

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)

X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: February 22, 2006 (BOT) Date: March 2, 2006

TITLE: PC 06-06: 844 E. Roosevelt Road

SUBMITTED BY: Department of Community Development
W. Lichter

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The petition requests approval of the following actions on the subject property located within the B3 Community Shopping District:

1. An amendment to Ordinance 5242 which granted approval of a conditional use for a drive-through establishment/service associated with a fast-food restaurant; and
2. A variation from Section 153.505(B)(6)(c)(2) of the Lombard Sign Ordinance to allow for a free-standing sign to be located closer than seventy-five feet from the center line of the Roosevelt Road state right-of-way.

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

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
 Finance Director X _____
 Village Manager X *William T. Lichter*
 Date _____
 Date *2/22/06*
 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.

W. Lichter



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development

DATE: March 2, 2006

SUBJECT: PC 06-06: 844 East Roosevelt Road (Popeye's) *DMH*

Attached please find the following items for Village Board consideration as part of the March 2, 2006 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 06-06;
3. An Ordinance granting approval of a conditional use amendment for the proposed drive-through and a variation for the location of the proposed free-standing sign, subject to conditions.

VILLAGE OF LOMBARD

255 E. Wilson Avenue
Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5812
www.villageoflombard.org

March 2, 2006

Mr. William J. Mueller,

Village President, and

Board of Trustees

Village of Lombard

Subject: PC 06-06; 844 E. Roosevelt Road (Popeye's)

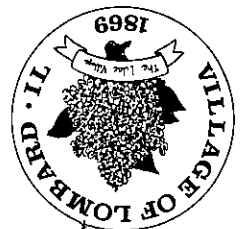
Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, requests an amendment to Ordinance 5242 which granted approval of a conditional use for a drive-through establishment/service associated with a fast-food restaurant; and a variation from Section 153.505(B)(6)(c)(2) of the Lombard Sign Ordinance to allow for a free-standing sign to be located closer than seventy-five feet from the center line of the Roosevelt Road state right-of-way.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on February 20, 2006.

Ed Reitan of Benedetto Reitan Architects, 1325 Willey Road, Schaumburg, architect for the project presented the petition. The project being brought forward is for the Popeye's Chicken site at 844 East Roosevelt Road. They are proposing to construct a multiple tenant retail center on the property. The westerly portion would remain Popeye's and the remainder would be open to various tenants. The one-story masonry building will be 24 feet high. He described the materials of the building and provided a sample for the Commissioners. He explained the proposed building materials and mentioned the proposed block areas would not be exactly the same as a clay brick, but it will have a brick appearance. Gray accent brick will go above the windows. EIFS multi-leveled cornice will be provided at the top of the building. Working with Popeye's, they would like to see more of their color incorporated into the final building design.

Regarding the drive-through, the site plan provides for eight car stacking spaces. Forty-five parking spaces will be provided on the site and two masonry trash enclosures with swing gates.



Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees

Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Seiby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

"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."

The proposed signage in the island will be moved back as far as possible within the landscape island. However, they will not be able to meet the requisite 75 foot setback requirement. He noted that the landscape plan and the photometric plan will be modified to reflect staff's comments and will be based upon the final site plan approval.

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

William Heniff, Senior Planner, presented the staff report. The property owner/petitioner has submitted plans for a one-story 10,400 square foot commercial center to be located at 844 East Roosevelt Road. The subject property is currently improved with a Popeye's fast-food restaurant with a drive-through window. Should the center be approved and developed, Popeye's will occupy the west end of the strip center. However, as the design and layout of the property will substantially change, the petitioner requests an amendment to the previously approved conditional use for a drive through facility.

As a companion to this petition, the petitioner is proposing to erect a shopping center sign for their proposed tenants. The proposed sign will meet the size and area provisions included within the Sign Ordinance, but will require relief from the setback requirements from the center-line of Roosevelt Road.

He then referenced the IDRC comments in the petition, specifically referencing that Private Engineering Services raised the recommendation that additional cross-access rights be provided in the event that the vacant lot east of the site is developed. This should be added as a condition of approval.

Regarding zoning issues, commercial retail uses are identified as permitted uses in the B3 Community Shopping District. The building layout could include up to six different tenant spaces, but the petitioner notes that their intent is to provide spaces that could be easily modified to accommodate future tenants.

Fast-food restaurants are listed a permitted uses in the B3 District. However, drive-through establishments are listed as conditional uses. While a previous conditional use was granted for the property for the existing Popeye's establishment in 2002 as part of PC 02-34 (Ordinance 5242), the petitioner's new site plan substantially modifies the design and layout of the buildings, structures and parking facilities on the subject property.

Popeye's restaurant will re-establish their business on the property and will occupy the west end of the building. Vehicles using the drive-through will queue from the northeast corner of the building and will travel westbound to the window. The pickup window is located on the west side of the building. Traffic will then proceed to the cross-access drive on the south side of the building to ultimately access Roosevelt Road. Staff believes that the petitioner's plan will adequately address internal drive-through circulation around the site.

The petitioner will be removing the existing freestanding Popeye's sign currently located at the driveway entrance to the building with a new pylon sign that will identify all tenants within the shopping center. The Sign Ordinance requires freestanding signage to be located at least 75 feet off of the centerline of a state right-of-way (i.e., Roosevelt Road).

The plat shows that an existing cross-access easement is recorded on the subject property and is located between seventy feet (70') and ninety-five feet (95') off of the center line of Roosevelt Road. If the petitioner intended to meet code, the free-standing sign would have to be located within the row of parking abutting the building itself. As a practical matter, such placement would not be appropriate as it would have limited visibility and would also block the wall signage. Moreover, it could interfere with the parking area proposed for the site.

Staff is supportive of relief to allow a new freestanding sign to be located immediately west of the existing Popeye's sign. This placement, which will result in the loss of one parking space, is intended to be located outside of any easement or clear line of sight areas.

He stated that the petitioner will revise his landscape and lighting plans to reflect the conditions depicted on the site plan.

The petitioner has submitted elevational drawings for the proposed building. The exterior facade will include masonry on all elevations. The south elevation will have a brick exterior while the other elevations will incorporate a modified split-face block design that incorporates a brick appearance. The petitioner's plan will also include additional awnings, recessed building elevations and brick material to break up the building mass. The west and east elevations also include window treatments to break up the side building mass and to give additional visibility to the corner tenants. Staff finds the elevations to be acceptable.

In order for the Village to issue a final permit on the property, the petitioner shall submit a plat of abrogation to remove the existing easements located on the subject property that will be impacted by the proposed building. Moreover, the petitioner shall also submit a plat of easement for any new easements to be located on the subject property.

Chairperson Ryan then opened the meeting for comments from the Commissioners. Commissioner Sweetser believes that they have complied with what the Community Development Department has asked for and the plan appears to be an attractive addition to the community.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition complies with the standards required by the Lombard Zoning and Sign Ordinances. Therefore, the Plan Commission, by a roll call vote of 4-0, recommended to the Corporate Authorities approval of the petition associated with PC 06-06 subject to the following conditions, as amended:

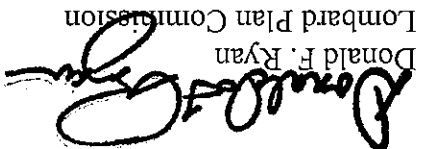
1. The petitioner shall develop the site in accordance with the site plan prepared by Bendetto Reitan Architects, LLC, dated February 8, 2006; the preliminary building elevations, prepared by Bendetto Reitan Architects, LLC, dated January 23, 2006; the sign plan prepared by Bendetto Reitan Architects, LLC, dated February 14, 2006; and the preliminary engineering, lighting and landscape plans, prepared by Loepfert Associates, Inc., dated January 23, 2006 and submitted as part of this request; except where modified to meet IDRC comments and Village Code requirements.

2. The final design and location of all public improvements located within the public right-of-way shall be reviewed and approved by the Village and/or the Illinois Department of Transportation.

3. The owner or subsequent owners of the Subject Property shall not object to adding the owner of the vacant parcel at 850 E. Roosevelt (PIN 06-16-309-019) to the parties with cross-access easement rights on and/or across the Subject Property, upon a request by the Village.

Respectfully,

VILLAGE OF LOMBARD


Donald F. Ryan
Lombard Plan Commission

att-

c. Petitioner
Lombard Plan Commission

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

TO: Lombard Plan Commission

FROM: Department of Community Development
PREPARED BY: William Heniff, AICP
Senior Planner

TITLE

PC 06-06; 844 East Roosevelt Road: The petitioner requests approval of the following actions on the subject property located within the B3 Community Shopping District:

1. An amendment to Ordinance 5242 which granted approval of a conditional use for a drive-through establishment/service associated with a fast-food restaurant; and
2. A variation from Section 153.505(B)(6)(c)(2) of the Lombard Sign Ordinance to allow for a free-standing sign to be located closer than seventy-five feet from the center line of the Roosevelt Road state right-of-way.

GENERAL INFORMATION

Petitioner: Benedetto Reitan Architects, LLC

1325 Wiley Road
Schaumburg, IL 60173

Fida & Afroz Shallwani

178 Pintail Lane
Bloomington, IL 60108

Status of Petitioner: Architect for Property Owner

PROPERTY INFORMATION

Existing Land Use:

Fast-Food Restaurant

Size of Property:

43,073 square feet (0.99 acres)

Comprehensive Plan:

Recommends Community Commercial

Existing Zoning:

B3 Community Shopping District

Surrounding Zoning and Land Use:

North:	B3 Community Commercial District; developed as Glass Courts and Sterling Auto Body
South:	B3 Community Commercial District; developed as the Village Plaza Shopping Center
East:	B3 Community Commercial District; developed as the entrance drive to the businesses north of the subject property; and vacant property
West:	B3 Community Commercial District; developed as Midas Muffler and Wendy's fast-food restaurant

ANALYSIS

SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development:

1. Petition for Public Hearing, dated January 24, 2006.
2. Plat of Survey, prepared by Allen D. Carradus, dated December 6, 2002.
3. Proposed Site Plan, prepared by Bendetto Reitan Architects, LLC, dated February 8, 2006 (updated from initial submittal).
4. Preliminary Building Elevations (full scale black/white along with 11'x17' color), prepared by Bendetto Reitan Architects, LLC, dated January 23, 2006.
5. Preliminary Engineering, prepared by Loeppert Associates, Inc., dated January 23, 2006.
6. Preliminary Lighting and Landscaping, prepared by Loeppert Associates, Inc., dated January 23, 2006.
7. Proposed sign plan, prepared by Bendetto Reitan Architects, LLC, dated February 14, 2006.

DESCRIPTION

The property owner/petitioner has submitted plans for a one-story 10,400 square foot commercial center to be located at 844 East Roosevelt Road. The subject property is currently improved with a Popeye's fast-food restaurant with a drive-through window. Should the center be approved and developed, Popeye's will occupy the west end of the strip center. However, as the design and layout of the property will substantially change, the petitioner requests an amendment to the previously approved conditional use for a drive through facility.

As a companion to this petition, the petitioner is proposing to erect a shopping center sign for their proposed tenants. The proposed sign will meet the size and area provisions included within the sign ordinance, but will require relief from the setback requirements from the center-line of Roosevelt Road.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

Private Engineering Service offers the following comments:

1. The detention vaults, outfall sewers and the stormwater quality structure shall be contained in an easement.
2. The water main through the site shall be eight inches in diameter, with exception to the hydrant legs which may be six inches.
3. All fire hydrants shall be contained in a public water main easement.
4. DuPage County's certification shall be required since the east edge of the site appears to be in the 100-yr floodplain according to the County's F&Q model.
5. It is recommended that the owner or subsequent owners be required to not object to adding the owner of the vacant parcel at 850 E. Roosevelt (PIN 06-16-309-019) to the parties with rights to the cross-access easements along the east side of the subject lot and through the south of the lot, upon a request by the Village.
6. Additional comments shall be provided when final engineering plans and supporting information are submitted with a permit application.

The Department of Public Works, Utilities Division offers the following comments:

1. All watermain and public sewer shall be a minimum of 15 feet from the underground detention utility.
2. Light poles shall not be located over the watermain.
3. Denote the sanitary sewer service configuration.
4. The project shall have separate fire and domestic water services. Village ordinance requires one meter and one service for each account. Public Works prefers that the water service not be located in the back of the building.
5. Pressure connections shall be required to the existing water main.
6. A clean out for the on sanitary service shall be required at the property line.
7. Additional information may be required upon review of final engineering plans.

FIRE AND BUILDING

Reiterating comments that were addressed at prior meetings with the petitioner, the Fire Department/Bureau of Inspectional Services offers the following comments:

1. The final site plan shall provide adequate driveway width for fire equipment and any emergency vehicles.
2. A separate sprinkler room with outside only access is required. The building must also be fully alarmed.
3. Construction type shall be a minimum 1B construction.

PLANNING

Compliance with the Zoning Ordinance

The table below shows the existing code requirements, existing conditions and proposed conditions and Ordinance Requirements for the site.

Use	Existing Conditions	Proposed Plan	Zoning Ordinance Regulations
Retail commercial uses	Fast-food restaurant is a permitted use	Permitted Uses	Center can be occupied by any B3 permitted use
Drive-Through Establishment/Service	Permitted per Ordinance 5242	Conditional Use	Conditional Use
Bulk Requirements			
Number of Principal Structures	1	1	1 permitted; more than 1 permitted by conditional use
Front Yard Setback (Roosevelt Road)	60 feet	70 feet	30 feet
Interior Side Setback (west)	13 feet	37 feet	10 feet
Interior Side Setback (east)	117 feet	10 feet	10 feet
Rear Yard Setback	58 feet	80 feet	30 feet
Parking			
Number of Spaces	54 spaces	45 spaces	42 spaces
Number of Accessible Spaces	3	3	3

Commercial retail uses are identified as permitted uses in the B3 Community Shopping District. Therefore, the retail center is compatible with the Zoning Ordinance. The building layout could include up to six different tenant spaces, but the petitioner notes that their intent is to provide flexible design spaces that could be easily modified to accommodate future tenants.

Conditional Use – Drive-Through Facility

Fast-food restaurants are listed a permitted uses in the B3 District. However, drive-through establishments are listed as conditional uses. While a previous conditional use was granted for the property for the existing Popeye's establishment in 2002 as part of PC 02-34 (Ordinance 5242), the petitioner's new site plan substantially modifies the design and layout of the buildings, structures and parking facilities on the subject property. As such, an amendment to the conditional use approved by Ordinance 5242 is required (see Attachment A for a copy of Ordinance 5242).

Popeye's restaurant will re-establish their business on the property and will occupy the west end of the building. Vehicles using the drive-through will queue from the northeast corner of the building and will travel westbound to the window. The pickup window is located on the west side of the building. Traffic will then proceed to the cross-access drive on the south side of the building to ultimately access Roosevelt Road.

Staff notes that the width of the drive aisle to the north and west of the building provides sufficient space for delivery or other vehicles to pass the drive-through queue. The petitioner proposes to utilize appropriate signage and striping to guide drive-through traffic through the development. An eighteen foot by-pass lane for one-way counter-clockwise traffic movements, will provide requisite circulation around the building. The petitioner's plan includes an area for deliveries to be located outside of the queue lane. The petitioner modified the dimensions of the proposed building to provide motorists leaving the drive-through lane with a clearer visibility of the adjacent walkway in front of the retail center. Overall, staff believes that the petitioner's plan will adequately address internal drive-through circulation around the site.

Compatibility with the Sign Ordinance

The petitioner's sign plan has the following sign characteristics:

Signage	Existing Conditions	Proposed Plan	Zoning Ordinance Regulations
Wall Signage	1 sign	Meet code requirements	1 permitted per street frontage; 1 times frontage of tenant space (min. 25 sq. ft./max. 100 sq. ft.); end units allowed second sign
Freestanding Sign			
Max. Sign Size	118 sq. ft.		125 sq. ft.
Max. Sign Height	25 feet		25 feet
Sign setback	Approx. 66 feet	62 feet	75' from center line of state right-of-way
Clear line of sight	Within area	Outside of area	Outside of area
Number of Freestanding Signs	1	1	1

The proposed wall signs are intended to meet the size and area requirements for signs within the B3 District. The wall signs will be illuminated by goose-neck lights or by internally lit signs. The petitioner will be selecting a sign package that is consistent with Village code requirements once definitive tenants are determined for the site.

Signage Relief – Location of Sign

The petitioner will be removing the existing freestanding Popeye's sign currently located at the driveway entrance to the building with a new pylion sign that will identify all tenants within the shopping center. The Sign Ordinance requires freestanding signage to be located at least 75 feet off of the centerline of a state right-of-way (i.e., Roosevelt Road).

The plat shows that an existing cross-access easement is recorded on the subject property and is located between seventy feet (70') and ninety-five feet (95') off of the center line of Roosevelt Road. If the petitioner intended to meet code, the tree-standing sign would have to be located within the row of parking abutting the building itself. As a practical matter, such placement would not be appropriate as it would have limited visibility and would also block the wall signage. Moreover, it could interfere with the parking area proposed for the site.

Staff is supportive of relief to allow a new freestanding sign to be located immediately west of the existing Popeye's sign. This placement, which will result in the loss of one parking space, is intended to be located outside of any easement or clear line of sight areas. Given the lack of other appropriate places on the subject property to place such signage, staff supports the relief.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Community Commercial uses. The proposed use(s) are therefore compatible with the Comprehensive Plan.

Compatibility with Surrounding Land Uses

The proposed use is compatible with the surrounding retail and service commercial uses. However, to ensure compatibility, staff offers the following comments:

Landscaping

The proposed plan is intended to provide perimeter and internal parking lot island landscaping. The plan will include a seven foot green-space area north of the site, an open area immediately east of the proposed building and an area south of the existing parking lot. The petitioner has also submitted preliminary landscape plans that will be subject to refinements upon completion of final engineering for the site. Staff noted that the final placement of the parkway trees shall be within the Roosevelt Road right-of-way, subject to review and approval by the Illinois Department of Transportation (IDOT). If the trees cannot be located within the right-of-way, the trees may be located in the parking lot perimeter landscape yard.

Elevational Drawings

The petitioner has submitted elevational drawings for the proposed building. The exterior facade of the building will incorporate many of the desirable elevation features found at the Carson's Center on Roosevelt Road and the approved Overlook on North development on North Avenue. The proposed building will include masonry on all elevations. The south elevation will have a brick exterior while the other elevations will incorporate a modified split-face block design that incorporates a brick appearance. The block design will appear to be brick masonry from a distance. The petitioner's plan will also include additional awnings, recessed building elevations and brick material to break up the building mass. The west and east elevations also include

window treatments to break up the side building mass and to give additional visibility to the corner tenants. Gooseneck lighting will also be provided for the end-cap tenants. Staff finds the elevations to be acceptable.

Trash Enclosures

The petitioner proposes two dumpster corral areas on the plan. The corral plans show that it will be constructed out of masonry materials compatible with the adjacent building.

Traffic Flow

The proposed traffic layout plan is similar to the existing flow on the site. An existing cross-access easement provides for vehicular access between the subject property as well as the adjacent lots.

Compatibility with the Subdivision and Development Ordinance

As a requirement of PC 02-34, the petitioner submitted a plat of resubdivision for the subject property. Therefore, no additional platting is required as a condition of approval for the property. However, in order for the Village to issue a final permit on the property, the petitioner shall submit a plat of abrogation to remove the existing easements located on the subject property that will be impacted by the proposed building. Moreover, the petitioner shall also submit a plat of easement for any new easements to be located on the subject property.

FINDINGS AND RECOMMENDATIONS

Staff believes that the proposed use is appropriate at the subject location and is compatible with surrounding uses.

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of PC 06-06:

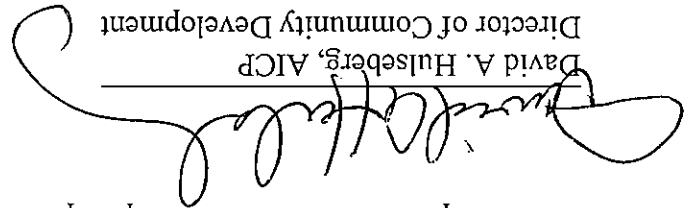
Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning, Sign and Subdivision and Development Ordinances; and, therefore, I move that the Plan Commission accept the findings included in the Inter-departmental Review Report as the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of PC 06-06; subject to the following conditions:

1. The petitioner shall develop the site in accordance with the site plan prepared by Bendetto Reitan Architects, LLC, dated February 8, 2006; the preliminary building elevations, prepared by Bendetto Reitan Architects, LLC, dated January 23, 2006; the sign plan prepared by Bendetto Reitan Architects, LLC, dated February 14, 2006; and

the preliminary engineering, lighting and landscape plans, prepared by Loeppert Associates, Inc., dated January 23, 2006 and submitted as part of this request; except where modified to meet IDRC comments and Village Code requirements.

2. The final design and location of all public improvements located within the public right-of-way shall be reviewed and approved by the Village and/or the Illinois Department of Transportation.

Inter-Departmental Review Group Report Approved By:



David A. Huliseberg, AICP
Director of Community Development

att
c. Petitioner

STANDARDS FOR CONDITIONAL USES

No conditional use shall be recommended by the Plan Commission unless it finds:

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 drive-thru for the Popeye's restaurant will be designed & maintained so as to not endanger the public health, safety & welfare. A conditional use is currently part of the drive-thru on the existing restaurant.*
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 drive-thru for the project will not affect adjacent properties any differently than the existing drive-thru.*
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 conditional use for the drive-thru should not alter any development of adjacent surrounding properties.*
4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided; *access roads, drainage, detention & public utilities will be provided with the new facility.*
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; *ingress & egress will match the existing condition currently at the Popeye's restaurant.*
6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and, *to the best of our knowledge this use is not contrary to the comprehensive plan of the village.*
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 current conditional use for the drive-thru & the new conditional use conform to the applicable regulations.*

STANDARDS FOR VARIATIONS
of the Lombard Zoning Ordinance and Lombard Sign Ordinance
SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

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. *Due to the location of cross access & easement the signage could not be located the distance required (75'-0")*

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. *It appears other properties have also requested variance.*

3. The purpose of the variation is not based primarily upon a desire to increase financial gain. *This signage variance is requested to allow for a monument sign on the property.*

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. *The hardship of the ordinance has required this request.*

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 the property is located. *The granting of the variation will not be detrimental to the public welfare. We will work with village staff to properly ensure that the placement of the signage is not detrimental to the public welfare.*

6. The granting of the variation will not alter the essential character of the neighborhood. *The granting of the variance will not alter the character of the neighborhood along Roosevelt road.*

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 proposed signage variance will not provide additional lighting or air to adjacent properties or create drainage problem or safety issues for adjacent properties.*

ORDINANCE NO. 5242

AN ORDINANCE GRANTING A CONDITIONAL USE
FOR A DRIVE THROUGH ESTABLISHMENT
IN B3 COMMUNITY SHOPPING DISTRICT

(PC 02-34; 844 E. Roosevelt Road)

(See also Ordinance 4456, 4457)

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 B3 Community Shopping

District; and,

WHEREAS, an application has heretofore been filed pursuant to Chapter 155 Section 414 (C) (7) of the Lombard Zoning Ordinance for a conditional use to allow a drive-through establishment/service in a B3 Community Shopping District.

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on December 16, 2002 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the conditional use described herein; 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 the ordinance is limited and restricted to the property generally located at 844 E. Roosevelt Road, Lombard, Illinois, and legally described as follows:

Parcel 1: A tract of land in the Southeast Quarter of Section 17, Township 39 North, Range 11, East of the Third Principal Meridian, described as follows: Commencing at a point on the North right-of-way line of Roosevelt Road as dedicated 53 feet West of the East line of said Section 17; thence North 88 degrees 44 minutes 51 seconds West 3 feet on last said North line to a point on a curve; thence West on a curve convex to the North having a radius of 19,148.61 feet; an arc distance of 180 feet and chord bearing of North 89 degrees West; thence due North 214.87 feet to the South line of the North 2,402 feet of said Southeast Quarter; thence South 89 degrees 47 minutes 30 seconds East 208 feet along last said South line to a line 28 feet West of and parallel to the East line of said Section 17; thence South 0 degrees 00 minutes 35 seconds West 104.54 feet along last said line to a point of curve; thence Southerly on a curve convex to the East having a radius of 55 feet, an arc distance of 32.18 feet and chord bearing of South 16 degrees 52 minutes 53 seconds West to a point of reverse curve; thence continuing on a curve convex to the West having a radius of 95 feet, an arc distance of 55.54 feet and chord bearing of South 16 degrees 45 minutes 35 seconds West to a point of tangent; thence South 0 degrees 00 minutes 35 seconds West 30 feet to the place of beginning, all in DuPage County, Illinois.

Also Parcel 2: A non-exclusive easement appurtenant to Parcel 1 for ingress and egress over and across: A tract of land in the Southeast Quarter of Section 17, Township 39 North, Range 11, East of the Third Principal Meridian, described as follows: Commencing at a point on the North right-of-way line of Roosevelt Road, as dedicated, 28 feet West of the East line of said Section 17, thence North 88 degrees 44 minutes 51 seconds West 25 feet on the last said North line, thence North 0 degrees 00 minutes 35 seconds East 30 feet to a point of curve; thence Northerly on a curve convex to the West having a radius of 95 feet, an arc distance of 55.54 feet and a chord bearing of North 16 degrees 45 minutes 35 seconds East to a point of reverse curve; thence Northerly on a curve convex to the East having a radius of 55 feet, an arc distance of 32.18 feet and a chord bearing of North 16 degrees 52 minutes 53 seconds East; thence South 0 degrees 00 minutes 35 seconds West 113.34 feet to a place of beginning, all in DuPage County, Illinois. Also the West 25 feet of the East 28 feet of the Southeast Quarter of Section 17, Township 39 North, Range 11, lying North of the right-of-way line of Roosevelt Road as dedicated and South of the North 2,320 feet of said Southeast Quarter.

Parcel Number: 06-17-406-035

SECTION 2: That a conditional use for a drive through establishment is hereby granted for the Subject Property, subject to compliance with the following conditions:

1. All improvements shall substantially comply with the plan and materials submitted as part of the request and shall also address the concerns raised in the IDRC comments.

2. That the petitioner shall submit an updated landscape plan to the Village for review and approval. Said plan shall include parkway trees, landscape islands and perimeter lot landscaping requirements consistent with Village Code. Said plan shall also include of the removal of one parking stall at the far west end of the existing parking lot along Roosevelt Road and replace it with landscaping.

3. That the existing damaged flagpole on the subject property be removed.
4. That the petitioner shall submit for review and approval an administrative plat of subdivision making the lot a lot of record.

5. That the petitioner shall secure a cross-access agreement with the property owner east of the subject property.

SECTION 3 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 16th day of January, 2003.

First reading waived by action of the Board of Trustees this _____ day of _____, 2003.

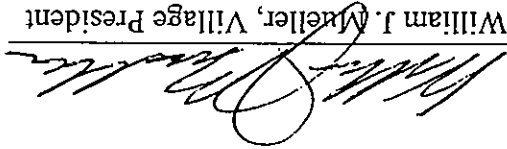
Passed on second reading this 6th day of February, 2003.

Ayes: Trustees Destephano, Tross, Koenig, Sebby, Florey, Soderstrom

Nays: None

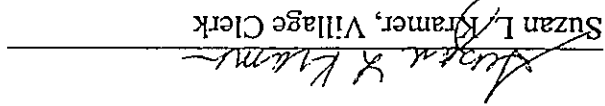
Absent: None

Approved this 6th day of February, 2003.



William J. Mueller, Village President

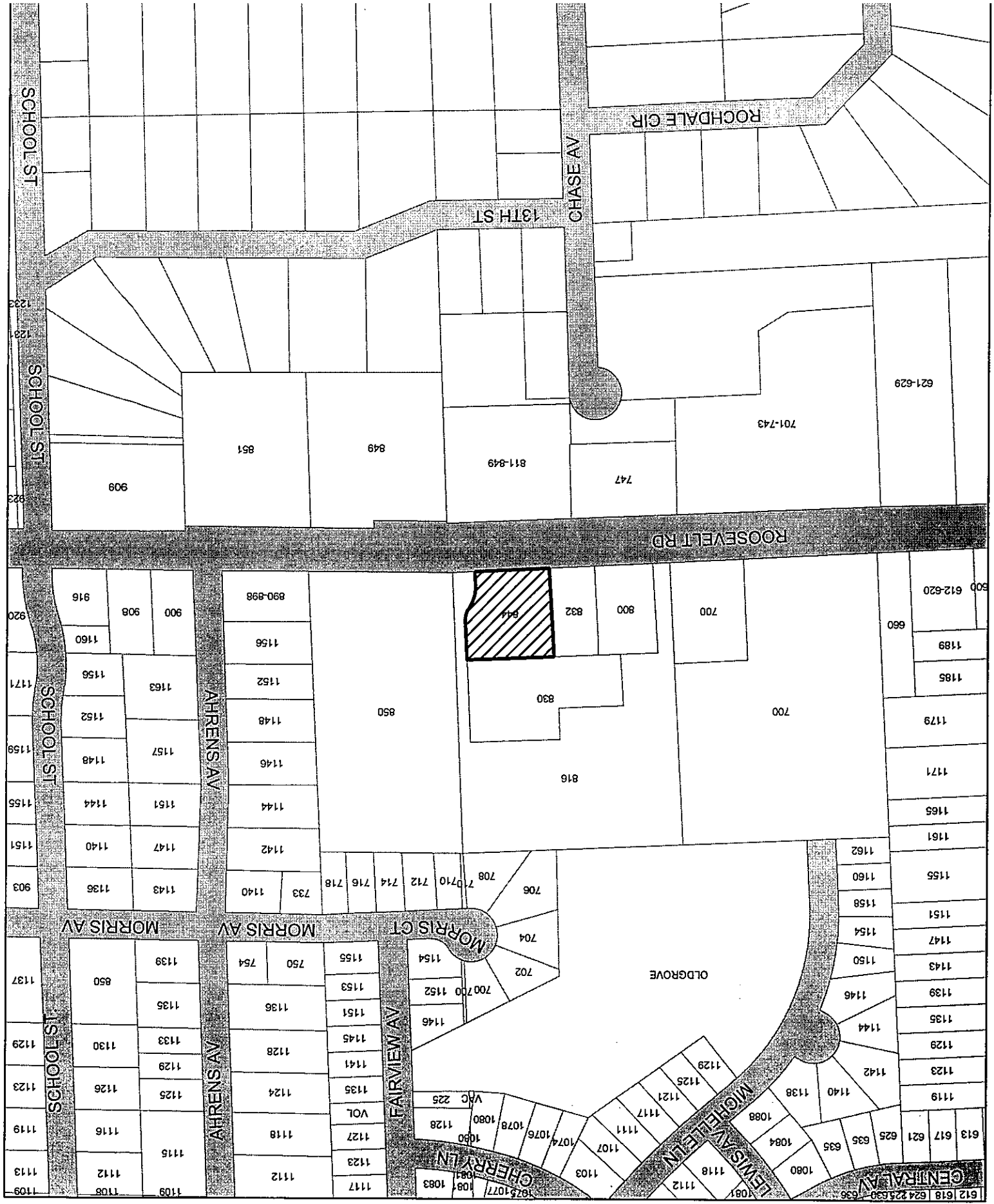
ATTEST:



Suzan L. Kramer, Village Clerk

Location Map

PC 06-06
844 E. Roosevelt Road



**AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE 5242
APPROVING A CONDITIONAL USE FOR A DRIVE THROUGH
ESTABLISHMENT AND A VARIATION FROM
THE FREE-STANDING SIGN SETBACK REQUIREMENTS;
LOCATED IN THE B3 COMMUNITY SHOPPING DISTRICT**

(PC 06-06; 844 E. Roosevelt Road)

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

WHEREAS, the 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 subject property is zoned B3 Community Shopping District; and,

WHEREAS, on February 6, 2003, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5242, which granted approval of a conditional use for a drive through establishment/service on the property located at 844 East Roosevelt road and legally described in Section 1 below (hereinafter the "Subject Property"), subject to conditions of approval; and

WHEREAS, an application has heretofore been filed to amend the approved site plan and drive-through configuration associated with Ordinance 5242; and

WHEREAS, said application also request approval of a variation from Section 153.505(B)(6)(c)(2) of the Lombard Sign Ordinance to allow for a free-standing sign to be located closer than seventy-five (75) feet from the center line of the Roosevelt Road state right-of-way.

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on February 20, 2006 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the conditional use described herein; 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 the ordinance is limited and restricted to the property generally located at 844 E. Roosevelt Road, Lombard, Illinois, and legally described as follows:

Parcel 1: Lot 1 in Shallwani Plat of Subdivision, being a subdivision located in the Southeast Quarter of Section 17, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat recorded April 9, 2003 as Document Number R2003-133821, in DuPage County, Illinois.

Also Parcel 2: A non-exclusive easement appurtenant to Parcel 1 for ingress and egress over and across: A tract of land in the Southeast Quarter of Section 17, Township 39 North, Range 11, East of the Third Principal Meridian, described as follows: Commencing at a point on the North right-of-way line of Roosevelt Road, as dedicated, 28 feet West of the East line of said Section 17, thence North 88 degrees 44 minutes 51 seconds West 25 feet on the last said North line, thence North 0 degrees 00 minutes 35 seconds East 30 feet to a point of curve, thence Northerly on a curve convex to the West having a radius of 95 feet, an arc distance of 55.54 feet and a chord bearing of North 16 degrees 45 minutes 35 seconds East to a point of reverse curve; thence Northerly on a curve convex to the East having a radius of 55 feet, an arc distance of 32.18 feet and a chord bearing of North 16 degrees 52 minutes 53 seconds East; thence South 0 degrees 00 minutes 35 seconds West 113.34 feet to a place of beginning, all in DuPage County, Illinois. Also the West 25 feet of the East 28 feet of the Southeast Quarter of Section 17, Township 39 North, Range 11, lying North of the right-of-way line of Roosevelt Road as dedicated and South of the North 2,320 feet of said Southeast quarter.

SECTION 2: That Ordinance 5242 granting a conditional use for a drive through establishment is hereby amended and a variation from Section 153.505(B)(6)(c)(2) of the Lombard Sign Ordinance to allow for a free-standing sign to be located closer than seventy-five (75) feet from the center line of the Roosevelt Road state right-of-way is hereby granted for the Subject Property, subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the site plan prepared by Bendetto Reitan Architects, LLC, dated February 8, 2006; the preliminary building elevations, prepared by Bendetto Reitan Architects, LLC, dated January 23, 2006; the sign plan prepared by Bendetto Reitan Architects, LLC, dated February 14, 2006; and the preliminary engineering, lighting and landscape plans, prepared by Loepfert Associates, Inc., dated January 23, 2006 and submitted as part of this request; except where modified to meet IDRC comments and Village Code requirements.

2. The final design and location of all public improvements located within the public right-of-way shall be reviewed and approved by the Village and/or the Illinois Department of Transportation.

3. The owner or subsequent owners of the Subject Property shall not object to adding the owner of the vacant parcel at 850 E. Roosevelt (PIN 06-16-309-019) to the parties with cross-access easement rights on and/or across the Subject Property, upon a request by the Village.

SECTION 3: All conditions of approval set forth herein shall supercede and replace the conditions of approval set forth in Ordinance 5242.

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 _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

Passed on second reading this _____ day of _____, 2006.

Ayes: _____
Nayes: _____
Absent: _____

Approved by me this _____, day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2006.

Brigitte O'Brien, Village Clerk