


VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott R. Niehaus, Village Manager
DATE : July 8, 2024 **(BOT) Date:** July 18, 2024
SUBJECT: PC 24-06: 855 E. Roosevelt Road – Revised Ordinance

SUBMITTED BY: William J Heniff, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:
This petition was considered by the Plan Commission on May 20, 2024. Following the Plan Commission meeting, the petitioner submitted a revised landscape plan showing installation of a 6-foot-high solid fence on top of the retaining wall along the south and west sides of the parking lot. The Village Board considered the petition, including the petitioner’s revised landscape plan, on June 20, 2024. At the time, the Board directed staff to prepare a revised ordinance with updated conditions of approval reflecting the petitioner’s Final Landscape Plan. Staff has revised the conditions of approval in the draft ordinance accordingly, and placed it on the agenda with the other supporting documents for the petition.

Please place this petition on the July 18, 2024, Village Board of Trustees agenda under Separate Action for a final reading.

Fiscal Impact/Funding Source:
Review (as necessary)

Finance Director _____ Date _____
Village Manager _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

MEETING DATE: July 18, 2024

SUBJECT: **PC 24-06: 855 E. Roosevelt Road – Revised Ordinance**

This petition was considered by the Plan Commission on May 20, 2024. Following the Plan Commission meeting, the petitioner submitted a revised landscape plan showing installation of a 6-foot-high solid fence on top of the retaining wall along the south and west sides of the parking lot. The Village Board considered the petition, including the petitioner's revised landscape plan, on June 20, 2024. At the time, the Board directed staff to prepare a revised ordinance with updated conditions of approval reflecting the petitioner's Final Landscape Plan. Staff has revised the conditions of approval in the draft ordinance accordingly, and placed it on the agenda with the other supporting documents for the petition.

Requested Action:

Please place this petition on the July 18, 2024, Village Board of Trustees agenda under Separate Action for a final reading.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CERTAIN ZONING RELIEF
GRANTED BY ORDINANCE NO. 8077 GRANTING
CONDITIONAL USES AND VARIANCES FOR A
COMMERCIAL DEVELOPMENT PURSUANT TO TITLE 15,
CHAPTER 155 OF THE LOMBARD ZONING ORDINANCE**

(PC 24-06: 855 E. Roosevelt Road)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Subject Property, as described in Section 9 below, is zoned B4A Roosevelt Road Corridor District; and,

WHEREAS, on July 21, 2022, the Village adopted Ordinance No. 8077, granting conditional uses and variances for a new restaurant building on the subject property; and,

WHEREAS, the development plan approved by Ordinance No. 8077 has been revised; and

WHEREAS, an application has heretofore been filed requesting revision of the zoning relief granted by Ordinance 8077 to approve the revised development plan, pursuant to the Lombard Zoning Ordinance (Title 15, Chapter 155 of the Village Code):

1. Amend the approvals previously requested through Plan Commission petition PC 22-05, and granted by Ordinance No. 8077, as follows (the below identification of the Zoning relief being preserved is done for clarity purposes only and shall not be construed as an amendment to the relief granted under Ordinance No. 8077):
 - a. Preservation of the existing conditional use under Ordinance No. 8077, under Sections 155.103(F) and 155.417(G)(2)(a)(vii) of the Zoning Ordinance to allow a second-floor restaurant and banquet, including entertainment and dancing when conducted as part of the restaurant and banquet operations and secondary to the principal use subject to the conditions numbered 2, 3, 7, 10, and 11 (dining and banquet limit of 156) set forth in Section 14 of said ordinance.
 - b. A new conditional use under Sections 155.103(F) and 155.417(G)(2)(b)(iv) of the Zoning Ordinance to allow for a drive-through facility.

- c. Elimination of the following conditional uses approved in Ordinance No. 8077 (Secs. 2-3) under Sections 155.103(F), 155.417(G)(2)(c)(vii), and 155.417(G)(10)(b) of the Zoning Ordinance: (a) a building containing a restaurant as a principal use that will exceed 40 feet in height; and (b) outdoor display and sales on a seasonal or periodic basis in a row of parking or on the rooftop.
- d. Preservation of the existing variations under Ordinance No. 8077, under Sections 155.102(B)(3) and 155.103(C)(2)(b), from Sections 155.417(G)(12), 155.417(G)(14) and 155.602(A)(10)(d) of the Zoning Ordinance which require parking lot lighting to be directed away from the lot lines and to fall below certain maximum intensities in order to avoid these requirements for lighting adjacent to the access easement serving the subject property and the easterly adjacent property subject to the conditions numbered 2, 3, 7, 10 set forth in Section 14 of said ordinance.
- e. Preservation of the existing variations under Ordinance No. 8077, under Sections 155.102(B)(3) and 155.103(C)(2)(b), from Section 155.707(B)(4)(d) which requires transition yard areas not planted with trees or shrubs to be maintained as lawn in order to permit the south lot line to be maintained with all trees and understory plant material to remain in the wetland, flood way and floodplain reflected in the plans (affects south transition yard except east +/-45 feet) subject to the conditions numbered 2, 3, 7, and 10 set forth in Section 14 of said ordinance.
- f. Preservation of the existing variations under Ordinance No. 8077, under Sections 155.102(B)(3) and 155.103(C)(2)(b), from Section 155.708 which requires a ten-foot foundation landscaping area on all sides of a building in order to allow development without foundation landscaping according to the Landscape Plan subject to the conditions numbered 2, 3, 7, and 10 set forth in Section 14 of said ordinance.
- g. Preservation of the existing variations under Ordinance No. 8077, under Sections 155.102(B)(3) and 155.103(C)(2)(b), from Article XI which imposes several detailed landscaping requirements in Sections 155.701 through 155.710 in order to accomplish innovative landscaping shown in the four-sheet landscape plan on file with the Village for the benefit of natural areas on the site and to the south as well as residential neighbors to the south subject to the conditions numbered 2, 3, 7, and 10 set forth in Section 14 of said ordinance.
- h. A new variation from under Sections 155.102(B)(3) and 155.103(C)(2)(b), from Section 155.603 to allow off-street loading to occur in the bypass lane on the east side of the drive-through lane.

- i. Elimination of the following variations approved in Ordinance No. 8077 (Secs. 4, 5, 7, 8) under Sections 155.102(B)(3) and 155.103(C)(2)(b) of the Zoning Ordinance: (a) parking variations from Section 155.417(G)(12) and 155.602(C) (Table 6.3); (b) loading variations from Sections 155.417(G)(12) and 155.603(A); (c) landscape island variations for rickshaws from Sections 155.417(G)(12) and 155.706(B)(2)(c); (d) landscape and rickshaw lighting variations from Section 155.417(G)(14).
 - j. Approval of a revised site plan and landscaping plan under Section 155.103(I) and Section 155.702 of the Zoning Ordinance subject to the conditions numbered 2, 3, 7, 10 set forth in Section 14 of Ordinance No. 8077.
2. Approval of a preliminary and final plat of subdivision for Creekview/Pep Boys Resubdivision No. 1 which is intended merely to release the access restriction on the driveway at the west end of the reciprocal access easement; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on May 20, 2024, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the requested revisions; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, based on the findings and recommendations of the Plan Commission incorporated herein, that the zoning relief granted by No. Ordinance 8077 is amended as follows:

SECTION 1: That the following conditional use under Sections 155.103(F) and 155.417(G)(2)(b)(iv) the Zoning Ordinance to allow a drive-through facility is hereby granted for the Subject Property legally described in Section 6 and subject to the conditions set forth in Section 7.

SECTION 2: That the following variation from under Sections 155.102(B)(3) and 155.103(C)(2)(b), from Section 155.603 to allow off-street loading to occur in the bypass lane on the east side of the drive-through lane is hereby granted for the Subject Property legally described in Section 6 and subject to the conditions set forth in Section 7.

LOT 1 IN CHRISTOFARO AND DIFEBO SUBDIVISION, BEING A SUBDIVISION IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 16, 1997 AS DOCUMENT R97-052817, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number(s): 06-21-100-013; (the "Subject Property").

SECTION 7: The zoning relief granted by this Ordinance shall be subject to compliance with the following conditions:

1. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
2. That the petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Code;
3. That the petitioner shall apply for and receive building permits for the proposed improvements;
4. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11);
5. Per the approval of PC 22-05, the petitioner shall include screening trees (bald cypress or a suitable alternative suggested by DuPage County) along the northeast portion of the wooded wetland or wetland buffer near the mid-elevation that divides the retention area from the wetland. Such trees shall meet DuPage County's design approval for the wetland area. The petitioner is allowed to amend this condition should DuPage County require a change (in the number, type, or location of the trees);
6. That the petitioner shall install a fence six feet in height along the retaining wall per the Final Landscape Plan dated May 24, 2024, and submitted by the petitioner for consideration by the Board of Trustees;
7. That approval of this petition shall include repeal of the relief previously granted by Ordinance 8077 that is no longer required as a result of the revised development plan submitted with PC 24-06, as follows:
 - a. Conditional use for building height (Ordinance 8077, Section 2);
 - b. Conditional use for outdoor display and sales (Ordinance 8077, Section 3);

- c. Parking variance (Ordinance 8077, Section 4);
 - d. Loading zone variance (Ordinance 8077, Section 5);
 - e. Landscape island variance (Ordinance 8077, Section 7);
 - f. Lighting variance for uplighting (Ordinance 8077, Section 8);
8. That the conditions of approval of Ordinance 8077 shall be amended to reflect the repeal of the relief enumerated in Condition 7 above;
 9. That all wall-mounted lighting on the south façade of the building shall be directed downward; and
 10. The petitioner shall, if approved by staff, install evergreen trees in landscape islands along the south edge of the parking lot.

SECTION 8: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict herewith.

SECTION 9: If any section, paragraph, clause, phrase or part of this Ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance, and the application of these provisions to any person or circumstances shall not be affected thereby.

SECTION 10: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION 11: That the zoning relief granted by Ordinance No. 8077 not expressly amended or revised by this ordinance shall remain in full force and effect.

Passed on first reading this _____ day of _____, 2024.

First reading waived by action of the Board of Trustees this _____ day of _____, 2024.

Passed on second reading this _____ day of _____, 2024, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2024.

Ordinance No. _____

Re: PC 24-06

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Keith T. Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this _____ day of _____, 2024.

Elizabeth Brezinski, Village Clerk