

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: January 5, 2004 (B of T) Date: January 15, 2004

TITLE: ZBA 03-27: 25 E. North Avenue

SUBMITTED BY: Department of Community Development *DT/WH*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration a petition requesting a variation to Section 155.414 (K) of the Lombard Zoning Ordinance to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') the B3 Community Shopping District. (DISTRICT #4)

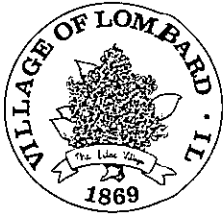
The Zoning Board of Appeals recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W. T. Lichter* Date *1/7/04*

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. Hulseberg, AICP, Director of Community Development DH / WH

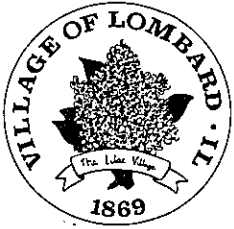
DATE: January 15, 2004

SUBJECT: ZBA 03-27: 25 E. North Avenue

Attached please find the following items for Village Board consideration as part of the January 15, 2004 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 03-27;
3. A draft Ordinance granting approval of the requested relief from the Zoning Ordinance; and
4. Companion site plans associated with the petitioner's request.

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



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148
630/620-5700 FAX: 630/620-8222
TDD: 630/620-5812
www.villageoflombard.org

January 15, 2004

Village President
William J. Mueller

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

Trustees

Joan DeStephano, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

Subject: ZBA 03-27; 25 E. North Avenue

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation to Section 155.414 (K) of the Lombard Zoning Ordinance to reduce the required transitional landscape yard from thirty feet (30') to fifteen feet (15') in the B3 Community Shopping District.

The Zoning Board of Appeals conducted a public hearing on December 17, 2003. George Evangelopoulos of GEA Architects, presented the petition. He opened his presentation by noting that he reviewed the staff report and he met with staff to incorporate their recommendations into the design of the building. He then submitted new drawings of the proposed development based upon staff's recommendations.

"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."

He then described the project. The proposed retail center will be about 7,000 square feet in size and will provide for up to six separate tenant spaces. He then stated that other than the transitional yard encroachment, the proposed development would meet all other provisions of the Zoning Ordinance.

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

He stated that the transitional yard request is for a reduction to the yards adjacent to areas where the property abuts a detention facility. He noted that the proposed development would meet all setback requirements for the area which abuts the single-family residential lot. The requested relief on the south side of the property is to accommodate truck loading and requisite Fire Department access to the building. The relief for the east transitional yard is to provide for an additional parking space and an access driveway to North Avenue.

Chairperson DeFalco then opened the meeting for public comment. No one spoke for or against the petition.

William Heniff, Senior Planner, presented the staff report. He restated the request and described the project. He noted that the Comprehensive Plan recommends Community Commercial uses on the subject property and the proposed retail uses proposed for the building would be compatible with the Comprehensive Plan designation.

He stated that the site is currently vacant. Immediately east and south of the subject property are retention ponds that were constructed as part of the Providence Glen residential development. To the west is an existing Phillips 66 gas station/convenience mart that was constructed in 2000. A cross-access easement exists between the two properties that allows for internal circulation. There is a single-family residence abutting the southeast side of the subject property. Staff believes that the proposed use would be compatible with the existing land uses surrounding the site. However, to ensure that the overall impacts of the new development are satisfactorily addressed, staff offers additional comments and recommendations, which he described in detail.

He noted two areas in which the transitional landscape yard encroachments occur are adjacent to areas that are currently improved with a detention pond. The variation for the rear transitional yard is intended to facilitate the loading activities as well as providing for requisite Fire Department access around the building. The relief for the side yard is requested in order to provide for sufficient parking and to allow for the relocation of the proposed access driveway into the site.

Mr. Heniff then described the proposed signage. The petitioner is proposing adding channel lettered wall signs for each of the proposed spaces. The petitioner is not requesting any relief associated with this petition – he will be required to meet the underlying Sign Ordinance provisions for the B3 District. He then referenced the conditions recommended by staff to ensure that the proposed signage and awnings present a favorable appearance to neighboring properties.

Referencing the proposed landscaping, the landscape plan indicates that the landscape plant material requirements will be provided per code, consisting of shade trees every 25 feet and two rows of shrub masses. With respect to fencing, the Village Board previously granted relief for the erection of a six-foot solid fence along the property as part of the Providence Glen development. This fence has been installed and provides an additional screening and noise-buffering element between the subdivision and the subject property.

He then noted the petitioner's plan proposes the construction of a parking lot on the north side of the building and construction of a service/loading area to the rear. Rear access will be provided via an access drive from the property to the west. The petitioner (who is also the owner of the property immediately west of the subject property) is proposing to widen the drive aisle around the gas station and is proposing to sign and stripe the car wash drive through lane in a manner that minimizes vehicle conflicts on the property. Staff recommends this as a condition of approval.

The North Avenue driveway will be constructed as a right-in, right-out facility. Staff has reviewed the proposed IDOT construction plans for North Avenue and finds that the pavement surface will be located 30 feet closer to the property line. This modification should not impact the overall site development. However, staff will still require IDOT review and approval of any improvement within their right-of-way.

The petitioner is providing 26 spaces on the north side of the property for employees and customers, which would meet the Village's parking requirement when the storage and mechanical area exemptions are factored in. The petitioner anticipates about 500 square feet (or about 2½ percent of the overall gross area) will be for this activity. He also referenced additional staff conditions to minimize parking conflicts and impacts on adjacent properties.

This development would be considered a major development as expressed in the Subdivision and Development Ordinance. Therefore, the petitioner will be required to install public improvements per code. The petitioner has already provided cross access easements to the property to the west. As North Avenue is currently under the jurisdiction of IDOT, any required improvements will need to be approved by the Village and IDOT. Staff will also require that as a condition of approval that the petitioner provides a plat of resubdivision for the property making the property a lot of record.

To ensure that these impacts are removed or minimized, staff has met with the petitioner and the petitioner is agreeing to modifications to the site plan and layout accordingly. Staff wants to ensure that the development is compatible with the adjacent neighborhood and presents a positive appearance for the adjacent residences as well as the overall corridor and referenced additional conditions of approval in the staff report.

Overall, staff recommends approval of the petitions, subject to the conditions in the staff report.

Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Mr. Polley asked about the proposed sound wall IDOT is constructing along North Avenue. Mr. Heniff noted that a sound wall will not be installed in front of the subject property.

Mr. Polley then asked about the types of stores that may be located in the center. The petitioner stated that they plan to lease the property to uses that are permitted within the B3 District. Generally speaking, they will look to fill the site with convenience commercial uses.

Mr. Young then asked about the requested relief to the transitional yard. Mr. Heniff noted that the relief would only be for the paved surfaces noted in gray on the site plan. The proposed building meets all setback requirements.

Mr. Young then referenced the conditions associated with the recommendation for approval. Mr. Heniff felt that the conditions locked the petitioner into constructing the site as depicted on the site plan. He then noted that should a recommendation for approval be made, the date associated with condition number 1 should be changed to December 16, 2003 to reflect the latest plans that were submitted to the file.

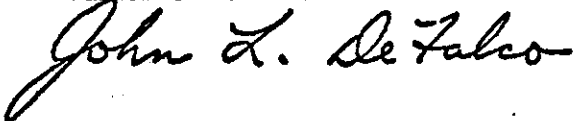
After due consideration of the petition and testimony presented, the proposed development meets the standards for variations as expressed in the Zoning Ordinance. Therefore, the Zoning Board of Appeals recommended approval by a vote of 5-0 of the transitional landscape yard variation request, subject to the following conditions, as amended:

1. That the petitioner shall develop the site in accordance with the site plans prepared by GEA Architects, Ltd., updated December 16, 2003 and submitted as part of this request.
2. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
3. That as part of the public improvements, the petitioner shall provide full public improvements as required by Sections 154.304 and 154.306 of the Lombard Subdivision and Development Ordinance. The final design and location of all public improvements shall be reviewed and approved by the Village and/or the Illinois Department of Transportation.
4. That any trash enclosure screening as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the principal building.
5. To ensure that the proposed signage and awnings present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
 - a. That channel lettering shall only be used for the wall signs.
 - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
 - c. That the awnings shall be of a uniform design and color around the building.
6. That the petitioner shall effectuate improvements on the abutting gas station property, as shown on the petitioner's submitted plans. These improvements shall include widening the drive aisle around the gas station building and sign and stripe the car wash drive through lane in a manner that minimizes vehicle conflicts on the property. Said design shall be subject to review and approval of the Director of Community Development.

7. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall operate the property, as follows:
 - a. Overnight parking shall be prohibited south of the proposed building.
 - b. No more than fifty (50%) of the proposed building square footage shall be allowed to be occupied by restaurant uses.
 - c. That the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.
8. That the petitioner shall provide a plat of subdivision for the subject property making the property a lot of record.
9. That the following elevational changes shall be made to the property, as follows:
 - a. The petitioner shall modify the proposed east, south and west elevations to break up the proposed brick mass. The modified elevations may include a combination of inset brick, window or spandrel glass insets and/or use of an additional brick color. The final design of the wall elevations shall be subject to the Director of Community Development.
 - b. That the proposed woodscreen on the south elevation be replaced with an extended parapet wall similar to the other three building elevations.
 - c. That additional awnings shall be placed on the access doors, consistent with the other three proposed elevations.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

att-

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

TO: Zoning Board of Appeals HEARING DATE: December 10, 2003
FROM: Department of Community PREPARED BY: William Heniff, AICP
 Development Senior Planner

TITLE

ZBA 03-27; 25 E. North Avenue: The petitioner requests a variation to Section 155.414 (K) of the Lombard Zoning Ordinance to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') the B3 Community Shopping District.

GENERAL INFORMATION

Petitioner: George Evangelopoulos
 7650 W. 185th Street
 Tinley Park, IL 60477

Property Owner: Mohammed Hockla
 5 E. North Avenue
 Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: B3 Community Shopping District

Existing Land Use: Vacant Property

Size of Property: Approximately 32,446 Square Feet

Surrounding Zoning and Land Use:

North: I Limited Industrial District; vacant land

South: R2PD Single-Family Residence District Planned Development
 (Providence Glen); Detention Pond, Single-Family Residences

East: R2PD Single-Family Residence District Planned Development
(Providence Glen); Detention Pond, Single-Family Residences

West: B3 Community Shopping District; Gas Station

ANALYSIS

SUBMITTALS

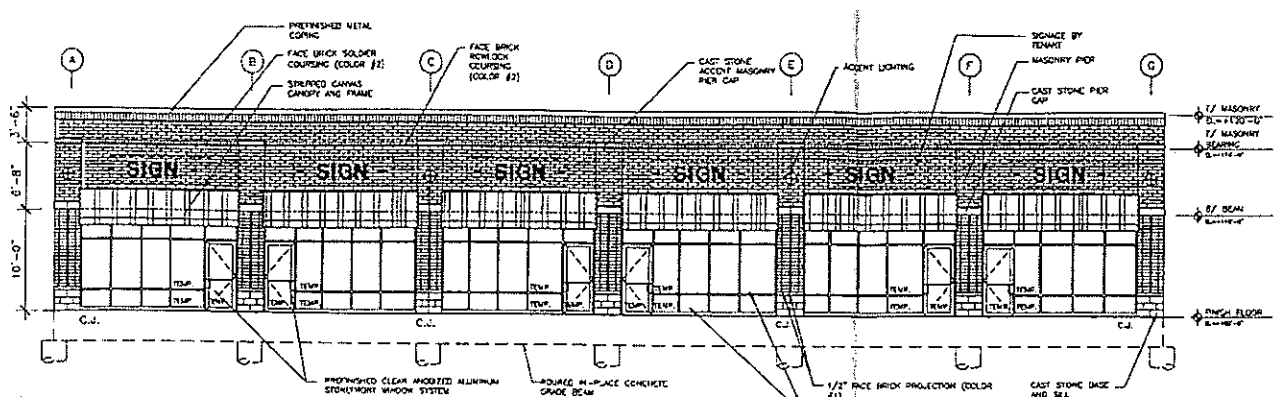
This report is based on the following documents, which were filed with the Department of Community Development on November 13, 2003.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Site Plan, Elevations, and Landscape Plan prepared by GEA Architects, Ltd., updated November 10, 2003.
4. Plat of Survey, Prepared by McClure Engineering Associates, dated September 7, 2001.
5. Photometric Plan, prepared by Ruud Engineering, dated November 24, 2003.

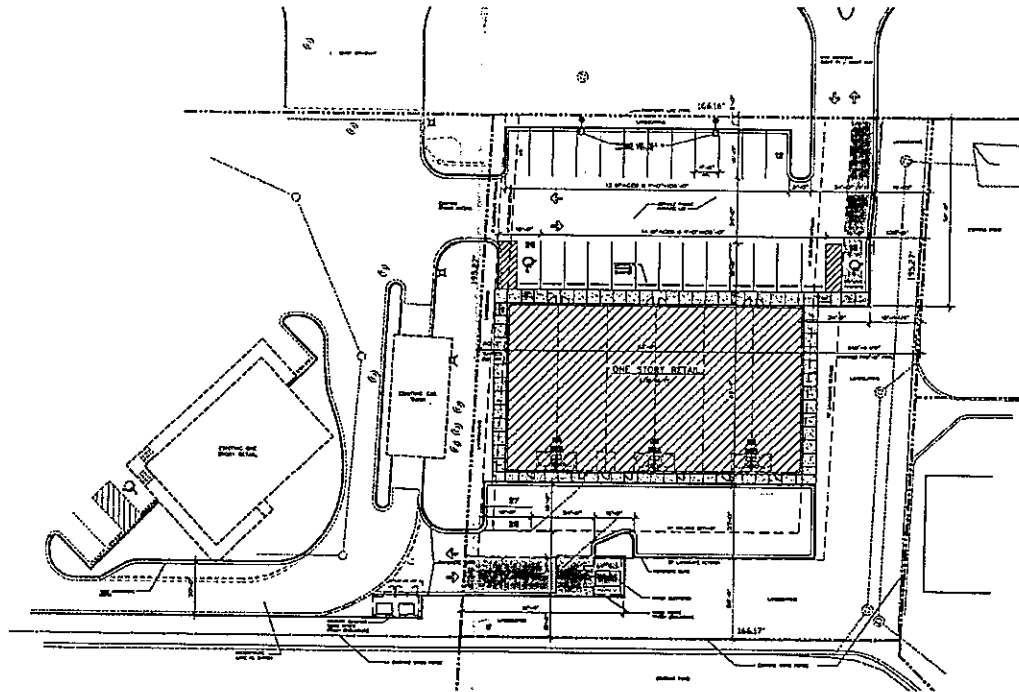
DESCRIPTION

The petitioner is requesting approval of a variation to the transitional landscape requirements in order to construct a parking lot and access driveway improvements associated with the construction of a new strip shopping center on the property. The plans provide for up to six separate store spaces. However, upon selection of tenants, this number could be reduced, as some tenants may need larger spaces.

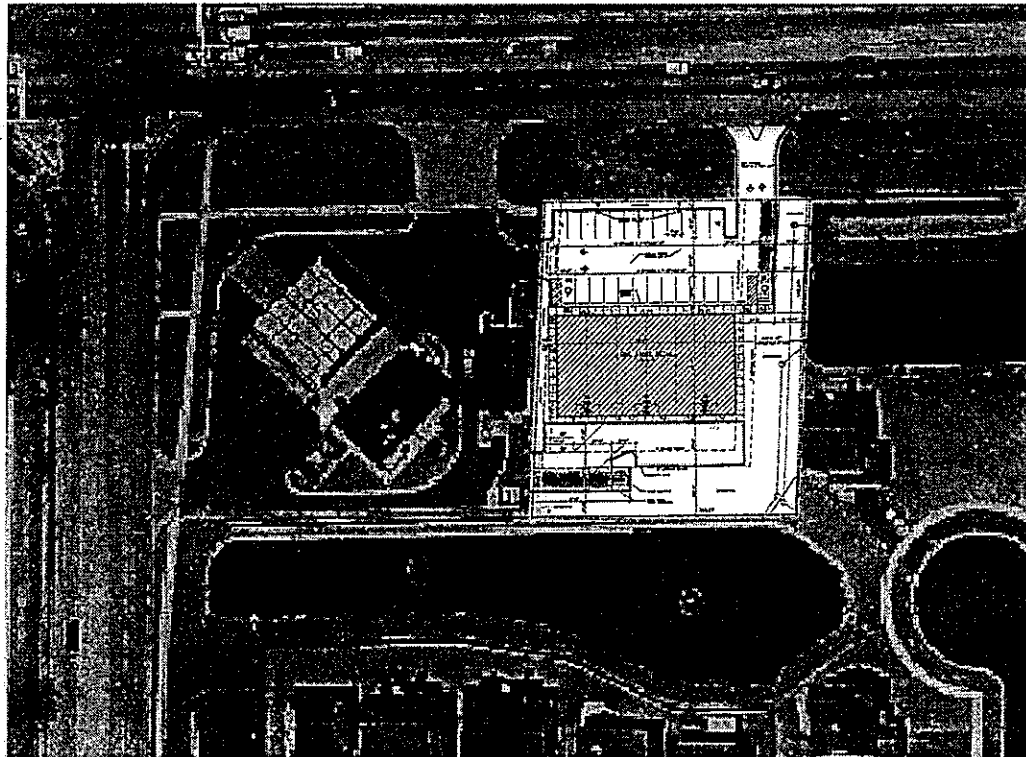
PROPOSED ELEVATION



SITE PLAN



AERIAL OVERLAY



INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

From an engineering or construction perspective, PES offers the following:

1. All stormwater runoff shall be directed to the pond located within outlot "A" directly south of the property.
2. A base flood elevation of 693.5 was determined for the surrounding areas. The flood plain is believed to be located within IDOT's right-of-way along North Ave. However the reconstruction of North Ave. may have modified this. As such compensatory storage may be needed for the right-in/right-out access to North Ave.
3. It is anticipated that a fire hydrant will be required in back of the building.

Public Works Engineering

Public Works Engineering has no comments or changes.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services does not have any comments regarding the requested zoning relief. However, they do note that the building will need to be fully sprinklered with a complete fire alarm and detection system. Additionally, the building must comply with current building and fire codes (minimum 2A construction).

PLANNING

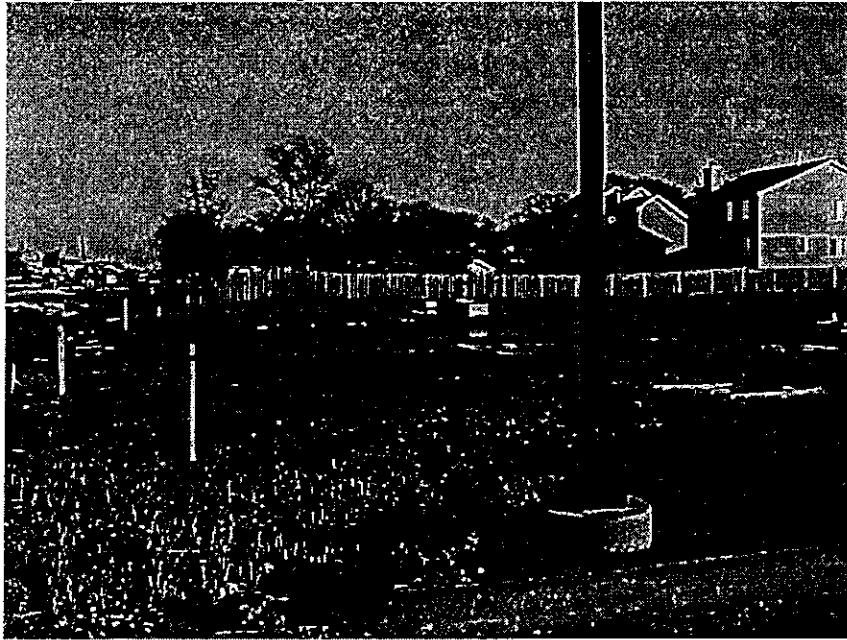
Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Community Commercial uses on the subject property and the proposed retail uses proposed for the building would be compatible with the Comprehensive Plan designation.

Compatibility with Surrounding Land Uses

The site is currently vacant. Immediately east and south of the subject property are retention ponds that were constructed as part of the Providence Glen residential development. To the west is an existing Phillips 66 gas station/convenience mart that was constructed in 2000. A cross-access easement exists between the two properties that allows for internal circulation. There is a single-family residence abutting the southeast side of the subject property.

View Looking East from Phillips 66



View Looking Southeast from Phillips 66



Staff believes that the proposed use would be compatible with the existing land uses surrounding the site. However, to ensure that the overall impacts of the new development are satisfactorily addressed, staff offers additional comments and recommendations, as noted later in this report.

Compliance with the Zoning Ordinance

The table below shows the existing code requirements, existing conditions and proposed conditions and Ordinance requirements for the site. These areas are depicted on the site plan as areas shaded in gray.

| | Ordinance Regulations | Proposed Plan |
|--|--|--|
| Use | | |
| Commercial/Retail Center | Permitted Use | Permitted Use |
| Bulk Requirements (Building) | | |
| Number of Principal Structures | 1 permitted; more than 1 permitted by conditional use | 1 |
| Front Yard (North Av.) | 30 feet | 70 feet |
| Rear Yard (Transitional) | 40 feet | 58 feet |
| West Interior Side Yard | 10 feet | 10 feet |
| East Interior Side Yard (Transitional) | 40 feet | 43 feet |
| Parking | | |
| Number of Spaces | 4 per 1000 sq. ft. = 28 (minus storage areas/mechanical space of 500 sq. ft.) = 26 | 26 proposed in front of building |
| Number of Accessible Spaces | 2 | 2 |
| Landscaping | | |
| Total Minimum Open Space | 10% | > 10% |
| Transitional Landscape Yards | 30 feet | 15 feet to rear, 18 to side |
| Trash Enclosures | 6'; not in front or corner side yards | 6'; not in front or corner side yards |
| Signage | | |
| Wall Signage | 1 permitted per street frontage; 1 times frontage of tenant space (100' total) | 1 wall sign per tenant space, per code requirements. |

Staff notes that the two areas in which the transitional landscape yard encroachments occur are adjacent to areas that are currently improved with a detention pond. The variation for the rear transitional yard is intended to facilitate the loading activities as well as providing for requisite Fire Department access around the building. The relief for the side yard is requested in order to provide for sufficient parking and to allow for the relocation of the proposed access driveway into the site.

Compatibility with the Sign Ordinance

The petitioner is proposing adding channel lettered wall signs for each of the proposed spaces. The petitioner is not requesting any relief associated with this petition – he will be required to meet the underlying Sign Ordinance provisions for the B3 District.

To ensure that the proposed signage and awnings present a favorable appearance to neighboring properties, staff recommends the following items be added as additional conditions of approval:

1. That channel lettering shall only be used for the wall signs.
2. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
3. That the awnings shall be of a uniform design and color around the building.

At this time, the petitioner is not proposing to install any freestanding signage. Should the petitioner desire to do so at a later date, it would be subject to the underlying Sign Ordinance provisions.

Landscaping

The landscape plan indicates that the landscape plant material requirements will be provided per Section 155.707(B)(4), consisting of shade trees every 25 feet and two rows of shrub masses.

With respect to fencing, the Village Board previously granted relief for the erection of a six-foot solid fence along the property as part of the Providence Glen development (Ordinance 5083). This fence has been installed and provides an additional screening and noise-buffering element between the subdivision and the subject property.

Traffic/Parking

The petitioner's plan proposes the construction of a parking lot on the north side of the building and construction of a service/loading area to the rear. Rear access will be provided via an access drive from the property to the west. To facilitate efficient traffic flow, the petitioner (who is also the owner of the property immediately west of the subject property) is proposing to widen the drive aisle around the gas station and is proposing to sign and stripe the car wash drive through lane in a manner that minimizes vehicle conflicts on the property. Staff recommends this as a condition of approval.

The North Avenue driveway will be constructed as a right-in, right-out facility. Staff has reviewed the proposed IDOT construction plans for North Avenue and finds that the pavement surface will be located 30 feet closer to the property line. This modification should not impact the overall site development. However, staff will still require IDOT review and approval of any improvement within their right-of-way.

With respect to parking, the petitioner is providing 26 spaces on the north side of the property for employees and customers, which would meet the Village's parking requirement when the storage

and mechanical area exemptions are factored in. The petitioner anticipates about 500 square feet (or about 2½ percent of the overall gross area) will be for this activity.

To minimize parking conflicts on the property and to minimize impacts on adjacent properties, staff recommends that the following conditions be placed upon the requested relief:

1. Overnight parking shall be prohibited south of the proposed building.
2. No more than fifty (50%) of the proposed building square footage shall be occupied by restaurant uses.
3. That the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.

Photometric Plan

The petitioner has submitted a photometric plan as part of the petition that shows that the proposed development will meet the lighting provisions expressed in the Zoning Ordinance.

Compliance with the Subdivision and Development Ordinance

The site currently consists of one tract of land. This development would be considered a major development as expressed in the Subdivision and Development Ordinance. Therefore, the petitioner will be required to meet the provisions of Section 154.306. This includes, but is not limited to, sidewalks, landscaping, parkway trees and street lighting per Code. The petitioner has already provided cross access easements to the property to the west. As North Avenue is currently under the jurisdiction of IDOT, any required improvements will need to be approved by the Village and IDOT.

Staff will also require that as a condition of approval that the petitioner provides a plat of resubdivision for the property making the property a lot of record.

Additional Considerations

As noted earlier, the proposed retail use and the associated encroachments could have an impact on neighboring properties. To ensure that these impacts are removed or minimized, staff has met with the petitioner and the petition is agreeing to modifications to the site plan and layout accordingly. Staff wants to ensure that the development is compatible with the adjacent neighborhood and presents a positive appearance for the adjacent residences as well as the overall corridor. Staff suggests that the following additional items be placed as conditions of approval:

1. That the petitioner shall modify the proposed east, south and west elevations to break up the proposed brick mass. The modified elevations may include a combination of inset brick, window or spandrel glass insets and/or use of an additional brick color. The final design of the wall elevations shall be subject to the Director of Community Development.

2. That the proposed woodscreen on the south elevation be replaced with an extended parapet wall similar to the other three building elevations.
3. That additional awnings shall be placed on the access doors, consistent with the other three proposed elevations.
4. That any trash enclosures located on the property shall be constructed on a similar material as the principal building.

FINDINGS AND RECOMMENDATIONS

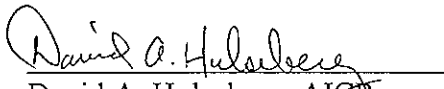
The Department of Community Development has determined that the information presented **affirmed** the Standards for Variations for the requested relief. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the requested transitional landscape yard variation:

Based on the submitted petition and the testimony presented, the requested side yard setback variation **complies** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **approval** of ZBA 03-27, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the site plans prepared by GEA Architects, Ltd., updated November 10, 2003 and submitted as part of this request.
2. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
3. That as part of the public improvements, the petitioner shall provide full public improvements as required by Sections 154.304 and 154.306 of the Lombard Subdivision and Development Ordinance. The final design and location of all public improvements shall be reviewed and approved by the Village and/or the Illinois Department of Transportation.
4. That any trash enclosure screening on Lots 1 or 2 as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the principal building.
5. To ensure that the proposed signage and awnings present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
 - a. That channel lettering shall only be used for the wall signs.
 - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.

- c. That the awnings shall be of a uniform design and color around the building.
6. That the petitioner shall effectuate improvements on the abutting gas station property, as shown on the petitioner's submitted plans. These improvements shall include widening the drive aisle around the gas station building and sign and stripe the car wash drive through lane in a manner that minimizes vehicle conflicts on the property. Said design shall be subject to review and approval of the Director of Community Development.
7. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall operate the property, as follows:
 - a. Overnight parking shall be prohibited south of the proposed building.
 - b. No more than fifty (50%) of the proposed building square footage shall be allowed to be occupied by restaurant uses.
 - c. That the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.
8. That the petitioner shall provide a plat of subdivision for the subject property making the property a lot of record.
9. That the following elevational changes shall be made to the property, as follows:
 - a. The petitioner shall modify the proposed east, south and west elevations to break up the proposed brick mass. The modified elevations may include a combination of inset brick, window or spandrel glass insets and/or use of an additional brick color. The final design of the wall elevations shall be subject to the Director of Community Development.
 - b. That the proposed woodscreen on the south elevation be replaced with an extended parapet wall similar to the other three building elevations.
 - c. That additional awnings shall be placed on the access doors, consistent with the other three proposed elevations.

Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Director of Community Development

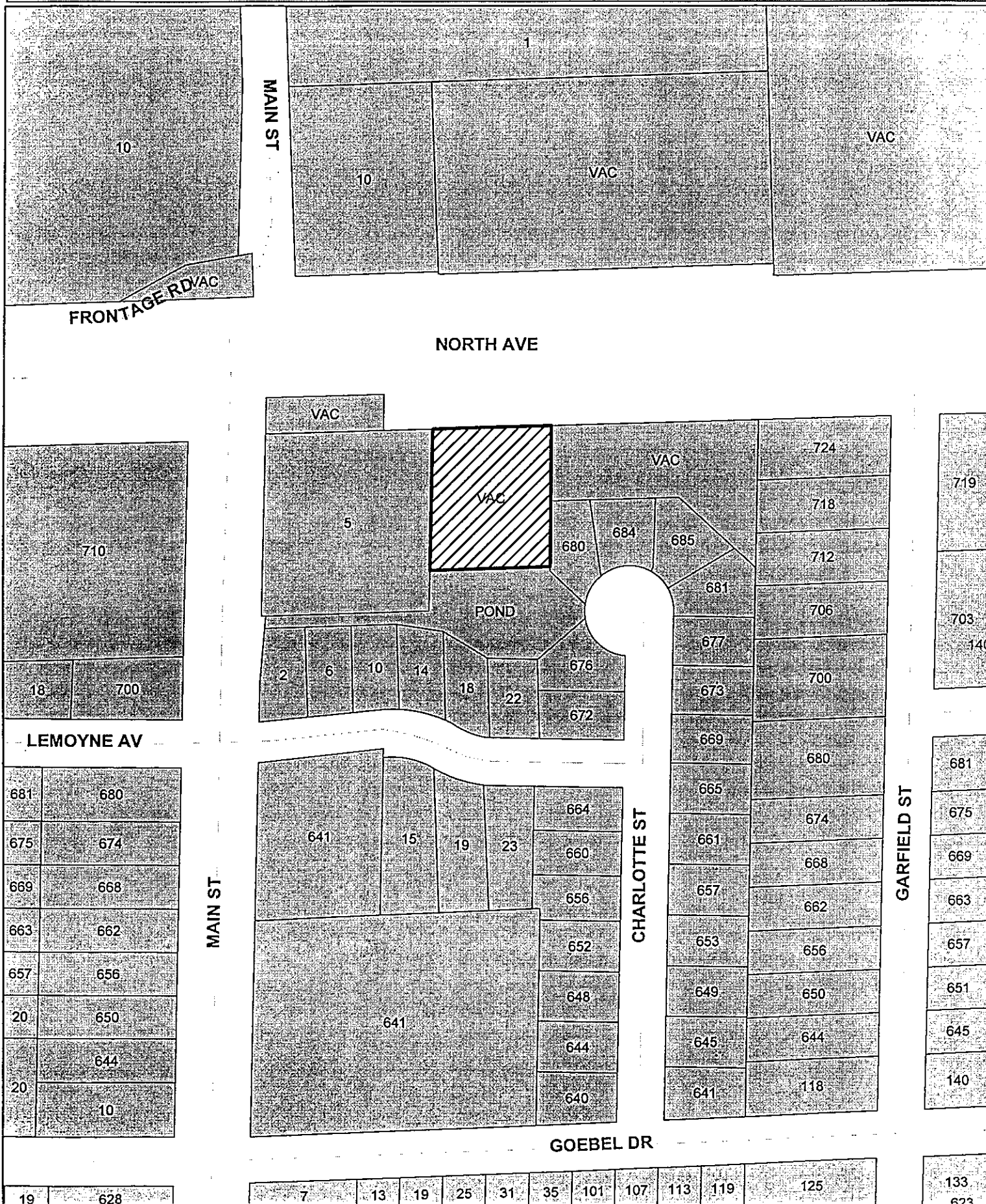
DAH:WJH

c: Petitioner

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Location Map

ZBA 03-27: Southeast corner of North Avenue & Main Street



Statement of Purpose.

RE: Southeast corner of Main and North Avenue. (East of Phillips 66 fuel station)
Lombard, Illinois

The referenced project consists of a single story commercial retail use building which will share an access driveway to the north parking area and a new fire lane on the south of the proposed building. The parcel is east of the Phillips 66 fuel station. The existing use adjacent to us is a fuel station with an auxiliary car wash.

The proposed variation consists of the following:

1. To allow reduction of the required 30'-0" landscape setback along the east property line to 18'6" for a distance of 70'-0" from the north property line along North Avenue.
2. To allow reduction of the required 30'-0" landscape setback along the south property line to 15'-8" for a distance of 61'-4" from the west interior property line.

The requirement of a fire lane to the south of the building has prompted us to gain access to the property from the adjacent parcel. The existing configuration of the drives and the car wash allow us a point of entry further south than we would choose to be but there is no other access location.

The existing subsurface conditions require we build on piles or caissons raising the cost of the development. The project is not economically viable if the building size was reduced from the size proposed. This size requirement drove our configuration of the parking area to the north. The encroachment on the east of the property is adjacent to a pond and would not affect any residential uses.

During the subdivision of the land abutting ours the residential district was mapped to include the pond. The parcel to the west has an additional 50'-0" retention pond easement zoned B3 which would if continue to the east have alleviated the need for a variance on the south property line.


The above variations will allow us to free enough lot area in order to provide the desired parking while respecting the building setbacks and landscaping requirements where they abut residential parcels with homes. Access to the parking is limited to the north of the building and no public parking shall be configured for the south fire lane.

Landscaping and lighting will be in compliance to the landscaping and lighting ordinance of the village.

The drainage patterns for the site shall not be altered to an extent as to disturb the previously engineered retention ponds or the natural drainage.

The proposed building will not substantially change the character of the neighborhood, or have an undue adverse effect on the adjacent properties, or property values. It will not aggravate traffic conditions and will not unduly burden essential public services pertaining to public health, safety and welfare.

We feel that our proposal will aesthetically enhance this prominent corner of Lombard as well as add to the economic vitality of the area.

Sincerely,

George Evangelopoulos

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION
OF THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(ZBA 03-27: 25 E. North Avenue)

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 is zoned R2 Single-Family Residence District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.414 (K) of the Lombard Zoning Ordinance to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') the B3 Community Shopping District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on December 17, 2003 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings and recommendations to the Board of Trustees with a recommendation of approval of the requested variation, subject to conditions; and,

WHEREAS, the President and Board of Trustees does concur with the findings of the Zoning Board of Appeals; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation subject to conditions.

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 a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.414 (K) of the Lombard Zoning Ordinance to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') the B3 Community Shopping District for the property described in Section 2 below, subject to the conditions noted in Section 3 below.

Ordinance No. _____

Re: ZBA 03-27

Page 2

SECTION 2: This ordinance is limited and restricted to the property generally located at 25 E. North Avenue, Lombard, Illinois, and legally described as follows:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER AND RUNNING THENCE SOUTH 3 DEGREES 25 MINUTES 23 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION, 103.5 FEET TO THE SOUTH LINE OF THE RIGHT OF WAY OF STATE HIGHWAY ROUTE 64 (ALSO KNOWN AS NORTH AVENUE); THENCE SOUTH 89 DEGREES 29 MINUTES 06 SECONDS EAST, ALONG SAID SOUTH LINE, 314.48 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 29 MINUTES 06 SECONDS EAST, ALONG SAID SOUTH LINE OF NORTH AVENUE, 166.16 FEET TO A LINE THAT IS PARALLEL WITH AND 400 FEET EAST (MEASURED AT RIGHT ANGLES) FROM THE EAST LINE OF MAIN STREET BY DOCUMENT RECORDED SEPTEMBER 11, 1928 AS NO. 265516; THENCE SOUTH 03 DEGREES 25 MINUTES 23 SECONDS WEST, ALONG SAID PARALLEL LINE, 195.25 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 06 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF NORTH AVENUE, 166.16 FEET; THENCE NORTH 03 DEGREES 25 MINUTES 23 SECONDS EAST PARALLEL WITH THE EAST LINE OF MAIN STREET, 195.25 FEET TO THE POINT OF BEGINNING, IN DU PAGE COUNTY ILLINOIS.

Parcel No: 06-05-100-054

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with the site plans prepared by GEA Architects, Ltd., updated December 16, 2003 and submitted as part of this request.
2. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
3. That as part of the public improvements, the petitioner shall provide full public improvements as required by Sections 154.304 and 154.306 of the Lombard Subdivision and Development Ordinance. The final design and location of all public improvements shall be reviewed and approved by the Village and/or the Illinois Department of Transportation.

4. That any trash enclosure screening as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the principal building.
5. To ensure that the proposed signage and awnings present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
 - a. That channel lettering shall only be used for the wall signs.
 - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
 - c. That the awnings shall be of a uniform design and color around the building.
6. That the petitioner shall effectuate improvements on the abutting gas station property, as shown on the petitioner's submitted plans. These improvements shall include widening the drive aisle around the gas station building and sign and stripe the car wash drive through lane in a manner that minimizes vehicle conflicts on the property. Said design shall be subject to review and approval of the Director of Community Development.
7. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall operate the property, as follows:
 - a. Overnight parking shall be prohibited south of the proposed building.
 - b. No more than fifty (50%) of the proposed building square footage shall be allowed to be occupied by restaurant uses.
 - c. That the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.
8. That the petitioner shall provide a plat of subdivision for the subject property making the property a lot of record.
9. That the following elevational changes shall be made to the property, as follows:
 - a. The petitioner shall modify the proposed east, south and west elevations to break up the proposed brick mass. The modified elevations may include a combination of inset brick, window or spandrel glass insets and/or use of an additional brick color. The final design of the wall elevations shall be subject to the Director of Community Development.
 - b. That the proposed woodscreen on the south elevation be replaced with an extended parapet wall similar to the other three building elevations.
 - c. That additional awnings shall be placed on the access doors, consistent with the other three proposed elevations.

Ordinance No. _____
Re: ZBA 03-27
Page 4

SECTION 4: 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 _____, 2004.

First reading waived by action of the Board of Trustees this _____ day of _____, 2004.

Passed on second reading this _____ day of _____, 2004.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk