

June 17, 2004

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

Subject: ZBA 04-06; 935 E. St. Charles Road

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village take the following actions for the subject property located within the B4 Corridor Commercial Zoning District:

1. Approve a variation from Section 155.415 (D) of the Zoning Ordinance to reduce the required minimum lot area from 40,000 square feet to 16,994 square feet.
2. Approve a variation from Section 155.415 (F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty (30) feet to ten (10) feet to allow for the construction of a commercial strip center.

The Zoning Board of Appeals conducted a public hearing on May 26, 2004. The attorney for the petitioner, Thomas Breen, 619 Addison Road, Addison, IL, presented the petition. He described the existing condition of the property which is improved with a vacant former Shell gas station. He noted that the property is an eyesore and his client is proposing to improve the site with a new 3,516 square foot strip commercial center. The development would consist of razing the existing station and placing the new center on the site per the submitted plans. He noted that they reviewed the Village's staff report and his client is in agreement with the report findings.

He noted that the lack of depth of the existing platted lot creates the need for a variation. The lot area variation is requested so as to recognize the subject property as a buildable lot of record. As the lot is surrounded by property in public ownership on three sides and the property to the west is already improved with a building close to the property line, the ability to acquire additional land or modify the site plan is not feasible.

He then referenced the proposed building and site plans and stated that they worked closely with Village staff to ensure that the site would be developed as an asset to the community. He stated that the proposed use is consistent with the Village's Comprehensive Plan, the recommendation of the St. Charles Road Ad-Hoc Committee and the B4 zoning designation along St. Charles Road.

Chairperson DeFalco then opened the meeting for public comment. No one spoke in favor or opposed to the petition. He then requested the staff report.

William Heniff, Senior Planner, presented the staff report. The subject property is located on the southwest corner of St. Charles Road and Westmore-Meyers Road. The petitioner proposes to demolish the existing building and construct a new strip center that will house three office or commercial tenants. The lot is presently considered legal nonconforming as it is 16,994 square feet whereas 40,000 square feet is the minimum lot area within the B4 Zoning District. The relief for the rear yard is requested in order to address the lack of sufficient lot depth on the property.

Referencing the IDRC comments, Private Engineering Services noted that stormwater detention shall be provided for the proposed redevelopment. He then discussed the Fire Department's desire for a connection in front of the building. He noted that rather than losing a parking space, the connection could be located in one of the landscape islands on the north side of the building.

Mr. Heniff then referenced Planning Services Division comments. As the lot does not meet the minimum lot area requirement of 40,000 square feet, a variation is needed in order to proceed with the new center. A reduction of the rear yard setback from thirty feet to ten feet will also be necessary to accommodate the new building and parking spaces. The variation for the rear yard is intended to facilitate the loading activities as well as site circulation around the building. It is important to note that the proposed building will only be located 1.5 feet closer to the property line than the existing building on the property. However, staff believes that the overall property improvement more than offsets any impact of the development on the Great Western Trail.

Granting the rear yard variation would not be injurious to neighboring properties, as the proposed use is compatible with the neighboring commercial uses and the Great Western Trail serves as a substantial buffer between the subject property and residential uses. Staff believes that the development would be an improvement to the visual and aesthetic character of the neighborhood.

The anticipated retail uses are compatible to other commercial properties along St. Charles Road. To the south is the Great Western Trail. The visual impact on the trail is anticipated to be vastly improved over the present conditions.

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

Referring to the Sign Ordinance, the petitioner is proposing adding channel lettered wall signs for each of the proposed spaces. The petitioner is not requesting any relief associated with this petition. To ensure compatibility, staff recommends that channel lettering shall only be used for the wall signs and the awnings shall not include text in conjunction with the wall signage. Should the petitioner desire to install any freestanding signage at a later date, it would be subject to the underlying Sign Ordinance provisions.

The site plan also includes landscape improvements consisting of parking lot islands, perimeter lot and parkway tree landscaping, per code. With respect to trash enclosure screening the petitioner is proposing to use the same materials as the principal building.

The petitioner's plan proposes the construction of a parking lot on the north and east sides of the building and construction of a service/loading area to the west side. This configuration will minimize the loading operation from public streets. To minimize parking conflicts, staff recommends that no more than fifty (50%) of the proposed building square footage shall be occupied by restaurant uses and that the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.

The site currently consists of one tract of land. This development would be considered a major development as expressed in the Subdivision and Development Ordinance. Therefore, the petitioner will be required to meet the provisions of Section 154.306. Staff will also require that as a condition of approval the petitioner provide a plat of resubdivision for the property making the property a lot of record.

In closing he noted that the subject property serves as a gateway parcel for visitors coming into Lombard in general and the St. Charles Road corridor in particular. Staff feels it is critical that any new development on the property presents a positive image of the community. Staff met with the petitioner and the petitioner has incorporated staff's suggestions into their proposed building elevations and site plan accordingly.

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

Mr. Polley asked what the proposed uses in the center would be. Sal Pernice, petitioner, stated that nothing is confirmed right now, but they are talking with fast-food sandwich establishments for the end unit and possibly a packing/mail establishment for the other portion of the building. Dr. Corrado asked if the Village could regulate or restrict the types of uses going into the center. Mr. Heniff said that the petitioner would be allowed to lease the premises to any permitted B4

use listed in the Zoning Ordinance. Mr. Polley noted that he would not want to see any undesirable uses (i.e., adult uses) in the center. Mr. Breen stated that his client would not want that type of use either. Mr. Heniff stated that the Zoning Ordinance does not permit adult uses in the B4 District by right or as a conditional use.

Chairperson DeFalco inquired about access into and out of the site. Mr. Heniff noted that the existing driveways on the site provide for full access. However, as a practical matter the turn lanes on St. Charles Road and Westmore-Meyers Road may functionally make these driveways right-in, right-out during peak traffic periods.

Chairperson DeFalco also inquired about landscaping at the northeast corner of the property. The petitioner noted that they will select planting materials so that the clear line of sight provisions will be met. They are proposing low-growth shrubs at the corner of the property.

After due consideration of the petition and testimony presented, found that the proposed variation complied with the Standards of the Zoning Ordinance. Therefore, on a motion by Mr. Polley and a second by Mrs. Newman, the Zoning Board of Appeals recommended approval of ZBA 04-06 by a roll call vote of 4 to 0, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the site plans prepared by Ekash Associates, Ltd., dated May 5, 2004 and submitted as part of this request.
2. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
3. That any trash enclosure screening on Lots 1 or 2 as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the principal building.
4. To ensure that the proposed signage and awnings present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
 - a. That channel lettering shall only be used for the wall signs.
 - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
5. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall operate the property, as follows:

- a. No more than fifty (50%) of the proposed building square footage shall be allowed to be occupied by restaurant uses.
 - b. That the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.
6. That the petitioner shall provide a plat of subdivision for the subject property making the property a lot of record.
 7. That the petitioner shall submit a lighting/photometric plan demonstrating that the proposed development will meet the lighting provisions included within the Zoning Ordinance.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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