

October 19, 2015

Title

PC 15-26

Petitioner

Keystone Ventures, LLC
418 Clinton Place
River Forest IL 60305

Property Owner

Welbic II LLC
970 N. Oak Lawn Avenue #100
Elmhurst IL 60126

Property Location

777 E. Butterfield Road
(06-29-201-007) District #3

Zoning

O – Office

Existing Land Use

Restaurant

Comprehensive Plan

Mixed Commercial and Office

Approval Sought

1. A rezoning to B3;
2. A conditional use for an outdoor service area;
3. A conditional use for a drive-through; and
4. A conditional use for more than one principal building on one lot-of-record.

Prepared By

Jennifer Ganser
Assistant Director



DESCRIPTION

The petitioner requests approval for two new buildings on a single lot with a drive thru and outdoor service area. The property is proposed to be rezoned to B3.

LOCATION MAP

APPROVAL(S) REQUIRED

The petitioner requests that the Village take the following actions on the subject property located within the O Office District:

1. Approve a Map Amendment rezoning the entire property from the O Office District to the B3 Community Shopping District;
2. A conditional use pursuant to Section 155.415 (C)(20) of the Lombard Zoning Ordinance for outside service areas (outdoor dining) for other permitted or conditional use in this district;
3. A conditional use pursuant to Section 155.415 (C)(6) of the Lombard Zoning Ordinance for drive-through and drive-in establishments/services; and
4. A conditional use pursuant to Section 155.208 (C) of the Lombard Zoning Ordinance for more than one principal structure on one lot-of-record.

EXISTING CONDITIONS

The subject property is currently improved with a vacant commercial building (approximately 11,470 square feet), formally occupied by Trademark restaurant.

PROJECT STATS

Lot & Bulk

Parcel Size: 1.09 acres

Submittals

1. Petition for a public hearing, submitted;
2. Response to Standards;
3. Preliminary Site Development Plans, prepared by Wolf Pack Consulting, LLC, dated September 15, 2015;
4. Proposed Elevations, prepared by Hague Architecture;
5. Revised site plan with bypass lane, prepared by Hague Architecture.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the project.

Fire Department:

The Fire Department has no comments regarding the project.

Private Engineering Services (PES):

PES has the following comments:

1. Based on a quick analysis of the net new impervious, it appears that the site plan provided and the survey of the existing site, the proposed plan will increase impervious lot coverage by more than 2,500 SF. Therefore, BMPs should be anticipated for the development. Final engineering calculations will confirm the final number.
2. If there is going to be a drive-thru, there should also be a bypass lane provided.

Public Works:

The Department of Public Works has the following comments on the subject petition:

1. Each building shall have its own water service line, which would have a publicly owned valve within the public right-of-way and then split outside of the building for fire suppression and domestic lines, with a privately owned valve on each domestic line. An easement will be required from the public right-of-way to the domestic line valves to provide the Village rights to access and operate the valves, but to own the valves. Details will be provided as part of the building permit review.
2. The storm sewer will need to be constructed of water main quality pipe if it will pass over the water service lines.
3. Grease traps need to be shown on the utility plan unless they will be internal to the building.

Planning Services Division (PSD):

The Planning Services Division notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	O	Northern Baptist Theological Seminary
South	OPD	Nicor property, used for parking
East	B3	Retail
West	O	Retail/restaurant

Staff finds that the four requests are consistent with the zoning and land use of the surrounding properties. Though the property is currently zoned office, staff notes that the Butterfield Road corridor is changing towards a more retail environment. The property has been a restaurant since it was annexed to the Village and therefore has obtained a conditional use permit to operate. The proposed rezoning would allow the property to operate by right as a restaurant use or a retail use. This is similar to the property to the east, which is zoned B3 and may have restaurants and retailers by right per Code. This flexibility is important as new tenants are sought. A B3 zoning is compatible with the surrounding Butterfield Road corridor. This corridor has trended toward retail uses in recent years with uses and redevelopment of Yorktown Mall, Fountain Square, and Chick-Fil-A.

The conditional uses of a drive thru and outdoor service area will maintain the character of the surrounding area. No variances are being requested for the site.

The two buildings are being designed with flexibility to allow the petitioner to go to the market for a tenant. The two buildings are approximately equal in size, when combined, to the current building on the site. The petitioners feel the two proposed buildings will add a modern touch to the site in order to find new tenants. Complete elevations are not being shown at this time, due to the flexibility desired by the petitioners to build the proposed buildings with the new tenant in mind. The petitioners have expressed to staff that the majority of the building will be masonry. Many large corporate tenants have specific designs and/or color palettes they use. The final elevations will meet Village Code and be brand specific towards the final tenants.

2. Comprehensive Plan Compatibility

The Comprehensive Plan recommends mixed commercial and office for the site. The proposed retail development with a drive thru and an outdoor service area meets the Comprehensive Plan goals for the area. Restaurant and retail users would be complementary to existing Butterfield Road corridor businesses. The two buildings proposed would be approximately the same size as the one existing building on the lot. The Comprehensive Plan notes that Butterfield Road is the Village's most prominent retail destination. The rezoning to B3 would support this statement.

3. *Parking*

Per the site plan, the property would be under parked, as was the former Trademark restaurant. However, since 1982 the Nicor parcel to the south has been used for off-site parking, pursuant to a lease agreement that runs through June 2024. In 2011 (PC 11-22) a conditional use was granted for off-site parking. Staff added a condition in the 2011 approval, as well as this petition, that if the Nicor parking becomes unavailable, the property will need to request a variance or amendment relative to the parking.

4. *Sign Ordinance Compatibility*

No signage relief is being proposed. Future tenants will have the option to have signage comply with the Village's Code or request a variance from the Plan Commission.

SITE HISTORY

The property at 777 E. Butterfield Road was annexed into the Village in 1981 and granted development approvals together with the restaurant to the west (Benihana). The Village rezoned the property to the O District and granted a conditional use for two restaurants. At that time, the Plan Commission specifically chose to zone the subject property to the O District instead of the B3 District because it felt that Office zoning would better maintain the overall character of the corridor.

The property at 777 E. Butterfield Road was developed as a restaurant in 1983, The Rusty Pelican. The restaurant was later operated as Magnum's Prime Steakhouse, Topo Gigio, and Trademark.

The Nicor parcel to the south has been used for off-site parking for the restaurant since 1982, pursuant to a lease agreement that runs through June 2024. In 2011 (PC 11-22) a conditional use was granted for off-site parking.

FINDINGS & RECOMMENDATIONS

The Inter-Departmental Review Committee has reviewed the Standards for the conditional uses and map amendment and finds that the petition **complies** with the standards established by the Village of Lombard Zoning Ordinance, and that granting the relief is in the public interest. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 15-26:

Based on the submitted petition and the testimony presented, the proposed conditional use for a drive thru, outdoor service area, and more than one building on a lot of record, as well as the map amendment, do comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the relief is in the public interest 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 recommend to the Village Board **approval** of PC 15-26, subject to the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report;
2. Pursuant to the Zoning Ordinance, project construction shall commence within one (1) year from the date of approval of the ordinance, unless a time extension been granted by the Village Board. This conditional use approval shall become null and void twelve (12) months from the date of approval if the proposed site improvements are not completed or an extension has been granted;

3. The petitioner shall be required to apply for and receive building permits for any improvements to the site;
4. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
5. If, for any reason, the Nicor parcel becomes unavailable for off-site parking related to 777 E. Butterfield Road, an amendment to the conditional use and/or any necessary variations must be obtained in order to continue the restaurant use.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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**VILLAGE OF LOMBARD
777 E. BUTTERFIELD ROAD, LOMBARD, ILLINOIS**

**STANDARDS FOR CONDITIONAL USES (Drive-Through, Outdoor Seating,
and more than one building on a lot of record)**

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

- 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;***

Drive-Through Facility: The proposed redevelopment plan includes a drive-through for a restaurant use to be located on the east side of the proposed development, with the drive-through lane located at the eastern boundary of the subject site. The proposed drive-through lane is located opposite of the point of ingress and egress to the proposed project, so the establishment and operation of this conditional use will not be detrimental to, or endanger the public safety, morals, comfort, or general welfare. The lease agreement governing the tenant using the drive-through facility will require the tenant to properly maintain and operate the drive-through lane, and also provide landlord/owner appropriate corrective remedies to ensure that the drive-through facility will not endanger public health, safety, comfort, or general welfare.

Outdoor Seating: The proposed redevelopment plan includes an outdoor seating component to be located in-between the two proposed buildings and on the north side of the proposed buildings within a designated area. The proposed outdoor seating will be designed to ensure its presence and operation will not be a detrimental to, or endanger the public health, safety, morals, comfort, or general welfare. The lease agreement governing the tenant(s) using the outdoor seating will require the tenant to properly maintain and operate the outdoor seating, and also provide landlord/owner appropriate corrective remedies to ensure that the outdoor seating will be properly maintain and operated as not endanger public health, safety, comfort, or general welfare.

More Than One Building on a Lot of Record: The proposed redevelopment plan separates two buildings with a center courtyard area designed to provide additional building design articulation, additional landscaping features, and for the opportunity of outdoor seating area. The utilization of this design feature creates two buildings, being more than one building on a lot of record. The nature of this design approach will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.

- 2. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the proposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located;***

Drive-Through Facility: The proposed redevelopment plan includes a drive-through for a restaurant use. The drive-through facility will be located along the eastern boundary of the subject side, isolating it from the main point of ingress and egress as to not be injurious to the uses and enjoyment of other property in the immediate vicinity, and will not substantially diminish nor impair property values within the neighborhood.

Outdoor Seating: The proposed redevelopment plan includes an outdoor seating component to be located in-between the two proposed buildings and on the north side of the proposed buildings within a designated area. The proposed outdoor seating area will enhance the aesthetics of the proposed redevelopment and will not be injurious to the uses and enjoyment of other property in the immediate vicinity, and will not substantially diminish nor impair property values within the neighborhood.

More Than One Building on a Lot of Record: The proposed redevelopment plan separates two buildings with a center courtyard area that is designed to enhance the architectural design and will not be injurious to the uses and enjoyment of other property in the immediate vicinity, and will not substantially diminish nor impair property values within the neighborhood.

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;*

Drive-Through Facility: The proposed redevelopment plan includes a drive-through for a restaurant use, which is not inconsistent with recent development trends of the surrounding property (Chick-fil-a, The Patio Restaurant, McDonald's) and will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Outdoor Seating: The proposed redevelopment plan includes an outdoor seating component to be located in-between the two proposed buildings and on the north side of the proposed buildings within a designated area, which is not inconsistent with recent development trends of the surrounding property (Chick-fil-a, Champps Americana, Uncle Julio's Fine Mexican, Starbucks, The Capital Grill, Rock Bottom Restaurant and Brewery) and will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

More Than One Building on a Lot of Record: The proposed redevelopment plan separates two buildings with a center courtyard area that is designed to enhance the architectural design and will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

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

Drive-Through Facility: The proposed redevelopment plan will utilize the existing points of ingress and egress, which provide adequate access roads.

Outdoor Seating: The proposed redevelopment plan will include an outdoor seating area designed to have adequate facilities to provide additional landscaping features and protected outdoor seating areas.

More Than One Building on a Lot of Record: The proposed redevelopment plan is designed to include the establishment of a new water 6" main water service, new 6" sanitary sewer service, new gas service, and new additional underground storm water drainage pipes to be connected to the existing system, providing adequate facilities.

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

Drive-Through Facility: The proposed redevelopment plan includes a drive-through for a restaurant use to be located on the east side of the proposed development, with the drive-through lane located at the eastern boundary of the subject site. The proposed drive-through lane is located opposite of the point of ingress and egress to the proposed project, so the establishment and operation of this conditional use will be designed at to minimize traffic congestion in the public streets.

Outdoor Seating: The proposed redevelopment plan will include an outdoor seating area located in between the proposed two buildings and on the north side of the proposed buildings. These locations are not contiguous to the main points of ingress and egress and designed to minimize traffic congestion in the public streets.

More Than One Building on a Lot of Record: The proposed redevelopment plan separates two buildings with a center courtyard area. The buildings are separated by the courtyard feature designed and located in between the proposed buildings and not adjacent to the main points of ingress and egress and designed to minimize traffic congestion in the public streets.

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

Drive-Through Facility, Outdoor Seating, and More Than One Building on a Lot of Record: These cited proposed conditional uses are consistence with recent development trends in the surrounding area and are not contrary to the objectives of the current Village of Lombard Comprehensive Plan 2014. The following are examples and references of conformance to the Comprehensive Plan:

Under **Village Snapshot Commercial** reference is made to *“Butterfield Road is the Village’s most prominent retail destination, home to Yorktown Center, Fountain Square of Lombard, and the Highlands of Lombard. Yorktown Center is of one of Chicago’s area’s most renowned shopping centers, anchored by Von Maur, Carson Pirie Scott, JCPenney, and Target with more than 180 stores and restaurants plus an 18-screen AMC premium movie theater.”* With the proposed rezoning to B3 and the proposed redevelopment of the subject site, the proposed retail and restaurants uses will contribute to the referenced nature of and objectives of Butterfield Road.

Under **Encouraging Economic Growth** reference is made to Lombard working with developers and property owners to come up with creative, innovative ways to assist developments, and Lombard has actively sought to increase the number of restaurants within the community. With the proposed rezoning to B3 and the proposed redevelopment of the subject site will be repositioned to accommodate the demands and requirements of new restaurants seeking to locate within the Lombard market.

Within **Vision 3: Lombard will create and maintain viable commercial districts throughout the Village**, the **Guiding Principles** reference: **Identifying Commercial Niches** – *Encourage a compatible and market supportable system of commercial development that is organized to provide various goods and services within the community and the greater region which Lombard serves.* **Key Corridor Developments** – *Effectively promote the major retail corridors as well as the smaller, neighborhood-orientated shopping centers throughout the Village.* **Retail Excellence** – *Encourage aesthetically pleasing and functionally well-designed retail and commercial shopping area environments.* The proposed rezoning to B3 and proposed redevelopment does encourage a compatible and market supportable commercial

development, promote the major retail corridor of Butterfield Road, and will enhance the aesthetics, produce a well-designed retail/restaurant shopping environment.

Within ***Vision 7: Lombard will continue to develop a diverse, prosperous and strong economic base***, the ***Guiding Principles*** reference: **Maintain a Business-Friendly Culture** – retain, expand and attract commercial and industrial businesses. **Economic Stimulation** – Promote wide-ranging economic development and business growth. **Invaluable Employment Base** – Expand and Maintain a strong employment base within the community which enhances the overall standard of living, builds upon the presence the overall standard of living, builds upon the presence of existing employment areas and maximizes the use of existing and planned infrastructure. The proposed rezoning to B3 and proposed redevelopment will attract new commercial businesses, promote development and business growth, and expand the employment base within the community.

The ***Comprehensive Plan 2014 Land Use Recommendations Land Use Plan*** identifies the subject site within the ***Mixed Use Commercial and Office***, which is consistence with the subject site being rezoned to B3 Community Shopping District. Within ***Commercial Land Use Areas Defined***, the subject site is identified within the ***Area 11: Butterfield Road***, with the ***Recommended Action: Reclassify the subject property to a future land use designation of mixed Commercial and Office. This new classification could accommodate additional uses, such as professional offices, as well as commercial, as part of a large scale redevelopment. It will also complement the existing uses along the corridor.*** The proposed rezoning to B3 is consistence with this referenced objective.

Within ***Land Use Plan Map Amendment Criteria***, the following criteria is suggested to be met: ***1. The proposed change is consistence with the Goals, Objectives and Policies and the overall Comprehensive Plan. 2. The proposed amendment does not affect the adequacy of existing or planned facilities and services of the Village or planning area generally. 3. The proposed change results in reasonably compatible land use relationships.*** As we've identified in the responses examples cited above, the proposed rezoning to B3 and proposed redevelopment are consistence the Goals, Objectives and Policies and the overall Comprehensive Plan, does not affect the adequacy of existing or planned facilities and services of the Village or planning area, and is a reasonably compatible land use relationship.

- 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.***

Drive-Through Facility: The proposed redevelopment plan includes a drive-through for a restaurant use to be located on the east side of the proposed development, with the drive-through lane located at the eastern boundary of the subject site, and conforms to the applicable regulations of the district in which it is located.

Outdoor Seating: The proposed redevelopment plan includes an outdoor seating component to be located in-between the two proposed buildings and on the north side of the proposed buildings within a designated area, and conforms to the applicable regulations of the district in which it is located.

More Than One Building on a Lot of Record: The proposed redevelopment plan separates two buildings with a center courtyard area, and conforms to the applicable regulations of the district in which it is located.

**VILLAGE OF LOMBARD
777 E. BUTTERFIELD ROAD, LOMBARD, ILLINOIS**

STANDARDS FOR MAP AMENDMENTS (REZONING TO B3 Community Shopping District)

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

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

The general area of the property, referring to the properties fronting Butterfield Road within a one half mile of the subject site, are all commercial property uses, including retail, restaurant, hotel and office uses, with the majority being retail and restaurant uses. There are three larger retail/restaurants developments within the general area of the subject site: Yorktown Shopping Center, Fountain Square, and Oak Brook Promenade. The existing uses immediately adjacent to the subject site include a retail/restaurant. The proposed uses for the redevelopment are retail and restaurant which are compatible with the existing uses within the general area.

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

The property located to the east of the subject site is zoned B3, the property to the south is zoned OPD, the properties to the west and north are zoned O. The majority of the properties on the north side of Butterfield Road within the general area are zoned B3PD. The proposed rezoning of the subject site to B3 is compatible with the zoning classifications within the general area.

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

The subject site has operated as a restaurant use for the past several decades. The proposed uses for the redevelopment are retail and restaurant, which are permitted uses within a B3 zoning 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 development within the general area has included predominantly retail and restaurant uses, including the redevelopment of portions of Yorktown Shopping Center, Fountain Square, Oak Brook Promenade, and Chick-fil-a located two lots west of the subject site. The proposed uses of the redevelopment are retail and restaurant, which are consistent with the trend of development within the general area.

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

The surrounding properties are all commercial uses, primarily retail and restaurants, two hotels (Extended Stay America Hotel to the south and Embassy Suites 3 parcels to the west), and office uses. Retail, restaurants and offices are permitted uses within B3 Community Shopping District zoning

classification, and hotels are conditional uses with B3 Community Shopping District zoning classification, so the proposed rezoning to B3 is compatible with the surrounding property.

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 Village of Lombard Comprehensive Plan 2014, under **Village Snapshot Commercial** reference is made to “*Butterfield Road is the Village’s most prominent retail destination, home to Yorktown Center, Fountain Square of Lombard, and the Highlands of Lombard. Yorktown Center is of one of Chicago’s area’s most renowned shopping centers, anchored by Von Maur, Carson Pirie Scott, JCPenney, and Target with more than 180 stores and restaurants plus an 18-screen AMC premium movie theater.*” With the proposed rezoning to B3 and the proposed redevelopment of the subject site, the proposed retail and restaurants uses will contribute to the referenced nature of and objectives of Butterfield Road.

Under **Encouraging Economic Growth** reference is made to Lombard working with developers and property owners to come up with creative, innovative ways to assist developments, and Lombard has actively sought to increase the number of restaurants within the community. With the proposed rezoning to B3 and the proposed redevelopment of the subject site will be repositioned to accommodate the demands and requirements of new restaurants seeking to locate within the Lombard market.

Within **Vision 3: Lombard will create and maintain viable commercial districts throughout the Village**, the **Guiding Principles** reference: **Identifying Commercial Niches** – Encourage a compatible and market supportable system of commercial development that is organized to provide various goods and services within the community and the greater region which Lombard serves. **Key Corridor Developments** – Effectively promote the major retail corridors as well as the smaller, neighborhood-orientated shopping centers throughout the Village. **Retail Excellence** – Encourage aesthetically pleasing and functionally well-designed retail and commercial shopping area environments. The proposed rezoning to B3 and proposed redevelopment does encourage a compatible and market supportable commercial development, promote the major retail corridor of Butterfield Road, and will enhance the aesthetics, produce a well-designed retail/restaurant shopping environment.

Within **Vision 7: Lombard will continue to develop a diverse, prosperous and strong economic base**, the **Guiding Principles** reference: **Maintain a Business-Friendly Culture** – retain, expand and attract commercial and industrial businesses. **Economic Stimulation** – Promote wide-ranging economic development and business growth. **Invaluable Employment Base** – Expand and Maintain a strong employment base within the community which enhances the overall standard of living, builds upon the presence the overall standard of living, builds upon the presence of existing employment areas and maximizes the use of existing and planned infrastructure. The proposed rezoning to B3 and proposed redevelopment will attract new commercial businesses, promote development and business growth, and expand the employment base within the community.

The **Comprehensive Plan 2014 Land Use Recommendations Land Use Plan** identifies the subject site within the **Mixed Use Commercial and Office**, which is consistent with the subject site being rezoned to B3 Community Shopping District. Within **Commercial Land Use Areas Defined**, the subject site is identified within the **Area 11: Butterfield Road**, with the **Recommended Action: Reclassify the subject property to a future land use designation of mixed Commercial and Office. This new classification could**

accommodate additional uses, such as professional offices, as well as commercial, as part of a large scale redevelopment. It will also complement the existing uses along the corridor. The proposed rezoning to B3 is consistent with this referenced objective.

*Within **Land Use Plan Map Amendment Criteria**, the following criteria is suggested to be met: 1. The proposed change is consistent with the Goals, Objectives and Policies and the overall Comprehensive Plan. 2. The proposed amendment does not affect the adequacy of existing or planned facilities and services of the Village or planning area generally. 3. The proposed change results in reasonably compatible land use relationships. As we've identified in the responses examples cited above, the proposed rezoning to B3 and proposed redevelopment are consistent with the Goals, Objectives and Policies and the overall Comprehensive Plan, does not affect the adequacy of existing or planned facilities and services of the Village or planning area, and is a reasonably compatible land use relationship.*

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

The proposed rezoning to B3 Community Shopping District and the proposed redevelopment to accommodate new retail and restaurant uses are listed as permitted uses within the B3 Community Shopping District.