

August 18, 2005

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

Subject: PC 05-18; 2N700 Lombard Road (B. Haney & Sons)

Dear President and Trustees:

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

1. Approve an Annexation Agreement;
2. Annex the property into the Village of Lombard;
3. Approve a map amendment to rezone the property from the R1 Single-Family Residence District to the I Limited Industrial District;
4. Approve a conditional use for a landscape contractors equipment and material storage yard; and
5. Associated with the Annexation Agreement, approve a variation from Section 51.02 et. seq. of the Lombard Village Code to allow for an existing private well to remain on the subject property for non-potable water purposes.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on July 18, 2005. Paul Lanphier of Lanphier & Kowalkowski, Ltd., attorney for the petitioner, stated that he represents the petitioner B. Haney & Sons, the owner of the property at 2N700 Lombard Road.

He stated that Haney & Sons are certified arborists and have been in business since 1940. They acquired the subject property in 1996 and have been using the site for their office and yard activities. He then described the property, noting the existing office/operations building on the east side of the lot. The western portion of the lot is used for mulch storage. They would like to keep their business operations on the property and are seeking zoning approvals associated with their annexation that allows their operations to continue as a legally permitted use.

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He then noted that staff has been working with them on an annexation agreement that spells out the full provisions of the annexation. He noted that an existing non-potable well exists on the western end of the property. They are requesting approval from the Village that would allow the well to remain on the premises for non-potable water purposes. This well allows the property owner to keep the mulch pile wet and to keep the amount of dust on the property to a minimum.

Acting Chairperson Sweetser then opened the meeting for public comment. There were no comments in favor or in opposition to the proposal. She then requested the staff report.

William Heniff, Senior Planner, reiterated the requested actions, summarized the project and submitted the IDRC report to the public record in its entirety. He noted that the property is currently unincorporated and is improved with a one-story industrial building used by B. Haney & Sons, a contractor's establishment providing existing tree service, wood waste recycling and manufacturing of landscape mulch. The property is within the Village's ultimate municipal boundaries and is wholly surrounded by properties within the Villages of Lombard and Addison.

In consideration of the pending development approvals for the Grant Property immediately north of the subject property, the Village has been working with the petitioner on an annexation petition. The petition set forth herein will grant various approvals to allow the property owner to continue to operate his business establishment as a legal conforming use on the subject property upon annexation.

He noted that the subject property meets all of the bulk requirements for the I Limited Industrial District. Staff considers the existing business establishment to be similar to contractors' offices, shops and yards which are listed as conditional uses within the I Limited Industrial District. Staff notes that many of the business establishments north and west of the subject property are also used as contractor's yards. Staff can support the existing business establishment. Any future expansions of the existing premises would need to be reviewed in the context of an amended conditional use petition.

The Comprehensive Plan recommends that the property be used for light industrial uses, which is consistent with the proposed rezoning to the I Limited Industrial District. The Haney & Sons use has been well established on the premises. Adjacent uses are also industrial in nature. Traffic to and from the property will primarily consist of dump trucks and business vehicles transporting mulch products and landscape materials on and off the site.

Mr. Heniff then discussed the private well request. While not under the purview of the Plan Commission, staff notes a proposed variation request associated with the existing wells on the property. Right now two wells exist on the property – one well is located in the front yard and serves the existing building. A second well is used for irrigation purposes and is located on the west side of the property and is used to minimize dust from the mulch piles on the property.

Village Code requires all properties to be connected to public water systems and does not allow for wells. In consideration of the annexation agreement, staff supports a variation, which would

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allow for the non-potable well to continue to be utilized on the property, subject to DuPage County regulations.

In closing, he noted that the petitioner has been working on an Annexation Agreement with the property owner and a development agreement with the developer of the neighboring Grant Property. To facilitate public improvements associated with both properties, Lombard Road in front of the Haney Property will be reconstructed at expense of the Grant Property developer. These improvements also include a cul-de-sac bulb at the terminus of Lombard Road. The petitioner is willing to work with the Grant property petitioner to facilitate the improvements as set forth in the annexation agreement. Staff notes that even with the dedication of the additional land for right-of-way purposes, the petitioner's site will still meet all setback requirements of the Village.

Acting Chairperson Sweetser opened the public hearing for discussion and questions by the Plan Commission.

Chairperson Olbrysh inquired about the existing wells on the property. Mr. Heniff noted that two wells exist on the property – one for the mulch piles and one for the business operations. Associated within the development of the Grant Property, the well located in front of the Haney property will be capped and the building will be provided municipal water service.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition complies with the standards required by the Lombard Zoning, Sign and Subdivision and Development Ordinances and the planned development would be within the public interest. Therefore, the Plan Commission, by a roll call vote of 4 to 0, accepted the findings of the Inter-departmental Review Report as the findings of the Plan Commission and recommended to the Corporate Authorities **approval** of PC 05-18 with a condition that the petitioner shall enter into an annexation agreement with the Village setting forth the terms and conditions of the annexation of the subject property.

Respectfully,

VILLAGE OF LOMBARD

Ruth Sweetser, Acting Chairperson
Lombard Plan Commission

att-

c. Petitioner
Lombard Plan Commission

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