

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

TO: Lombard Plan Commission

HEARING DATE: June 16, 2008

FROM: Department of
Community Development

PREPARED BY: Michael S. Toth
Planner I

TITLE

PC 08-09; 1050 & 1051 N. Garfield Street: The petitioner requests that the Village approve the following actions for the subject properties located within the I Limited Industrial District:

1. For the property located at 1051 N. Garfield Ave., grant a conditional use, pursuant to Section 155.420(C)(35) of the Zoning Ordinance to allow outside storage of motor vehicles.
2. For the property located at 1050 N. Garfield Ave., grant a conditional use, pursuant to Section 155.420(C)(22) of the Zoning Ordinance to allow off-site parking.

GENERAL INFORMATION

Petitioner: Greg Pawlak
SGS Logistic Services
1051 N. Garfield
Lombard, IL 60148

Property Owner: Capital Realty
385 Airport Road
Suite 100
Elgin, IL 60123

Petitioner/Property Owner
Relationship: Tenant/Lessee

PROPERTY INFORMATION

	<u>1051 N. Garfield</u>	<u>1050 N. Garfield</u>
Existing Land Use:	Retail commercial strip center	Off-site parking
Size of Property:	2 acres	1.225 acres
Comprehensive Plan:	Light Industrial	Light Industrial
Existing Zoning:	I Limited Industrial District	I Limited Industrial District

Surrounding Zoning and Land Use:

1051 N. Garfield:

North: I Limited Industrial District; developed as a manufacturing facility, known as Grimm Metal Fabricators.

South: I Limited Industrial District; developed as a cell tower site.

East: Unincorporated tract of land.

West: I Limited Industrial District; (1060 – 1072 N. Garfield) developed as a commercial/warehousing strip center and (1050 N. Garfield) developed as employee parking for Kent H. Landsberg (KHL) Engineering Packaging Solutions and the parking of freight containers.

1050 N. Garfield (Off-site parking area)

North: I Limited Industrial District; developed as developed as commercial/warehousing strip center.

South: I Limited Industrial District; developed as warehousing, known as Kent H. Landsberg (KHL) Engineering Packaging Solutions.

East: I Limited Industrial District; developed as warehousing/distribution, known as SGS Logistics.

West: I Limited Industrial District; developed as commercial/warehousing strip center, known as 1051 N. Main

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development on March 25, 2008:

1. Petition for Public Hearing.
2. Response to Standards.
3. Plat of Survey, prepared by Glen D. Kirsch Land Surveyor, Inc., dated September 5, 2007 (includes site plan created by the petitioner).
4. Lease agreement for off-site parking area at 1050 N. Garfield, submitted by the petitioner June 10, 2008.
5. Counsel's Narrative submitted by the petitioner's counsel (John T. Clery, P.C.), dated June 10, 2008.

DESCRIPTION

The petitioner is seeking approval for the outdoor storage of motor vehicles to be stored in an enclosed area on the subject property within the I Limited Industrial District. The petitioner is also seeking approval to store freight containers across the street from the subject property, which is considered to be off-site parking. As the outdoor storage of motor vehicles and off-site parking are both listed in the Zoning Ordinance as a conditional use within the I – Limited Industrial District, Village Board approval is required.

The proposed motor vehicle storage yard would occupy the northern portion of the subject property and would be used for the storage of automobiles on a rotating basis, as not to become a salvage yard. The automobile storage yard will serve as an ancillary staging area with the principal warehousing/storage/distribution use being conducted within the existing commercial building. The automobiles being stored outside will eventually be circulated through the building where they will be driven into cargo containers and shipped to the customer.

This petition was originally scheduled for the April 21, 2008 Plan Commission meeting agenda, but was continued to the May 19, 2008 Plan Commission agenda to allow the petitioner's newly-appointed counsel to be updated on the case. The petition was then continued a second time to the June 16, 2008 Plan Commission meeting to allow the petitioner adequate time to establish the lease for the off-site parking area.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Public Works Engineering has no comments related to this petition.

PRIVATE ENGINEERING

The Private Engineering Division has the following comments on the subject petition:

- 1) If any portion of the parking lot that is proposed to be used for off-site parking is not currently paved, then it shall be paved to Village standards prior to allowing vehicles to park.
- 2) Stormwater detention for the new additional impervious area will be required.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has the following comments:

- 1) The off-site parking (1050 N. Garfield) must maintain an 18' wide fire department access drive.
- 2) The parking areas (1051 N. Garfield) must maintain an 18' wide fire department access drive with access to three (3) sides of the building.
- 3) All vehicle storage must be at least 10' feet from a building.

PLANNING

The petitioner applied for and received a final Certificate of Occupancy/Zoning Certificate on November 7, 2007 to conduct warehousing/storage/distribution activities. As a condition of the final Certificate of Occupancy/Zoning Certificate, there was to be no outdoor storage of automobiles (Exhibit A).

During a routine inspection effort, staff found that a number of automobiles were being parked throughout the entire subject property. Further investigation of this activity found that the petitioner has leased the subject property and was using a majority of the property for the storage of motor vehicles, contrary to the conditions of the final Certificate of Occupancy/Zoning Certificate. The outdoor storage of automobiles is listed as a conditional use within the I – Limited Industrial District. As the Certificate of Occupancy/Zoning Certificate specifically prohibited the outdoor storage of automobiles and there were no prior Village approvals that could legally tie that specific use to any legal rights afforded to the subject property, the property was found to be in violation.

After meeting with the petitioner and discussing the logistics of their business, staff also learned that the petitioner had been utilizing a portion of the property across the street (1050 N. Garfield) for the off-site parking of freight containers.

The petitioner's latest response includes discussion of the standards for conditional uses – the criteria set forth within the Zoning Ordinance to determine if such a use is warranted. For reference purposes, staff offers the following definition included within the Zoning Ordinance:

USE, CONDITIONAL is a use - either public or private - which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such "conditional use" may or may not be granted, subject to the terms of this ordinance.

The definition of a conditional use specifically notes that not all conditional uses are automatically appropriate within the respective zoning district – such uses must be considered in the context of their proposed location. As both outdoor storage of automobiles and off-site parking are listed as conditional uses, staff has compiled information pertaining to the use of both properties as they relate with the subject property as well as the surrounding area.

Compliance with the Zoning Ordinance

Automobile-oriented uses, including the storage of motor vehicles, are listed as conditional uses in the Limited Industrial District. Off-site parking is also listed as a conditional use because they can both potentially have an adverse impact on surrounding properties and therefore merit a more critical review. If not adequately screened or if packed too tightly on the site, the vehicle storage and off-site parking area can have a negative aesthetic impact. Also, if vehicles in disrepair were to be stored for an extended period of time, the property may become a de facto salvage yard. Another concern is that the storage of vehicles and/or cargo containers can take parking spaces away from employees and customers.

Zoning History

Since the mid 1990's, the subject property has been used exclusively for trucking and logistical services. In 1995, a Certificate of Occupancy/Zoning Certificate was issued to allow A & T Trucking Company Inc, rights to the subject property. In review of the A & T Trucking Company Inc, 1995 Certificate of Occupancy/Zoning Certificate application, staff found that A & T Trucking Company Inc. represented that their use was a warehouse/distribution use (a permitted use in the I Limited Industrial District), rather than a cartage facility (a conditional use).

In 2002, a new tenant came forward to occupy the subject property. At that time, staff informed the new tenant (Cobra Express) that they could occupy the site as a legal non-conforming use but should apply for a conditional use to bring their establishment into compliance with code as cartage and express was the more appropriate use of their business. On April 17, 2003, Cobra

Express received conditional use approval (Ordinance 5271) to operate cartage and express on the subject property.

1051 N. Garfield – Outside Motor Vehicle Storage Area

Staff continually worked with the petitioner to create a plan which designates specific areas of the site for the outdoor storage of motor vehicles. The compromise plan allowed for the outdoor storage of motor vehicles within a 9,680 square foot area north of the building and within four (4) parking spaces on the southeast corner of the parking lot. The plan also specified that the area in which the motor vehicles were to be stored should be screened with an eight (8) foot solid fence. The mandated eight (8) foot solid fence will provide screening of the storage area from Garfield Street and also the adjacent property to the north.

Had the outdoor storage of motor vehicles occurred within the confines of designated parking areas, the subject site would have been suitable for motor vehicle storage. After a number of site visits, staff concluded that the petitioner demonstrated that they could not regularly adhere to the submitted plan if approved. Staff would like to note that both properties have shown significant improvement (Appendices A, B & C) since the initial visits from Code Enforcement earlier this year. The operations of the business over the past few months have shown that during peak periods, the storage element would expand beyond the plan's design, further suggesting that continued operations of the use could lend itself to be non-compliance with the submitted plan.

Parking

The parking requirements listed in the Zoning Ordinance for warehouse uses sets a minimum of one (1) parking space per thousand (1000) square feet of gross floor area for the first twenty-thousand (20,000) square feet. As the warehouse located on the subject property has a gross floor area of 11,200 square feet, the total number of required parking spaces would be eleven (11). The final site plan depicts a total of fifteen (15) parking spaces, which results in a surplus of four (4) parking spaces. Although the plans reflects a surplus of required parking, the petitioner will be required to keep all fifteen (15) parking spaces reserved for employee and customer parking only. The storage of automobiles will be prohibited in those fifteen (15) parking spaces.

For parking lots with a total number of parking spaces between one (1) to twenty (20) spaces, the total number of required handicap accessible parking spaces would be a minimum of one (1) space. Out of the fifteen (15) total parking spaces provided, the site plan designates one (1) handicap accessible space. The provided handicap parking space will be required to be properly striped and signed per the specific Americans with Disabilities Act (ADA) requirements.

1050 N. Garfield - Off-Site Parking (See Appendix C)

The rear 25,600 square feet of the off-site parking area, which is located directly across the street from the subject property, will be reserved as an ancillary staging area for the freight containers needed for the exporting of goods from the subject property. SGS Logistics employee and visitor parking shall be prohibited at the off-site parking area. The plan submitted for the off-site parking area designates fifteen (15) spaces for the parking of the cargo containers; however,

during a routine staff inspections, the number of trailers deviated at times from more than twenty (20) to less than fifteen (15) freight containers at any given time. The petitioner indicated that the cargo containers would be no greater than forty (40) feet in length. The eastern portion of the subject off-site parking area is reserved for the employees of KHL, the owners of the said lot who also conduct business to the south of the off-site parking lot. KHL has gone to certain lengths to ensure that their aforementioned portion of the off-site parking is solely reserved for their employees by posting a warning sign that states that all unauthorized vehicles will be towed. The petitioner has also made representation that KHL will also occasionally store their fifty-three (53) foot containers on the off-site parking lot. Regardless of ownership, any cargo container parked on the subject property shall be required to be parked on hard surface.

Section 155.602(4) of the Zoning Ordinance states the following:

In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or long-term lease, the term of such lease to be determined by the Village Board. The deed or lease shall require such owner or his or her heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.

The original lease agreement submitted by the petitioner represented that subleasing for the off-site parking area (1050 N. Garfield) had began January 1, 2008 and continued on a month-to-month basis only. On June 10, 2008 the petitioner submitted an updated lease agreement to which they had entered with the subleasing party of 1050 N. Garfield. The new lease establishes a definitive time period - commencing on February 1, 2008 with an expiration date of February 28, 2013 (five years). As stated above, the duration of a long-term is lease to be determined by the Village Board; however it is staff's opinion that a five-year lease of the off-site parking area is an insufficient 'long-term' timeframe.

The petitioner has stated that the off-site parking area is an integral function of their business as that location serves as a staging area for the cargo containers that are used to deliver goods from the 1051 N. Garfield site, directly across the street. Currently, there is inadequate space to store any such cargo containers on the 1051 N. Garfield site based on their operations model. Should the 1050 N. Garfield site become unavailable after the said five-year lease expiration date, the cargo containers (which are a vital part of their business) would have to be either relocated outside of the Village or a new off-site parking area would have to be established under a new petition for conditional use.

As the off-site parking of cargo containers is directly linked to the outside storage of automobiles across the street at the 1051 N. Garfield site, both conditional uses are being evaluated as one conjoined case. Essentially, if the off-site parking element were to become unavailable, the business model for the entire operation could falter due to lack of storage area and if there were

no automobiles be shipped from the 1051 N. Garfield site; there may not be the need for the off-site parking area for the cargo containers in the first place.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Light Industrial at this location. The definition of Light Industrial includes areas used for manufacturing, assembly, production, storage, distribution and warehousing. The Certificate of Occupancy/Zoning Certificate issued to the petitioner allows a storage, distribution and warehousing use for the subject property, which complies with the recommendation of the Comprehensive Plan.

As a policy goal in the Plan, new businesses are encouraged to maintain and enhance the overall condition of existing industrial developments. Staff believes that in addition to screening provisions, the overall use of the property must be considered. While the use itself may meet the designation noted on the Plan map, concerns remain as to whether the use will be compatible with the Plan's stated goals.

Compatibility with Surrounding Land Uses

Under this petition, there are two separate and distinct conditional uses that may potentially impact surrounding land uses. One of the concerns with such uses is the storage of automobiles and the visual impact that may have on adjacent properties. Second, the off-site parking of over a dozen forty (40) foot cargo containers and the impact that may have on adjacent properties. The subject property is ideally suited for warehousing and distribution as it is located entirely within the North Lombard Light Industrial Area. The automobiles being stored at 1051 N. Garfield are visible from Garfield Street as there is currently no screening provided. Staff believes that the proposed automobile storage area (1051 N. Garfield) would have been compatible with the surrounding land uses under the full context of the site plan. The off-site parking area (1050 N. Garfield) also presents its own issues with the surrounding properties as a visual and traffic nuisance. When staff originally posted the public hearing sign for the April 21, 2008 Plan Commission meeting, concerns have been raised specifically related to the visual impact that the freight containers pose on the adjacent properties.

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 store motor vehicles outside and provide off-site parking as an ancillary function of their business, on the subject properties. The operation of

one business across the span of two non-contiguous properties could pose safety issues. The surrounding properties along Garfield are industrial by nature; however, those industrial businesses operate within the confines of a single property. Staff does recognize that a number of semi-trucks idle along the right of way upon shipping and receiving to/from those businesses. Staff is unaware of any businesses operating from two separate sites in the North Lombard Light Industrial Area nor are there any business establishments in which the primary business activity is the outdoor storage of motor vehicles and/or off-site parking.

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;

As part of the submitted site plan, specific areas were designated for the outdoor storage of motor vehicles. Those specific storage areas were assigned to minimize the visual impact on the surrounding properties, as screening was also to be provided. Through site inspections, the petitioner has shown that the storage of their motor vehicles could not be confined to those designated areas, which only further demonstrates that the site will have a negative visual impact on the area. Screening the entire property would only screen the Village's ability to monitor the site in the future.

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 I District provides for a wide variety of industrial uses. Staff notes that a denial of the petition would still afford the property owner with a significant and substantial ability to conduct business as a warehousing/storage/distribution use. Staff further notes that the outdoor motor vehicle storage and off-site parking uses should not be considered a loss of use, as the petitioner never complied with the Certificate of Occupancy/Zoning Certificate for the use of the subject property and was therefore never legally established as a permitted use in the first place.

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 leading into the property at 1051 N. Garfield is twenty-seven (27) feet wide, where a minimum of twenty-four (24) feet is required for a two-way drive aisle. No

improvements to the existing ingress/egress are required; however, the petitioner has occasionally demonstrated that the drive aisle will not always be free and clear of obstructions.

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 recommends Light Industrial at this location. The definition of Light Industrial includes areas used for manufacturing, assembly, production, storage, distribution and warehousing. The Certificate of Occupancy/Zoning Certificate issued to the petitioner allows a storage, distribution and warehousing use for the subject property, which complies with the recommendation of the Comprehensive Plan.

The outdoor storage of motor vehicle and off-site parking uses are viewed under the context of the conditional use process. Staff notes that the outdoor storage of motor vehicle area could be deemed compatible with the surrounding area, especially since it serves as an ancillary component to the permitted distribution facility.

The Comprehensive Plan establishes certain policies that should be used to guide all improvement and development within business and industrial areas. The following policies have not been satisfactorily addressed under this proposal.

Encourage property owners to maintain and enhance the overall condition of existing industrial, business and office developments.

This policy refers to the development in a property maintenance context. Not only would the petitioner need to demonstrate proper property stewardship, future property maintenance must also be carried on through the life of the business.

New development shall have adequate off-street parking and loading facilities.

The ability to provide adequate parking and loading facilities should be provided for all light industrial sites. With a lack of ownership or long-term lease agreement, there are no guarantees that the off-site parking will be available for the life of the business.

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 it were to be approved, the applicable code issues and/or conditions of approval would be addressed during the permit review process. The petitioner would also need to receive an updated Certificate of Occupancy/Zoning Certificate that permitted both of the proposed conditional uses. The petitioner has indicated that the off-site

parking area is vital to their business operation. As the necessary long-term lease has not been established for the off-site parking area, staff believes that the proposed use could not be conditioned to eliminate the lack of off-site parking for the cargo containers.

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 recommend **denial** of a conditional use to allow outside storage of motor vehicles on the subject property and recommend **denial** of the conditional use, to allow off-site parking as part of PC 08-09.

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 the conditional use, to allow off-site parking and recommends **denial** of a conditional use to allow outside storage of motor vehicles on the subject property as part of PC 08-09.

Inter-Departmental Review Group Report Approved By:

William Heniff, AICP
Acting Director of Community Development

WH:MT

Exhibit A – Certificate of Occupancy/Zoning Certificate

Date: 11/7/07 Parcel No. 02-32-301-030
Permit No. XXXX

VILLAGE OF LOMBARD
CERTIFICATE OF OCCUPANCY

We hereby certify that Capital Realty & Dev., actual property owner or its managing agent for the premises commonly known as 1051 N. Garfield, has complied with all requirements of the Building, Health, and Zoning laws and ordinances set forth in Ordinance 3274 and Ordinance 2561 and all its amendments thereto and that said building and use is hereby qualified for occupancy by SGS Logistic Services, the named property tenant/owner, for usage as a Warehouse/Storage/Dis building under Zoning Classification I subject to the following:

NO OUTDOOR STORAGE OF AUTOMOBILES
Structure in rear of Warehouse not approved at this time. If structure to be used in future, will need approval of Building Dept.

It is required by ordinance that an application for water service and garbage collection be made at the time of occupancy and zoning.

[Signature]
Planning Services Division

[Signature]
Bureau of Fire Prevention

[Signature]
Private Engineering Services Division

[Signature] (Seal)
Bureau of Inspectional Services

The Certificate of Occupancy issued to the petitioner on November 7, 2007. This Certificate of Occupancy clearly specifies 'no outdoor storage of motor vehicles' for the subject property.

Appendix A – Employee/Customer Parking Area (1051 N. Garfield)



2/27/08- employee/customer parking prior to conditional use application



4/14/08 – employee/customer parking area



5/6/08 – employee/customer parking area



6/6/08 –employee/customer parking area

Appendix B – Vehicle Loading Area (1051 N. Garfield)



2/27/08- vehicle loading area prior to conditional use application



4/14/08- vehicle loading area



5/6/08- vehicle loading area



6/6/08- vehicle loading area

Appendix C – Off-Site Parking Area (1050 N. Garfield)



View of off-site parking area before conditional use application.



5/1/08 - View of off-site parking area (same viewpoint as above).



5/21/08 - View of off-site parking area (same viewpoint as above).



6/6/08 - View of off-site parking area (same viewpoint as above).