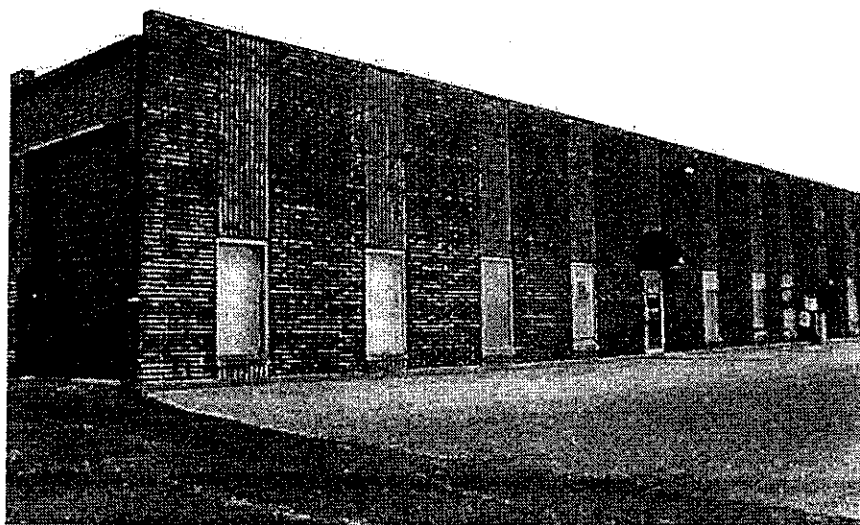


Photo 3: View of North Building Elevation

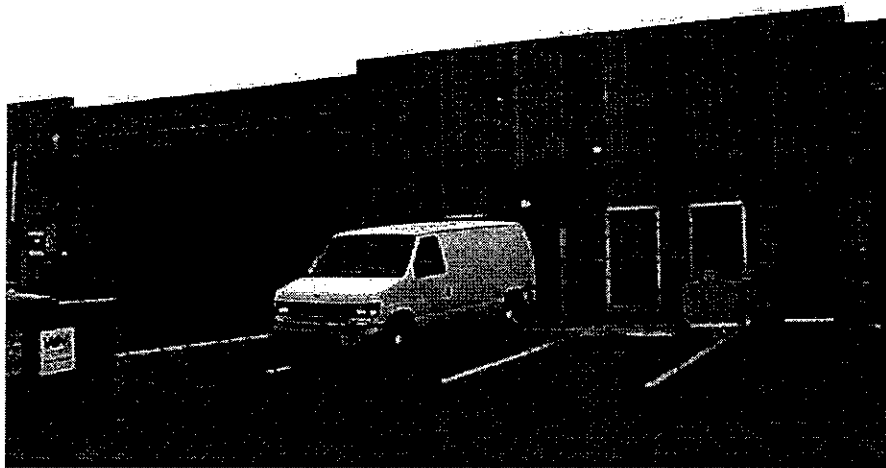


Photo 4: View of North Building Elevation



Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Planned Business Park, defined as an area generally intended for both the warehousing and distribution of wholesale goods and supplies and the light assembly and light manufacturing of goods, products and supplies. Staff believes the proposed industrial use is compatible with the recommendations of the Comprehensive Plan.

Compatibility with Surrounding Land Uses

The proposed use is compatible with the surrounding industrial uses. The operations of the use have not been modified since 1999, when they occupied the space. Therefore, adjacent industrial properties should not be impacted by the conditional use amendment.

North of the tenant space is the existing Arboretum Park townhouse development. But for occasional deliveries to and from the site, the use is completely operated within the existing building space. From a historical perspective, we do not have any code enforcement records or violations associated with the business establishment.

Additional Considerations

Staff believes that the petition can be supported based on the final considerations:

1. The Plan Commission and the Village Board found that the food processing activity land use on the subject property met the standards for conditional uses in 1991;
2. The use has operated in compliance with Village Code since its inception; and
3. The expansion, while increasing the overall size of the business activity, has not modified the use to a point that it is no longer incompatible with surrounding land uses or contrary to the Comprehensive Plan; and
4. The expansion of the use has been consistent with the standards for conditional uses.

However, staff does note two property-related items for consideration. First, there is an existing salt mound located within the parking lot. The Village has not permitted such piles for any property as the piles will erode and clog storm drains and they negatively impact water quality of storm water run-off. As far as the petitioner's use is concerned, the pile can interfere with truck traffic movements on the property. Therefore, staff recommends that the salt pile be removed from the property.

An additional item for consideration pertains to the existing dumpster on the premises. Right now, their dumpster is sitting in the middle of the parking lot, which hinders the ability of vehicles to access the designated parking spaces. Staff recommends that a trash enclosure area be constructed for the petitioner's dumpster, with said enclosure being designed per Village Code (solid fence of 6 to 8 feet in height).

FINDINGS AND RECOMMENDATIONS

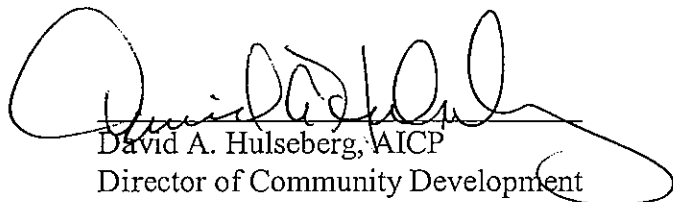
Staff believes that justification has been given for granting of the conditional use and that the standards for granting a conditional use amendment have been met.

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 submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission recommend to the Corporate Authorities, approval of the conditional use amendment associated with PC 04-14, subject to the following conditions:

1. That this conditional use shall be for the tenant spaces at 86 and 88 Eisenhower Lane North exclusively. Any expansions of the food processing use beyond the 4,800 square feet area currently occupied by the tenant shall require an amended conditional use application to the Village.
2. That the salt pile currently located on the subject property shall be removed.
3. That a trash enclosure shall be erected on the property for the dumpster associated with the petitioner's establishment. Said trash enclosure shall be designed and constructed consistent with the provisions of the Zoning Ordinance, with the final location of the trash enclosure are subject to the Director of Community Development.
4. That the food processing use be operated consistent with the Village Codes.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Director of Community Development

Att

Revised 8/15/91

ORDINANCE NO. 3439

AN ORDINANCE GRANTING A CONDITIONAL USE
FOR THE MANUFACTURING OF FOOD PRODUCTS
PURSUANT TO SUBSECTION A-3 IN SECTION 8
OF THE LOMBARD ZONING ORDINANCE NO. 3274

(PC 91-12: 88 Eisenhower Lane North, Lombard, IL)

(Also see Ordinance No. 3440)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Ordinance No. 3274; and,

WHEREAS, the subject property is zoned I Limited Industrial District; and,

WHEREAS, an application has been filed requesting approval of a Conditional Use to provide for the manufacturing of food products on the property described in Section 2 below; and,

WHEREAS, A PUBLIC HEARING on such application has been conducted by the Village of Lombard Plan Commission on April 10, 1991 pursuant to appropriate and legal notice; 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 property described in Section 2 below and pursuant to Subsection A-3 in Section 8 of the Village of Lombard Zoning Ordinance No. 3274 so as to allow said property to be used for the manufacturing of food products subject to the following condition:

1. The landscaping indicated on the landscape plan, prepared July 14, 1991, shall be installed within 90 days of final action by the Board of Trustees.

Section 2: That this ordinance is limited and restricted to the property generally located at 88 Eisenhower Lane North, Lombard, Illinois and legally described as follows:

Lot 10 in Lombard Industrial Park, Unit No. 2, a Subdivision of part of Section 30, Township 39 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois.

Parcel No. 06-30-202-014

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 _____, 1991.

First reading waived by action of the Board of Trustees this 15th day of August, 1991.

Passed on second reading this 15th day of August, 1991.

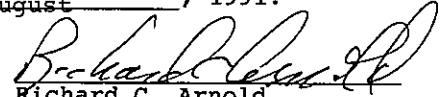
Ayes: BIRD, GATZ, KUFRIN, KRISCH

Ordinance No. 3439
Re: PC 91-12
Page 2

Nayes: TROSS, VAZQUEZ

Absent: _____

Approved this 19th day of August, 1991.


Richard C. Arnold
Village President

ATTEST:


Lorraine G. Gerhardt
Village Clerk

APPROVAL AS TO FORM:

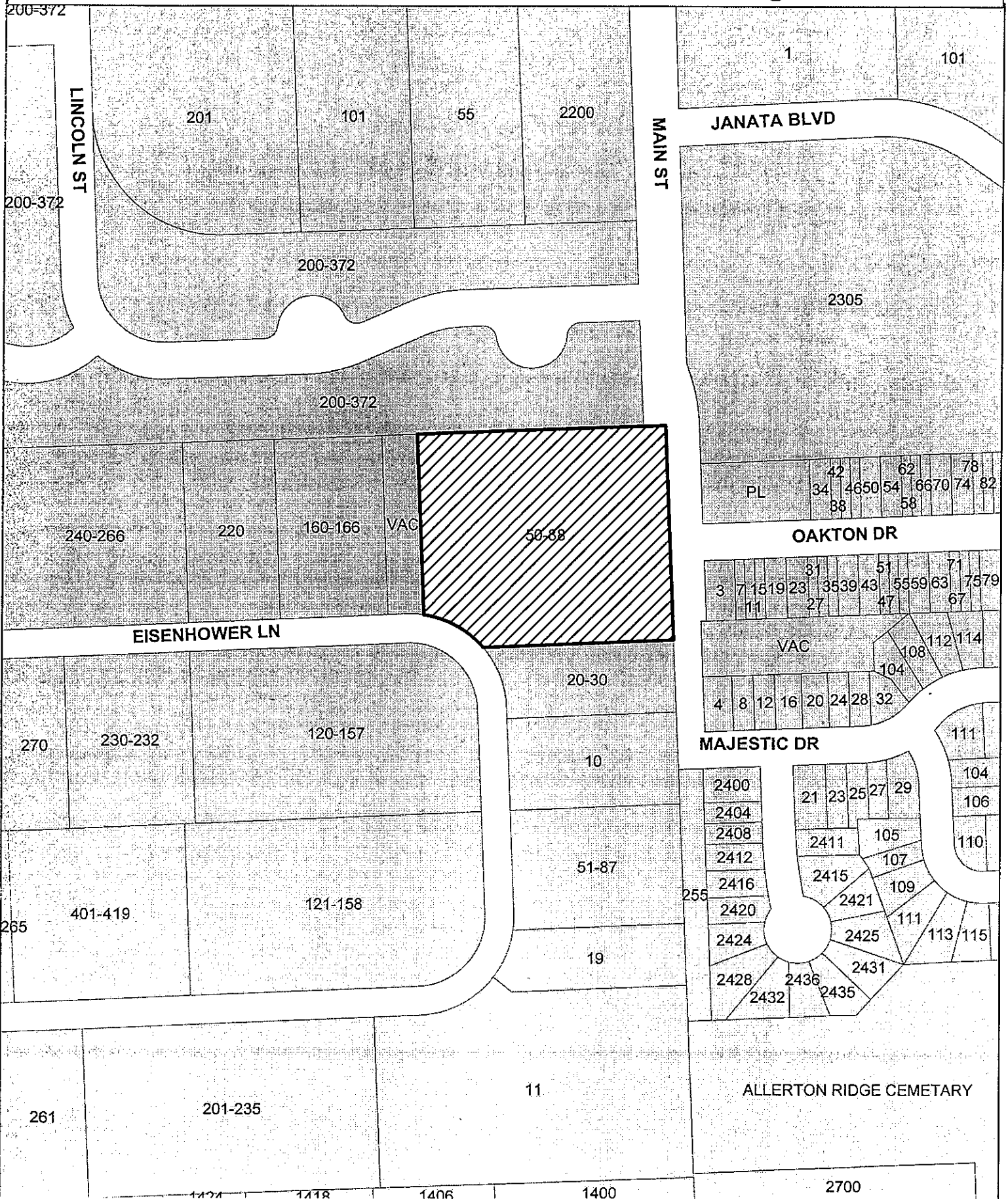
Thomas P. Bayer
Village Attorney

Published by me in pamphlet form this 20th day of August,
1991.


Lorraine G. Gerhardt
Village Clerk

Location Map

PC 04-14: 86-88 Eisenhower Lane North Conditional Use for Food Processing





"Nghì Q. Lam"
<ngìi.lam@comcast.net>
04/05/2004 09:04 AM

To "William J. Heniff" <heniffw@villageoflombard.org>
cc "Nghì Q. Lam" <ngìi.lam@comcast.net>
bcc
Subject Response to the standards for conditional uses

Dear Bill,

I am attaching our response to the standards for conditional uses, in connection with our amended conditional use application for the property at 86 Eisenhower Lane North, Lombard.
Please let me know if you need further information or clarification. Thank you.

Sincerely,

Nghì Q. Lam
Van-Lang Food Products

Response to the Standards for Conditional Uses

The Ordinance granting a conditional use to Van-Lang Food Products, a USDA-inspected hors-d'oeuvres manufacturing company, was obtained for the 88 Eisenhower Lane site on August 20, 1991. Over the past 13 years, Van-Lang has been complying with both USDA's and FDA's regulations as well as with the City of Lombard's zoning standards; its operation has been safe, clean, and successful. Our food products are hand-made and frozen, and most of them (over 95% of items) are uncooked. The present application for an amendment to the conditional use is submitted in order for Van-Lang to add the adjacent unit (86 Eisenhower Lane) to its current establishment. The much needed, additional space is to be used mainly for storage and freezers space. It will significantly facilitate our shipping procedure and enhance our orderly, clean operation.

1. We are certain that, as in the past, our establishment, maintenance, and operation will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.
2. The amended 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.
3. The establishment of the amended conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. The adequate public utilities, access roads, drainage and necessary facilities have already been in place, provided and maintained by the Property Owner.

5. Adequate measures have already been taken by the Property Owner to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6. We believe that the proposed amended conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard.

7. The proposed amended conditional use will, in all other respects, conform to the applicable regulations of the district in which it is located.



----- Response to the Standards for Conditional Uses.doc

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 3439 FOR A CONDITIONAL USE
FOR FOOD PRODUCTS MANUFACTURING, PROCESSING AND PACKAGING
ESTABLISHMENT WITHIN THE I LIMITED INDUSTRIAL DISTRICT**

(PC 04-14: 86-88 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 Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned I Limited Industrial District; and,

WHEREAS, an application has been filed requesting an amendment to Ordinance 3439 to allow for an expansion of a food manufacturing, processing and packaging establishment on the property described in Section 2 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on April 19, 2004 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees recommending approval of the conditional use described herein, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard hereby adopt the findings and recommendations of the Plan Commission as set forth herein, and make same part hereof, subject to certain revisions as more fully set forth below;

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 Ordinance No 3439, adopted August 15, 1991 is hereby amended as allow for an expansion of a food manufacturing, processing and packaging establishment within the tenant spaces at both 86 and 88 Eisenhower Lane North.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 86-88 Eisenhower Lane North, Lombard, Illinois and legally described as follows:

LOT 10 IN LOMBARD INDUSTRIAL PARK, UNIT NO. 2, A SUBDIVISION OF PART OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 06-30-202-014

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

1. That this conditional use shall be for the tenant spaces at 86 and 88 Eisenhower Lane North exclusively. Any expansions of the food processing use beyond the 4,800 square feet area currently occupied by the tenant shall require an amended conditional use application to the Village.
2. That a trash enclosure shall be erected on the property for the dumpster associated with the petitioner's establishment. Said trash enclosure shall be designed and constructed consistent with the provisions of the Zoning Ordinance, with the final location of the trash enclosure are subject to the Director of Community Development.
3. That the food processing use be operated consistent with the Village Codes.

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

Passed on first reading this _____ day of _____, 2004.

First reading waived by action of the Board of Trustees this _____ day of _____, 2004.

Passed on second reading this _____ day of _____, 2004.

Ayes: _____

Nayes: _____

Ordinance No. _____
Re: PC 04-14
Page 3

Absent: _____

Approved this _____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk