

October 6, 2005

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

**Subject: PC 05-36: 506 E. St. Charles Place (Scoops)**

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 to allow for an addition to the existing Scoop's building located within the B4 Corridor Commercial Shopping District:

1. Grant a variation from Section 155.415 (F)(1) of the Zoning Ordinance to allow for a variation in the front yard setback from thirty feet (30') to two feet (2');
2. Grant a conditional use, pursuant to Section 155.208 (C) of the Zoning Ordinance, to allow for two principal buildings to be located on a lot of record; and
3. Grant an amendment to the conditions of approval associated with Ordinances 5324 and 5691 to allow for the re-establishment of the legal nonconforming status of an existing building on the subject property, if necessary.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on September 19, 2005. Mike Trombetta, 52 Orchard Terrace, Lombard, the proposed tenant for the Scoops building presented the petition.

He introduced himself and mentioned that he had a business in Downtown Lombard for five years which has been lost by fire and he will not rebuild at that location. He has since entered into a lease for the Scoops building. DuPage County Health Department has told him to install a refrigerator/freezer unit for the business and that the only way the business would work would be to install outside and enter from the inside.

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He then discussed the proposed building elevations. The architectural drawings depict the building addition with a new mansard roof, which should give the run down building a new look.

Randy Pruyn, 407 Edson, Lombard, is the architect for the project. He mentioned the Health Department request for a refrigeration unit and mentioned the Scoops site is small and he needs to fit all the operational units on site. The Health Department requires that they have walk in refrigerator to support their business operations. He mentioned the dimensions of the unit (6'x12'). They positioned it as they did as it is on the backside of St. Charles Road. The west elevation is primarily where all the customer service will be and he explained the reasons for putting the unit it where it is located on the south side, where it is least visible from traffic.

The existing building is located eight feet off of the property line. With the addition, the building will be slightly more than two feet off of the property line. There is still plenty of grass space. When they came in for approval they discussed upgrading the building and making improvements. The adjacent hobby store is run down and they did what they can to improve the site. They will add screening to the rear portion of the roof to hide the mechanicals and make the building more aesthetically pleasant. The have not finalized the color selection yet but everything will tie into it eventually.

Chairperson Ryan then opened the meeting for public comment. There was no one to speak for or against the petition. Chairperson Ryan then requested the staff report.

William Heniff, Senior Planner, presented the staff report. He stated that a traffic accident substantially damaged the Scoop's ice cream building in 2001. To provide for the reconstruction and rehabilitation of the building, the Village Board approved a conditional use to re-establish the legal non-conforming status of the ice cream building and allow the property owner to re-establish the business as it was prior to the auto accident. Amendments to the conditions of approval were adopted by the Village earlier this summer which require specific times for a lease agreement and for issuance of a Certificate of Occupancy and/or Zoning Certificate for the property.

Since the latest approval was granted, the lessee of the Scoop's buildings has developed building plans for a fast-food establishment. However, upon review of the plans by the DuPage County Health Department, they are requiring that the lessee provide a new 6'x12' cooler. The cooler would be attached to the existing building and would constitute a building addition. As the building is located completely within two front setback yards, additional zoning actions are needed from the Village. Moreover, as a building expansion, the petitioner will also need to request conditional use approval to allow for the building expansion of one of the two principal buildings on the lot. Lastly, staff also referenced Ordinance 5691 in the public hearing request if the associated completion dates need to be amended to accommodate this addition.

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Referencing the IDRC comments, he noted that stormwater detention shall be required for the proposed building addition. However, the Director of Community Development may grant, at his discretion, an administrative variance to accept a fee in lieu of on-site detention.

He then discussed comments from the Planning Services Division. As the building is entirely located within setback yards, any expansion to the building would necessitate zoning relief, as it would increase the degree of non-conformity. The addition would encroach six feet further into the St. Charles Place front yard setback, placing the building approximately two feet from the second front property line.

From a design aesthetic standpoint, the placement of the cooler on the south side of the building would decrease its visual prominence along St. Charles Road. It would also preserve the parking lot improvements constructed in 2000 immediately to the east of the Scoop's building – hence no parking spaces would be lost by the cooler expansion.

To minimize the impacts of the addition, the petitioner is proposing façade improvements that include a new seam metal roof, rooftop mechanical screening and an integrated paint scheme to tie the cooler addition with the existing building.

Mr. Heniff then noted that Section 155.208 (C) of the Zoning Ordinance allows for two principal buildings to be located on a lot of record as a conditional use. As no previous relief has been granted, the two principal buildings would constitute an expansion to a non-conformity and zoning relief would be required.

He then noted that Ordinances 5324 and 5691 allow for the re-establishment of the legal nonconforming status of the Scoop's building. Ordinance 5691 set forth specific timelines for improvements to be completed. This request was added to the petition to ensure that if the Village Board needed to further amend the time provisions associated Ordinance 5691, proper notice was provided. If these timelines are not met, the conditional use granted through Ordinance 5324 and 5691 would be null and void and the full provisions of Section 155.305 of the Zoning Ordinance would be in effect. This would also require the property owner to be responsible for razing the structure.

He noted that the Village Board approved two Ordinances setting forth provisions to allow for the Scoop's building to be restored. It must be therefore assumed that it is the desire of the Board to see the existing Scoop's building to be restored and made into a viable business. To implement the desire of the Board, the relief included as part of this petition would also be necessary. The Comprehensive Plan recommends that the subject property be developed for commercial purposes. The ice cream/restaurant sales activity on the premises would be consistent with the Comprehensive Plan.

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While the proposed addition will be visible from the Moran Water Park, its overall size will not create a substantial visual impact on the park. The building addition will only be seen from higher elevations within the new Oakview Estates Condominiums north of the subject property. However, to ensure compatibility, staff recommends that the Lombard Hobbies building also located on the subject property be improved with façade improvements compatible with the proposed improvements for the Scoops building. Staff suggests that the property owner provide a concept plan for Village Board consideration prior to the final reading of Ordinances. He also noted that all encroachments within the St. Charles Road right-of-way should be removed.

Chairperson Ryan then opened the meeting for discussion among the Plan Commission members. Commissioner Sweetser stated that it is good to see Scoops coming back and she inquired about the proposed building signage. Mr. Heniff noted that signage will meet Village Code.

Commissioner Burke inquired about the requirements for the cooler. Is the size based upon square footage or is it based upon depth? Mr. Pruyn stated that it was a Health Department requirement that it has to be six feet deep due to the door and the storage capacity and if less than six feet, there would not be sufficient room for access.

With regard to the Ordinance extension, Mr. Heniff noted that this provision was added to the public hearing notice so that if there are delays through the public hearing process in the final consideration of the petition, it would not require a new public hearing to amend the previous approval.

Chairperson Ryan then inquired about condition #7 and asked how secure does staff feel that Lombard Hobbies will comply with this condition? Mr. Trombetta stated that he talked to the property owner today and he seemed to understand the condition the Village will place on the approval.

After due consideration of the petition and testimony presented, the Plan Commission found that the petition complies with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5 to 0, accepted the findings of the Inter-departmental Review Report as the findings of the Lombard Plan Commission and recommended to the Corporate Authorities, **approval** of the petition associated with PC 05-36, subject to the following conditions:

1. The property shall be developed in accordance with the site plan and building elevation packet prepared by Randy Pruyn, ALA, dated September 1, 2005 and made a part of this petition, except as varied by the conditions of approval.
2. The petitioner/property owner shall provide foundation landscaping around the building addition consistent with Section 155.708 of the Zoning Ordinance, consisting of shubbery, evergreens and/or hedges placed along the foundation wall

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areas in addition to approved ground cover, with the final design subject to the Director of Community Development.

3. All private encroachments within the public right-of-way shall be removed.
4. The outdoor dining area shall be fenced, with the design of the fence subject to the approval of the Director of Community Development and pursuant to the fence regulations included within the Zoning Ordinance.
5. All other provisions associated with Ordinances 5324 and 5691 not amended by this Ordinance shall remain in full force and effect.
6. In the event that the provisions of Ordinances 5324 and 5691 are not met, the actions associated with this petition shall also immediately expire. Moreover, in the event that the Scoop's building is razed or is again damaged by more than fifty percent of the value of the building, the relief associated with this petition shall also be null and void.
7. That prior to final consideration of any Ordinances approving the requested actions on the subject property, the property owner shall provide the Village with a building elevation plan to improve the exterior of the Lombard Hobbies building so that it is compatible with the proposed Scoop's building. The Lombard Hobbies building improvements shall be completed within twelve (12) months from the date of approval of the aforementioned Ordinance.

Respectfully,

**VILLAGE OF LOMBARD**

Donald F. Ryan  
Chairperson  
Lombard Plan Commission

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c     Petitioner  
      Lombard Plan Commission