

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: August 24, 2005 (B of T) Date: September 1, 2005

TITLE: PC 05-32: 912-916 East Roosevelt Road

SUBMITTED BY: Department of Community Development *Quik*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration a petition requesting that the Village approve a map amendment rezoning the subject property from the R1 Single-Family Residence District to the B3 Community Shopping District. In addition, requests that the Village approve the following actions in order to allow for two separate restaurant/food preparation establishments, as set forth below:

1. To allow for a proposed sit-down restaurant at 912 E. Roosevelt Road and an existing fast-food restaurant at 916 E. Roosevelt Road, approve a variation from Section 155.602 (C), Table 6.3 Off-Site Parking Requirements reducing the requisite number of parking spaces on the subject property from 43 spaces to 21 spaces; *(this item was withdrawn by the petitioner at the Plan Commission public hearing)*
2. To allow for a proposed fast-food restaurant (without seating) at 912 E. Roosevelt Road and an existing fast-food restaurant at 916 E. Roosevelt Road, approve a variation from Section 155.602 (C), Table 6.3 Off-Site Parking Requirements reducing the requisite number of parking spaces on the subject property from 36 spaces to 21 spaces; and/or
3. To allow for a catering service establishment to be located in the building at 912 E. Roosevelt Road, grant a conditional use, pursuant to Section 155.414 (C)(5) of the Zoning Ordinance.  
(DISTRICT #6)

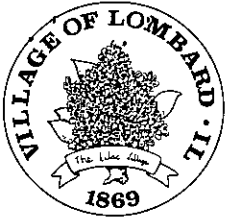
The Plan Commission recommended approval of this petition subject to amended conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

|                                        |                     |
|----------------------------------------|---------------------|
| Village Attorney X _____               | Date _____          |
| Finance Director X _____               | Date _____          |
| Village Manager X <i>W. T. Lichter</i> | Date <i>8/25/05</i> |

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

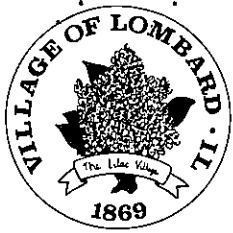
**FROM:** David A. Hulseberg, AICP, Director of Community Development

**DATE:** September 1, 2005

**SUBJECT:** PC 05-32: 912-916 East Roosevelt Road *Dah*

Attached are the following items for Village Board consideration as part of the September 1, 2005 Village Board meeting relative to PC 05-32:

1. Plan Commission referral letter;
2. IDRC report for PC 05-32;
3. An Ordinance granting approval of a map amendment, rezoning the property from the R1 Single Family Residence District to the B3 Community Shopping District.
4. An Ordinance granting approval of a parking variation for a fast-food restaurant (without seating and a conditional use for a catering establishment, subject to conditions. This Ordinance has been reviewed by Village Counsel and has been amended for clarity.
5. Plans associated with the petition.



## 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

**Village President**  
William J. Mueller

September 1, 2005

**Village Clerk**  
Brigitte O'Brien

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

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

**Subject: PC 05-32: 912-916 E. Roosevelt Road**

Dear President and Trustees:

**Village Manager**  
William T. Lichter

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests approval of a map amendment rezoning the subject property from the R1 Single-Family Residence District to the B3 Community Shopping District. The petitioner also requests that the Village approve the following actions in order to allow for two separate restaurant/food preparation establishments, as set forth below:

1. To allow for a proposed sit-down restaurant at 912 E. Roosevelt Road and an existing fast-food restaurant at 916 E. Roosevelt Road, approve a variation from Section 155.602 (C), Table 6.3 Off-Site Parking Requirements reducing the requisite number of parking spaces on the subject property from 43 spaces to 21 spaces;
2. To allow for a proposed fast-food restaurant (without seating) at 912 E. Roosevelt Road and an existing fast-food restaurant at 916 E. Roosevelt Road, approve a variation from Section 155.602 (C), Table 6.3 Off-Site Parking Requirements reducing the requisite number of parking spaces on the subject property from 36 spaces to 21 spaces; and/or
3. To allow for a catering service establishment to be located in the building at 912 E. Roosevelt Road, grant a conditional use, pursuant to Section 155.414 (C)(5) of the Zoning Ordinance.

"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."

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on August 15, 2005. Kenneth Miller, 815 Kings Pointe Drive, Addison, owner of the subject property, presented the petition. He opened his presentation by noting that he was withdrawing his request for a parking variation for a 12-table sit-down restaurant. However, he would like to continue with the other requests included as part of the petition.

Mr. Miller then discussed various provisions within the Zoning Ordinance. He noted that restaurants and delicatessens are listed as permitted uses in the Ordinance. Prior to annexation, the property was zoned B2 General Business by DuPage County. With the proposed change of use for the 912 E. Roosevelt Road building, he understands that he needs to apply for parking relief for a restaurant establishment and/or a conditional use for a catering establishment.

He stated his proposed fast-food and catering establishments will not impact the parking area. He referred to staff's proposed site plan included as part of the staff report and stated that he has no objections to the plan. He understands that the parking spaces that are adjacent to School Street may be removed when School Street is improved. For now, it will remain as is. The proposed plan is acceptable - his only recommendation would be that the curb line and parking island off of School Street be reduced from 5 feet to 3 feet. The site will have two handicapped parking spaces – one by each front entrance. He also referenced that the York Township Assessor's office also assessed the property as a restaurant land use and discussed how the property would be assessed.

Lastly, Mr. Miller expressed concerns regarding cross-access provisions for the property to the west. He does not see any benefit for him and cited cases where trucks from the adjacent use parked on his property.

Chairperson Ryan then opened the meeting for public comment. Speaking in opposition of the petition was John Tuene, 1148 S. School Street. He said the property was previously an army surplus store and is currently used by Steve's Gyros. His property was also annexed into Lombard in 2003. His understanding is that the Village will be providing public water and sanitary sewer service to the neighborhood next year.

He raised concerns regarding the existing parking along School Street. Along School, a residential street, between 11 a.m. to 2 p.m., there are commercial vehicles parking on School due to inadequate parking for Steve's Gyros. He is concerned about additional traffic on residential streets and the parking of Waste Management garbage trucks and other commercial traffic along School Street. He stated he continually picks up trash from Zelly's and Steve's Gyros. He is concerned about vehicles attempting to make a left turn onto Roosevelt. He said the existing buildings on the property do not meet code. He stated the recent businesses on the property that have since closed. He stressed the need to keep commercial traffic off of residential streets.

Mr. Miller made a specific point that customers would be coming to the site and picking up their food and they are not parking for long periods – this would lessen the parking impact. They have not had one recorded incident dealing with traffic on this property. Parking along School Street might be impacted on lunch hour but there is a lower parking demand for other parts of the day.

Chairperson Ryan then requested the staff report. William Heniff, Senior Planner, referenced the IDRC report and noted that as the petitioner is withdrawing his request for a parking variation associated with a sit-down restaurant, he would not discuss that request.

He described the property noting that is improved with two commercial buildings, one of which is vacant, and the remainder of the property is covered by an asphalt surface. The property was involuntarily annexed into 2003 and was automatically classified into R1 District. That zoning designation would remain until such time that it makes sense to reclassify the property and the existing uses could remain as legal nonconforming. Therefore, the Steve's Gyros use constitutes a legal non-conforming use and the 912 East Roosevelt Road building would be acceptable for generic retail uses.

The property owner is looking for prospective tenants for the building at 912 E. Roosevelt Road. As previous prospective tenants have made significant improvements to the building to accommodate a restaurant and/or food preparation use, the property owner is seeking approvals to allow the building to be occupied by one of three types of restaurant uses as set forth in the public hearing request. As the parking requirements differ for restaurant uses, as compared to other retail uses, staff views this as a change of use which would necessitate a map amendment and parking relief, if warranted.

He noted that the Comprehensive Plan recommends that the property be used for community commercial uses. The existing uses and proposed B3 zoning comply with the recommendations of the Comprehensive Plan. The property is located within the Roosevelt Road corridor and is surrounded on three sides by other commercial properties and a single-family residence to the north, which has been used as a legal non-conforming office use. Retail uses and some restaurant uses on the property can be compatible with the surrounding land uses. However, there are site specific improvements that should be addressed as part of this petition to ensure compatibility with adjacent properties.

He stated that staff believes that the request for rezoning is appropriate for the site. Referencing a table in the staff report, the property is deficient in meeting most other the provisions of the Lombard Zoning Ordinance. He noted the petitioner is not proposing any building expansions at this time – the only proposed work would be associated with the tenant build out of the proposed food service use. As such, the Village can consider all of the bulk regulation non-conformities to be legal non-conforming and hence do not need to be considered for relief as part of this petition. Moreover, given the extent of the non-conformities on the site, staff believes it is would be appropriate to keep the legal non-conforming status of these structures rather than granting relief for the structures. In the event the property is redeveloped, the new uses would meet the full bulk regulation provisions of the Ordinance, or as varied by a future zoning petition.

The primary purpose of this petition is to address parking issues associated with the proposed food establishment uses. With respect to the restaurant activities, the Steve's Gyros business can be considered legal non-conforming as it existed prior to annexation of the property into the Village. Regarding the 912 E. Roosevelt building, the building was not being used as a restaurant use. At the time of the annexation, the 912 E. Roosevelt Road building was considered a generic retail building. However, with the change from a generic retail building, which requires parking at 4 spaces per 1000 square feet of gross floor area, to a restaurant use which has higher parking

requirements, the non-conforming provisions would no longer apply. As the property does not have the physical space to accommodate parking per Village Code, relief will be required.

Staff reviewed the property to determine the available supply of parking that can functionally exist on the property. Staff also proposes a concept parking plan for the site that should be followed if this petition is approved. Staff's concept plan attempts to address number of site deficiencies as noted in the report.

Referencing parking along School Street, most of the parking for Steve's Gyros is located on the east side of the building. This existing perpendicular parking area is partially on the subject property and partially within the School Street right-of-way. This configuration existed prior to the annexation of the property and the adjacent roadway into the Village. In discussions with York Township Highway Department, the property owner and the Township did not have any executed agreements relative to parking in this area.

Staff is proposing modifications that remove much of the parking and would place it on the private property. The proposed plan identifies parking spaces within the right-of-way, which can remain until such time that the Village considers full right-of-way improvements along School Street and requests that these spaces be removed. Staff notes that if these spaces are removed, customers could parallel park at this location, but these spaces cannot be counted toward meeting the Village parking requirement. Additionally, staff based the public hearing petition on those spaces that are located exclusively on the subject property – if the School Street spaces are removed, the zoning actions are already in place to allow the restaurant uses to remain if approved.

Catering establishments do not have separate parking requirements – this use would be required to meet the 4 spaces per 1000 square feet of gross floor area requirement. However, this land use is a conditional use in the B3 District. With respect to the conditional use for the catering use, the petitioner would also like to have the flexibility to utilize the 912 building for catering purposes. This could be done either as an ancillary function of the permitted restaurant use or as a separate use. Staff is conceptually supportive of this use as the parking demands for the catering use will not be as great as other restaurant uses. However, staff recommends as a condition of approval that any catering vehicles associated with the business activity be parked and stored immediately behind the 912 E. Roosevelt Road building.

In the petitioner's request for a fast-food option, he would like the option to lease the building for a fast-food establishment without seating. The proposed use would consist of preparation of fast-food for customer pick-up or delivery. No in-store seating would be provided. Staff notes that the Zoning Ordinance does not distinguish between fast-food establishments with or without seating. However, if no customer seating is provided the anticipated parking demand for the use would be more characteristic of other generic retail uses. Staff is supportive of the fast-food use provided that there is no on-site dining associated with the 912 E. Roosevelt Road building.

He also referenced staff's desire to require cross-access and dumpster screening provisions. He also referenced a letter from the adjacent property owners regarding parking issues.

Mr. Miller stated that cross access would be detrimental to his property and not would not benefit Steve's or 912 East Roosevelt, but only Johnson Fish and Shrimp. Fences have been put up along the property line which were designed to prevent truck traffic onto his property. The trucks have destroyed his fence, which had to be replaced, as well as the pavement. The adjacent restaurant has also had food and beer delivery trucks park on his lot. Cross access provisions would create a liability on his part and he won't be able to get insurance.

Chairperson Ryan then opened the meeting for discussion among the Commissioners.

Commissioner Sweetser stated that it sounds as if the petitioner has worked with staff to make the most of the site. If the cross access agreement is more trouble, is that something staff would still insist on? Mr. Heniff stated that staff has historically sought cross-access provisions.

Chairperson Ryan stated that enforcement of a conditioned cross-access agreement for automobiles and not trucks would create an enforcement problem.

Commissioner Burke stated that it seems that by the petitioner's testimony it would be beneficial to the neighbor but not the petitioner. This is not mutually beneficial, as nothing is in it for the petitioner.

Mr. Heniff stated that the cross-access is not an inherent condition that must occur immediately. If you want staff to look at it, it could stay as a condition of approval and leave to staff's discretion. If the provision is not added now, this provision may be difficult to get in the future.

Commissioner Flint stated that if the properties are improved with the proper pavement design to handle the truck traffic, it might take care of itself.

George Wagner, Village Counsel, stated that as written, the condition works because it doesn't become operative until the Village makes the request. The petitioner is required to comply with it and staff won't request until it makes sense. The Village is protected as well as the petitioner.

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 Ordinance.

Therefore, the Plan Commission, by a roll call vote of 4-0, recommended to the Corporate Authorities **approval** of the petition associated with PC 05-32, subject to the following conditions:

1. That the subject property be modified to incorporate all of the parking and site improvements as depicted on the site plan prepared by the Village, attached as an exhibit and made a part of the recommendation of approval.
2. That upon a written request of the Village the petitioner shall remove the perpendicular parking spaces along the east side of the subject property and/or within the School

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

TO: Lombard Plan Commission

HEARING DATE: August 15, 2005

FROM: Department of  
Community Development

PREPARED BY: William J. Heniff, AICP  
Senior Planner

**TITLE**

**PC 05-32; 912-916 East Roosevelt Road:** The petitioner requests that the Village approve a map amendment rezoning the subject property from the R1 Single-Family Residence District to the B3 Community Shopping District. In addition, the petitioner also requests that the Village approve the following actions in order to allow for two separate restaurant/food preparation establishments, as set forth below:

1. To allow for a proposed sit-down restaurant at 912 E. Roosevelt Road and an existing fast-food restaurant at 916 E. Roosevelt Road, approve a variation from Section 155.602 (C), Table 6.3 Off-Site Parking Requirements reducing the requisite number of parking spaces on the subject property from 43 spaces to 21 spaces;
2. To allow for a proposed fast-food restaurant (without seating) at 912 E. Roosevelt Road and an existing fast-food restaurant at 916 E. Roosevelt Road, approve a variation from Section 155.602 (C), Table 6.3 Off-Site Parking Requirements reducing the requisite number of parking spaces on the subject property from 36 spaces to 21 spaces; and/or
3. To allow for a catering service establishment to be located in the building at 912 E. Roosevelt Road, grant a conditional use, pursuant to Section 155.414 (C)(5) of the Zoning Ordinance.

**GENERAL INFORMATION**

Petitioner/Property Owner: Kenneth Miller  
815 Kings Point Drive  
Addison, IL 60101

**PROPERTY INFORMATION**

Existing Land Use: Two retail buildings -- 1 vacant building and 1 fast-food restaurant

Size of Property: Approximately 15,422 sq. ft.



Comprehensive Plan: Recommends Community Commercial

Existing Zoning: R1 Single-Family Residence District

Surrounding Zoning and Land Use:

North: R1 Single-Family Residence District; developed as single-family residences

South: B3 Community Shopping District; developed as a gas station (Road Ranger)

West: B3 Community Shopping Commercial District; developed as a fast-food restaurant (Zelly's)

East: R1 Single-Family Residence District; developed as a fast-food and take out restaurant (Johnson's Door County Fish & Shrimp)

## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documents filed on July 26, 2005 with the Department of Community Development:

1. Petition for Public Hearing.
2. Plat of Survey, prepared by Lambert & Associates Land Surveyors, dated December 19, 2003.

### **DESCRIPTION**

The subject property consists of a single lot located at the northwest corner of Roosevelt Road and School Street. The property is improved with two commercial buildings – a 1,812 square foot retail building at 912 E. Roosevelt Road and a 1,150 square foot retail building at 916 E. Roosevelt Road, currently operated as a fast-food restaurant (Steve's Gyros). But for the retail buildings, the property is essentially covered by an asphalt surface.

This property was involuntarily annexed into the Village in 2003. Upon annexation, the property was automatically classified within the R1 Single-Family Residence District, pursuant to the Zoning Ordinance. Any legally established uses existing on the property could continue to exist at the time of annexation could remain on the property as legal non-conforming uses. Therefore, the Steve's Gyros use constitutes a legal non-conforming use and the 912 East Roosevelt Road building would be acceptable for generic retail uses.

The property owner is looking for prospective tenants for the building at 912 E. Roosevelt Road. As previous prospective tenants have made significant improvements to the building to accommodate a restaurant and/or food preparation use, the property owner is seeking approvals to allow the building to be occupied by one of three types of restaurant uses as set forth in the public hearing request. As the parking requirements differ for restaurant uses, as compared to other retail uses, staff views this as a change of use which would necessitate a map amendment and parking relief, if warranted.

## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **ENGINEERING**

#### **Public Works**

There is no formal agreement between the property owner and the Village relative to the existing parking spaces currently located within the public right-of-way. As such, any parking stall or excessively wide commercial driveway apron within the public right-of-way shall be removed upon receiving written notice of a pending special assessment project. It is the Village's desire to install sidewalk and a landscaped parkway in this area as part of a future capital improvement project.

#### **Private Engineering Services**

From a construction or engineering perspective, the Private Engineering Services Division has no comments.

### **BUILDING AND FIRE**

The Fire Department/Bureau of Inspectional Services has no comments pertaining to the rezoning itself. However, they offer the following comments regarding the proposed food service establishments:

1. For a sit-down restaurant, there needs to be two restrooms, male and female, both handicap accessible, per the Illinois Plumbing Code and the Illinois Accessibility Code.
2. A fast food establishment would require only one restroom if the total occupancy count is no more than ten persons, patrons and employees.
3. Any catering facility would require one restroom for employees only, if the total employee count is less than five persons. If five or more employees, two restrooms are required, male and female, per code.
4. Any construction to the structure, exterior or interior, will have to follow the new International Building Codes, along with any fire and life safety issues that would need to be addressed.

**PLANNING**

**Compatibility with the Comprehensive Plan**

The Long-Range Plan Map of the Comprehensive Plan recommends that the property be used for community commercial uses. The existing uses and proposed B3 zoning comply with the recommendations of the Comprehensive Plan.

**Compatibility with the Surrounding Land Uses**

The property is located within the Roosevelt Road corridor and is surrounded on three sides by other commercial properties and a single-family residence to the north, which has been used as a legal non-conforming office use. Retail uses and some restaurant uses on the property can be compatible with the surrounding land uses. However, there are site specific improvements that should be addressed as part of this petition to ensure compatibility with adjacent properties. These issues are discussed elsewhere in the report.

**Compatibility with the Zoning Ordinance**

Staff believes that the request for rezoning is appropriate for the site. Prior to being annexed by the Village of Lombard, the property was in DuPage County’s B-1 Local Business District. However, as the table below shows, the property is deficient in meeting most other the provisions of the Lombard Zoning Ordinance.

**Items to be considered as part of this petition:**

|                        | <b>Existing Conditions</b>             | <b>Proposed Plan (as proposed by staff)</b>                                                     | <b>B3 Zoning Ordinance Regulations</b>                                                                                                                            |
|------------------------|----------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Use</b>             |                                        |                                                                                                 |                                                                                                                                                                   |
| Fast Food Restaurant   | Legal non-conforming for Steve’s Gyros | Steve’s Gyros to remain, request for approval for 912                                           | Permitted Use, subject to parking provisions                                                                                                                      |
| Sit Down Restaurant    | Not established on site                | Request for approval for 912                                                                    | Permitted Use, subject to parking provisions                                                                                                                      |
| Catering Establishment | Not established on site                | Request for approval for 912                                                                    | Conditional Use                                                                                                                                                   |
| <b>Parking</b>         |                                        |                                                                                                 |                                                                                                                                                                   |
| Number of Spaces       | Indeterminate                          | 21 designated spaces with an ability for 5 additional temporary spaces straddling property line | 2 fast-food restaurants – 36;<br>1 sit-down restaurant and 1 fast-food restaurant – 41 spaces;<br>1 fast-food restaurant and 1 catering establishment – 21 spaces |

**Items not being considered as part of this petition:**

|                                | Existing Conditions                                     | Proposed Plan (as proposed by staff)                        | B3 Zoning Ordinance Regulations                                                      |
|--------------------------------|---------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <b>Bulk Requirements</b>       |                                                         |                                                             |                                                                                      |
| Number of Principal Structures | 2                                                       | No change                                                   | 1 permitted; more than 1 permitted by conditional use (remains legal-non-conforming) |
| Front Yard (Roosevelt Road)    | 11 feet for 916; 19 feet for 912 (legal non-conforming) | No change                                                   | 30 feet                                                                              |
| Corner Side (School Street)    | 21.5 feet (legal non-conforming)                        | No change                                                   | 30 feet                                                                              |
| Rear Yard                      | 50' for building; 0' for transitional yard              | 50 feet; 5' separation for parking lot to adjacent property | 40' transitional building setback; 30' for transitional landscape yard               |
| Open Space                     | 2.2% (legal non-conforming)                             | 7.5% of Lot (1,163 sq. ft.)                                 | 10% of Lot (1,542 sq. ft.)                                                           |
| Interior Side Yard             | 4 feet for 912 building (legal non-conforming)          | No change                                                   | 10 feet                                                                              |

The petitioner is not proposed any building expansions at this time – the only proposed work would be associated with the tenant build out of the proposed food service use. As such, the Village can consider all of the bulk regulation non-conformities to be legal non-conforming and hence do not need to be considered for relief as part of this petition. Moreover, given the extent of the non-conformities on the site, staff believes it is would be appropriate to keep the legal non-conforming status of these structures rather than granting relief for the structures. In the event the property is redeveloped, the new uses would meet the full bulk regulation provisions of the Ordinance, or as varied by a future zoning petition.

*Parking Issues*

The primary purpose of this petition is to address parking issues associated with the proposed food establishment uses. In consideration of the proposed uses, staff references the following provisions from the Zoning Ordinance:

**SECTION 6: OFF-STREET PARKING AND LOADING REQUIREMENTS**

**155.601 SCOPE AND APPLICATION**

**A. Scope of Regulations**

*The off-street parking and loading provisions of this Ordinance shall apply as follows:*

2. *When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading*

*facilities as required herein shall be provided for such increase in intensity of use and for 100 percent of any existing deficiency in parking or loading facilities.*

Staff also references the following sections of the Zoning Ordinance:

**155.301 NONCONFORMING USES**

*A use located within a building or structure, or on open land, which is not authorized in the list of permitted uses in the zoning district in which such use is located shall be subject to the provisions of Section 155.302....*

**A. Authority to Continue**

*Any lawfully nonconforming use of part or all of a building or structure, or any lawfully existing nonconforming use of land not involving a building or structure or involving a building or structure which is accessory to such use of land, may be continued, so long as it remains otherwise lawful, subject to the provisions of Section 155.302 (B) through (H). The existence of a nonconforming use on part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.*

**B. Repair and Maintenance**

*Normal maintenance and incidental repair or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any building or structure that is devoted in whole or in part to a nonconforming use, provided however, that this subsection shall not be deemed to authorize any violation of Sections 155.302 (C) through (G) hereunder.*

**C. Expansion**

*A nonconforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activity shall include, without being limited to:*

- 1. Expansion of such use to any building, structure or land area other than that occupied by such nonconforming use at the time such use became nonconforming.*
- 2. Expansion of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use at the time such use became nonconforming.*
- 3. Operation of such nonconforming use in such a manner which conflicts with, or further conflicts with any requirement or standard established for the district in which such use is located.*

**D. Relocation**

*No building or structure that is devoted in whole or in part to a nonconforming use shall be relocated in whole or in part to any other location on the same or any other lot, unless the entire building or structure and the use thereof shall thereafter conform to all the regulations of the zoning district in which such building or*

*structure and use are located after being so relocated. No nonconforming use of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use shall thereafter conform to all the regulations of the zoning district in which such use of land is located after being so relocated.*

**E. Change in Use**

*A nonconforming use of land or of a building or structure shall not be changed to any use other than a use permitted in the zoning district in which such land, building or structure is located. When such nonconforming use has been changed to a permitted use, it shall only be used thereafter for a use permitted in the zoning district in which it is located. For the purpose of this Subsection, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and the permitted use shall have commenced and continued for a period of seven (7) days.*

The provisions of Section 155.302 (E) serves as the rationale for the rezoning. As restaurants are not a permitted use in the R1 District, the rezoning actions are necessary.

With respect to the restaurant activities, the Steve's Gyros business can be considered legal non-conforming as it existed prior to annexation of the property into the Village. Regarding the 912 E. Roosevelt building, the building was not being used as a restaurant use. At the time of the annexation, the 912 E. Roosevelt Road building was considered a generic retail building. However, with the change from a generic retail building, which requires parking at 4 spaces per 1000 square feet of gross floor area, to a restaurant use which has higher parking requirements, the non-conforming provisions would no longer apply. As the property does not have the physical space to accommodate parking per Village Code, relief will be required.

*Staff Site Plan*

The petitioner is requesting consideration of three types of restaurant/food service operations for the subject property. In order to consider the merits of any of these options, staff reviewed the property to determine the available supply of parking that can functionally exist on the property. Moreover, staff also proposes a concept parking plan for the site that should be followed if this petition is approved. Staff's concept plan attempts to address the following issues (with staff narrative for each item):

**1. Provides 21 on-site parking spaces meeting the Village parking stall dimension sizes (9'x18');**

Currently, the paved surface is only partially striped and staff's observation has been that visitors park where they desire. This plan will provide for a more uniform parking plan for the site.

**2. Pulls the parking stalls five feet off of the north property line, per the Village's perimeter parking lot requirements;**

While full transitional landscaping cannot be provided on-site, this provision will ensure that the parking is separated from the residential property to the north.

**3. Creates two landscape islands at the School Street entrance to prevent customers from straddling the lot line for parking;**

This provision creates a better ingress/egress configuration and will further encourage visitors to park on the subject property rather than on the public right-of-way.

**4. Creates a one-way (southbound) aisle between the two buildings. This will force all on-site parking to enter the property off of School Street. Visitors can exit either onto Roosevelt Road or onto School Street;**

This provision is intended to provide better traffic flow and to minimize vehicle conflicts on the subject property as well as on Roosevelt Road.

**5. Sets forth provisions to allow for some of the parking spaces existing on both the public right-of-way as well as the subject property to remain until such time that the Village requests the spaces to be removed;**

Right now, most of the parking for Steve's Gyros is located on the east side of the building. This existing perpendicular parking area is partially on the subject property and partially within the School Street right-of-way. This configuration existed prior to the annexation of the property and the adjacent roadway into the Village. In discussions with York Township Highway Department, the property owner and the Township did not have any executed agreements relative to parking in this area – Township staff noted that the on-street parking has been there for several decades.

Staff notes that this is not a particularly desirable parking configuration. As such, staff is proposing modifications that remove much of the parking and would place it on the private property. The proposed plan identifies parking spaces within the right-of-way, which can remain until such time that the Village considers full right-of-way improvements along School Street and requests that these spaces be removed. Staff notes that if these spaces are removed, customers could parallel park at this location, but these spaces cannot be counted toward meeting the Village parking requirement. Additionally, staff based the public hearing petition on those spaces that are located exclusively on the subject property – if the School Street spaces are removed, the zoning actions are already in place to allow the restaurant uses to remain if approved.

**6. Provide for handicapped parking spaces per Illinois Accessibility Code provisions;**

The Illinois Accessibility Code requires two handicapped spaces on the subject property. Staff recommends that one be placed in front of the 912 E. Roosevelt Road building and that a second be placed closest to the entrance to the 916 E. Roosevelt Road building entrance.

**7. Sets forth provisions for future cross-access, trash enclosures and closer compliance with Village Code.**

Staff recommends as conditions of approval that full dumpster screening be provided per code. Moreover, staff offers its recommendations regarding cross-access provisions – upon a request by

the Village, the petitioner shall remove the barrier fence and record a cross-access agreement on the property. Staff believes the cross-access is desirable as it would provide for better traffic circulation patterns and fewer turning movements onto Roosevelt Road. Cross-parking provisions would not be included as part of this recommendation.

*Restaurant Options*

In consideration of the food service options, staff offers the following parking requirements as set forth in the Zoning Ordinance:

|                                                         |                                                                             |
|---------------------------------------------------------|-----------------------------------------------------------------------------|
| Sit Down Restaurant (less than 7,000 gross square feet) | Sixteen (16) spaces per one thousand (1000) square feet of gross floor area |
| Fast Food w/o drive-in                                  | Twelve (12) spaces per one thousand (1000) square feet gross floor area     |

Catering establishments do not have separate parking requirements – this use would be required to meet the 4 spaces per 1000 square feet of gross floor area requirement. However, this land use is a conditional use in the B3 District.

At 1,150 square feet, the existing Steve’s Gyros requires 14 parking spaces. Assuming the 21 proposed parking spaces on the site (per staff’s plan), this would leave a supply of 7 spaces for the second use on the property. A catering establishment would require 7 spaces (4/1,000 \* 1,810 sq. ft. for the building). Therefore, no parking relief is necessary for a catering use. For a second fast food restaurant, 22 spaces would be needed (or 15 more than provided). A sit down restaurant would require 29 spaces (or 22 more than provided).

In the petitioner’s request for a fast-food option, he would like the option to lease the building for a fast-food establishment without seating. The proposed use would consist of preparation of fast-food for customer pick-up or delivery. No in-store seating would be provided. Staff notes that the Zoning Ordinance does not distinguish between fast-food establishments with or without seating. However, if no customer seating is provided the anticipated parking demand for the use would be more characteristic of other generic retail uses. Therefore, staff is supportive of the fast-food use provided that there is no on-site dining associated with the 912 E. Roosevelt Road building.

With respect to the sit-down concept, the petitioner proposes that the use be permitted with a cap on the number of tables on the site. Staff notes that this provision can be difficult to enforce as it would require constant monitoring of the site. Moreover, the table limitation may not necessarily reduce the potential parking demand on the site as the limit on the number of tables may create an outside waiting area that can also increase the overall parking demand on the site. Therefore, staff is not supportive of a sit-down restaurant for the site unless the petitioner can demonstrate that the restaurant could meet the 16/1,000 square foot space requirement provided by code.

With respect to the conditional use for the catering use, the petitioner would also like to have the flexibility to utilize the 912 building for catering purposes. This could be done either as an ancillary function of the permitted restaurant use or as a separate use. Staff is conceptually supportive of this



use as the parking demands for the catering use will not be as great as other restaurant uses. However, staff recommends as a condition of approval that any catering vehicles associated with the business activity be parked and stored immediately behind the 912 E. Roosevelt Road building.

## **FINDINGS AND RECOMMENDATIONS**

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of the request, but only in part and subject to the conditions included within the IDRC recommendation:

Based on the information and testimony presented, the proposed conditional use complies with the standards required by the Lombard Zoning Ordinance, and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Committee Report as the findings of the Plan Commission, and therefore, I recommend to the Corporate Authorities take the following actions relative to PC 05-34:

That the Plan Commission recommends the following actions:

- A. Approve a map amendment rezoning the subject property from the R1 Single-Family Residence District to the B3 Community Shopping District.
- B. To allow for a proposed fast-food restaurant (without seating) at 912 E. Roosevelt Road and an existing fast-food restaurant at 916 E. Roosevelt Road, approve a variation from Section 155.602 (C), Table 6.3 Off-Site Parking Requirements reducing the requisite number of parking spaces on the subject property from 36 spaces to 21 spaces; and
- C. To allow for a catering service establishment to be located in the building at 912 E. Roosevelt Road, grant a conditional use, pursuant to Section 155.414 (C)(5) of the Zoning Ordinance.
- D. Denial of all other requested relief.

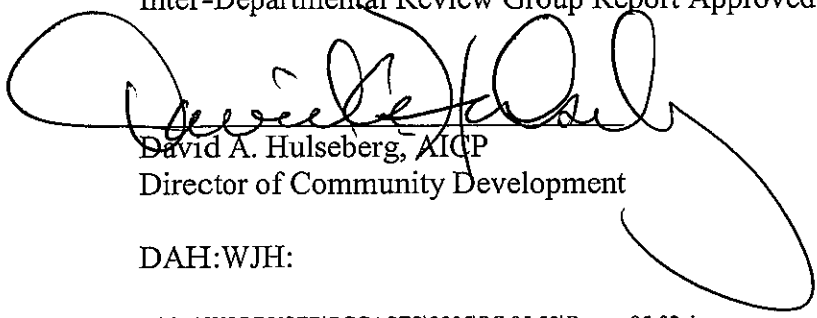
The recommendation for approval shall be subject to the following conditions:

1. That the subject property be modified to incorporate all of the parking and site improvements as depicted on the site plan prepared by the Village, attached as an exhibit and made a part of the recommendation of approval.
2. That upon a written request of the Village the petitioner shall remove the perpendicular parking spaces along the east side of the subject property and/or within the School Street

right-of-way as depicted on the exhibit made a part of the Ordinance approving the petition.

3. Accessible parking spaces shall be provided in compliance with the provisions of the Illinois Accessibility Code. One space shall be provide immediately in front of the 912 E. Roosevelt Road building while the second space shall be provided at the entrance to the Steve's Gyros restaurant.
4. Upon a request by the Village, the petitioner shall provide a cross-access agreement between the subject property and the property immediately to the west and that the petitioner shall remove the fence barrier to the adjacent property.
5. Refuse disposal areas for both business establishments located on the subject property shall be screened in accordance with Section 155.710 of the Lombard Zoning Ordinance.
6. That any business vehicles associated with the existing business establishment at 912 E. Roosevelt Road shall be parked behind the building at all times.
7. That the petitioner shall satisfactorily address the comments included within the IDRC report.
8. That the provisions included within the Ordinance of approval shall be satisfactorily addressed and all provisions of Village Code associated with the proposed restaurant/food preparation uses shall be met prior to issuance of a Certificate of Occupancy for any restaurant/food preparation use on the subject property.

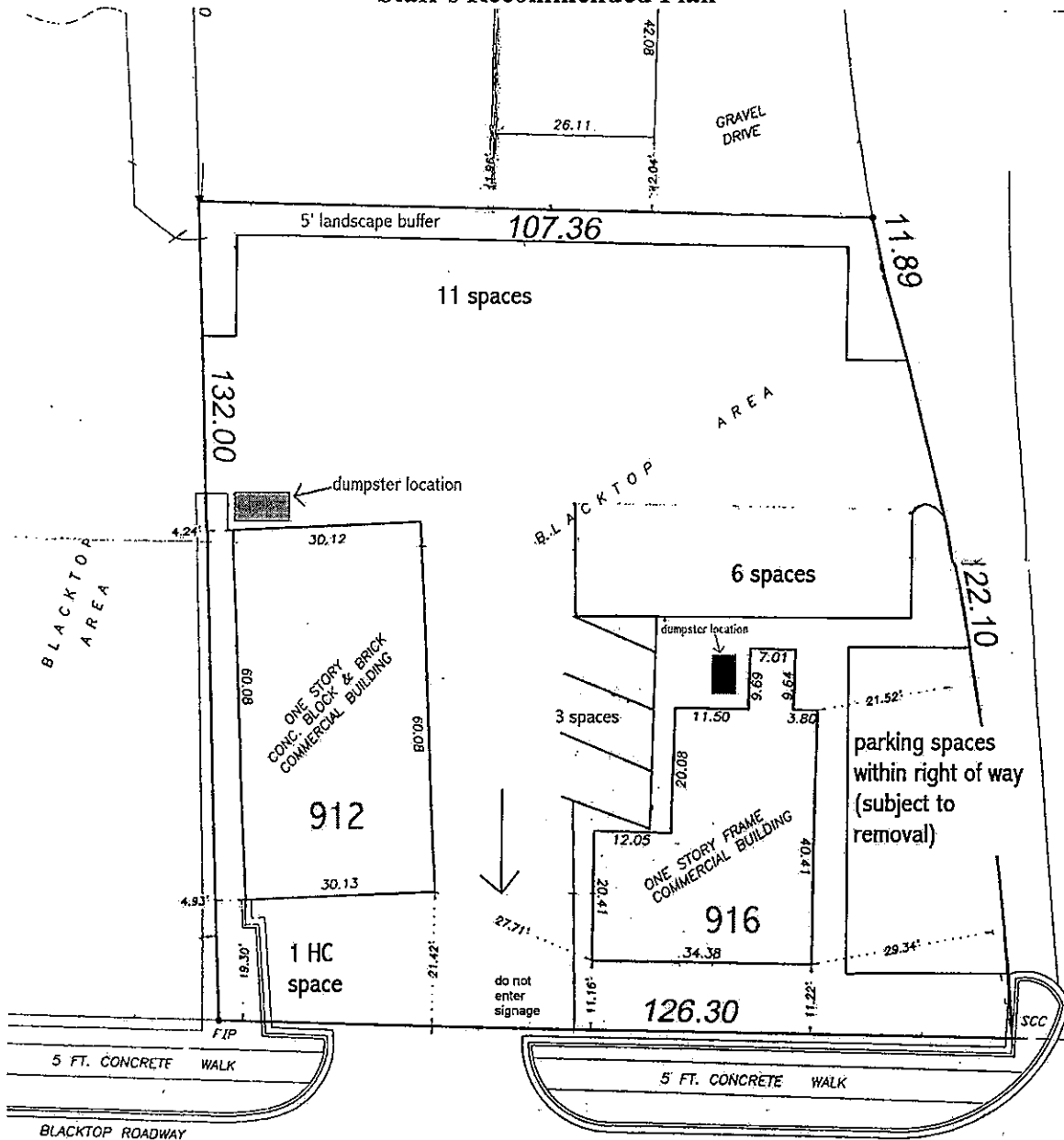
Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP  
Director of Community Development

DAH:WJH:

### Staff's Recommended Plan



~~ROOSEVELT~~

(ROUTE 38)

### Staff Response to Standards for Map Amendments

#### SECTION 155.103 (E)(8)(a) OF THE LOMBARD ZONING ORDINANCE:

Where a map amendment is proposed, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:

1. Compatibility with existing uses of property within the general area of the property in question;

**The properties to the south, west and east are used as commercial uses. This property had DuPage County B1 zoning prior to annexation into the Village and has historically been used for commercial uses. It is also located within a retail commercial corridor.**

2. Compatibility with the zoning classification of property within the general area of the property in question;

**The properties to the east and south also have B3 zoning within the Village. Most of the properties along Roosevelt Road within the Village have B3 or B4 zoning – the proposed rezoning would be consistent with the designations the Village has previously made along Roosevelt Road.**

3. The suitability of the property in question to the uses permitted under the existing zoning classification;

**Restaurant uses are permitted uses within the B3 District. Catering establishments, as a principal use, are listed as conditional uses within the B3 District.**

4. Consistency with the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification;

**The trend of all properties along Roosevelt Road is to designate these properties within the B3 or B4 District at such time that the property owner seeks annexation into the Village. As this property was involuntarily annexed, the rezoning petition was not brought forward until such time that the property owner requested other zoning actions on the property.**

5. The compatibility of the surrounding property with the permitted uses listed in the proposed zoning classification;

**Provided that the petitioner addresses concerns raised within the IDRC staff report, staff finds that the restaurant use can be compatible with the adjacent uses.**

6. The objectives of the current Comprehensive Plan for the Village of Lombard and the impact of the proposed amendment of the said objectives;

**The rezoning will be consistent with the recommendation of the Comprehensive Plan, which recommends retail commercial uses for the subject property.**

7. The suitability of the property in question for permitted uses listed in the proposed zoning classification.

**The property will be used for uses that are permitted, or permitted through the conditional use process, within the B3 District.**

**Staff's Response to the Standards for Conditional Use (Catering Establishment)**

SECTION 155.103 (F)(8) OF THE LOMBARD ZONING ORDINANCE:

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 proposed catering use can be a lower intensity use as opposed to other retail establishments proposed in the underlying B3 District. The use generally consists of food preparation and delivery/pick-up functions. This use would be compatible with the existing fast-food 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;

**To ensure neighborhood compatibility, staff has created a companion site plan that should satisfactorily address potential negative impacts of the use from neighboring properties.**

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 proposed use would not affect adjacent properties. Parking would be provided completely on the subject property and the catering establishment would not impede orderly development of properties along Roosevelt Road.**

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

**Access circulation and parking provisions are addressed through staff's recommended site plan.**

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;

**Access circulation and parking provisions are addressed through staff's recommended site plan.**

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

**The proposed use is a type of food service establishment found in retail corridors and would be consistent with retail uses recommended within the Comprehensive 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

**Notwithstanding any legal non-conformities on the site, provided that the plan follows the recommendation included within the IDRC report, the plan should meet Village regulations and requirements.**

### Staff's Response to Standards for Variations

#### 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.

**Staff finds that the subject property is quite limited as it relates to the amount of parking that can be provided on the subject property. Also, given that two higher generating parking uses are slated for the property, traffic impacts can be raised. The proposed site plan provides up to 21 spaces on the property. While this may serve the needs of the existing fast-food restaurant, when done in tandem with another restaurant, staff believes that only a limited second fast-food restaurant can only be reasonable accommodated on the property.**

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 property is unique as the structures were erected on the property in the mid-1950s. The property meets few of the Village regulations relative to bulk and setback requirements. While the existing fast-food restaurant constitutes a legal use in the B3 District, the new restaurant would require additional parking beyond current code regulations allow. To address the unique property issues, the staff plan attempts to accommodate the demand in a reasonable manner. However, allowing for a sit-down restaurant and a fast-food restaurant on the premises could lead to substantially higher parking demand on the property than what the property can reasonably accommodate.**

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

**The petitioner is seeking to allow a second food preparation use on the property to take advantage of improvements already made to the 912 E. Roosevelt Road building. The parking variation request is requested to allow the building to be used in this manner. Staff does not have an inherent problem with the 912 building being used as a food preparation use, but does have concerns regarding the requisite parking needed to accommodate such a use.**



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 ordinance only creates the hardship to the extent that the Ordinance does not have a parking classification for fast-food establishment without seating.**

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.

**Staff is concerned that without substantial restriction of the second fast-food establishments, substantial parking and access issues could occur on this property as well as neighboring properties.**

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

**Uses with excessive parking demands can negatively affect the neighborhood as it may create additional on-street parking demand, unauthorized parking on neighboring property and poor traffic movements along Roosevelt Road.**

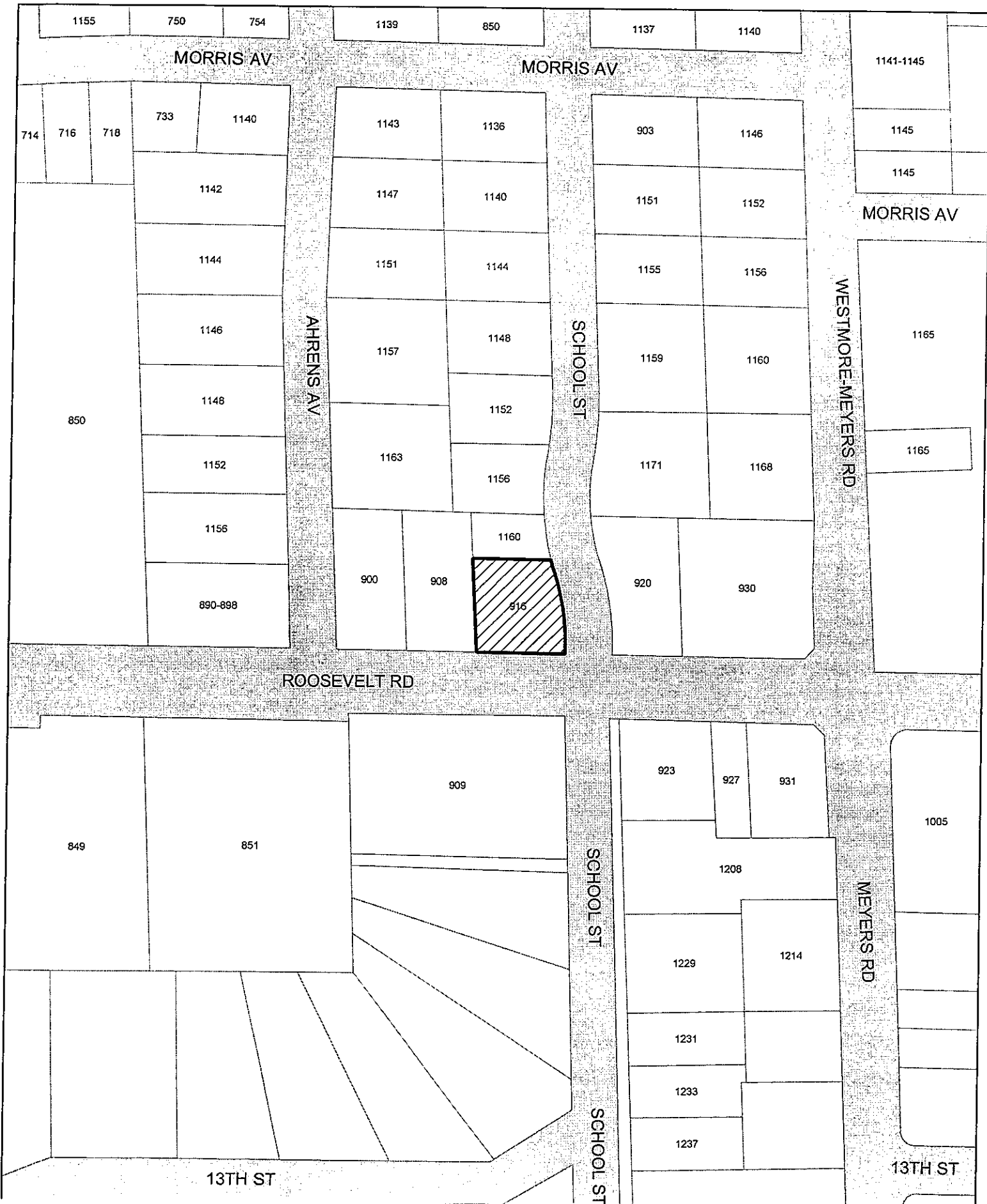
7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety,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

**See #6 above.**

# Location Map



PC 05-32: 912-916 E. Roosevelt Road



THE BUILDING ( STORE ) KNOWN AS 912 E. ROOSEVELT RD., IS VACANT AND HAS BEEN FOR SOME TIME FOR REASON OF BEING REZONED FROM B2 COMMERCIAL TO R1 UPON ANNEXATION WITH PERMISSABLE RETAIL USES BUT WITH OTHER USE EXCLUSIONS SUCH AS FAST FOOD OR SMALL RESTAURANT USE WHICH WERE PERMITTED PRIOR TO ANNEXATION. THIS RESTRICTED USE HAS CREATED A HARDSHIP UPON THE THE PETITIONER. GRANTING THIS PETITION IS IMPERATIVE TO THE PETITIONER AS REQUESTED.

THE PETITIONER PRAYS THAT THE BOARD WILL RESTORE THE ZONING TO B2 TO ALLOW

- 1) FOR A SMALL RESTAURANT USE WITH LIMITED SEATING OF NO MORE THAN 12 TABLES 4 CHAIRS TO A TABLE LESS 5% FOR HANDCAPPED PATRONS.
- 2) A CONDITIONAL USE FOR A "CATERING" ENTERPRISE WITH <sup>\*</sup>CARRY OUT RETAIL SERVICE INCLUDING DELIVERY. JOBSITE FOOD PREPARATION.  
\* FAST FOOD ( HOT AND SANDWICHES ) WITH NO MORE THAN 2 tables.
- 3) A JOBSITE " PIZZA " PREPARATION OUTLET - WITH PICK UP AND DELIVERY SERVICE, ALLOWING NO MORE THAN 2 tables.

AS FOR THE " VARIANCE " PETITION IT IS A REQUEST TO REDUCE THE NUMBER LEGALLY REQUIRED OVERALL NUMBER OF PARKING SPACES FROM 35 to 28 IF THE BOARD APPROVES MY PETITION TO PERMIT THE ESTABLISHMENT OF A RESTAURANT.

THE PETITIONER PRAYS THAT THE BOARD RESTORES THE LAND & BUILDING USE A B2 - B3 ZONING ALLOWING FOR ALL THE USES PETITIONED FOR HEREIN THUS CREATING A POSITIVE REVENUE PRODUCING ENTITY. THE PETITIONER FURTHER TO EMPHASIZE THAT THE REQUESTED PETITION AS OUTLINED FOR THE REZONING AND FOR THE VARIANCE WILL NOT IN ANY WAY ADVERSELY IMPACT THE EXISTING BUSINESSES AND OR THE NEIGHBORHOOD AREA WHATSOEVER AS IT NEVER, EVER HAD IN IT'S ENTIRE HISTORY BUT SUCH GRANTING WILL ENHANCE THE AESTHETICS OF SUCH LAND USE WITH THE PETITIONERS PLANNED IMPROVEMENTS FOR THE BUILDING EXTERIOR AS ALREADY DISCUSSED WITH THE BUILDING DEPARTMENT WHILE THE WILL BE UPGRADED ENTIRELY UNDER THE WATCHFUL DIRECTION OF THE BUILDING DEPARTMENT.

THANK YOU.



Kenneth Miller

( Petitioner )

THE PETITIONER IMPARTS THIS INFORMATION TO THE BOARD AND THAT IS THAT  
THE PARKING AS PHYSICALLY DESIGNATED ON SITE AND ILLUSTRATED ON THE ATTACHED  
SITE PLAN HAS BEEN IN USE HISTORICALLY COUNTLESS NUMBER OF YEARS AND HAS  
NEVER, EVER ONCE PROVEN TO BE NEGATIVE DESIGN BY SO MUCH AS ONE MISHAP.

  
Petitioner

*Johnson's*

**DOOR COUNTY**

**Fish & Shrimp**

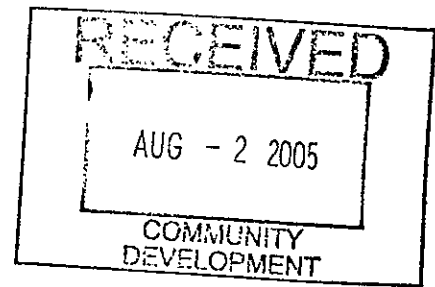
908 E. Roosevelt Road

Lombard, IL 60148

(630) 629-6520

*Quality Seafood Since 1947*

July 30, 2005



Lombard Village Hall  
Department of Community Development  
255 East Wilson Avenue  
Lombard IL 60148

Reference: Case No. PC 05-32, Parcel #06-16-310-022

Johnson's Door County Fish & Shrimp is a family restaurant which has been in operation at 908 E. Roosevelt Rd. since 1967. This location is immediately adjacent to the west of the building located at 912 E. Roosevelt Rd. As a result of recent parking lot access revisions, we will no longer be passive, as we have been in the past, regarding the use of our parking facilities by persons not doing business with Johnson's. This is in specific reference to the use of the east side of the our parking lot, which has been used frequently over the years by people going to the businesses located at 912 E. Roosevelt and also at 916 E. Roosevelt Rd.

We intend to limit the use of our parking lot exclusively to the customers of Johnson's Door County Fish & Shrimp. We will no longer provide additional parking for the adjacent property and it should not be considered for any relief for the requisite number of parking spaces. We will take whatever steps are necessary to prevent and detour the use of our parking lot by anyone other than Johnson's customers.

Respectfully,

A handwritten signature in black ink, appearing to read "Jerry Johnson". The signature is stylized with a large initial "J" and a long, sweeping underline.

Jerry Johnson

President, Johnson's Door County Fish & Shrimp, Inc.  
Trustee, Johnson Family Trust (property owner)

ORDINANCE \_\_\_\_\_

**AN ORDINANCE APPROVING A MAP AMENDMENT (REZONING)  
TO THE LOMBARD ZONING ORDINANCE  
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 05-32: 912-916 East Roosevelt Road)

(See also Ordinance No.(s) \_\_\_\_\_)

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, an application has heretofore been filed requesting a map amendment for the purpose of rezoning the property described in Section 2 hereto from the R1 Single-Family Residence District to the B3 Community Shopping District; and,

WHEREAS, a public hearing thereon has been conducted by the Village of Lombard Plan Commission on August 15, 2005, 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 rezoning 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 Title 15, Chapter 155 of the Code of Lombard, Illinois, otherwise known as the Lombard Zoning Ordinance, be and is hereby amended so as to rezone the property described in Section 2 hereof from the R1 Single Family Residence District to the B3 Community Shopping District.

SECTION 2: The map amendment is limited and restricted to the property located at 912-916 East Roosevelt Road, Lombard, Illinois and legally described as follows:

THE SOUTH 132.0 FEET OF LOT 7 (MEASURED ALONG THE WEST LINE AND PARALLEL TO THE SOUTH LINE OF SAID LOT 7 IN BLOCK 8 IN A.T. McINTOSH AND

Ordinance No. \_\_\_\_\_  
Re: PC 05-32  
Page 2

CO'S WESTLANDS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 12, 1951 AS DOCUMENT 625824, IN DU PAGE COUNTY, ILLINOIS;

Parcel Number: 06-16-310-022; (the "Subject Property").

SECTION 3: That the official zoning map of the Village of Lombard be changed in conformance with the provisions of this Ordinance.

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.

SECTION 5: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 6: 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 \_\_\_\_\_, 2005.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005, pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Ordinance No. \_\_\_\_\_

Re: PC 05-32

Page 3

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING A VARIATION TO SECTION 155.602 (C),  
TABLE 6.3 OF THE LOMBARD ZONING ORDINANCE  
AND A CONDITIONAL USE PURSUANT TO  
TITLE 15, CHAPTER 155, SECTION 155.414 (C)(5)  
OF THE LOMBARD ZONING ORDINANCE**

(PC 05-32: 912-916 East Roosevelt Road)

(See also Ordinance \_\_\_\_\_)

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

WHEREAS, the Subject Property as defined below is zoned B3 Community Commercial District; and,

WHEREAS, an application has been filed requesting approval of a variation from Section 155.602 (C), Table 6.3 of the Lombard Zoning Ordinance so as to reduce the requisite number of parking spaces on the Subject Property as defined below from thirty-six (36) parking spaces to twenty-one (21) parking spaces for a fast-food restaurant (without seating) at 912 East Roosevelt Road; and

WHEREAS, said application also requests approval of a conditional use pursuant to Section 155.414 (C)(5) of the Zoning Ordinance to provide for a catering establishment in relation to the existing building at 912 East Roosevelt Road on the Subject Property as defined below; and,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on August 15, 2005 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 variation and conditional use described herein, subject to conditions; and,

Ordinance No. \_\_\_\_\_

Re: PC 05-32

Page 2

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 a variation is hereby granted for the property described in Section 3 below to reduce the requisite number of parking spaces as required by Title 15, Chapter 155, Section 155.602 (C), Table 6.3 of the Lombard Village Code from thirty-six (36) parking spaces to twenty-one (21) parking spaces for a fast-food restaurant (without seating) at 912 East Roosevelt Road in conjunction with an existing fast-food restaurant at 916 East Roosevelt Road, subject to the conditions set forth in Section 4 below.

SECTION 2: That a Conditional Use is hereby granted for the owner of the Subject Property, as described in Section 3 below, pursuant to Title 15, Chapter 155, Section 414 (C)(5) of the Lombard Village Code to provide for a catering establishment in relation to the existing building at 912 East Roosevelt Road, subject to the conditions set forth in Section 4 below.

SECTION 3: That this Ordinance is limited and restricted to the property located at 912-916 East Roosevelt Road, Lombard, Illinois and legally described as follows:

THE SOUTH 132.0 FEET OF LOT 7 (MEASURED ALONG THE WEST LINE AND PARALLEL TO THE SOUTH LINE OF SAID LOT 7 IN BLOCK 8 IN A.T. McINTOSH AND CO'S WESTLANDS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 12, 1951 AS DOCUMENT 625824, IN DU PAGE COUNTY, ILLINOIS;

Parcel Number: 06-16-310-022; (the "Subject Property").

SECTION 4: The variation and conditional use, as provided for in Section 1 and 2 of this Ordinance shall be granted subject to compliance with the following conditions:

1. The Subject Property shall be modified to incorporate all of the parking and site improvements as depicted on the site plan prepared by the Village, attached hereto as Exhibit "A" and made a part of this Ordinance.
2. Upon a written request of the Village, the owner of the Subject Property shall remove the perpendicular parking spaces along the east side of the Subject Property and/or within the School Street right-of-way as depicted on Exhibit "A" and made a part of this Ordinance and replace the asphalt surface with sod.
3. Accessible parking spaces shall be provided in compliance with the provisions of the Illinois Accessibility Code. One space shall be provided immediately south of the 912 E. Roosevelt Road building, as depicted on Exhibit "A", while the second space shall be provided at the closest parking space to the entrance to the Steve's Gyros restaurant.
4. Upon a request by the Village, the petitioner shall enter into a cross-access agreement between with the owner of the property immediately to the west, with the owner of the Subject Property being required to remove the fence barrier upon approval of said cross-access agreement.
5. Refuse disposal areas for both business establishments located on the Subject Property shall be screened in accordance with Section 155.710 of the Lombard Village Code.
6. Any business vehicles associated with the existing business establishment at 912 E. Roosevelt Road shall be parked to the north of and behind the building at all times.
7. The owner of the Subject Property shall satisfactorily address the comments included within the IDRC report, consisting of the following:
  - a. A fast food establishment shall provide at least one restroom if the total occupancy count is no more than ten persons, patrons and employees.
  - b. Any catering facility shall provide at least one restroom for employees only, if the total employee count is less than five persons.

If five or more employees, two restrooms are required, male and female, per code.

- c. Any construction to the structure, exterior or interior will have to follow the new International Building Codes, along with any fire and life safety issues that would need to be addressed.
- 8. The foregoing conditions shall be completed with, and all provisions of Village Code applicable to the proposed restaurant/food preparation uses shall be complied with, prior to issuance of a Certificate of Occupancy for any restaurant/food preparation use on the Subject Property.

SECTION 5: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 6: 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 \_\_\_\_\_, 2005.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005, pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_

Ordinance No. \_\_\_\_\_

Re: PC 05-32

Page 5

William J. Mueller, Village President

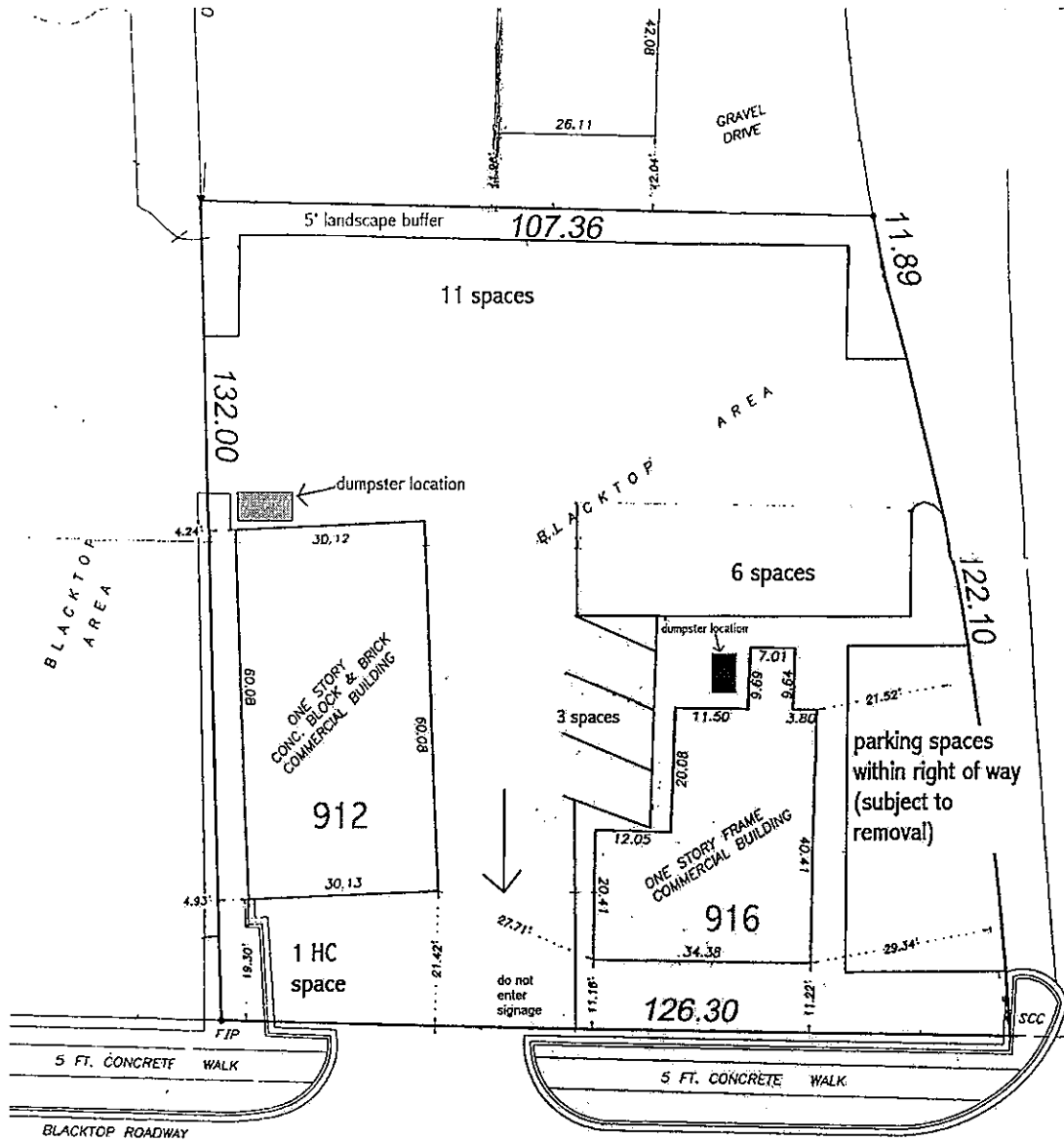
ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

**Exhibit "A"**



~~ROOSEVELT~~

(ROUTE 38)