

May 3, 2007

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

Subject: PC 07-15; 246 Eisenhower Lane North

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests approval of a conditional use to allow for an outdoor equipment and material storage yard 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 16, 2007. Mike Magliano of Grubb & Ellis stated that he was representing Indelco Plastics in their move from DuPage Avenue to Eisenhower Lane. He stated that the business includes outdoor storage of PVC pipes and fitting and displayed a picture of their current facility at 930 N. DuPage Avenue. The stacked pipes will not exceed six feet in height. The site was previously occupied by Harmon Glass, who used the fenced-in storage area for at least five years. Indelco Plastics would like to request the same use.

Chairperson Ryan asked if anyone had any questions of the petitioner. Hearing none, he then opened the meeting for public comment.

Bruce Bernardo, 2242 S. Elizabeth, stated that he was the president of the 331-unit Arboretum Park Condo Association. At least four of their buildings are immediately behind or adjacent to the subject site. He stated that he had a few questions. He displayed pictures of the current fencing and trailers behind 260 Eisenhower Lane. He was concerned that the new tenant would not maintain the site. He then showed pictures of a fence that was being installed that morning. He stated that the property is poorly handled and unsightly to the neighborhood and that can diminish their property values. They do not object to the project but questioned why the fence was erected before the public hearing was held and asked how the site could be allowed to deteriorate.

Valerie Rissky, 289 Arboretum Drive, stated that her property backs up to the properties along Eisenhower Lane. She stated that there is noise coming from the industrial park at all hours of the night and it affects her and other residents.

Marianne O'Keefe, 77 Arboretum Drive, stated that she is concerned about the hours of operation and that she is also awakened early in the morning by noise from the industrial park. Her building is very close to the property line and there is a lot of noise. She asked if the subject property will be well-lit at all hours. She stated that their second-floor bedrooms overlook the storage area and it affects the quality of their lives. She would like further studies to be done or assurances that there will be no negative impact.

Victoria Palko, 173 W. Arboretum Drive, stated that her property backs right up to this. The previous tenant also stored pipe and turned the area into a mess. The fencing doesn't screen anything because the residences are set much higher than the industrial properties. The noise is incredible, with semi-trucks that arrive in the middle of the night and run their engines. It is out of hand and decreases property values. She can't use her patio because it has a clear view of the industrial park. She stated that when she bought her property, she was assured by Village staff that all work would be performed indoors. The tenants then worked inside but opened their doors and began work at 6:00 a.m. They would start at 7:00 a.m. on Saturdays. The property is a bridge between commercial and residential.

Kenny Gault, 113 S. Westmore-Meyers, stated that his business at 324 Eisenhower Lane is one of those that faces the residences and he is just down the street from the subject properties. He asked which came first: the industrial park or the condominiums. When you build townhomes next to an industrial park, what can you expect? He stated that starting work at 6:00 a.m. or 7:00 a.m. is wrong and that businesses should accept time limits. They feel bad when they have to work late and create noise when their trucks back up, but it is a federal law to have those "beeps." He stated that the property maintenance in the area is deplorable. He felt that both the businesses and the residents can survive, but hours of operation and maintenance are important.

Mr. Magliano stated that Indelco Plastics had, as part of their lease, negotiated for the fence to be repaired and certain improvements made. Indelco is just a distributor, not a manufacturer, and their business hours are 8:00 a.m. to 5:00 p.m.

Beau Sielken, Vice President of Indelco Plastics, stated that they basically work 8:00 a.m. to 5:00 p.m. They may work inside up until 9:00 p.m. during their semi-annual inventory. Their truck dock is at the front of the building, not the rear, so there should be little truck noise affecting the residents. They have kept their property at 930 N. DuPage in good condition and have not received any citations.

Ms. Palko asked if the trucks would come in back to pick up pipe. Mr. Sielken stated that would not occur early in the morning because any early deliveries would be made from the front dock door because they would have been pre-loaded the day prior to the pickup. He reiterated that they basically work 8:00 a.m. to 5:00 p.m., Monday through Friday, except for two annual

inventories that are done indoors. During inventory they may work until 9:00 p.m. No loading would be done after 5:00 p.m.

Ms. Palko asked when deliveries would be made. Mr. Sielken stated that any deliveries would come in between 8:00 a.m. and 5:00 p.m., but they only get a semi load once every three months on average.

Chairperson Ryan then requested the staff report. Jennifer Backensto, Planner II, stated that the petitioner intends to use the rear portion of the property for the outdoor storage of PVC pipe. There was no record of a previously-granted conditional use, so this petition is being brought forward to ensure that the property is in compliance with the Zoning Ordinance.

Ms. Backensto stated that the Comprehensive Plan calls for this area to be developed with light industrial land uses. The property complies with the recommendations of the Comprehensive Plan. The property is surrounded on three sides by light industrial uses. Although there are residences to the immediate north of the property, the proposed use will not be substantially different from what those residents have been accustomed to seeing within the industrial park. Staff finds that a contractor's equipment and materials storage yard is compatible with the surrounding land uses.

One of the adjacent residents contacted staff to express a concern regarding noise on the property. Although this concern was not specifically directed toward the proposed conditional use, the petitioner should nonetheless be made aware of Section 93.02 of the Lombard Code of Ordinances. This section states that, within 300 feet of a residential building, it is unlawful to conduct any noise-producing exterior property maintenance work or other operations between the hours of 10:00 p.m. and 7:00 a.m., other than those conducted within a fully enclosed building or structure.

Ms. Backensto stated that Section 155.418(L)(2) of the Zoning Ordinance requires storage yards to be screened by a solid fence no less than six feet (6') in height and no more than eight feet (8') in height. There is an existing eight foot (8') chain link fence with slats surrounding the storage yard. The fence is in poor condition and does not qualify as a solid fence as Section 155.802 of the Lombard Zoning Ordinance which specifically states that chain link fences with slats do not constitute a solid fence. If a conditional use is granted, staff recommends that a new solid fence be required as a condition of approval. The petitioner is aware of the Limited Industrial District requirement that no stored materials may be visible above the fence, and they intend to fully comply with this restriction.

Ms. Backensto stated that the new fence being installed on the subject property was not a solid fence, and the petitioner would be required to obtain a permit for and install a solid fence prior to using the outdoor storage area.

Staff finds that the proposed use meets the Standards for Conditional Uses. A properly screened contractor equipment and materials storage yard is compatible with the surrounding properties

and the Comprehensive Plan. Furthermore, the installation of a solid fence will improve the overall appearance of the property and bring the storage area into compliance with the Zoning Ordinance.

Ms. Backensto added that the Fire Department had submitted two comments that morning requesting that the fence be at least 10 feet from the property line and that all combustible outdoor storage must be within the fenced-in area. She recommended that those two requirements be added as conditions of approval.

Chairperson Ryan asked if anyone had any questions of the staff report. Mr. Bernardo asked who can address compliance issues. William Heniff, Senior Planner, stated that Code Enforcement could look into those issues.

Chairperson Ryan then stated that the meeting was open to the Commissioners for comments and questions.

Commissioner Olbrysh asked if the Village has imposed limitations on hours of operation for any of the other recent Eisenhower Lane petitioner. Mr. Heniff stated that they had not.

Commissioner Sweetser asked if the petitioner was aware of the Village's lighting restrictions. Ms. Backensto stated that she did not know if the petitioner was currently aware of them, but she could provide the petitioner with that section of the Zoning Ordinance.

Chairperson Ryan requested that a Code Enforcement officer go out to the industrial park to issue code violations to clean the area up, since there were so many complaints from residents.

Commissioner Sweetser stated that people should be encouraged to report noise complaints when they happen because noise issues are difficult for Code Enforcement to spot check.

Commissioner Olbrysh stated that the noise that is generating the complaints is coming from the entire industrial park, not just this one tenant space. He stated that it is unfortunate that there have been complaints and there should be a balance between everyone's needs.

Commissioner Sweetser restated that the Plan Commission wished the petitioner to be aware of the Village's regulations regarding lighting, noise, and fencing, and also that the Plan Commission requests that Code Enforcement visit the subject property and surrounding area.

Commissioner Burke clarified that the Plan Commission was not adding a condition that would restrict the petitioner's hours of operation.

It was moved by Commissioner Burke, seconded by Commissioner Nelson, that the petition be forwarded to the Village Board with a recommendation of approval, subject to three conditions, as follows:

1. That the eight-foot high chain link fence surrounding the outdoor storage area shall be replaced with a solid fence (as defined by the Zoning Ordinance) between six feet and eight feet in height.
2. That the storage fence shall not be within ten feet (10') of the rear lot line.
3. That all combustible outside storage shall be stored inside the fenced areas.

The motion carried by a 5-0 vote.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

att-

c. Petitioner
Lombard Plan Commission