

November 4, 2010

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

Subject: PC 10-19; 11 W. Eisenhower Lane S.

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the following actions be taken on the subject property located within the B4A Roosevelt Road Corridor District:

1. Approve a conditional use for a Contractors material storage yard;
2. A variation from Section 155.210(A)(3)(b) of the Lombard Zoning Ordinance to allow an accessory structure to exceed seventeen (17) feet.
3. A variation from Section 155.420(J) of the Lombard Zoning Ordinance to reduce the required transitional building setback from forty-five (45) feet to twenty (20) feet.
4. A variation from Section 155.420(J) of the Lombard Zoning Ordinance to reduce the required transitional landscape yard from thirty (30) feet to twenty (20) feet.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on October 18, 2010.

Jeff Baity, Matocha Associates, 5846 Sunrise Ave, Clarendon Hills presented the petition on behalf of Gasaway Maintenance Co, located at 11 S. Eisenhower Lane. Mr. Baity indicated that they are proposing to construct an outdoor salt storage bin and outdoor brine storage tanks. The property currently has an outdoor storage yard, which is completely fenced in. The intent of this design is to install the salt storage dome at the southeast corner of property, slightly increase the outdoor yard area and install a two-bin salt storage bin. The intent of the storage bin is to protect the storage of the bulk salt. They will divide the bin into two. Mr. Baity

stated that the first variance they are requesting is for the height of the building. The height of the building is approximately 34' in front and will taper down to 25' in height toward the back and is 35' wide at its opening. He then mentioned that the height of the building is indicative of how it will function. In order for the dump truck to raise up, it has to clear the overhang; consequently, the height in the front of the building is designed to be taller in order to provide enough clearance.

To be good neighbors to the residential area to the east they will alleviate the impact of the building by making use of the topography. He explained how the property has a radical vertical rise – 26' -30' at the rear of the building and is well vegetative. Currently, there is vegetation, an unimproved right-of-way and another row of vegetation between the subject property and the residential properties to the east. Mr. Baity then mentioned that they have a unique situation on the property because their interior side yard abuts the rear yard of the property to the south because of its configuration. He added that the property to the east and south are owned by the Village of Lombard. They want to bring the building towards the rear of the property for access purposes. This will result in not having to modify or disrupt the cross over to the building. Mr. Baity then discussed the variations being requested. He stated that bringing the building back would hide it from the eastern and southern properties. He added that they will make use of the vegetative berm as a screen. He also mentioned that they are also proposing four brine storage tanks on the property.

David Gasaway, 8534 Thistlewood, Darien (owner of Gasaway Maintenance Co.) stated that the brine tanks will contain only salt brine. He noted they distribute products to various villages, including Lombard. Salt brine is used to energize rock salt to make it work faster. The biggest products they have in the tanks are salt brine and magnesium chloride. All these products are non-placard (non- hazardous) products. Everything they deal with (both dry and liquid) are non-hazardous.

Mr. Baity finished their presentation by stating that they want to move the proposed building far enough away so as to not impede the operation because they are forced to use their side and rear yards. Lastly, he stated that they're increasing the existing storage yard by 1000 square feet. That back area is currently fenced in and we are increasing that area.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition.

No one spoke in favor or against the petition.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. The petitioner is proposing to construct two covered salt storage bins and four brine storage tanks. The salt bins would be constructed adjacent to the southern portion of the existing building and the brine storage tanks would be constructed adjacent to the eastern portion of the existing building. The salt storage bins would

be constructed to a height of thirty-four (34) feet. As such, a variation is required to allow an accessory structure to exceed the maximum height of seventeen (17) feet.

Properties located within the I – District, which abut properties in a residence district, are required to provide a forty-five (45) foot transitional building setback and a thirty (30) foot transitional landscape yard. The eastern property line of the subject property abuts property in the R4 – Limited General Residential; therefore, the transitional yards are required. The transitional building setback includes accessory structures and the transitional landscape yard requires that the designated area be free of any improved surfaces and/or structures. The proposed salt bins are located twenty (20) feet from the eastern property line; as such, they are located within the required transitional building setback and transitional landscape yard. The brine storage tanks are located forty-two (42) feet from the eastern property line; therefore, they are located within the required transitional building setback, but outside of the required transitional landscape yard.

Lastly, the petitioner has been operating on the subject property as a Contractors office since 2009. With the inclusion of the proposed outdoor amenities, the use of the property transitions to become a ‘Contractors office and yard’, which requires conditional use approval in the I – Limited Industrial District.

The Gasaway Maintenance Company has been working in the pavement maintenance industry (snow removal, dust control & bulk water delivery) for almost thirty years. The subject property is primarily used for off-season storage and support activities for their main location in Romeoville, IL. During the winter months, the plow trucks and salt trucks that service the Lombard/Oak Brook area operate out of the subject property. The loaders and heavy pieces of equipment are kept at the job sites, when in operation, but are returned to storage in April. Furthermore, the 14,000 square foot warehouse space is used for inside storage of snow removal equipment and other miscellaneous articles. The 6,000 square foot office is used by sales representatives on an as-needed basis.

As previously mentioned, the petitioner has been operating on the subject property as a Contractors office since 2009. With the inclusion of two covered salt storage bins and four brine storage tanks, the use of the property transitions to now be considered a ‘Contractors office and yard’, which requires conditional use approval in the I – Limited Industrial District.

The salt bins would be constructed adjacent to the southern portion of the existing building and the brine storage tanks would be constructed adjacent to the eastern portion of the existing building. With the inclusion of these structures, additional outdoor on-site activities would occur. As the proposed structures would contain elements that are used in the snow removal/de-icing process, they will be primarily used in the winter months during snow and ice events. The hours of operation could fluctuate drastically, depending upon the time of a storm occurrence. Moreover, there is no set timeframe to which the on-site activities could be fully operational. Due to the configuration of the subject property the proposed structures would be located adjacent to the property lines that abut Village-owned properties. As such, the additional outdoor on-site

operations would most impact Village-owned property. Staff also notes that both Village-owned properties are currently vacant.

Lastly, the previous tenant that conducted business on the subject property, Pyramid Stone, received conditional use approval to operate a concrete and stone fabrication and molding facility in 2004 (PC 04-32). As such, the site has a history of conditional use approval for outdoor 'yard' activities.

The intent of a transitional yard is to provide a buffer area between two differing land uses, one of which is more intensely used than the other. The subject industrial property abuts property in the R4 – Limited General Residential; however, the abutting property is actually a forty-three (43) foot wide unimproved strip of Main Street, which is owned by the Village and is heavily vegetated. The unimproved portion of Main Street spans the entire length of the eastern property line of the subject property and acts as a natural buffer between the subject property and the residential properties to the east. The petitioner has indicated that the proposed location of the salt bins was specifically chosen in order provide safe maneuvering and mobility space for vehicles. Essentially, pushing back the salt bins towards the east will allow the existing south side overhead door, which provides access to the main building, to remain clear of any structures and allow for optimal vehicular maneuverability.

The salt storage bins would be constructed to a height of thirty-four (34) feet. The salt storage bins would be connected to the principal structure by means of a small enclosed addition. As the storage bins are functionally considered incidental to the principal building, they are still considered to be accessory structures and therefore must meet the seventeen (17) foot height requirement. Although the height variation being requested is double than that permitted by code, the topography of the property significantly minimizes the affect that a taller structure would have on adjacent properties. As previously mentioned, the salt bins would be constructed adjacent to the southern portion of the existing building. As such, those structures would be located closest to the southern and eastern property lines of the subject property. Moreover, both adjacent properties that abut the southern and eastern property lines of the subject property are vacant and owned by the Village. Furthermore, there is a significant grade change on the eastern portion of the property that would diminish the affects of the salt domes from the residential properties that are located to the east of the unimproved portion of Main Street.

Staff is supportive of the conditional use and associated variations. If approved, the additional outdoor operations created by the conditional use would not have a significant impact on adjacent properties. The unimproved portion of Main Street acts as a natural buffer between the subject property and the residential property to the east. The change in grade on the eastern portion of the subject property minimizes the height impact of the proposed accessory structures. As such, the geographic and topographic conditions on the subject property reduce the impact that the variations would create on the surrounding area. The petitioner has provided a response to the Standards for Conditional Uses and Variations. Staff finds that those standards have been met.

Staff is recommending approval of this petition, subject to six conditions.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Sweetser stated that it seems like everything is straight forward and the rationale is very reasonable.

Commissioner Burke questioned the petitioner's testimony in that moving the building to the east and into the berm area, reduces the affect on the adjacent property. He commented that statement was subjective. Even if you move it closer to the back and bury it in the berm, it is still 35' in height. He asked how this will have less affect on the neighbors and requested an explanation.

Jeff Baity stated that there is no neighbor to the south except for the Village owned property, which is vacant. The front of the salt bin will be 34' high and the back will get buried. Rather than have a large building and see complete mass, they have the ability to bury it into the berm and minimize the overall visual effect of the storage bins.

Mr. Toth distributed a picture of the subject property from a westward perspective. He stated that the picture was taken when he was standing on the unimproved portion of Main Street with the vegetative buffer in front and behind him and the residential properties located at his back. The picture demonstrates how much of a grade change there is and how the vegetative buffers play a significant role in the screening.

Commissioner Burke stated that he is not suggesting that it is not going to be visible but by asking for a variance to move it closer to the property line makes it less expensive for the petitioner because they will not have to change the existing building around. It won't be visible meeting our ordinances for setbacks , so moving it back won't make it less visible. There were two reasons the petitioner gave for the variance. One is that it would be less visible from the Village right of way and the other was that it saved cost on site with regards to not having to change the facility. He wasn't sure that either reason is a legitimate reason for our standards for variations.

Christopher Stilling, Assistant Community Development Director, answered that there is cost involved, but given the location, grade change and the distance to the residential property, staff felt comfortable supporting the petition.

Commissioner Burke questioned the standards for variations and stated that the testimony isn't accurate in that there is a financial benefit for the petitioner for this variation for on site improvements. He added that the variations aren't necessary and added that there is no direct benefit to placing them at their proposed location.

Mr. Gasaway stated that there is a 45' to 50' radius they are putting into the hill so you don't see the back of the structure, which makes it less noticeable. We need this because of the rotation of

the wheel loader and trucks at the side door. That southern door cannot be moved to the west because there is a 6" main coming into the building. He added that they tried to make the plan functional and they are only asking for relief in what they really need.

Jeff Baity mentioned that they are unique in that area because they are the only lot that abuts the R4 in the back yard. Because of the required transitional setback, they are required to be set back 45'. If they were on the next lot, they could build 15' from the lot line because that lot is not adjacent to the R4 District.

Commissioner Sweetser stated that she understands Commissioner Burke's point but believes that it has to do with how the petitioner presented his testimony specifically the statement about the visibility. She added that a new piece of information was just provided regarding how the fire requirements preclude the entrance from being changed, which could be a mitigating factor. She stated that she doesn't object to this, but needs clarification as to the testimony.

George Wagner, Village Attorney, referred to the standards for variations and stated there is a basis to financial gain and the standards says there cannot be a primary basis for a financial gain but that standards can be met.

Commissioner Burke stated one of the reasons the petitioner gave isn't legitimate in that moving the building makes it less visible when further testimony stated that it would never be visible.

Attorney Wagner stated that the only part as to the fire main comes in is that it could be moved you still get into whether that is a specific condition of the land and unique to cause the salt bin to be located where it is.

Mr. Stilling stated that staff's position is based upon the given the circumstances of the existing building. He added that this is the most suitable location for the salt bins and brine tanks and staff is supportive of it.

Attorney Wagner added that is based on the uniqueness of the land. The vegetation and where it is and the location of the salt bin in location to the Village property and would be a hardship to be relocated. The hardship might be on their operations and how it might be seen from the outside.

Commissioner Burke stated that it can be reworded. He added that all he is saying is that the request and the testimony are not jiving.

Chairperson Ryan stated that if the rewording the standards based upon the testimony provided, there is no objection to it.

Attorney Wagner stated that they can add that to the standards to reflect the testimony.

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On a motion by Commissioner Sweetser and a second by Commissioner Flynt, the Plan Commission voted 5 to 0 that the Village Board **approve** the conditional uses and variations based upon the testimony provided by the petitioner during the meeting, which provided the necessary justification to meet the required Standards as set forth in the Zoning Ordinance.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission