

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: David A. Hulseberg, Village Manager *clark*
DATE: April 27, 2011 (BOT) Date: May 5, 2011
TITLE: PC 11-09: 717 E. Butterfield Road
SUBMITTED BY: Department of Community Development *tdf*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The petition requests that the Village approve amendments to Ordinance 4497 as it relates to the Homestead Village Planned Development, located within the OPD Office District, Planned Development, and consisting of:

1. A planned development amendment with a use exception for drive-through and drive-in establishments/services in the O District;
2. A conditional use (per Section 155.412 (C)(1) of the Zoning Ordinance) to allow for a restaurant; and
3. A conditional use (per Section 155.412 (C)(1) of the Zoning Ordinance) to allow for an outside service/dining area; and
4. Site plan approval with the following deviations from the Lombard Sign Ordinance:
 - a. A deviation from Section 153.503 (B)(5)(b) to allow for a freestanding sign of sixty (60) square feet where a maximum of thirty (30) square feet is permitted;
 - b. A deviation from Section 153.503 (B)(5)(c) to allow for a freestanding sign of eight (8) feet in height where a maximum of six (6) feet in height is permitted;
 - c. A deviation from Section 153.503 (B)(5)(f) to allow for a freestanding sign to be set back less than ten (10) feet from the property line; and
 - d. A deviation from Section 153.503 (B)(12)(b) to allow for more than one wall sign per street front exposure.

The Plan Commission recommended approval of this petition with conditions.

The petitioner is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney	X	_____	Date	_____
Finance Director	X	_____	Date	_____
Village Manager	X	<i>David A. Hulseberg</i>	Date	<i>4/27/11</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: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP
Director of Community Development *WH*

DATE: May 5, 2011

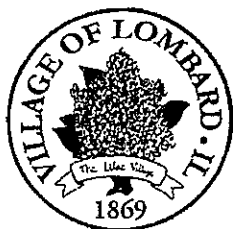
SUBJECT: **PC 11-09: 717 E. Butterfield Road**

Attached please find the following items for Village Board consideration as part of the May 5, 2011 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 11-09;
3. An Ordinance Granting an Amendment to Ordinance 4497 Granting a Conditional Use for a Panned Development with a Use Exception and Companion Conditional Uses,
4. Letter from NIA Hiffman dated April 15, 2011 objecting to the petition;
5. Letter from the petitioner, Woolpert, dated April 19, 2011 requesting a waiver of first reading; and
6. Plans associated with the petition.

The Plan Commission recommended approval of the petition subject to conditions.

The petitioner has requested a waiver of first reading.



VILLAGE OF LOMBARD

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Lombard, Illinois 60148-3926
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www.villageoflombard.org

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses 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."

May 5, 2011

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

Subject: PC 11-09: 717 E. Butterfield Road (Chick-fil-A)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village approve amendments to Ordinance 4497 as it relates to the Homestead Village Planned Development, located within the OPD Office District, Planned Development, and consisting of:

1. A planned development amendment with a use exception for drive-through and drive-in establishments/services in the O District;
2. A conditional use (per Section 155.412 (C)(1) of the Zoning Ordinance) to allow for a restaurant; and
3. A conditional use (per Section 155.412 (C)(1) of the Zoning Ordinance) to allow for an outside service/dining area; and
4. Site plan approval with the following deviations from the Lombard Sign Ordinance:
 - a. A deviation from Section 153.503 (B)(5)(b) to allow for a freestanding sign of sixty (60) square feet where a maximum of thirty (30) square feet is permitted;
 - b. A deviation from Section 153.503 (B)(5)(c) to allow for a freestanding sign of eight (8) feet in height where a maximum of six (6) feet in height is permitted;
 - c. A deviation from Section 153.503 (B)(5)(f) to allow for a freestanding sign to be set back less than ten (10) feet from the property line; and
 - d. A deviation from Section 153.503 (B)(12)(b) to allow for more than one wall sign per street front exposure.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 18, 2011.

Jason Hill, 1815 S. Meyers Road, Oakbrook Terrace, presented the petition and the proposed site plan. They wish to demolish the existing Taylor Brewing Company restaurant on the subject property and replace it with a similar restaurant use with an added drive-through facility. The building configuration would be very similar to what exists today.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition.

Mike VanZandt, 1 Oakbrook Terrace, Oakbrook Terrace, stated that he represents the owner of the office building across Butterfield Road. They feel that the proposed restaurant would be inconsistent with the development of the surrounding area.

Scott Patman, 5200 Buffington Road, Atlanta, GA, stated that Chick-fil-A has done a substantial amount of market research and has opened three stores in the area, with one additional store currently under construction. They feel it is the highest and best use for the property. The restaurant feels more like a sit-down restaurant than fast food, and they will offer both indoor and outdoor seating. The drive-through was designed so that it will not affect the outdoor dining experience, and Chick-fil-A believes it is very compatible with the surrounding area.

Jennifer Henaghan, Senior Planner, presented the staff report. Both the restaurant and outdoor dining component require conditional uses. Drive-throughs are not listed as permitted or conditional uses within the Office District, so a use exception to the Homestead Village Planned Development is required. The petitioner is also requesting signage relief for the proposed freestanding and wall signs.

There were numerous comments from Engineering, Building, and Fire of which the petitioner is aware. These comments will be addressed through the permit review process. The Comprehensive Plan recommends office land uses for the Homestead Village Planned Development. The proposed restaurant is consistent with this recommendation, as the Comprehensive Plan does not exclude non-office uses within general office areas and the proposed restaurant use is complementary to the office uses that are dominant in the overall Butterfield Road/22nd Street corridor. The subject property is compatible with the surrounding business uses. Restaurant uses are located along the Butterfield Road corridor, notably on the two properties immediately to the east of the subject property.

The Homestead Village Planned Development was approved by the Village in 1998 and included conditional use approval for two hotels, a restaurant, and off-site parking. In 2004, the Plan Commission granted site plan approval for the DuPage Medical Group Surgical Center at 2725 Technology Drive in place of the hotel that was originally approved for that property.

The proposed Chick-fil-A restaurant will be approximately 34 percent smaller than the existing restaurant building and will provide 12 percent more landscaped area. As with the current

restaurant use, the proposed restaurant will make use of 54 off-site parking spaces on the adjacent Nicor parcel to the south. The proposed outdoor seating area will be physically separated from the nearby parking, landscaping, and drive-through areas with an aluminum handrail. Although the current restaurant user does not offer outdoor dining, the Village has seen a trend toward restaurants offering this amenity and has recently granted a number of approvals in the area. Staff finds that, given the existing restaurant use on the site and the restaurant uses on the adjacent properties, the requested conditional uses for a restaurant and outdoor dining are appropriate at this location.

The Village's planned development requirements allow use exceptions for land uses that are not specifically provided for in the underlying zoning district, provided that three conditions are met. The proposed drive-through is a minor component of the overall planned development, representing roughly two percent of the entire Homestead Village Planned Development site area and 10 percent of the total floor area. The design of the drive-through isolates the associated traffic to the far northern portion of the site and also segregates the drive-through area from the main parking, access, and circulation areas for the proposed Chick-fil-A restaurant. These design factors make the drive-through more compatible with the surrounding properties and land uses. In addition, the Village's traffic consultant, KLOA, Inc., reviewed the internal circulation of the submitted site plan and recommended a number of modifications to the site plan to better guide traffic through the site. Provided that the petitioner includes the above recommendations regarding signage and striping, staff believes that the proposed-drive through meets the conditions for use exceptions.

The petitioner is proposing two identical freestanding signs that require relief for height and area. The requested relief is consistent with recent Village approvals for signage deviations for Office-zoned properties along Butterfield Road. In 2009, the Village approved deviations to allow the property at 555 E. Butterfield to have a 98-square foot, 20-foot high freestanding sign. More recently, the Village approved 60-square foot temporary signs for The Carlisle at 435 E. Butterfield Rd. The site conditions in this case are similar; therefore, staff is supportive of the requested variations. However, both proposed signs will need to be relocated outside of the recorded easement areas.

The petitioner is proposing a total of five wall signs totaling approximately 223 square feet, which is well below the total 596 square feet allowed by code. Historically, staff has supported signage deviations for the number of signs provided that the total square footage did not exceed that allowable by code. Several variations and/or deviations were recently granted in the area for the allowable number of wall signs. In this case, the siting of the building on the subject property provides for four "main" elevations, but with two frontages along public streets, the Sign Ordinance allows only two wall signs for this property. As customers will be viewing and accessing the site from multiple directions, staff feels that the location and design of the building warrant the need for additional wall signage.

Staff is recommending approval of this petition, subject to the conditions noted in the staff report.

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

Commissioner Sweetser noted that the drive-through traffic would still need to exit through the main parking lot due to the location of the curb cut. Ms. Henaghan stated that KLOA had made a recommendation for additional signage to restrict the exiting drive-through traffic to the western drive aisle to minimize the potential for conflicting vehicle movements.

On a motion by Commissioner Burke and a second by Commissioner Cooper, the Plan Commission voted 4 to 0 that the Village Board **approve** the requested relief, subject to the following conditions:

1. The petitioner shall develop the site in substantial conformance with the site plan, landscape plan, and illumination plan prepared by Woolpert, Inc., dated March 2011, sign plans prepared by Clayton Signs, dated March 16, 2011, and building elevations prepared by Chipman Design Architecture, dated March 22, 2011, except where modified by the conditions of approval.
2. The petitioner shall satisfactorily address all comments noted within the IDRC report, including the relocation of the freestanding signs, modification of the Technology Drive sidewalk, relocation of the parking lot island, parking lot striping and signage, and all other Engineering and Fire Department comments.
3. All other conditions approved by Ordinance 4497 shall remain in full force and effect.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

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

TO: Lombard Plan Commission

HEARING DATE: April 18, 2011

FROM: Department of Community
Development

PREPARED BY: Jennifer Henaghan, AICP
Senior Planner

TITLE

PC 11-09: 717 E. Butterfield Road (Chick-fil-A): The petitioner requests that the Village approve amendments to Ordinance 4497 as it relates to the Homestead Village Planned Development, located within the OPD Office District, Planned Development, and consisting of:

1. A planned development amendment with a use exception for drive-through and drive-in establishments/services in the O District;
2. A conditional use (per Section 155.412 (C)(1) of the Zoning Ordinance) to allow for a restaurant; and
3. A conditional use (per Section 155.412 (C)(1) of the Zoning Ordinance) to allow for an outside service/dining area; and
4. Site plan approval with the following deviations from the Lombard Sign Ordinance:
 - a. A deviation from Section 153.503 (B)(5)(b) to allow for a freestanding sign of sixty (60) square feet where a maximum of thirty (30) square feet is permitted;
 - b. A deviation from Section 153.503 (B)(5)(c) to allow for a freestanding sign of eight (8) feet in height where a maximum of six (6) feet in height is permitted;
 - c. A deviation from Section 153.503 (B)(5)(f) to allow for a freestanding sign to be set back less than ten (10) feet from the property line; and
 - d. A deviation from Section 153.503 (B)(12)(b) to allow for more than one wall sign per street front exposure.

GENERAL INFORMATION

Petitioner: Chick-fil-A, Inc.
5200 Buffington Rd
Atlanta, GA 30349

Property Owner: Northstar Trust Company
500 W. Madison, Ste. 3150
Chicago, IL 60661

Relationship of Petitioner to Property Owner: Potential purchaser

PROPERTY INFORMATION

Existing Zoning:	OPD Office District – Homestead Village Planned Development
Existing Land Use:	Taylor Brewing Company restaurant
Size of Property:	Approximately 1.27 acres
Comprehensive Plan:	Recommends office land uses

SURROUNDING ZONING AND LAND USE

North:	O Office District; developed as offices
South:	OPD Office District Planned Development; developed as off-site parking
East:	O Office District; developed as Benihana restaurant
West:	OPD Office District Planned Development; developed as Embassy Suites

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development.

1. Public Hearing Application.
2. Responses to Standards for Planned Developments, Conditional Uses, and Variations.
3. Plat of Survey, prepared by Woolpert, Inc., dated March 17, 2011.
4. Site, landscape, and illumination plans prepared by Woolpert, Inc., dated March 2011.
5. Sign plans prepared by Clayton Signs, dated March 16, 2011.
6. Building elevations prepared by Chipman Design Architecture, dated March 22, 2011.

DESCRIPTION

The subject property is currently improved as the Taylor Brewing Company restaurant. The petitioner is proposing to demolish this building and replace it with a new Chick-fil-A restaurant with a drive-through and outdoor dining. Both the restaurant and outdoor dining component require conditional uses. Drive-throughs are not listed as permitted or conditional uses within the Office District, so a use exception to the Homestead Village Planned Development is required. Although no relief is required for the demolition and construction of the restaurant itself, the petitioner is requesting signage relief for the proposed freestanding and wall signs.

INTER-DEPARTMENTAL REVIEW COMMENTS

PRIVATE ENGINEERING & PUBLIC WORKS

The PES Division of the Community Development Department has the following comments on the above petition:

1. The sidewalk along Technology Drive shall be straightened to reduce the amount of curves. The walk will need to be one foot away from any vertical obstruction including power poles, hydrants, trees, etc.
2. The freestanding sign shown along Butterfield is not permitted within a utility easement.
3. The existing watermain easement for the fire hydrant located in the parking lot will need to be revised to account for the proposed new hydrant.
4. Stormwater BMPs are required for the disturbed area of the site.
5. The applicant shall provide calculation of pre- and post-impervious areas.
6. All work shall be performed to Village standards, specifications and details.
7. Additional comments will be forthcoming when final construction plans are submitted.

BUILDING DIVISION

The 2009 International Codes shall be used for designing the building.

FIRE DEPARTMENT

The Fire Department has the following concerns regarding site development:

1. The landscape island located at the north end of the paved parking lot area does not provide adequate open area to maneuver the tower/ladder apparatus in and out of the site. This will require the removal of two parking spaces and/or reducing the size of the island and moving it to the south, thereby increasing the open area between the island and the accessible parking; and
2. Preliminary review indicates that the Fire Department connection (FDC) for his facility will be requires at the southwest corner of the structure. A fire hydrant shall be provided within 25 to 75 feet of the FDC.

PLANNING

As indicated on the submitted plans, the proposed building will be 5,330 square feet and have a total of 193 seats. The restaurant will be served by approximately 90 parking spaces, which is in excess of the approximately 64 spaces required by Code. Exterior materials will consist of two colors of modular brick, concrete roof tiles, red metal awnings and canopies, and an aluminum storefront. As with all Chick-fil-A locations, the restaurant will be closed on Sundays.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends office land uses for the Homestead Village Planned Development. The proposed restaurant is consistent with this recommendation, as the

Comprehensive Plan does not exclude non-office uses within general office areas and the proposed restaurant use is complementary to the office uses that are dominant in the overall Butterfield Road/22nd Street corridor.

Compatibility with the Surrounding Land Uses

The subject property is compatible with the surrounding business uses. Restaurant uses are located along the Butterfield Road corridor, notably on the two properties immediately to the east of the subject property.

Compliance with the Zoning Ordinance and the Homestead Village Planned Development

The Homestead Village Planned Development was approved by the Village in 1998 and included conditional use approval for two hotels, a restaurant, and off-site parking. In 2004, the Plan Commission granted site plan approval for the DuPage Medical Group Surgical Center at 2725 Technology Drive in place of the hotel that was originally approved for that property. The Homestead Village Planned Development does not address exterior signage. Therefore, signage is regulated by the current Zoning and Sign Ordinances. As a planned development, any relief from the Sign Ordinance could be approved by the Plan Commission through site plan approval.

Proposed Conditional Uses for a Restaurant and Outdoor Service/Dining Area

The subject property is currently improved with a restaurant (Taylor Brewing Company) that was constructed in 1999 pursuant to PC 98-05. The proposed Chick-fil-A restaurant will be approximately 34 percent smaller than the existing restaurant building and will provide 12 percent more landscaped area. As with the current restaurant use, the proposed restaurant will make use of 54 off-site parking spaces on the adjacent Nicor parcel to the south (approved as part of the original planned development).

The proposed outdoor seating area will be physically separated from the nearby parking, landscaping, and drive-through areas with an aluminum handrail. Although the current restaurant user does not offer outdoor dining, the Village has seen a trend toward restaurants offering this amenity. Within the Butterfield Road corridor, the Village has approved outdoor dining with PC 06-17 (Miller's Ale House) and PC 07-27 (White Chocolate Grill).

Staff finds that, given the existing restaurant use on the site and the restaurant uses on the adjacent properties, the requested conditional uses for a restaurant and outdoor dining are appropriate at this location.

Proposed Planned Development Amendment for Drive-Through Service

The Village's planned development requirements allow use exceptions for land uses that are not specifically provided for in the underlying zoning district, provided that the following conditions are met:

- Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses;

- Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties; and
- Proposed use exceptions shall not represent more than 40 percent of the site area or more than 40 percent of the total floor area, whichever is less.

The proposed drive-through is a minor component of the overall planned development, representing approximately 10,080 square feet or roughly two percent of the entire Homestead Village Planned Development site area. The drive-through area is equivalent to 10 percent of the total floor area of the proposed Chick-fil-A and existing Homestead Studio Suites hotel and DuPage Medical Group Surgical Center.

The design of the drive-through isolates the associated traffic to the far northern portion of the site and also segregates the drive-through area from the main parking, access, and circulation areas for the proposed Chick-fil-A restaurant. These design factors make the drive-through more compatible with the surrounding properties and land uses. In addition, the Village's traffic consultant, KLOA, Inc., reviewed the internal circulation of the submitted site plan. KLOA recommends the following modifications to the site plan to better guide traffic through the site:

- A directional sign facing west should be provided on the mid northern island of the off-site parking area directing traffic destined to the drive through lane to turn left.
- Provide channelizing lines before the entrance to the drive-through lane to better define and direct traffic to either the drive-through lane or the one-way northbound driving aisle.
- A "No left-turn" sign should be provided at the exit point of the drive-through facility in conjunction with the proposed stop sign.
- Although it appears that the four perpendicular parking spaces before the drive-through entrance are not part of the property, it is recommended that these parking spaces be designated for employees only in order to reduce the number of vehicle maneuvers in and out of these spaces next to the drive-through lane.

Provided that the petitioner includes the above recommendations regarding signage and striping, staff believes that the proposed-drive through meets the conditions for use exceptions.

Compatibility with the Sign Ordinance

Proposed Freestanding Sign

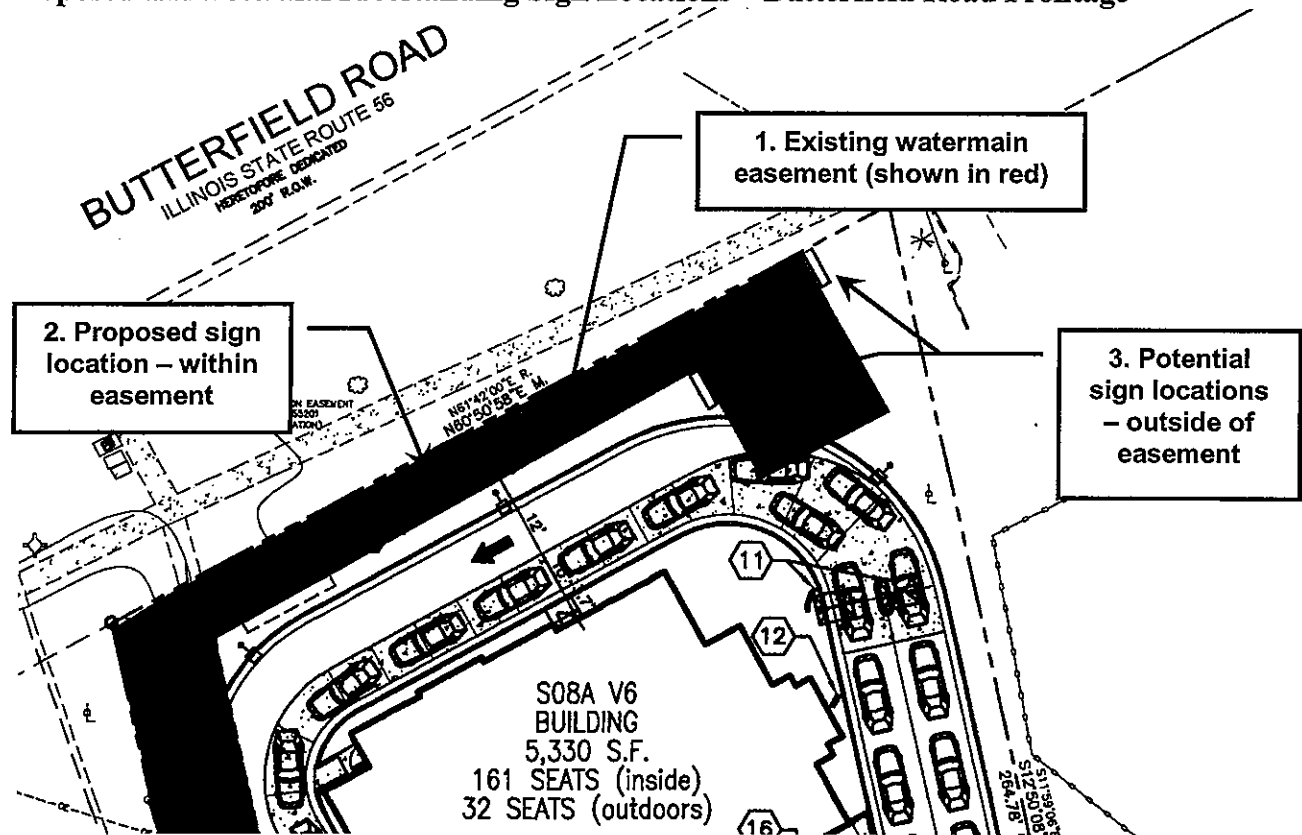
The petitioner is proposing two identical freestanding signs, each with a Chick-fil-A icon and a manual reader board. The tops of the signs are eight feet above grade level, which exceeds the maximum allowable O District sign height of six feet. Although the commercial message portion of each sign is only 42 square feet, the total sign area as defined by the Sign Ordinance is 60 square feet where the O District allows only 30 square feet.

The requested relief is consistent with recent Village approvals for signage deviations for Office-zoned properties along Butterfield Road. In 2009, the Village approved deviations to allow the property at 555 E. Butterfield to have a 98-square foot, 20-foot high freestanding sign as part of

PC 09-22. As noted in that case, if the subject property were zoned B3, B4, or B4A no deviations for the proposed signage would be needed as the Sign Ordinance would allow a freestanding sign up to 125 square feet in area and up to 25 feet in height. More recently, the Village approved 60-square foot temporary signs for The Carlisle at 435 E. Butterfield Rd. This approval was based in part upon the speed of traffic along Butterfield Road, which necessitated a sign area of 60 square feet in area in order to achieve adequate readability. The site conditions in this case are similar to those in PC 09-22 and PC 11-08; therefore, staff is supportive of the requested variations.

The sign along Butterfield is proposed to be located nearly adjacent to the front property line; however, as previously noted in the Engineering comments, this sign must be relocated so that it is not within the Village's watermain easement (as depicted in the following image).

Proposed and Potential Freestanding Sign Locations – Butterfield Road Frontage



In addition, the proposed freestanding sign on Technology Drive must be relocated so that it is not within the clear sight easement identified on the proposed site plan.

Proposed Wall Signage

The petitioner is proposing a total of five wall signs: one facing Butterfield Road (north elevation), two facing Technology Drive (west elevation), and one each on the east and south elevations. The total sign area of all five wall signs is approximately 223 square feet, which is well below the total 596 square feet allowed by code. Historically, staff has supported signage

deviations for the number of signs provided that the total square footage did not exceed that allowable by code. Most recently in this area, variations and/or deviations for the allowable number of wall signs was granted as part of PC 10-01 (555 E. Butterfield Road), SPA 10-01ph (1 Yorktown Shopping Center), and SPA 10-07ph (2331 Fountain Square Drive).


In this case, the siting of the building on the subject property provides for four "main" elevations, with the west, north, and east elevations visible from Butterfield Road and the west and south elevations visible from Technology Drive. With two frontages along public streets, the Sign Ordinance allows only two wall signs for this property. As customers will be viewing and accessing the site from multiple directions, the need to have signage on multiple elevations is desirable. Staff feels that the location and design of the building warrant the need for additional wall signage.

FINDINGS AND RECOMMENDATIONS

Based on the submitted petition and the testimony presented, the proposal **complies** with the standards required by the Lombard Zoning and Sign Ordinances; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and that granting the associated relief enhances the overall planned development and is in the best interest of the Village. Therefore, I recommend to the Corporate Authorities **approval** of PC 11-09, subject to the following conditions:

1. The petitioner shall develop the site in substantial conformance with the site plan, landscape plan, and illumination plan prepared by Woolpert, Inc., dated March 2011, sign plans prepared by Clayton Signs, dated March 16, 2011, and building elevations prepared by Chipman Design Architecture, dated March 22, 2011, except where modified by the conditions of approval.
2. The petitioner shall satisfactorily address all comments noted within the IDRC report, including the relocation of the freestanding signs, modification of the Technology Drive sidewalk, relocation of the parking lot island, parking lot striping and signage, and all other Engineering and Fire Department comments.
3. All other conditions approved by Ordinance 4497 shall remain in full force and effect.

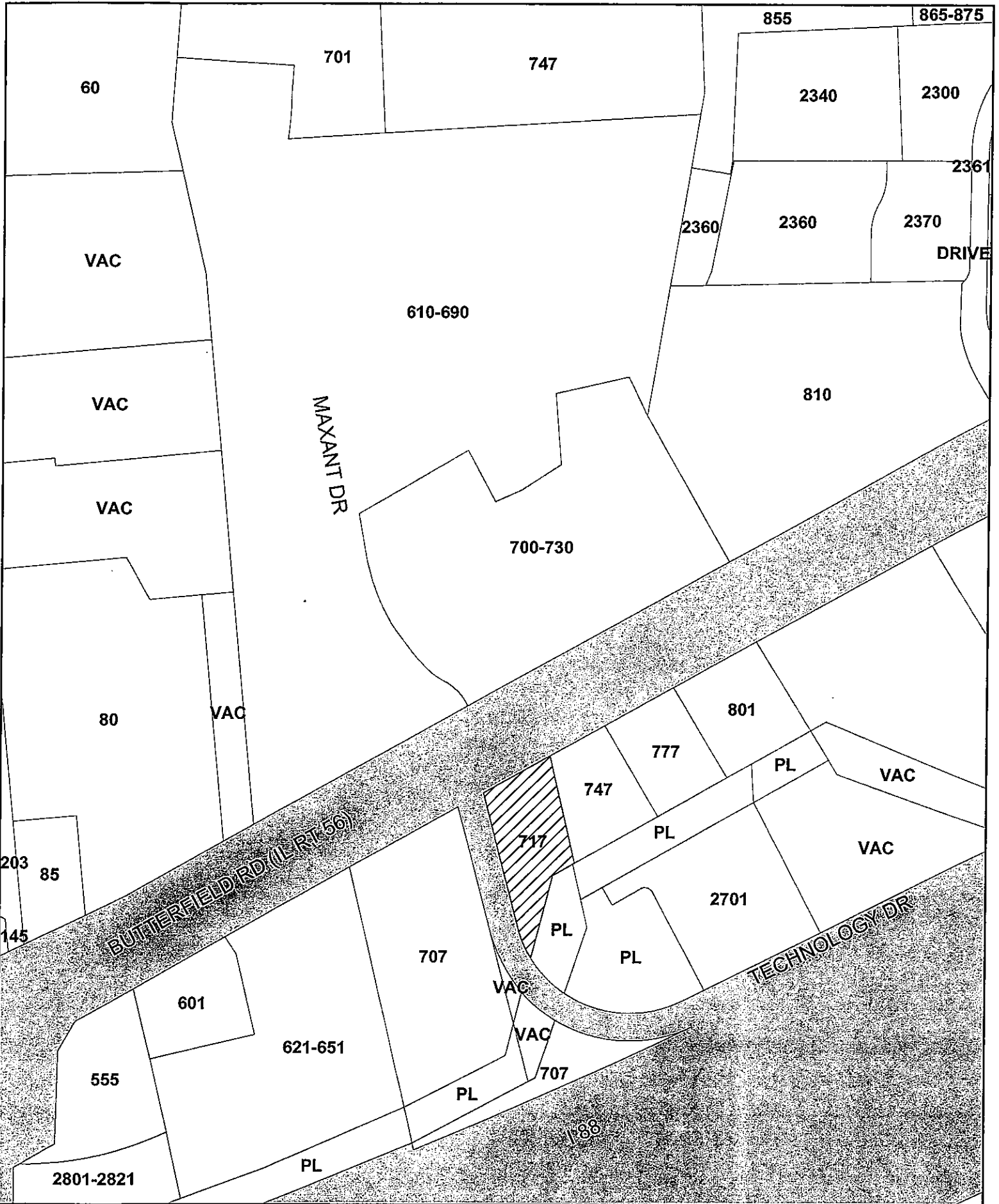
Inter-Departmental Review Group Report approved by:


William J. Heniff, AICP
Director of Community Development

c: Petitioner

Location Map

717 E Butterfield Rd



Response to Standards

In addition to the response to standards that were submitted as part of the petition, staff offers the following additional findings to be considered for PC 11-09.

Standards for Conditional Use

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 use as a restaurant with outdoor dining area will not have an impact or endanger the public health, safety, morals, comfort, or general welfare. There is an existing restaurant on the site and the use is consistent with other uses along the corridor. Adequate provisions are provided ensuring the outdoor activity is confined to a specific location.

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, nor substantially diminish and impair property values within the neighborhood in which it is to be located.*

The subject property is located along a major corridor with other commercial uses. Given its location, staff believes that the restaurant and outdoor dining area will not negatively impact other properties in the immediate area.

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 will not impact overall redevelopment activity along the Butterfield Road corridor. Staff finds that the new restaurant with outdoor seating use could be considered an asset to the corridor.

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

The use does have adequate public utilities. The restaurant already exists and the proposed improvements will be required to meet current codes.

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;*

Staff finds that the proposed use has suitable access. The proposed improvements are a minor change from what already exists. The available parking exceeds the minimum required by Code.

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

The Comprehensive Plan recommends office land uses for the Homestead Village Planned Development. The proposed restaurant is consistent with this recommendation, as the Comprehensive Plan does not exclude non-office uses within general office areas and the proposed restaurant use is complementary to the office uses that are dominant in the overall Butterfield Road/22nd Street corridor.

- 7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

Staff finds that the use will be consistent with Village Codes.

Standards for Use Exception

- 1. Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses.*

Staff finds that, given the existing restaurant use on the site and the restaurant uses on the adjacent properties, the requested use exception for a drive-through is compatible with the primary uses of the planned development and enhances the planned development. Although there are no other uses with a drive-through within the planned development, there are existing drive-through facilities along the Butterfield Road corridor. The proposed drive-through is a minor component of the overall planned development, representing 10% of the overall planned development area.

- 2. Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties.*

The proposed drive-through is a minor component of the overall planned development. The petitioner is providing sufficient stacking, exceeding code requirements. Provided that the petitioner make improvements to the signage and striping, staff finds that the proposed use exception will not be detrimental to the surrounding properties.

- 3. Proposed use exceptions shall not represent more than 40% of the site area or more than 40% of the total floor area, whichever is less. However, in a residential planned development area no more than 10% of the site area or the total floor area shall be devoted to commercial use; furthermore, no industrial use shall be permitted.*

The proposed drive-through is a minor component of the overall planned development, representing approximately 10,080 square feet or roughly two percent of the entire Homestead Village Planned Development site area. The drive-through area is equivalent to 10 percent of the total floor area of the proposed Chick-fil-A and existing Homestead Studio Suites hotel and DuPage Medical Group Surgical Center.

Standards for a Planned Development

1. *Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.*

Staff finds that the proposed development conforms to the applicable regulations of the district and existing planned development in which it is located.

2. *Community sanitary sewage and potable water facilities connected to a central system are provided.*

Adequate utilities are being provided. The proposed development will utilize the existing sewer and water facilities to the extent possible on-site.

3. *The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.*

The Comprehensive Plan recommends office land uses for the Homestead Village Planned Development. The proposed restaurant is consistent with this recommendation, as the Comprehensive Plan does not exclude non-office uses within general office areas and the proposed restaurant use is complementary to the office uses that are dominant in the overall Butterfield Road/22nd Street corridor.

4. *That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.*

The establishment of a quick-service restaurant with drive thru is similar in nature to the existing use of the property and to surrounding uses along the Butterfield Road corridor. The subject property is located along a major corridor with other commercial uses. Given its location, staff believes that the restaurant could be an asset to the area.

5. *That the streets have been designed to avoid:*
 - a. *Inconvenient or unsafe access to the planned development;*
 - b. *Traffic congestion in the streets which adjoin the planned development;*
 - c. *An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.*

The redevelopment of the site requires no improvements to the public streets and existing ingress and egress to the site shall be maintained as exists and as approved as part of the original planned

development. Circulation on-site will be designed and managed to minimize traffic congestion in the adjoining streets

Standards for Planned Developments with Deviations

1. *Any reduction in the requirements of this Ordinance is in the public interest*

The deviations requested as part of this petition do not require reductions to the ordinance requirements.

2. *The proposed deviations would not adversely impact the value or use of any other property.*

Staff finds that the requested deviations requested are for signage purposes. Similar requests have been made for properties within the area.

3. *That such deviations are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding properties.*

The deviations requested will help establish a high-quality and highly sought after quick-service restaurant that will revitalize a prominent commercial site to the benefit of the occupants of the planned development and the surrounding properties.

4. *That the overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district.*

The existing building has a floor area of approximately 8,117 square feet. The proposed building is approximately 5,330 square feet in size which is 9.6% of the total site area of 55,365 square feet. The redevelopment of the site results in a 2,787 square foot reduction in floor area for the planned development.

5. *That in residential planned developments the maximum number of dwelling units allowed shall not exceed by more than 40% the number of dwelling units permitted in the underlying district.*

Not applicable.

6. *That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:*

- a. *The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.*
- b. *All transitional yards and transitional landscape yards of the underlying zoning district are met.*
- c. *If required transitional yards and transitional landscape yards are not adequate to protect the privacy and enjoyment of property adjacent to the development, the Plan Commission shall recommend either or both of the following requirements:*
 1. *All structures located on the perimeter of the planned development must set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses;*
 2. *All structures located along the entire perimeter of the planned development must be permanently screened with sight-proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.*

Staff finds that the proposed development conforms to the applicable regulations of the district and existing planned development in which it is located. The petitioner is providing more open space than previously provided by the existing use.

7. *That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zone district.*

The existing site has a green space of approximately 15,435 square feet. The proposed development has a green space of approximately 17,214 square feet in size which is 31.1% of the total site area of 55,365 square feet. The petitioner is providing more open space than previously provided by the existing use.

Standards for Variations

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.*

Historically, staff has supported signage deviations for the number of signs provided that the total square footage did not exceed that allowable by code. Most recently in this area, variations and/or deviations for the allowable number of wall signs was granted as part of PC 10-01 (555 E.

Butterfield Road), SPA 10-01ph (1 Yorktown Shopping Center), and SPA 10-07ph (2331 Fountain Square Drive). In this case, the siting of the building on the subject property provides for four "main" elevations, with the west, north, and east elevations visible from Butterfield Road and the west and south elevations visible from Technology Drive. With two frontages along public streets, the Sign Ordinance allows only two wall signs for this property. As customers will be viewing and accessing the site from multiple directions, the need to have signage on multiple elevations is desirable. Staff feels that the location and design of the building warrant the need for additional wall signage.

- 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 requested relief is consistent with recent Village approvals for signage deviations for Office-zoned properties along Butterfield Road. In 2009, the Village approved deviations to allow the property at 555 E. Butterfield to have a 98-square foot, 20-foot high freestanding sign as part of PC 09-22.

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

The requested signage variations are for the purpose of allowing the petitioner to efficiently operate their store in similar nature as like uses along the corridor.

- 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 is created by the strict enforcement of the signage ordinance and not a person having interest in the property.

- 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 requested relief is intended to direct patrons to the site. As customers will be viewing and accessing the site from multiple directions, the need to have signage on multiple elevations is desirable. Staff feels that the location and design of the building warrant the need for additional signage.

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

The requested relief is consistent with recent Village approvals for signage deviations for Office-zoned properties along Butterfield 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.*

All signage being presented as part of this petition will be erected in such a manner that 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.



March 25, 2011

Ms. Jennifer Henaghan
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

RE: Chick-fil-A - Plan Commission Submittal: Response to Standards for Planned Development

As part of our petition for Plan Commission approval we are requesting the following planned development amendment:

- A. A planned development amendment with a use exception for drive-through and drive-in establishments/services in the O District;

In accordance with SECTION 155.508 (A) (B) (C) OF THE LOMBARD ZONING ORDINANCE, please accept our responses to the standards as noted below:

A. General Standards

1. Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.

Response: The proposed development conforms to the applicable regulations of the district in which it is located other than those deviations from the sign ordinance requested as part of this petition.

2. Community sanitary sewage and potable water facilities connected to a central system are provided.

Response: The proposed development will utilize the existing sewer and water facilities to the extent possible on-site. Those existing facilities do connect to a central system.

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3. The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.

Response: The establishment of a quick-service restaurant with drive thru is similar in nature to the existing use of the property and to surrounding uses along the Butterfield Road corridor.

4. That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.

Response: The establishment of a quick-service restaurant with drive thru is similar in nature to the existing use of the property and to surrounding uses along the Butterfield Road corridor.

5. That the streets have been designed to avoid:
 - a. Inconvenient or unsafe access to the planned development;
 - b. Traffic congestion in the streets which adjoin the planned development;
 - c. An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.

Response: The redevelopment of the site requires no improvements to the public streets and existing ingress and egress to the site shall be maintained as exists. Circulation on-site will be designed and managed to minimize traffic congestion in the adjoining streets.

B. Standards for Planned Developments with Use Exceptions

1. Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses

Response: The establishment of a quick-service restaurant with drive thru is similar in nature to the existing use of the property and to surrounding uses along the Butterfield Road corridor.

2. Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties

Response: The establishment of a quick-service restaurant with drive thru is similar in nature to the existing use of the property and to surrounding uses along the Butterfield Road corridor.

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3. Proposed use exceptions shall not represent more than 40% of the site area or more than 40% of the total floor area, whichever is less. However, in a residential planned development area no more than 10% of the site area or the total floor area shall be devoted to commercial use; furthermore, no industrial use shall be permitted.

Response: The proposed building is approximately 5,330 square feet in size which is 9.6% of the total site area of 55,365 square feet.

C. Standards for Planned Developments with Deviations

1. Any reduction in the requirements of this Ordinance is in the public interest

Response: The deviations requested as part of this petition do not require reductions to the ordinance requirements.

2. The proposed deviations would not adversely impact the value or use of any other property

Response: The deviations requested are solely for signage and in no way impact the value or use of any other property.

3. That such deviations are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding properties

Response: The deviations requested will help establish a high-quality and highly sought after quick-service restaurant that will revitalize a prominent commercial site to the benefit of the occupants of the planned development and the surrounding properties.

4. That the overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district

Response: The existing building has a floor area of approximately 8,117 square feet. The proposed building is approximately 5,330 square feet in size which is 9.6% of the total site area of 55,365 square feet. The redevelopment of the site results in a 2,787 square foot reduction in floor area for the planned development.

5. That in residential planned developments the maximum number of dwelling units allowed shall not exceed by more than 40% the number of dwelling units permitted in the underlying district

Response: Not applicable.

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6. That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:
 - a. The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.
 - b. All transitional yards and transitional landscape yards of the underlying zoning district are complied with.
 - c. If required transitional yards and transitional landscape yards are not adequate to protect the privacy and enjoyment of property adjacent to the development, the Plan Commission shall recommend either or both of the following requirements:
 - 1) All structures located on the perimeter of the planned development must set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses;
 - 2) All structures located along the entire perimeter of the planned development must be permanently screened with sight-proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.

Response: All front, side and rear yard setbacks on the perimeter of the site, as well as transitional yards, comply with zoning ordinance requirements where applicable. The yard requirements do not apply along the south property line.

7. That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zone district.

Response: The existing site has a green space of approximately 15,435 square feet. The proposed development has a green space of approximately 17,214 square feet in size which is 31.1% of the total site area of 55,365 square feet. There is an additional 344 square feet of green space contemplated off-site on Lot 2. Therefore the redevelopment of the site results in a 2,123 square foot increase in open space for the planned development.



March 25, 2011

Ms. Jennifer Henaghan
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

RE: Chick-fil-A - Plan Commission Submittal: Response to Standards for Conditional Use

As part of our petition for Plan Commission approval we are requesting the following conditional uses:

- A. A conditional use (per Section 155.412 (C)(1) of the Zoning Ordinance) to allow for a restaurant; and
- B. A conditional use (per Section 155.412 (C)(1) of the Zoning Ordinance) to allow for an outside service/dining area

In accordance with SECTION 155.103 (F)(8) OF THE LOMBARD ZONING ORDINANCE, please accept our responses to the standards as noted below:

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;

Response: The establishment of a quick-service restaurant with drive thru is similar in nature to the existing use of the property and to surrounding uses along the Butterfield Road corridor.

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;

Response: The establishment of a quick-service restaurant with drive thru is similar in nature to the existing use of the property and to surrounding uses along the Butterfield Road corridor.

Page 2

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;

Response: The establishment of a quick-service restaurant with drive thru is similar in nature to the existing use of the property and to surrounding uses along the Butterfield Road corridor.

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

Response: All public utilities, access roads and drainage facilities are existing and are adequate for redevelopment of this site.

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

Response: No changes to the existing ingress and egress to the site are contemplated as part of the redevelopment. Traffic patterns on-site have been designed to minimize congestions and provide appropriate circulation throughout the site.

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

Response: The establishment of a quick-service restaurant with drive thru is similar in nature to the existing use of the property and to surrounding uses along the Butterfield Road corridor.

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

Response: The proposed use conforms to the applicable regulations of the district in which it is located other than those deviations from the sign ordinance requested as part of this petition.



March 25, 2011

Ms. Jennifer Henaghan
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

RE: Chick-fil-A - Plan Commission Submittal: Response to Standards for Variations

Dear Jennifer:

As part of our petition for Plan Commission approval we are requesting the following deviations from the Lombard Sign Ordinance:

- A. A deviation from Section 153.503 (B)(5)(b) to allow for a freestanding sign of sixty (60) square feet where a maximum of thirty (30) square feet is permitted;
- B. A deviation from Section 153.503 (B)(5)(c) to allow for a freestanding sign of eight (8) feet in height where a maximum of six (6) feet in height is permitted;
- C. A deviation from Section 153.503 (B)(5)(f) to allow for a freestanding sign to be set back less than ten (10) feet from the property line; and
- D. A deviation from Section 153.503 (B)(12)(b) to allow for more than one wall sign per street front exposure.

In accordance with SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE, please accept our responses to the standards as noted below:

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.

Response: In order to mesh the irregular shape of the property with a layout that allows the applicant to operate their business in a manner that provides efficiencies for both the applicant and their patrons, the front of the building must face to the south, which requires a building with 4-sided exposure to public view.

Page 2

Due to the site layout restrictions caused by the existing improvements on the site and the setback distance from Butterfield Road, the applicant requires signage in similar proximity to the property line as exists today.

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.

Response: The existing conditions and the unique shape of the site restrict site layout such that the applicant's visibility & operations would be affected if modified from the plan as presented.

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

Response: Variations requested are for the purpose of allowing applicant to efficiently operate their store in similar nature as other locations throughout the chain.

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.

Response: The hardship is created by the strict enforcement of the signage ordinance and not a person having interest in the property.

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.

Response: The deviations requested are solely for signage and in no way detrimental or injurious to the properties located within the planned development or its surrounding neighborhoods.

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

Response: Requested deviations are for a use that is similar in nature to the existing use on the property and the use of the properties within the Butterfield Road corridor.

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.

Ms. Jennifer Henaghan
March 25, 2011

Page 3

Response: The deviations requested are solely for signage and in no way affect traffic congestion, create fire hazards, impact drainage, endanger the public safety or impair property values.



Commercial Real Estate Services, Worldwide.

One Oakbrook Terrace Suite 600
22- Street and Butterfield Road
Oakbrook Terrace IL 60181
tel 630 932 1234
fax 630 932 7258
www.hiffman.com

April 15, 2011

Village of Lombard Plan Commission
Attention: Mr. Donald F. Ryan, Chairperson
Village Hall
255 East Wilson Ave.
Lombard, Illinois 60148

Re: PC 11-09: 717 E. Butterfield Road (Chick-fil-A)

Dear Chairperson Ryan and Commissioners:

I represent the owner of Butterfield Centre, 700-720 Butterfield Road, St. Paul Fire and Marine Insurance Co., a subsidiary of The Travelers Companies, Inc. ("St. Paul"). On behalf of the owner, I am writing to notify the Plan Commission that St. Paul has several objections to the zoning relief sought by Chick-fil-A restaurant. We have reviewed the notice of hearing and attached site and signage plans, as well as the Department of Community Development's Inter-Departmental Review Group Report.

St. Paul objects to a restaurant of this type at this location. A drive-through fast-food restaurant use is an inappropriate use at this location, as it will not enhance the quality of the existing planned development, it is incompatible with the uses in the surrounding area, and it will have a detrimental effect on the owner's property and property values.

The Butterfield Centre is a Class-A office center that is also the regional headquarters for Waste Management Corporation, Principal Financial, Veolia Transportation, Veolia Environmental, and other Fortune 500 companies. It is very important to St. Paul's business and to the executives and employees who office in the Butterfield Centre that this area retain a quality sit-down restaurant at this location. Fast food is not an attractive dining option at this site.

The proposed development - in particular the drive-through traffic and the signage - will adversely affect the appearance of the high quality office, hospitality, and restaurant uses in the immediate area. The character of the area is diminished by garishly large, translucent illuminated signage.

A quality restaurant at this location preserves property values, whereas a drive-through fast-food restaurant will erode property values. We feel the proposed use is not a welcome addition to this area of Butterfield Road.

St. Paul respectfully requests that you deny the petitioner's requested planned development amendments, conditional uses and site plan approval. I look forward to the opportunity to elaborate upon the owner's concerns at Monday's public hearing.

Sincerely,

Mike VanZandt
Senior Vice President, Office Brokerage

cc: Elizabeth H. Cobb, Managing Counsel, The Travelers Companies, Inc.
Michael D. Elnicky, Asset Manager, The Travelers Companies, Inc.



April 19, 2011

Ms. Jennifer Henegan
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

RE: Chick-fil-A: PC 11-09 - 717 E. Butterfield Road

Dear Jennifer:

At your request we are submitting this letter on behalf of Chick-fil-A to request that the second reading of the ordinance at the May 19 Village Board meeting be waived. We are requesting this waiver due to the fact that Chick-fil-A would ideally like to open the store as soon as practicable with the ultimate hope of opening it in 2011. In order to have an opportunity to open the store in 2011, building permits must be obtained as expeditiously as possible. For these reasons, we respectfully request waiver of the second reading. Thank you for your consideration of our request.

Sincerely,

Woolpert, Inc.

Jason D. Hill, PE, LEED AP BD+C

Senior Associate

071222.03

ORDINANCE NO. _____

**AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE 4497
GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT
WITH A USE EXCEPTION AND COMPANION CONDITIONAL USES,
LOCATED IN THE O OFFICE ZONING DISTRICT**

(PC 11-09: 717 E. Butterfield 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 property legally described in Section 3 below is located at 717 E. Butterfield Road is zoned OPD Office District - Planned Development; and,

WHEREAS, On June 18, 1998, the Corporate Authorities approved Ordinance 4497 which granted approval of a conditional use for a planned development; and,

WHEREAS, an application has heretofore been filed requesting approval of an amendment to the conditional use approval for the Homestead Village Planned Development, as established by Ordinance 4497, to allow for a use exception for a drive-through associated with the proposed restaurant; and

WHEREAS, the application also requests approval of a conditional use to allow for a restaurant to replace the existing restaurant; and

WHEREAS, the application also requests approval of a conditional use for an outdoor service/dining area associated with the proposed restaurant; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on April 18, 2011 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees recommending approval of the petition, subject to conditions of approval; and,

Ordinance No. _____
Re: PC 11-09
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 an amendment to the conditional use approval for the Homestead Village Planned Development, as established by Ordinance 4497, to allow for a use exception for a drive-through associated with the proposed restaurant is hereby granted; subject to the conditions included within Section 5 below.

SECTION 2: That a conditional use to allow for a restaurant to replace the existing restaurant is hereby granted; subject to the conditions included within Section 5 below.

SECTION 3: That a conditional use to allow for an outdoor service/dining area associated with the proposed restaurant is hereby granted; subject to the conditions included within Section 5 below.

SECTION 4: This ordinance is limited and restricted to the property generally located at 717 E. Butterfield Road, Lombard, Illinois and legally described as follows:

Lot 1 in Homestead Village Subdivision, being a subdivision in Sections 28 and 29, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded September 1, 1998 as Document R98-179522, in DuPage County, Illinois.

PIN: 06-29-201-010

SECTION 5: This ordinance shall be granted subject to compliance with the following conditions:

Ordinance No. _____

Re: PC 11-09

Page 3

1. The petitioner shall develop the site in substantial conformance with the site plan, landscape plan, and illumination plan prepared by Woolpert, Inc., dated March 2011, sign plans prepared by Clayton Signs, dated March 16, 2011, and building elevations prepared by Chipman Design Architecture, dated March 22, 2011, except where modified by the conditions of approval.
2. The petitioner shall satisfactorily address all comments noted within the IDRC report, including the relocation of the freestanding signs, modification of the Technology Drive sidewalk, relocation of the parking lot island, parking lot striping and signage, and all other Engineering and Fire Department comments.
3. All other conditions approved by Ordinance 4497 shall remain in full force and effect.

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 _____, 2011.

First reading waived by action of the Board of Trustees this _____ day of _____, 2011.

Passed on second reading this _____ day of _____, 2011.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2011.

William J. Mueller, Village President

Ordinance No. _____
Re: PC 11-09
Page 4

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2011

Brigitte O'Brien, Village Clerk