

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: January 29, 2008 (BOT) Date: February 7, 2008

TITLE: PC 08-01: 1041 E. St. Charles

SUBMITTED BY: Department of Community Development *John*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests conditional use approval for Contractor construction offices, shops, and yard within the B4 Corridor Commercial District. (DISTRICT #5)

The Plan Commission had no recommendation for this petition.

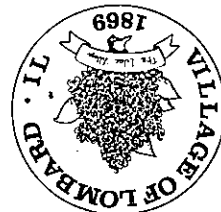
Please place this item on the February 7, 2008 Board of Trustees agenda under separate action.

Fiscal Impact/Funding Source:

Review (as necessary):

| | | | |
|--------------------|----------------------|------|----------------|
| Village Attorney X | _____ | Date | _____ |
| Finance Director X | _____ | Date | _____ |
| Village Manager X | <i>W. T. Lichter</i> | Date | <i>1/30/08</i> |

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, Assistant Village Manager/Director of Community Development *DAH*

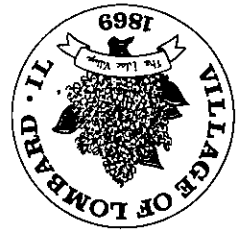
DATE: February 7, 2008

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

Attached please find the following items for Village Board consideration as part of the February 7, 2008 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 08-01.

The Plan Commission voted 3-2 to deny the petition and 3-2 to approve the petition. As there were not four votes in the affirmative for the petition, it is being transmitted to the Village Board with no recommendation. As such, please place this on the February 7, 2008 agenda under Items for Separate Action.



VILLAGE OF LOMBARD
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 Lombard, IL 60148-3931
 (630) 620-5700 FAX: (630) 620-8222
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 www.villageoflombard.org

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.

Village President
 William J. Mueller

Village Clerk
 Brigitte O'Brien

Trustees
 Greg Alan Gron, Dist. 1
 Richard J. Tross, Dist. 2
 John "Jack" T. O'Brien, Dist. 3
 Dana L. Moreau, Dist. 4
 Laura A. Fitzpatrick, Dist. 5
 Rick Soderstrom, Dist. 6

Village Manager
 William T. Lichter

"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."

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

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 Sweeter 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,

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

Commissioner Olbrysk 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.

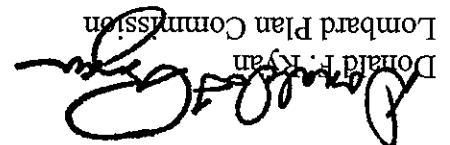
Without the required four votes from the Plan Commission, Chairperson Ryan (with direction from Council) asked that the Plan Commission vote to uphold a 'no recommendation' vote.

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

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

TO: Lombard Plan Commission
FROM: Department of Community Development
PREPARED BY: Michael S. Toth
Planner I
HEARING DATE: January 28, 2008

TITLE

PC 08-01; 1041 E. St. Charles: The petitioner requests conditional use approval for Contractor construction offices, shops, and yard within the B4 Corridor Commercial District.

GENERAL INFORMATION

Petitioner/Property Owner:

Jose Rodriguez
411 S. Grace St.
Lombard, IL 60148

PROPERTY INFORMATION

Existing Land Use: Retail commercial strip center

Size of Property: 0.4 acres

Comprehensive Plan: Community Commercial

Existing Zoning: B4 Corridor Commercial District

Surrounding Zoning and Land Use:

North: Property located within the Village of Villa Park; developed as a motor vehicle sales center, known as Motor Cycle Center, Inc.

South: B4 Corridor Commercial District; developed as a the Great Western Trail (GWT) recreational trail

East: B4 Corridor Commercial District; developed as a retail commercial strip center

West: B4 Corridor Commercial District; developed as a beauty shop, known as Christine's Hair Salon.

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 B3 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

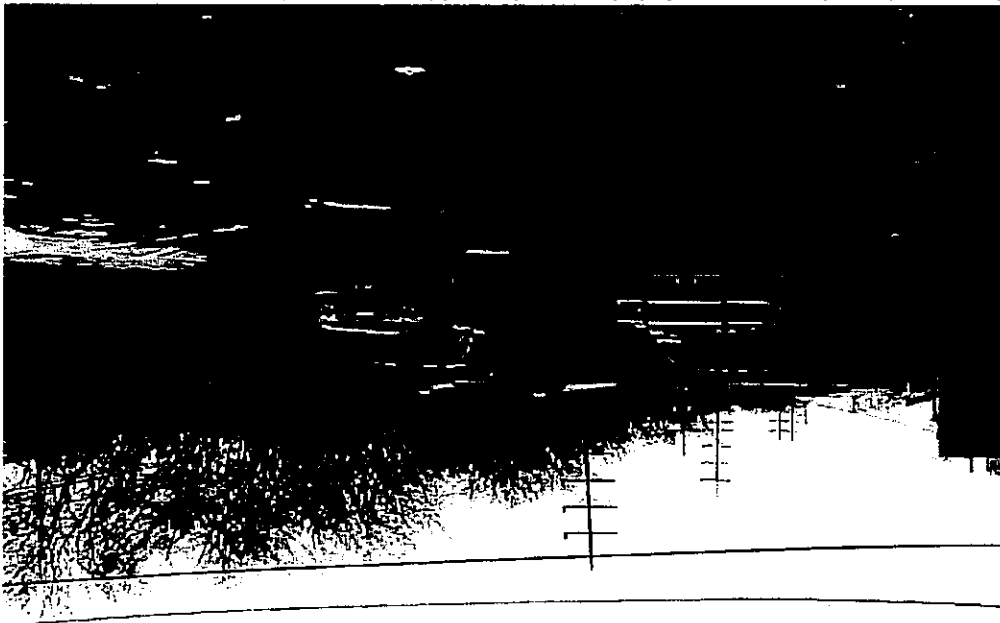
Upon review of the above referenced request for conditional use for a construction office and equipment yard, the Fire Department/Bureau of Inspectional Services has the following comment:

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.

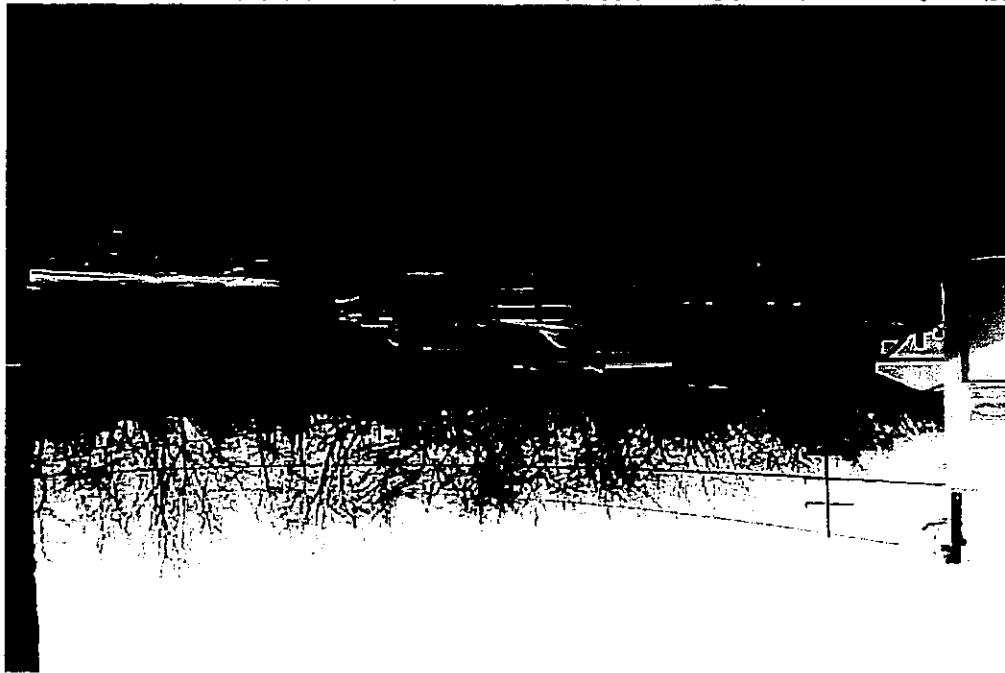
PLANNING

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.

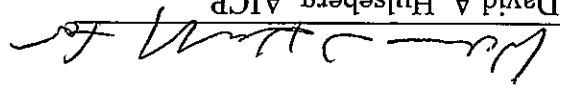
FINDINGS AND RECOMMENDATIONS

Staff has reviewed the petition and finds that petition does not meet 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-

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

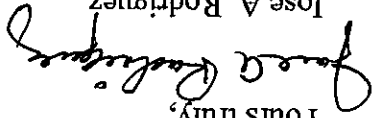
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To Whom It May Concern;

We propose to use our property at 1041 E. St. Charles Rd., as a conditional use for parking our trucks. We would like to set up our office facility in the premises, given we are granted our certificate of occupancy. We propose the following: Have the remaining area of our lot with asphalt. In so creating a parking area for our trucks to be parked. The parking area would consist of five parking spaces for our trucks to be parked. Parking would occur over night and on non office hours. We would like to park four of our trucks in those spaces and three of our trailers as well as a wood chipper that we own. The sole purpose of the space would be for parking our vehicles. We do not plan on storing any hazardous materials of any kind. For we do not use such materials. Our company offers landscape services only!

We purchased the building in hopes that we could set up our office and have our trucks parked in the same area. We try to have our facility in top shape and look forward into being able to use our land for such use. We are willing to work with the village and its officers in achieving this goal.

Yours truly,

Jose A. Rodriguez

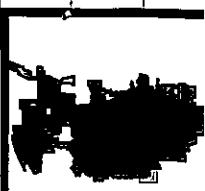
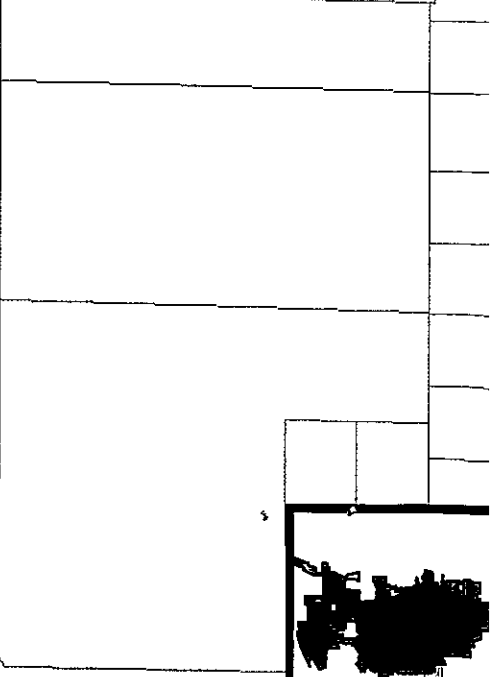
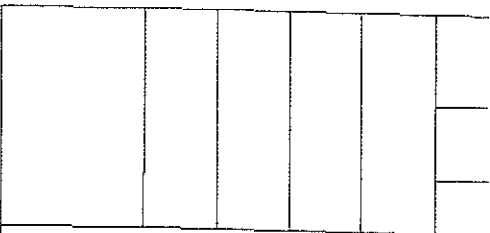
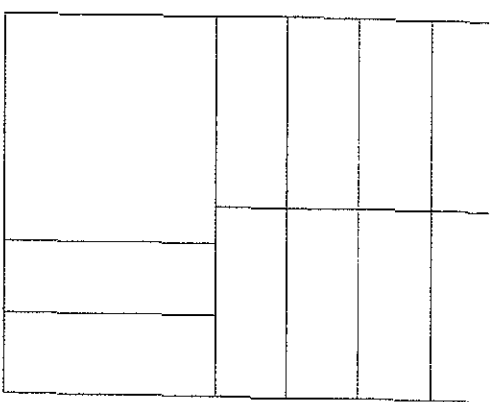
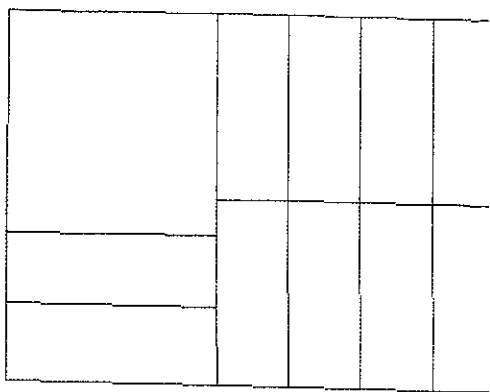
STANDARDS FOR CONDITIONAL USES

1. The establishment, that we plan on having our office and parking lot as a conditional use would not endanger the public health, in such that we do not store any hazardous chemicals and do not intend any use of such kind. The parking lot on the back would be gated for both privacy and safety reasons. The gate would remain closed at all times. As we own the building and plan on using it as a conditional use, we strive our selves on having a clean, very comfortable facility.
2. The conditional use, that we ask for in our property would not diminish the enjoyment of the property, in which the use for it is already a commercial use. The trucks that we use would always be located on the back side of the property lot, and our office in the inside of the building. The area is planned on being gated and the trucks out of sight. Our plans include a renovation of the old landscape and a future more eye pleasing location than it is today. Giving the location a boost in the property value of the location.
3. I, believe the establishment that we intend on using as a conditional use, would not impede any normal development improvements that surround our property. We plan on having an up to date facility. We want to have a facility were our office, as well as our trucks would be on the same location. We are proud to say that our property is one of the nicest on the block.
4. Our establishment, has all the required public utilities that are in need. The inside office building is up to date as far as we know. The parking lot on the back is planned on being paved, connecting all the asphalt parking lot. The parking lot exits north to St. Charles Rd.
5. We, would take adequate measures to make sure we would add very little if any congestion traffic to St. Charles Rd. We only have four trucks that we use for our company.
6. I, believe that the proposed plan, for conditional use on the premises is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard.
7. I, believe that the conditional use that we ask for our property conforms to the applicable regulations. We plan on having an on sight office for our use in the building. We ask for the conditional use of the property for parking our trucks when they are not in use. Our building is located in a commercial district, and we look forward to getting a conditional use for our business.

WESTMORE AV

BIERMANN AV

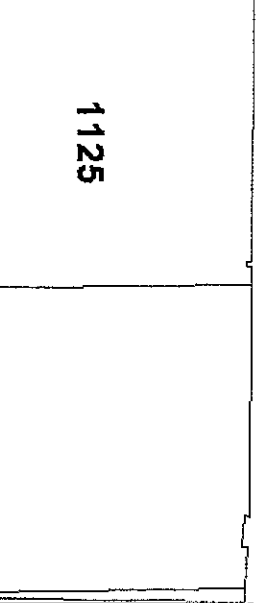
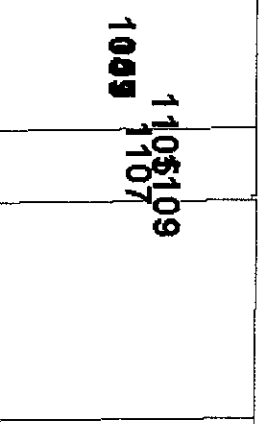
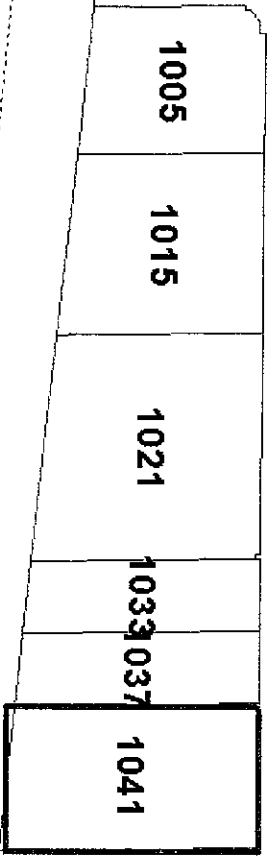
2ND AV



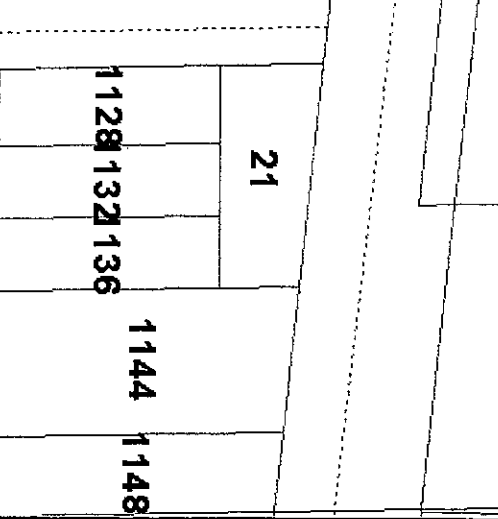
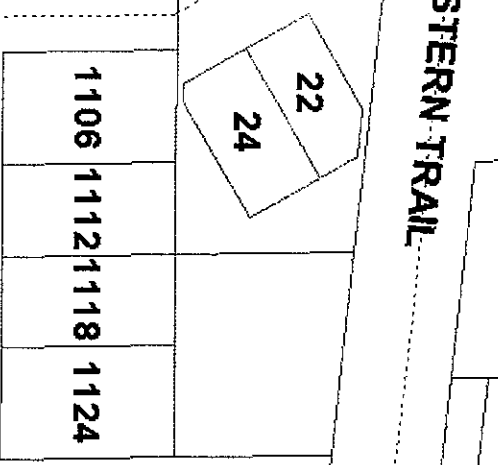
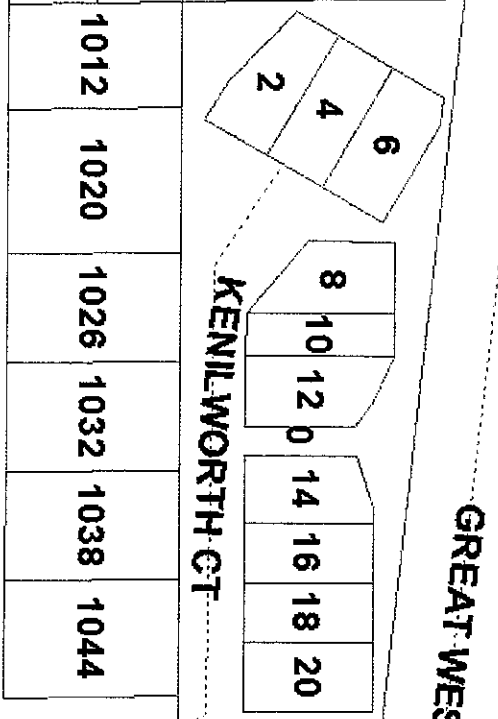
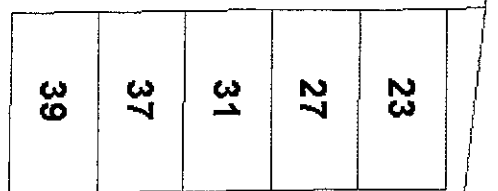
ST CHARLES RD

ST CHARLES RD

ST CHARLES RD



WESTMORE-MEYERS RD



GREAT WESTERN TRAIL

KENILWORTH CT

KENILWORTH CT



PC 08-01: 1041 E. St. Charles

1 in. = 133.0 feet

