

ANALYSIS

SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development on November 12, 1998, and January 4, 1999:

1. Petition for Public Hearing.
2. Description of Request.
3. Response to Standards for Conditional Use.
4. Copy of Lease and License Agreements between Petitioner and Commonwealth Edison.
5. Site Plan, dated December 29, 1998, prepared by Petitioner.

DESCRIPTION

The petitioner, Church Landscape Company, has established a materials storage area in the ComEd right-of-way north of their office, as per a lease granted by ComEd. Lombard's Code Enforcement Division cited Church Landscape for illegal dumping in the ComEd property, as no application had been filed with the Village to allow the use to occur. Church Landscape subsequently submitted a petition for Conditional Use approval to allow the area to be used as a landscape contractor's yard. This petition was originally scheduled for the December 14, 1998, Plan Commission meeting, but was continued at the petitioner's request because additional time was needed to provide the information required by staff.

The petitioner is proposing to establish a storage area, 160 foot by 140 foot and enclosed by an eight-foot (8') tall fence, and two nursery areas. The enclosed area would be used to store brick, paving stone, wall stone, bagged hydromulch, bagged ice melt products, bagged bark mulch, snow plows, tractor implements, mower decks, bark, and gravel (see description of request). The bark and gravel will be stored in bins outlined with wooden ties. The proposed fence is chain link, with dark green and tan slatting to match the fence at Church Landscape's 951 North Ridge Avenue property.

Each of the two nursery areas will be serviced via gravel access roads. The nursery to the west of the storage area will provide above-ground storage for plant materials. This will be a short-term storage area for plants en route to a job site. Trees and shrubs will be set into depressed areas in the ground with the root balls covered with bark mulch. The nursery to the east of the storage area will provide an in-ground nursery for the growing of plant materials for later use.

Private Engineering Services

The Private Engineering Services Division has no objection to the request for approval from an engineering or construction perspective.

The Private Engineering Services Division has noted that there is a special management area (wetlands) near the site. The DuPage County Department of Environmental Concerns (DEC) must review and approve the proposed improvements and storage of materials.

No proposed site grading is indicated on the plans. If any grading is to occur on the site, the petitioner must apply for a grading permit.

Public Works

The Department of Public Works has no comments regarding this application.

Fire and Building

The Bureau of Inspectional Services has no objection to the petition. The Fire Department does recommend that the gravel access road be brought to a standard sufficient enough to support an ambulance for emergency purposes.

Planning

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends light industrial uses at this location. This area will likely never be developed with any permanent structures, as such development would rely upon a relocation of ComEd's existing power lines. The use as proposed will allow the area to serve a second function in addition to being a utility corridor. The use as proposed is industrial in character and complies with the recommendations of the Comprehensive Plan.

Compatibility with Surrounding Land Uses

The storage area that is proposed will be enclosed with a slatted fence. The plant materials, if maintained in an orderly fashion, will be attractive and will be compatible with surrounding properties.

Compliance with the Zoning Ordinance

Contractor's storage yards are permitted in the Industrial District as a Conditional Use. Any outdoor storage which occurs in the Industrial District must be screened by a wall or fence, and no stored materials can be visible above the fence. Nurseries offering plants for sale are not permitted in the Industrial District, but the Village does not restrict the planting of landscape materials. So long as any plant materials which are outside of the fenced-in storage area are either planted or stored upright so that they appear to be planted, screening of those stored plant materials is not necessary.

When fencing is required as part of a Conditional Use, staff typically recommends that wood fencing be provided. For this petition, staff is not recommending that wood be used instead of the proposed chain link with slats because the subject property is located in an industrial area where chain link fencing is common and because the storage area will not be easily visible from any street (the storage area will be difficult to see from Ridge or Cortland and will be over 660' from presently-unimproved Lombard Road).

The petitioner's present lease with ComEd allows for a nursery and storage area, but provides for only an eighty foot by eighty foot (80' x 80') storage area. The petitioner has stated that ComEd has verbally agreed to allowing the area to be increased to 160' by 140', and ComEd has faxed a letter to the petitioner (attached) stating that a supplement to the lease allowing the larger area will be given to Church Landscape by January 14, 1999. Since the petitioner signed the petition as lessee and there is no owner's signature on the petition, the Village cannot approve the petition as submitted until a copy of the lease supplement is provided to the Village.

The petitioner had originally requested a variation from the fencing requirement and was proposing fencing on only one side of the storage area. That variation request has now been withdrawn by the petitioner, and fencing is being provided on all four sides of the storage area.

FINDINGS AND RECOMMENDATIONS

There have been Code Enforcement issues with the storage of landscape materials in ComEd's right-of-way in the past, but if the storage is provided as proposed in the future it should be compatible with surrounding properties. In fact, the storage of trees and shrubs should actually enhance the area. The Village cannot approve this petition if the lease supplement allowing the storage area to be increased to 140' by 160' has not been received. If it is received by the time of the meeting, then, based on the above, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested Conditional Use complies with the standards required by the Lombard Zoning Ordinance and the recommendations of the Comprehensive Plan; and, therefore, I move that the Plan Commission recommend to the Corporate Authorities approval of the Conditional Use associated with PC 98-42 with the following conditions:

1. That the site be improved and storage take place as per the Site Plan dated December 29, 1998. As indicated on the Site Plan, the improvements shall include a mud mat (six inch (6") deep gravel, twelve feet (12') wide and one-hundred eighty feet (180') long), an eight-foot (8') fence around the storage area, and gravel roads for access to the nursery areas.
2. An application for the proposed improvements shall be filed with the DuPage County Department of Environmental Concerns (D.E.C.). The application shall include Material Standards Data Sheets (M.S.D.S.) for any materials which are to be stored on-site. The petitioner shall follow all requirements of the D.E.C.
3. Materials stored on-site shall be limited to live trees and shrubs, brick, paving stone, wall stone, bagged hydromulch, bagged ice melt products, bagged bark mulch, snow plows, tractor implements, mower decks, decorative hardwood bark, and decorative gravel, as per the "Description of Request for Conditional Use Permit."
4. All materials shall be stored within the fenced storage area, with the exception of live trees and shrubs. Any trees and shrubs which are stored outside of the fence shall be stored upright and in an orderly fashion.
5. Materials which are stored in the enclosed area shall not be visible above the fence.
6. The nursery areas shall be maintained in a weed-free condition.
7. The gravel access road (mud mat) shall be provided to a standard sufficient to support an ambulance for emergency purposes.
8. Grading shall not occur on the site without the issuance of a grading permit.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:DCS:jd
att
c. Petitioner