

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


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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : October 23, 2020 **(BOT) Date:** November 5, 2020

SUBJECT: PC 20-23, 150 E. Roosevelt Rd., Smoothie King

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests an amendment to Ordinance 4088 to reinstate a conditional use for an existing drive-through at 150 E. Roosevelt Road on the subject property located within the Roosevelt Road Corridor B4A District.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the November 5, 2020 Board of Trustees agenda with a waiver of first reading requested by petitioner.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

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



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development WJD

MEETING DATE: November 5, 2020

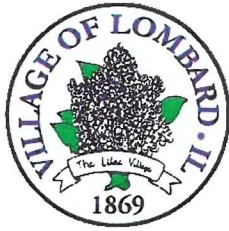
SUBJECT: **PC 20-23, 150 E. Roosevelt Rd, Smoothie King**

Please find the following items for Village Board consideration as part of the November 5, 2020 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 20-23; and
3. An amendment to Ordinance 4088 to reinstate a conditional use for an existing drive-through at 150 E. Roosevelt Road on the subject property located within the Roosevelt Road Corridor B4A District.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the November 5, 2020 Board of Trustees agenda with a waiver of first requested by petitioner.

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VILLAGE OF LOMBARD

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Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

November 5, 2020

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees

Dan Whittington, Dist. 1
Anthony Puccio, Dist. 2
Reid Foltyniewicz, Dist. 3
Andrew Honig, Dist. 4
Daniel Militello, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

*"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."*

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 20-23, 150 E. Roosevelt Rd, Smoothie King

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests an amendment to Ordinance 4088 to reinstate a conditional use for an existing drive-through at 150 E. Roosevelt Road on the subject property located within the Roosevelt Road Corridor B4A District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on October 19, 2020. Sworn in to present the petition were, Faisal Raja the petitioners, and Jennifer Ganser, Assistant Director.

Pursuant to Governor Pritzker's Executive Order 2020-07, as extended by Executive Orders 2020-18, 2020-33 and 2020-39, and pursuant to Public Act 101-040, some Plan Commission members participated in the public hearing remotely.

Mr. Raja said he is interested in opening a Smoothie King on Roosevelt Road. He is asking for zoning relief for the drive-through. He is also an owner at the Lombard 7-11 on Main and Madison.

Vice Chairperson Flint asked for public comment. There was none.

Vice Chairperson Flint asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. She said the subject property is the vacant Boston Market restaurant and the proposed new tenant, Smoothie King, would like to utilize the drive-through. As the drive-through has not been in operation for over one (1) year, zoning entitlements are required. The function or nature of the drive-through would not change, and it would operate as it did under Boston Market. Staff supports the request.

Vice Chairperson Flint asked if there were questions on the staff report.

Vice Chairperson Flint opened the meeting for comments among the Commissioners and asked each Commissioner if they had questions or comments.

On a motion by Commissioner Johnston, and a second by Commissioner Giuliano, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 20-23, subject to the following three (3) conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request
2. The petitioner shall satisfactorily address all comments identified within the Inter-Department Review Committee Report.
3. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the drive-through is not established by said date, this relief shall be deemed null and void.

Respectfully,

VILLAGE OF LOMBARD

Steve Flint, Vice Chairperson
Lombard Plan Commission

ORDINANCE NO. _____

**AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE 4088
TO REINSTATE A CONDITIONAL USE FOR AN EXISTING DRIVE-
THROUGH**

(PC 20-23: 150 E. Roosevelt Rd, Smoothie King)

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 approval of an amendment to Ordinance 4088 to reinstate a conditional use pursuant to the Lombard Zoning Ordinance (Title 15, Chapter 155 of the Village Code) for an existing drive-through, as set forth in Section 1 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on October 19, 2020, 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 an amendment to Ordinance 4088 to reinstate a conditional use for an existing drive-through, to 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 an amendment to Ordinance 4088 to reinstate a conditional use for an existing drive-through, is hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3.

SECTION 2: That this ordinance is limited and restricted to the subject property generally located at 150 E. Roosevelt Road, Lombard, Illinois, and legally described as follows:

THE NORTH 134.00 FEET OF THE SOUTH 184.00 FEET OF THE WEST 163.22 FEET OF THE EAST 193.22 FEET OF LOT 3 IN OWNER'S ASSESSMENT PLAT OF PART OF THE SOUTHWEST ¼ OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 20, 1943, AS DOCUMENT NUMBER 457027, IN DUPAGE COUNTY, ILLINOIS

PIN: 06-17-305-045

SECTION 3: This Ordinance is approved subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
3. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the drive-through is not established by said date, this relief shall be deemed null and void.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2020.

Passed on second reading this _____ day of _____, 2020, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2020.

Ordinance No. _____
Re: PC 20-23
Page 3

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2020.

Sharon Kuderna, Village Clerk

Ganser, Jennifer

From: Faisal Raja <faisal@rhsmoothie.com>
Sent: Tuesday, October 20, 2020 3:14 PM
To: Ganser, Jennifer; Yonas Hagos
Subject: Waiver of First Reading

Please be cautious

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jennifer,

We are requesting a waiver for the First Reading. We are close to finalizing a lease and also would like to start construction sooner than later. If there is any issues with is request please let me know.

Thank you