

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: August 28, 2007 (BOT) Date: September 6, 2007

TITLE: PC 07-08: 600 W. North Avenue

SUBMITTED BY: Department of Community Development *dash*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The petitioner requests that the Village amend Ordinance 4920 and take the following actions on the property located within the B4 Corridor Commercial District.

1. A conditional use for a second drive-through facility.
2. A variation from Section 153.505(B)(16)(2)(a) of the Lombard Sign Ordinance to increase the number of permitted wall signs.

(DISTRICT #1)

The Plan Commission recommended approval of this petition with amended conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X _____	Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager
FROM: David A. Huliseberg, AICP *Dah*
Assistant Village Manager/Director of Community Development

DATE: September 6, 2007

SUBJECT: PC 07-08: 600 W. North Avenue

Attached are the following items for Village Board consideration as part of the September 6, 2007 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report and addendum report for PC 07-08;
3. An Ordinance amending Ordinance 4920, granting a conditional use for a second drive-through facility, and granting a variation to increase the number of permitted wall signs; and
4. Plans associated with the petition.

Staff notes that the Plan Commission has included with their recommendation for approval, condition 4, which limits the conditional use to a restaurant use with an A.M. peak hour traffic generation. Counsel has provided some additional findings that the Board will need to adopt; should the Board choose to approve the subject petition. These findings have been incorporated into the draft ordinance.

Please contact me if you have any questions regarding the aforementioned materials.



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Lombard, IL 60148-3931
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September 6, 2007

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

Subject: PC 07-08: 600 W. North Avenue

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village amend Ordinance 4920 and take the following actions on the property located within the B4 Corridor Commercial District:

1. A conditional use for a second drive-through facility.
2. A variation from Section 153.505(B)(16)(a)(2) of the Lombard Sign Ordinance to increase the number of permitted wall signs.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on July 16, 2007 and August 20, 2007.

July 16, 2007 Plan Commission Meeting

Mario Valenti with Warren Johnson Architects presented the petition. He stated that Dunkin Donuts has partnered with Shell and taken space within the gas station convenience marts at several Shell locations within the Chicagoland area. He noted that these Dunkin Donuts differ from the freestanding establishments as nothing is cooked on location. He mentioned that it is more of a retail shop where some of the same menu items are available but at a smaller scale. He stated that the subject property is one of the few sites that has the ability to incorporate a drive-through with the Dunkin Donuts. He noted that the site is substantial for Chicago area standards and has decent flow of traffic throughout. He stated that the proposed site plan will not be detrimental in their day to day operations. He noted that the peak times for the Dunkin Donuts won't interfere with gas deliveries or convenient mart deliveries.

Mr. Valenti noted that the variation to increase the number of wall signs is necessary to gain identity as a major brand and to let people know that Dunkin

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."
"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Village President
William J. Mueller
Village Clerk
Bridite O'Brien
Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
Rick Soderstrom, Dist. 6
Village Manager
William T. Lichter

Donuts is located within the convenience mart. He stated that the majority of the customers will be people who are coming to the site for both purposes, and that is why the drive-through works so well. He mentioned that the Dunkin Donuts is a permitted use in the established convenience mart. He referenced the floor plan showing the lease space of the Dunkin Donuts.

Chairperson Ryan then opened the meeting for public comment. No one spoke in favor or against the petition.

Mark Hawkinson, construction Manager with Dunkin Donuts brands, noted that they had looked at a number of Shell locations, and only two met the stringent criteria for a Dunkin Donuts drive-through. He noted staff concerns, but stated that it is a well-thought out site plan. He mentioned that there is an escape lane and un-loading of delivery trucks will occur in the back of the store. He stated that if the drive-through doesn't work, they will shut it down because if it doesn't work it is not in their best interest either.

Mr. Valenti stated that a representative from Shell was unable to be at the meeting, but they had sat down with staff to discuss some of the concerns. He referenced the staff report comments about the existing conditional use for outdoor display and sales. He noted that since those items are seasonal, they would limit the amount of material or product that was displayed outdoors. He stated that concessions would be made to make sure there is a free flowing site configuration.

Chairperson Ryan then requested the staff report.

William Heniff, Senior Planner, presented the staff report which is submitted to the public record. He stated that in 2000, the Village Board approved a conditional use for a gas station and a car wash on the property (PC 00-54). He noted that the Shell gas station has entered into an agreement to lease the portion of the convenience store that is currently used as a deli counter to Dunkin Donuts. He stated that the petitioner is proposing a drive-through associated with the Dunkin Donuts, which requires an additional conditional use approval in the B4 Corridor Commercial District, and in addition, the petitioner also seeks an amendment to the previous sign approvals to allow for two additional wall signs on the property.

Mr. Heniff noted that there are already four conditional uses currently associated with the property, which include: conditional use for gasoline sales, conditional use for automobile service (car wash), conditional use for two principal buildings on one lot, and conditional use for outside display and sales of products.

Mr. Heniff described the configuration of the car wash noting that stacking for the drive-through is parallel to the lane for the car wash drive-through. He noted that it is not uncommon to have complementary businesses and uses associated with gas station establishments, and many such establishments within the community offer additional retail uses (indoor or outdoor) as well as other auto service uses such as car washes, vehicle service activities or even restaurant drive-

through facilities, such as the BP/McDonald's establishment east of the subject property. He stated that if a conditional use for the drive-through window is granted, the cumulative impact of this conditional use as well as all of the other conditional uses would negatively affect the property. He mentioned that there would be three auto-oriented uses on a property and a fourth conditional use (outside sales of product) that also impacts the automobile circulation and use of the site, which is just over an acre. He noted the petitioner's representation that the Dunkin Donuts will have peak hours in the morning whereas the gas station will have peak hours in the afternoon and evening. He stated that once a conditional use for a drive-through window is granted it is tied to the property, and there is nothing that would prevent a hamburger fast food restaurant or any modification to the Dunkin Donuts business operations, whose peak hours may coincide with the gas station, from taking over the lease and operating the drive-through as well.

Mr. Heniff stated that from a stacking and queuing standpoint, the petitioner's plan does provide the minimum number of stacking spaces for the drive-through window. He noted that looking at the cumulative impact of the use, staff notes that should the queue extend beyond eight spaces, it can impact the ability for other motorists to access the car wash lane, the parking spaces on the east side of the building and possibly even the access drive into the gas station along Route 53. He noted that the drive-through may also impact the ability for gasoline delivery vehicles or emergency vehicles from accessing the visit the site.

Mr. Heniff noted that no other gas station in the Village has approval for all of the conditional uses proposed for the petitioner's property, and staff has not supported conditional uses for restaurant drive-through windows on gas station that also have drive-through car washes. Staff believes that the cumulative impact of this window creates additional impacts on overall traffic congestion and as such does not meet the standards for conditional uses in this regard.

With regard to the requested signage variation, he noted that the subject property is allowed one wall sign per street frontage, for a total of two (2) wall signs, by a matter of right. He noted that with the approval for the gas station and car wash, a signage variation was granted to allow five (5) wall signs. He stated that the Sign Ordinance allows each business in a multi-tenant building a minimum of twenty-five (25) square feet for a wall sign. He mentioned that one of the conditions of approval associated with Ordinance #4920, which granted approval for the gas station and car wash back in 2000, limited the property to five (5) wall signs. He stated that staff finds that the gas station in combination with the other uses on the property present unique signage issues and the signs are appropriately sized and believes that the request is reasonable.

Mr. Heniff stated that the additional conditional use could burden the site and not create a quality site design. He stated that staff recommends partial approval – denial of the conditional use for a drive-through and approval for the signage variation. He noted that if the Plan Commission chooses to follow staff's recommendation, they must adopt the findings of the IDRC committee.

Chairperson Ryan opened the meeting for comments from the Plan Commission.

Commissioner Burke questioned the queuing and how that would conflict with access to the car wash. He stated that they seem to be independent of each other.

Mr. Heniff stated that it is the cumulative nature of the two land drive-through concept. He noted that any excessive stacking past the menu board could create conflicts. He stated that if there are more than nine vehicles stacked, it is not obvious which drive-through land is for which activity.

Commissioner Sweetser agreed. She noted that clear signage would prevent people from getting into the wrong queuing lane. She stated that until it proves itself unworokable, she doesn't see a problem with the proposed drive-through. She mentioned that if the site plan works, the number of condition uses on the property shouldn't matter. She expressed concern about emergency vehicle access and the conditional use for the drive-through being tied to the property for future uses. She asked staff if anything could be done once the conditional use is approved - could it be revoked?

Mr. Heniff stated that it could not be revoked. He noted that if Burger King took over the Dunkin Donuts lease, they would have rights to the drive-through.

George Wagner, Village Attorney, noted that the conditional use could be limited to certain hours or limited to certain venues.

Commissioner Burke asked if the Dunkin Donuts would be open twenty-four hours a day.

Commissioner Sweetser asked if limitations on the hours of operation for the drive-through were imposed, could they be modified. Mr. Heniff noted that they could be changed through an amendment to the conditional use.

Commissioner Frost stated that human nature would dictate that people would either go inside or not stop there if the drive-through lanes were fully stacked.

Commissioner Burke noted that there is a bypass lane which would allow someone to get out of the drive-through line. Mr. Heniff noted that if there are too many vehicles stacked, some cars would not be able to access the bypass lane. Commissioner Burke stated that situation happens at almost every drive-through in town.

Commissioner Sweetser stated she would consider approving the petition if the drive-through was conditioned so it wouldn't be tied to the property for future owners.

Mr. Heniff stated that if the Plan Commission makes a recommendation for approval they must make a finding that the proposed conditional use meets the standards and add a condition.

Mr. Valentini noted that with some of their other sites, the municipality tied the approval for the drive-through to the business license for Dunkin Donuts. He stated that if another business

comes in, they would have to reestablish the business license which would require the drive-through to come back for approval. He mentioned that Dunkin Donuts is a morning intense use and he felt that limiting the hours would confuse and send mixed messages to the customer.

Mr. Heniff stated that the Village doesn't license restaurants per se. He noted that the Village licenses food handlers, but having a legal standing to tie to a conditional use approval would be difficult.

Commissioner Sweetser commented on emergency vehicle access, noting that there is no place to access the west side of the car wash or drive-through if both lanes are fully stacked. She asked if any other properties are similarly constrained. Mr. Heniff stated that aren't properties that have both a car wash and a drive-through. Commissioner Sweetser stated that she doesn't care what uses are there and her concern is that the area to the west of the convenience mart would be undrivable if both stacking lanes are full. She noted that they don't know how often that would occur.

Mr. Hawkinson stated that they would be flexible as far as conditions of approval. He noted that the speed of service is important. He mentioned that wait time is 57 seconds from the time someone places and order until they drive away. He stated that they would be open to limited hours of operation, but concurred with Mr. Valentini's comments that it would confuse the customer and create an inconvenience. He noted that it wouldn't be a deal breaker and they would consider something like 5 AM to 10 PM.

Commissioner Burke noted that there are still a lot of loose ends with the petition and suggested that the petition be continued to the next meeting in order for staff and the petitioner to work out additional details.

Commissioner Sweetser asked if the petition should be addressed as two motions.

Mr. Valentini noted that there are two requests- one for the drive-through and one for the signage. He asked if the Plan Commission had any concerns about the wall signage.

Commissioner Sweetser stated she had no issue with the signage. She asked the petitioner if they were willing to reduce the outside display of products if the drive-through wasn't working.

August 20, 2007 Plan Commission

Mario Valentini with Warren Johnson Architects presented the petition. He mentioned that the petition was continued from the July Plan Commission because there were some general concerns and comments. He referenced that letter dated June 29, 2007 that addressed some of the concerns raised at the previous meeting. He stated that they were comfortable that the proposed site plan would not create any safety issues or hamper the business.

Chairperson Ryan then opened the meeting for public comment. No one spoke in favor or against the petition.

Chairperson Ryan then requested the staff report.

William Heniff, Senior Planner, presented the addendum staff report. He noted the Plan Commission continued the public hearing for PC 07-08 in order to allow the petitioner to provide additional information regarding the proposed drive-through establishment. Specifically, the Plan Commission requested additional information as follows:

1. Review what conditions that can be added that permits the drive-through, but addresses potential staff concerns regarding future changes in use.
2. Review what conditions or provisions that can be added that permits the drive-through but address potential staff concerns regarding hours of operation issues and conflicts.
3. Review the conditional use for outdoor storage provisions previously granted on the property.

Mr. Heniff referred to the petitioner's submitted letter that denotes their response to the Plan Commission comments. He noted that the petitioners are willing to tie the conditional use to the proposed use. He mentioned that the petitioners were also willing to not operate the drive-through between the hours of 10:00 p.m. and 5:00 a.m.

Mr. Heniff noted that the petitioner wanted the drive-through open during the daytime hours but offered that they would close at night. He stated that attaching conditions of approval to a petition should be related to the findings of fact associated with the case, and as the testimony did not demonstrate negative impacts of the use during overnight hours (commonly associated with properties abutting residential districts), this property is surrounded by commercial uses. He noted that this condition would serve little or no benefit.

Mr. Heniff stated that if the Plan Commission makes a finding that the conditional use can be supported but only for an establishment with an A.M. peak hour generator, the Plan Commission would need to make a finding of fact based upon that standard. He noted that a recommendation should state that the drive-through is limited to a restaurant use with an A.M. peak hour generator, with a requirement that the operator provide requisite traffic studies demonstrating compliance with that standard. This approach would tie the approval to the use rather than the operator itself.

Mr. Heniff noted that three areas were approved for the existing conditional use for outdoor sales and display—the fuel islands, the sidewalk in front of the convenience store and on the external periphery of the property along the adjacent right-of-way. He stated that the outdoor storage element that could affect circulation is the storage element on the perimeter of the site. He mentioned that while the petitioner did not include this within their request, the Plan

Commission could require that the outdoor sales element be limited to the fuel islands and the sidewalk only.

Mr. Heniff noted that the petition includes the wall sign relief as well. He stated that staff was supportive of the wall sign relief, but not the drive through window element. He mentioned that if the Plan Commission seeks to recommend approval of the petition in its entirety, staff offers alternative language for consideration as well.

Chairperson Ryan opened the meeting for comments from the Plan Commission.

Commissioner Burke stated that it makes sense to tie the conditional use to a morning peak hour traffic generator because it gives us a way to prevent problems in the future.

Chairperson Ryan noted that he was not at the last meeting, but he did go over the testimony. He noted he is prepared to vote if needed.

Commissioner Burke asked how to memorialize the condition of approval that ties the conditional use to a morning peak hour traffic generator.

Mr. Heniff stated that the addendum staff report includes language to improve the petition in its entirety.

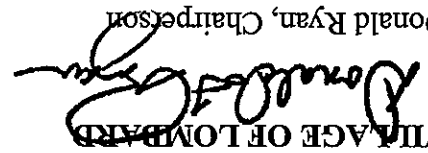
George Wagner, Village Attorney, stated that condition 5 relating to the outdoor activities would need to be removed. He noted that such a condition could only be added if the conditional use for outdoor sales and display were amended.

After due consideration of the petition and the testimony presented, the Plan Commission did not concur with the findings of the Inter-departmental Review Report and found that the requested conditional use and sign variation **does** comply with the standards required by the Lombard Zoning Ordinance for variations and conditional uses, but only subject to the conditions set forth herein; and, therefore, the Plan Commission, by a roll call vote of 5-0, recommended to the Corporate Authorities **approval** of the petition associated with PC 07-08 subject to the following conditions:

1. The signage shall be consistent with the proposed signage plan prepared by Warren Johnson Architects, and dated June 6, 2007.
2. The petitioner shall apply for and receive a building permit for the proposed signage prior to installation.
3. The conditional use for a drive through establishment shall be developed and operated in accordance with the submitted Site Plan, prepared by Warren Johnson Architects, dated June 6, 2007 and made a part of this petition.

4. The conditional use for the drive-through is limited to a restaurant use with an A.M. peak hour traffic generation. Any existing or proposed use shall be required to submit requisite traffic studies to the Village upon request demonstrating compliance with this provision.
5. Outdoor sales activities shall be limited to the existing fuel islands and sidewalk areas in front of the existing convenience store.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson

Lombard Plan Commission

c. Petitioner

Lombard Plan Commission

**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT
APPENDUM REPORT ONE**

TO: Lombard Plan Commission

FROM: Department of
Community Development

PREPARED BY: William Heniff, AICP
Senior Planner

TITLE

PC 07-08; 600 W. North Avenue: The petitioner requests that the Village amend Ordinance 4920 and take the following actions on the property located within the B4 Corridor Commercial District:

1. A conditional use for a second drive-through facility.

2. A variation from Section 153.505(B)(16)(a)(2) of the Lombard Sign Ordinance to increase the number of permitted wall signs.

GENERAL INFORMATION

Petitioner:

Warren Johnson Architects
19 N. Greely Street
Palatine, IL 60067

Status of Petitioner:

Consultant for Property Owner/Proposed Tenant

Property Owner:

Shell Oil Products US
904 S. Roselle Rd. #342
Schaumburg, IL 60193

PROPERTY INFORMATION

Existing Zoning:

B4 Corridor Commercial District

Existing Land Use:

Gas station with car wash and convenience store

Size of Property:

Approximately 1.2 Acres

Comprehensive Plan: Recommends Community Commercial.

Surrounding Zoning and Land Use:

North: B3PD Community Shopping District Planned Development; developed as
Northgate (Lombard Landings) Shopping Center
South: B4 Corridor Commercial District; developed as Jiffy Lube
East: B4 Corridor Commercial; developed as a BP gas station and McDonald's
restaurant with drive-through facility
West B3PD Community Shopping District Planned Development; developed as
Northgate (Lombard Landings) Shopping Center

ANALYSIS

DESCRIPTION

This addendum is based on a review of additional correspondence prepared by the petitioner, which was previously filed with the Department of Community Development and supplements the information previously provided as part of the public hearing request.

The Plan Commission continued the public hearing for PC 07-08 in order to allow the petitioner to provide additional information regarding the proposed drive-through establishment. Specifically, the Plan Commission requested additional information as follows:

1. Review what conditions that can be added that permits the drive-through, but addresses potential staff concerns regarding future changes in use.
2. Review what conditions or provisions that can be added that permits the drive-through but address potential staff concerns regarding hours of operation issues and conflicts.
3. Review the conditional use for outdoor storage provisions previously granted on the property.

The petitioner submitted the attached letter to the file that denotes their response to the Plan Commission comments. They note that they are willing to tie the conditional use to the petitioner's use. With respect to hours of operation, they propose that they would not operate the facility between the hours of 10:00 p.m. and 5:00 a.m. In response to their correspondence and discussion with Village Counsel, staff offers the following:

1. Conceptually, if the Plan Commission makes a finding that the conditional use can be supported but only for an establishment with an A.M. peak hour generator, the Plan Commission would need to make a finding of fact based upon that standard. Then, a recommendation should state that the drive-through is limited to a restaurant use with an A.M. peak hour generator, with a requirement that the operator provide requisite traffic studies demonstrating compliance with that standard. This approach would tie the approval to the use rather than the operator itself.

2. With respect to the hours of operation, the petitioner denoted that they wanted the drive-through open during the daytime hours but offered that they would close at night. Attaching conditions of approval to a petition should be related to the findings of fact associated with the case. As the testimony did not demonstrate negative impacts of the use during overnight hours (commonly associated with properties abutting residential districts), this property is surrounded by commercial uses. As such, this condition would serve little or no benefit.

3. With respect to the existing conditional use for outdoor sales and display, three areas were approved – the fuel islands, the sidewalk in front of the convenience store and on the external periphery of the property along the adjacent right-of-way. The outdoor storage element that could affect circulation is the storage element on the perimeter of the site. As such, while the petitioner did not include this within their request, the Plan Commission could require that the outdoor sales element be limited to the fuel islands and the sidewalk only.

Staff Comments

As the Commissioner's will remember, the petition includes the wall sign relief as well. Staff was supportive of the wall sign relief, but not the drive through window element. However, if the Plan Commission seeks to recommend approval of the petition in its entirety, staff offers alternative language for consideration as well.

Recommendation for Signage Approval and Conditional Use Denial

Based on the above considerations, the Inter-Departmental Review Committee has reviewed the standards for conditional uses and variations and finds that the proposal meets the standards for variations, but does not meet the standards for conditional uses and therefore recommends that the Plan Commission make the following motion recommending **partial approval** of this petition:

Based on the submitted petition and the testimony presented, the requested conditional use **does not** comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission recommend to the Corporate Authorities **denial** of the conditional use associated with PC 07-08.

Based on the submitted petition and testimony presented the requested sign variation does comply with the standards required by the Lombard Zoning and Sign Ordinances; and, therefore, I move that the Plan Commission recommend to the Corporate Authorities **approval** of the sign variation associated with PC 07-08 subject to the following conditions:

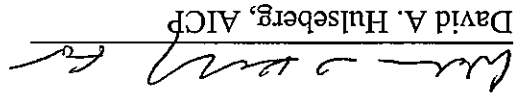
1. The signage shall be consistent with the proposed signage plan prepared by Warren Johnson Architects, and dated June 6, 2007.
2. The petitioner shall apply for and receive a building permit for the proposed signage prior to installation.

Recommendation of Approval of the Petition in its Entirety

Based on the submitted petition and the testimony presented, I move that the Plan Commission not concur with the findings of the Inter-departmental Review Report and find that the requested conditional use and sign variation **does** comply with the standards required by the Lombard Zoning Ordinance for variations and conditional uses, but only subject to the conditions set forth herein; and, therefore, recommends to the Corporate Authorities **approval** of PC 07-08, subject to the following conditions:

1. The signage shall be consistent with the proposed signage plan prepared by Warren Johnson Architects, and dated June 6, 2007.
2. The petitioner shall apply for and receive a building permit for the proposed signage prior to installation.
3. The conditional use for a drive through establishment shall be developed and operated in accordance with the submitted Site Plan, prepared by Warren Johnson Architects, dated June 6, 2007 and made a part of this petition.
4. The conditional use for the drive-through is limited to a restaurant use with an A.M. peak hour traffic generation. Any existing or proposed use shall be required to submit requisite traffic studies to the Village upon request demonstrating compliance with this provision.
5. Outdoor sales activities shall be limited to the existing fuel islands and sidewalk areas in front of the existing convenience store.

Inter-Departmental Review Report Approved By:



David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

c. Petitioner

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

TO: Lombard Plan Commission

FROM: Department of Community Development

PREPARED BY: Michelle Kulikowski, AICP
Planner I

HEARING DATE: July 16, 2007

TITLE

PC 07-08; 600 W. North Avenue: The petitioner requests that the Village amend Ordinance 4920 and take the following actions on the property located within the B4 Corridor Commercial District:

1. A conditional use for a second drive-through facility.
2. A variation from Section 153.505(B)(16)(a)(2) of the Lombard Sign Ordinance to increase the number of permitted wall signs.

GENERAL INFORMATION

Petitioner: Warren Johnson Architects
19 N. Greely Street
Palatine, IL 60067

Status of Petitioner: Consultant for Property Owner/Proposed Tenant

Property Owner: Shell Oil Products US
904 S. Roselle Rd. #342
Schamburg, IL 60193

PROPERTY INFORMATION

Existing Zoning: B4 Corridor Commercial District

Existing Land Use: Gas station with car wash and convenience store

Size of Property: Approximately 1.2 Acres

Comprehensive Plan: Recommends Community Commercial.

Surrounding Zoning and Land Use:

North: B3PD Community Shopping District Planned Development; developed as Northgate (Lombard Landings) Shopping Center
South: B4 Corridor Commercial District; developed as Jiffy Lube
East: B4 Corridor Commercial; developed as a BP gas station and McDonald's restaurant with drive-through facility
West: B3PD Community Shopping District Planned Development; developed as Northgate (Lombard Landings) Shopping Center

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on February 16, 2007 and June 12, 2007:

1. Petition for Public Hearing.
2. Response to Standards for Conditional Uses and for Variations.
3. Site Plan, prepared by Warren Johnson Architects, and dated June 6, 2007.
4. Building elevations and proposed signage prepared by Warren Johnson Architects, and dated June 6, 2007.

DESCRIPTION

The subject property is located at the northwest corner of North Avenue (IL Route 64) and Rohlfing Road (IL Route 53) adjacent to the Northgate (Lombard Landings) Shopping Center. In 2000, the Village Board approved a conditional use for a gas station and a car wash on the property (PC 00-54). The car wash and convenience mart are in separate buildings, and the gas station has a large canopy covering the fuel pumps. The Shell gas station has entered into an agreement to lease the portion of the convenience store that is currently used as a deli counter to Dunkin Donuts. The petitioner is proposing a drive-through associated with the Dunkin Donuts, which requires an additional conditional use approval in the B4 Corridor Commercial District. The petitioner also seeks an amendment to the previous sign approvals to allow for two additional wall signs on the property.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

The Engineering Division of the Public Works Department has no comments on the petition.

ENGINEERING

The Private Engineering Services Division has no comments regarding the proposed project.

BUILDING AND FIRE

The Bureau of Inspectional Services comments that with the possible vehicle stacking at the drive thru and the car wash, proper emergency vehicle/equipment access is to be maintained at all times.

PLANNING

Compliance with the Zoning Ordinance

The proposed Dunkin Donuts is not considered a change in use as its proposed location is within the convenience store in the space that is currently used as a deli counter. As such, Dunkin Donuts can lease space in the convenience mart without any zoning action. However, the petitioner is proposing a new drive-through window in conjunction with the Dunkin Donuts operations, which requires an conditional use approval.

Staff notes that there are already four conditional uses currently associated with the property, which are as follows:

- Conditional use for gasoline sales,
- Conditional use for automobile service (car wash),
- Conditional use for two principal buildings on one lot, and
- Conditional use for outside display and sales of products.

The drive-through conditional use is proposed to operate in a counter-clockwise manner. Vehicles using the drive-through would be directed to drive around the rear of the convenience store and stack in a parallel lane to the car wash drive-through lane. The menu board would be located behind the building and between the drive-through lanes and the vehicle delivery area. Once orders have been placed by customers, he/she would proceed to the window placed on the west side of the convenience store.

For a conditional use to be recommended for approval, the standards for conditional uses must be met, pursuant to Section 155.103 (F)(8) of the Zoning Ordinance. Staff offers its concerns and findings relative to the following standards:

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;*
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;*
6. *That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and,*
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 notes that it is not uncommon to have complementary businesses and uses associated with gas station establishments. Many such establishments within the community offer additional retail uses (indoor or outdoor) as well as other auto service uses such as car washes, vehicle service activities or even restaurant drive-through facilities, such as the BF/McDonald's establishment east of the subject property.

However, when reviewing this petition, staff finds that if a conditional use for the drive-through window is granted, the cumulative impact of this conditional use as well as all of the other conditional uses would negatively affect the property. Essentially, there would be three auto-oriented uses on a property and a forth conditional use (outside sales of product) that also impacts the automobile circulation and use of the site, which is just over an acre.

The petitioner has represented that the Dunkin Donuts will have peak hours in the morning whereas the gas station will have peak hours in the afternoon and evening. However, once a conditional use for a drive-through window is granted it is tied to the property. There is nothing that would prevent a hamburger fast food restaurant or any modification to the Dunkin Donuts business operations, whose peak hours may coincide with the gas station, from taking over the lease and operating the drive-through as well. Empirical evidence from similar types of coffee establishments finds that while their peak hour of generation may be in the morning, there will be business activity throughout the entire day.

From a stacking and queuing standpoint, the petitioner's plan does provide the minimum number of stacking spaces for the drive-through window. However, when one looks as the cumulative impact of the use, staff notes that should the queue extend beyond eight spaces, it can impact the ability for other motorists to access the car wash lane, the parking spaces on the east side of the building and

possibly even the access drive into the gas station along Route 53. The drive-through may also impact the ability for gasoline delivery vehicles from accessing the site or may hinder the ability of motorists to circulate around the property during these periods. Staff also has concerns about the ability to maneuver emergency vehicles around the site if the site is "overloaded" with an excessive number of differing auto uses.

Overall, staff expresses its concerns regarding the cumulative effect of all of the conditional uses for the site. Staff also notes that no other gas station in the Village has approval for all of the conditional uses proposed for the petitioner's property. Staff has not supported conditional uses for restaurant drive-through windows on gas station that also have drive-through car washes. Staff believes that the cumulative impact of this window creates additional impacts on overall traffic congestion and as such does not meet the standards for conditional uses in this regard.

Compliance with the Sign Ordinance

The subject property is allowed one wall sign per street frontage, for a total of two (2) wall signs, by a matter of right. With the approval for the gas station and car wash, a signage variation was granted to allow five (5) wall signs. There is one wall sign on the convenient mart building, one on the car wash building, and one wall sign on each of three sides of the canopy structure.

The Sign Ordinance allows each business in a multi-tenant building a minimum of twenty-five (25) square feet for a wall sign. However, one of the conditions of approval associated with Ordinance #4920, which granted approval for the gas station and car wash back in 2000, limited the property to five (5) wall signs. Staff finds that the gas station in combination with the other uses on the property present unique signage issues. Additionally, staff finds that the signs are appropriately sized and believes that the request is reasonable.

Compliance with the Comprehensive Plan

The Long-Range Plan Map of the Comprehensive Plan recommends that the property be used as community commercial uses at this location. While the existing commercial uses and the proposed drive-through are consistent with the recommendation of the Comprehensive Plan, the Plan does note as an objective to "encourage quality site development and amenities in commercial areas" (pg. 9). Staff believes the additional vehicle oriented conditional use can excessively burden the site, which in turn would not create a quality site design. As such, staff does not believe that the petition meets the objectives of the Comprehensive Plan.

Compatibility with Surrounding Zoning

The property is within the North Avenue corridor, which includes a wide variety of uses, including a fair number of auto-oriented uses. The property abuts a commercial shopping area and an existing cross-access easement has been established between the properties. The existing uses and the proposed drive-through are consistent with the zoning of the adjacent properties, albeit the additional drive-through may create additional traffic in the adjacent center.

FINDINGS AND RECOMMENDATIONS

Based on the above considerations, the Inter-Departmental Review Committee has reviewed the standards for conditional uses and variations and finds that the proposal meets the standards for variations, but does not meet the standards for conditional uses and therefore recommends that the Plan Commission make the following motion recommending **partial approval** of this petition:

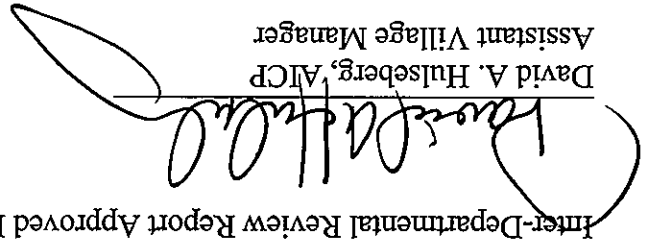
Based on the submitted petition and the testimony presented, the requested conditional use **does not** comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission recommend to the Corporate Authorities **denial** of the conditional use associated with PC 07-08.

Based on the submitted petition and testimony presented the requested sign variation does comply with the standards required by the Lombard Zoning and Sign Ordinances; and, therefore, I move that the Plan Commission recommend to the Corporate Authorities **approval** of the sign variation associated with PC 07-08 subject to the following conditions:

1. The signage shall be consistent with the proposed signage plan prepared by Warren Johnson Architects, and dated June 6, 2007.

2. The petitioner shall apply for and receive a building permit for the proposed signage prior to installation.

Inter-Departmental Review Report Approved By:


David A. Hulseberg, AICP
Assistant Village Manager

MK:jld

att-

c. Petitioner

Attn: Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148

Re: Plan Commission Submittal-Sign Variation
Dunkin' Donuts
600 W. North Avenue

June 12, 2007

Attn: Department of Community Development
Ms. Michelle Kulkowski

The following is a written response to the applicable standards for variations, section 155.103.C.7 of the Lombard Zoning Ordinance:

Dunkin' Donuts is seeking a variance to allow additional signage within the Shell Gasoline station located at 600 W. North Avenue.

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

The necessity for additional signage is crucial for the Dunkin' Donuts to be effective as a drive thru fast food restaurant. The signage will provide guidance by directing traffic flow into and out of the site. It will also provide customer awareness by notifying potential consumers of the existence and location of the restaurant, in addition to providing the quick and orderly flow of service.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

The Dunkin' Donuts is located within a Shell Gasoline Station, which is not a typical occurrence. The need for additional signage to guide and notify consumers of its existence and location is critical to both the function and operation of the restaurant as well as the safety of all consumers and employees.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain. The purpose of this variation is to be able to inform potential consumers that a Dunkin' Donuts with a drive thru exists within the Shell Gasoline Station.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

Due to the fact that the Dunkin' Donuts is going to be located within the existing Shell Gasoline Station, a variance is needed in order to provide signage that will identify the Dunkin' Donuts.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which property is located.

The granting of the variation will not be detrimental in any way to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

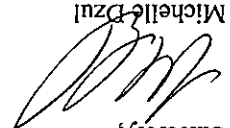
6. The granting of the variation will not alter the essential character of the neighborhood; and,

Adding the convenience of a drive thru Dunkin' Donuts will only strengthen the value of the existing lot as well as the surrounding areas.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The Dunkin' Donuts will be located within the existing Shell Gasoline Station, therefore the proposed variation will not impair an adequate supply of light and air to adjacent property. A traffic impact analysis is currently being prepared to determine if the drive thru will cause an increase in the congestion of the public streets. All necessary safety means will be enforced so as not to increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Please, feel free to call if you have any questions or comments.

Sincerely,

Michelle Dzu

Warren Johnson Architects, Inc.

Attn: Village of Lombard

Plan Commission
255 E. Wilson Avenue
Lombard, IL 60148

Re: Plan Commission Submittal-Conditional Use

Dunkin' Donuts
600 W. North Avenue

February 15, 2007

Attn: Plan Commission

Ms. Michelle Kullikowski

The following is a written response to the applicable standards listed in the plan commission packet.

Dunkin' Donuts is seeking a conditional use to allow the addition of (1) drive thru within the Shell Gasoline station located at 600 W. North Avenue.

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 addition of a drive thru window will allow the Dunkin' Donuts to be effective as a fast food restaurant, it will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

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.

The intersection that the property is located on is a main thoroughfare, adding the convenience of a drive thru facility will only strengthen the value of the existing lot as well as the surrounding areas.

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 site is located on a corner lot, the addition of a drive thru will allow for the quick and orderly flow of service and traffic.

4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided.

All public utilities, access roads, drainage and/or necessary facilities already exist at the site.

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.

Additional pavement striping and hatching and directional signs will be added on the north side of the lot to direct the traffic flow to the appropriate areas as well as in and out of the site.

6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard.

The proposed drive thru is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard, but rather a component that will help strengthen the plan.

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.

The proposed drive thru will comply with all regulations set forth.

Please, feel free to call if you have any questions or comments.

Sincerely,

Michelle Dzul
Warren Johnson Architects, Inc.

Attn: Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148

Re: Dunkin' Donuts
600 W. North Avenue

June 29, 2007

Attn: Department of Community Development
Ms. Michelle Kulikowski

The following is a written response to the concerns and issues received via email on June 21, 2007:

1. Dunkin' Donuts does not have any refrigerated delivery trucks coming to the site. There will a 4:00 a.m. daily delivery from a 15'-0" box truck. This delivery truck will unload in the striped area north of the building so as not to interfere with anything else taking place on the site.
2. An additional site plan, SP-2, has been established indicating the path of travel for the fueling truck. The fueling truck arrives daily and remains on site for approximately 15-20 minutes; this has been in effect since the gas station has been established. The parking stalls are all existing and have not caused any interference with the fueling truck in the past and therefore are not expected to interfere in the future. The majority of customers coming to the Dunkin' Donuts will use the drive thru, therefore alleviating the amount of parked cars.
3. Please refer to Sheet SP-2.

Please, feel free to call if you have any questions or comments.

Sincerely,


Michelle Dzul

Warren Johnson Architects, Inc.

Mr. Mark Hawkinson, Dunkin Brands Inc.
Mr. Akhtar Ramzanali, R. A. Solutions

Senior Project Manager
Mario Valentini

Sincerely,
Mario Valentini

Please, feel free to call if you have any questions or comments.

I hope this information helps clarify the position of Dunkin Donuts. As mentioned at the hearing, it is the position of both Shell and Dunkin Donuts that the operation of the drive-thru window will not be a detriment to the businesses and the public safety. This site is much larger than the typical sites of a similar use impact and both businesses feel the public and the Village will benefit.

In regards to the timeframe that the window is in use, Dunkin Donuts would want the window to remain operable as long as they are open for business. However, one concession they are willing to make is the operation of the drive-thru from 5:00 a.m. to 10:00 p.m. Any other limitations to the drive-thru hours of operation will not be an acceptable alternative and may in essence stop Dunkin Donuts from proceeding.

As a suggestion to the concern over the change in ownership and the conditional use staying with the building, we understand the boards concerns that another user could come in a create a conflict with the predetermined peak times. Therefore, the landlord and Dunkin Donuts have agreed and recommended that a condition of the approval be that the conditional use is tied to Dunkin Donuts only. If this business were to leave for any reason, the conditional use would be void and have to be re-established for a new potential tenant.

Per the July 16th Plan Commission meeting, I have confirmed with the Dunkin Donuts owner/operator several of the concerns raised by the board. It is our contention that the use of the drive-thru window is critical to the success of this location. If the conditional use were not approved, Dunkin Donuts will not go in to this space.

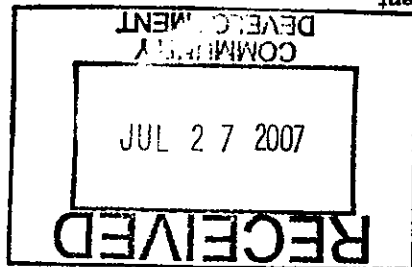
Dear Mr. Heniff,

Re: Dunkin' Donuts, 600 W. North Avenue

William Heniff
Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148

June 29, 2007

JOHNSON ARCHITECTS, INC.



19 North Greeley Street, Palatine, Illinois 60067-5025
Telephone: 1.847.359.9616 Fax: 1.847.359.9641

WHEREAS, the Plan Commission also found that the stacking and queuing of vehicles during the simultaneous operation of these two (2) conditional uses should not create unsafe vehicle congestion on the site; and,

WHEREAS, the Plan Commission has found that the conditional use for a drive-through restaurant facility is expected to have peak hours in the morning, while the previously approved conditional use for a car wash experiences its peak hours in the afternoons and evenings; and

WHEREAS, a public hearings on the foregoing application were conducted by the Village of Lombard Plan Commission on July 16, 2007 and August 20, 2007 pursuant to appropriate and legal notice; and,

WHEREAS, an application has been filed requesting an amendment to Ordinance 4920 to grant a conditional use for a second drive-through facility and grant a variation from Section 153.505(B)(16)(a)(2) of the Lombard Sign Ordinance to increase the number of permitted wall signs; and

WHEREAS, the Subject Property as defined below is zoned B4 Corridor Commercial District; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Sign Ordinance, otherwise known as Title 15, Chapter 153 of the Code of Lombard, Illinois; and,

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,

The petitioner requests that the Village amend Ordinance 4920 and take the following actions on the property located within the B4 Corridor Commercial District:

(PC 07-08: 600 W. North Avenue)

AN ORDINANCE AMENDING ORDINANCE 4920, GRANTING A CONDITIONAL USE FOR A SECOND DRIVE-THROUGH FACILITY, AND GRANTING A VARIATION FROM THE LOMBARD SIGN ORDINANCE

ORDINANCE NO. _____

WHEREAS, the Plan Commission also found that the simultaneous operation of these two (2) conditional uses are likely to create unsafe vehicle congestion in the event that both uses generate their peak traffic volumes during the same time period; and,

WHEREAS, the Plan Commission also found that for the protection of the public interest and to insure that the conditional use for a drive through restaurant facility is not detrimental to, and does not endanger the public health, safety, morals, comfort or general welfare, as required by conditional use standard 155.103(F)(8)(a) of the Lombard Zoning Code, said conditional use shall be limited to restaurant uses that generate peak traffic volumes in the mornings; and

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the conditional use described herein, subject to conditions; 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, as follows:

SECTION 1: That Ordinance 4920 pertaining to the Subject Property, as described in Section 4 below, is hereby amended to provide for the relief set forth in Sections 2 and 3 below.

SECTION 2: That a conditional is hereby granted for the Subject Property, as described in Section 4 below, pursuant to Title 15, Chapter 155, Section 418 (C) of the Lombard Village Code to provide for use for a second drive-through facility, subject to the conditions set forth in Section 5 below.

SECTION 3: That a variation is hereby granted from the provisions of Section 153.505(B)(16)(a)(2) of the Lombard Sign Ordinance to increase the number of permitted wall signs, subject to the conditions set forth in Section 5 below.

SECTION 4: That this Ordinance is limited and restricted to the property located at 600 W. North Avenue, Lombard, Illinois and legally described as follows:

LOT 1 IN EQUILON ENTERPRISES LLC CONSOLIDATION PLAT NO. 3 OF
PART OF THE SOUTHEAST QUARTER OF SECTION 36 TOWNSHIP 40
NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN
DUPAGE COUNTY ILLINOIS

Parcel Number: 02-36-412-035; (the "Subject Property").

SECTION 5: The approval of the actions set forth in Sections 1, 2 and 3 above shall be subject to the following conditions:

1. The signage shall be consistent with the proposed signage plan prepared by Warren Johnson Architects, and dated June 6, 2007.
2. The petitioner shall apply for and receive a building permit for the proposed signage prior to installation.
3. The conditional use for a drive through establishment shall be developed and operated in accordance with the submitted Site Plan, prepared by Warren Johnson Architects, dated June 6, 2007 and made a part of this petition.
4. The conditional use for the drive-through is limited to a restaurant use with an A.M. peak hour traffic generation. Any existing or proposed use shall be required to submit requisite traffic studies to the Village upon request demonstrating compliance with this provision.

SECTION 6: That all other provisions of Ordinance 4920 not amended by this Ordinance shall remain in full force and effect.

SECTION 7: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2007.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet form on this _____ day of _____, 2007.

Brigitte O'Brien, Village Clerk