

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

 X

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: July 13, 2004 (B of T) Date: July 22, 2004

TITLE: PC 04-20: 350 E. North Avenue

SUBMITTED BY: Department of Community Development *Def*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation requesting that the Village take the following actions for the subject property located within the B4 Corridor Commercial District:

1. Approve a three-lot major plat of subdivision.
2. For the entire subject property, approve a conditional use for a planned development.
3. For Lot 1 of the proposed subdivision, approve the following deviations and variations:
 - a. A deviation from Section 153.505 (B)(17)(a)(1) of the Sign Ordinance to allow for an increase in wall sign surface area from one hundred (100) square feet to one hundred and thirty four (134) square feet.
 - b. A deviation from Section 153.505 (B)(17)(a)(2) of the Sign Ordinance to allow for more than one wall sign on a street frontage.
 - c. A deviation from Section 153.210 (B)(D) of the Sign Ordinance to allow for an increase in the height of an electronic message board from two feet (2') to 3.65 feet with a display screen greater than eighteen inches in height.
 - d. A deviation from Section 153.210 (F) of the Sign Ordinance to allow for an electronic message board that is less than twelve feet above grade.
 - e. A variation and a deviation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.
4. Approve a conditional use for a drive-through facility on Lot 1 of the proposed subdivision.
5. For Lot 2 of the proposed subdivision, approve a variation and a deviation from Section 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscape from five feet (5') to zero feet (0') to provide for shared cross-access and parking.

6. For Lot 3 of the proposed subdivision, approve a variation from Section 155.415 (E) of the Subdivision and Development Ordinance, allowing for a reduction in the minimum lot width from one hundred fifty (150) feet to seventy-two (72) feet for a proposed stormwater detention outlet.

7. Resolution approving a development agreement for the subject property, with Site Plan Approval authority being granted to the Lombard Plan Commission. (DISTRICT #4)

The petitioner is requesting waiver of first reading.

The Plan Commission recommended approval of this petition with amended conditions.

Fiscal Impact/Funding Source:

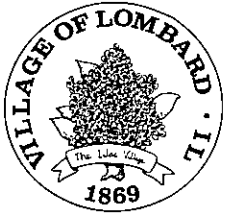
Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X W. The T. Licht _____ Date 7/13/04

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



MEMORANDUM

TO: William T. Lichter, Village Manager

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

DATE: July 22, 2004

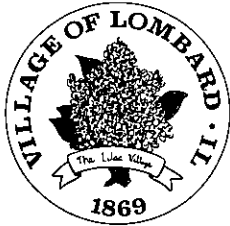
SUBJECT: PC 04-20: Terrace Commercial Subdivision/CVS Development

Attached please find the following items for Village Board consideration as part of the July 22, 2004 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 04-20;
3. An Ordinance granting approval of a conditional use for a planned development with variations and deviations, subject to conditions.
4. A Resolution approving a companion development agreement for the subject property.
5. Plan Commission submittal binder from petitioner.

Also associated with this petition will be a companion subdivision plat. Per the provisions of the Subdivision and Development Ordinance, the final plat will be brought forward for Village Board signature upon approval of the final engineering for the site.

The petitioner is requesting a waiver of first reading of the Ordinance.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148
630/620-5700 FAX: 630/620-8222
TDD: 630/620-5812
www.villageoflombard.org

Village President
William J. Mueller

Trustees
Joan DeStephano, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

July 22, 2004

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

Subject: PC 04-20; 350 E. North Avenue (CVS Pharmacy)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, GB Illinois #1, LLC, requests that the Village takes the following actions on the subject property located within the B4 Corridor Commercial District.

1. Approve a three-lot major plat of subdivision.
2. For the entire subject property, approve a conditional use for a planned development.
3. For Lot 1 of the proposed subdivision, approve the following deviations and variations:
 - a. A deviation from Section 153.505 (B)(17)(a)(1) to allow for an increase in wall sign surface area from one hundred (100) square feet to one hundred and thirty four (134) square feet.
 - b. A deviation from Section 153.505 (B)(17)(a)(2) to allow for more than one wall sign on a street frontage.
 - c. A deviation from Section 153.210 (B)(D) to allow for an increase in the height of an electronic message board from two feet (2') to 3.65 feet with a display screen greater than eighteen inches in height.
 - d. A deviation from Section 153.210 (F) to allow for an electronic message board that is less than twelve feet above grade.
 - e. A deviation from Section 155.706 (C) and 155.709 (B) reducing the required perimeter parking lot landscape from five feet (5') to zero feet (0') to provide for shared cross-access and parking.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Re: PC 04-20

July 22, 2004

Page 2

4. Approve a conditional use for a drive-through facility on Lot 1 of the proposed subdivision.
5. For Lot 2 of the proposed subdivision, approve a deviation from Section 155.706 (C) and 155.709 (B) reducing the required perimeter parking lot landscape from five feet (5') to zero feet (0') to provide for shared cross-access and parking.
6. For Lot 3 of the proposed subdivision, approve a variation from Section 155.415 (E), allowing for a reduction in the minimum lot width from one hundred fifty (150) feet to seventy-two (72) feet for a proposed stormwater detention outlot.
7. Approve a development agreement for the subject property.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on June 21, 2004. Andrew Kolb, attorney for the petitioner, presented the petition. Mr. Kolb introduced the parties involved with the CVS proposal and restated the request. He described the three lot subdivision and identified Lot 1 as the CVS site. Mr. Kolb stated that a user had not been identified for Lot 2 at this time, however they expect the future use to conform to commercial purposes. Mr. Kolb identified Lot 3 as a detention outlot. Mr. Kolb described the two site plans that were submitted with the request. He stated that they have a verbal commitment with the adjacent property owner to the west for a shared cross access easement and one site plan depicts the easement.

Mark Rice, of Arc Design Resources in Rockford, referred to the site plan diagram. He identified the drive through at the rear and the trash enclosure that incorporated matching masonry of the building. Mr. Rice noted that the revised plans now show a right-in, right-out drive at the south Grace Street entrance while the north Grace Street entrance would remain full access. Mr. Rice stated that 95 parking spaces would be located to the east and south of the building although only 65 spaces are required by code. He noted that the drive through window will be utilized for prescriptions only and most likely there would be no more than two to three vehicles stacked at any peak hour. Mr. Rice stated that the landscaping plan was the same as the previous submittal with shoebox fixtures and wall packs on the building. Mr. Rice noted that there is a wetland and floodplain area on the northeast corner of the property and that the proposed plans have no impact on the boundary.

Mr. Kolb then distributed the site signage proposal. Mr. Kolb introduced Mark Nosky of Stuart/Nosky Architects. Mr. Nosky gave an overview of the CVS floor plan. He noted the overheard door was at grade and that there will be a mezzanine area in the building. Mr. Nosky stated that the building is a brick façade on all four sides. He mentioned the building materials and the type roof. He also identified the arcade corner to allow pedestrians to enter and exit under a canopy. He also noted that wall signage would be on the canopy. Mr. Nosky displayed a materials board that consisted of the color of the brick façade and various types of efface colors and mentioned where each material/color would be located. Mr. Nosky stated that the trash compactor area would include a brick enclosure with wood gates to conceal the dumpsters.

Steven Corcoran, of Metro Transportation, presented the traffic study findings. He mentioned the original study was conducted for CVS and the bank facility. Since the Lot 2 use is unknown they made changes. He mentioned the site's location and noted that North Avenue, a state route, will have three through lanes. He also noted left-hand turn lanes on Grace and U-turn lanes due to the barrier median. Mr. Corcoran noted the North Avenue construction and also mentioned that Grace Street is a part of that construction. He noted that Grace Street would be three lanes approaching the intersection. He stated that they counted existing traffic. Mr. Corcoran stated that they moved the right-in, right-out facility on North Avenue so that it connects to the future parcel (Lot 2). He mentioned that the south Grace Street entrance was changed to reflect right-in, right-out access while the north Grace Street entrance would remain full access. They will provide a separate left-hand turn lane for safety purposes at the north Grace Street entrance. He stated that they would make a minor curb cut to help the turn lane. Mr. Corcoran stated that they assumed CVS and a three-story building would occupy the site. They estimate approximately 35 cars in the morning and approximately 135 – 155 cars on the evenings and weekends. Mr. Corcoran stated that upon analysis of traffic conditions they estimate the development will have a minimal impact on congestion.

Steve Jacks and Doug Merritt, the authorized agents on behalf of the developer, discussed the signage package. Mr. Jacks stated that they reduced the overall sign program and incorporated three service messages into one cabinet sign. Both signs will be illuminated for the south and east elevations to provide adequate exposure. Mr. Jacks also noted that the drive-thru facility would include informational and directional non-illuminated signage. He also noted that they were seeking relief for the size of the automatic changeable copy board. Mr. Jacks stated that originally proposed was 3-1/2 feet and they believed it was appropriate to reduce the height after receiving staff's comments. Mr. Jacks stated that they believe a 2'6" sign would be appropriate based on the number of lines of copy typical of a CVS pharmacy message board due to the site and road conditions.

Mr. Kolb concluded the presentation by stating that the pharmacy is consistent with zoning and serves a public purpose. He mentioned the various numbers of CVS pharmacies nationwide and noted that the development would be a benefit to the village.

Chairperson Ryan then opened the meeting for public comment. No one spoke for or against the petition.

Chairperson Ryan then requested the staff report.

Angela Clark, Planner I, presented the staff report. Ms. Clark stated that the site is the current location of the Terrace Restaurant. The petitioner intends to acquire the site and subdivide the property into three lots. The petitioner plans to develop Lot 1 as CVS Pharmacy and has not identified a use for Lot 2 at this time. Lot 3 will serve as a detention area for Lots 1 and 2. The petitioner also requests a variation to the minimum lot width requirement for Lot 3, as it is only seventy-two feet in width, where one hundred fifty feet is required. As the entire site meets the

minimum lot width and area requirements for a planned development, planned development approval is also included as part of this petition.

The proposed CVS Pharmacy on Lot 1 of the subdivision includes a drive-through facility, which requires approval of a conditional use. Included with the request are deviations for the proposed freestanding and wall signs.

At this time, the petitioner is not requesting approval of a specific site plan pertaining to the development of Lot 2. Should this petition be approved, any future development on Lot 2 other than public utility, access and landscape improvements will be subject to a future site plan approval application.

Ms. Clark noted the comments from the Inter-Departmental Review Committee. She stated that the proposed use is compatible with the comprehensive plan and surrounding land uses. Ms. Clark stated that in regards to traffic the petitioner's revised site plan adequately addresses the internal drive-through circulation issues. However, to provide additional screening for the residences to the east, staff recommends that additional vegetation, consisting of evergreen and shrubs be placed on the proposed landscape island immediately east of the pharmacy pick-up window.

Ms. Clark stated that the subject property meets the minimum lot width and area requirements and therefore, staff recommends the establishment of a planned development for this site. Creation of the planned development will also give the Village an opportunity to review any future modifications of the subject property, particularly as it relates to the future Lot 2 development. To this end, staff is recommending that the Lot 2 development shall be subject to site plan approval as well.

The petitioner submitted a signage plan along with the site plan submittal. There are two signage elements that would not meet the Village's regulations. Ms. Clark also noted that there were two additional signs in the packet distributed by the petitioner during the meeting that were not present in the Plan Commission submittal. She noted that sign "A" in the package could meet code if the overall size of the sign were reduced as to meet the requirements of a directional sign, however sign "B" would not meet the code provisions.

For the primary CVS wall signs, the proposed signage is consistent with the sign package that was approved for the Roosevelt Road/Meyers Road facility. Staff finds that the sizes of the signs are appropriately sized relative to the proposed elevations. The proposed sign package also consolidates multiple signs, as shown on a previous plan submittal. Lastly, the sign package also creates consistency in design between the two wall signs. If reviewed cumulatively, the petitioner could install two signs of up to 300 square feet in area; their signage proposal totals 272 square feet (i.e., 2 signs of 136 square feet in size).

With respect to the drive-through signage, staff finds that this signage can be supported as it is intended to serve as an informational and directional function for the site. These signs are

necessary as it facilitates efficient traffic flow. Therefore, staff finds that the additional signs are acceptable and supports the deviation.

The petitioner also is requesting approval for a freestanding sign, which includes an automatic changeable copy (ACC) area (i.e., electronic message sign). The proposed sign is intended to identify the CVS store; the ACC sign is intended to provide information regarding products or services available in the store.

In consideration of the ACC sign request, staff does not object to the deviation for the height above grade, but does have concerns regarding the overall size of the sign. Staff notes that ACC signs do present additional challenges and hence they are subject to differing regulations. Where properties are permitted to have ACC signage, the Village has established regulations pertaining to their overall size. Staff believes that the petitioner's cabinet height of over two feet can be considered excessive and can create a negative appearance on the overall corridor. As such, staff is not supportive of the deviation to allow for a cabinet of higher than two feet. The petitioner has represented that they may be able to meet the two-foot provision, but the sign area may be slightly greater than 18 inches in height. Modern electronic message boards utilize a substantial amount of the board's height as a display area. Staff can support the deviation from the eighteen-inch display area assuming the overall height of the board meets code. If the ACC sign is modified to meet this provision, the deviation for a board less than twelve feet above grade becomes unnecessary as well.

The landscape plan indicates that perimeter landscaping will be provided around the perimeter of the parking lot of Lots 1 and 2 with the exception of those areas to the north and west where cross access easements will be provided. Those areas designated for landscaping meet the code requirements of five feet in width. Staff believes the cross access easements will allow sufficient traffic flow between lots in the event of future development and is therefore supportive of the requested deviation.

The new site plan has taken staff's previous comments into consideration and are reflected accordingly. The loading dock area has been modified to prevent cut-through traffic. Drive-through patrons will leave the pick-up window and proceed west to the access drive, away from the loading area. The new plan also shows a right in, right out facility at the south Grace Street entrance as recommended by staff and the Village's traffic consultant. The north Grace Street entrance will provide full access. Staff believes that this may impede the flow of traffic along Grace Street resulting in congestion at the intersection of North Avenue and Grace Street. The petitioner's traffic report did not address this issue.

Ms. Clark stated that staff supports the requested variation to reduce the Lot width for Lot 3 considering Lot 3 is intended to provide detention for Lots 1 and 2 and is not intended to be a buildable lot of record.

This development is both a major subdivision and a major development as expressed in the Subdivision and Development Ordinance. Therefore, the petitioner will be required to meet the

provisions of Section 154.304 and 154.306. This includes, but is not limited to, sidewalks, landscaping, parkway trees and street lighting per Code. The petitioner is providing cross access easements in the event that development occurs on neighboring lots.

The petitioner will be preparing a companion development agreement for the subject property. This agreement will be considered by the Village Board in conjunction with the final consideration of Ordinances.

Chairperson Ryan then opened the meeting for discussion among the Plan Commission members.

Commissioner Olbrysh stated that since they have seen this for the third time, many of the revisions addressed previous concerns. He asked for clarification as to whether the full access drive on north Grace would be constructed prior to Lot 2 development.

Commissioner Sweetser stated that one plan indicated that the drive would be constructed in the future while one indicated present construction.

Steve Corcoran stated that as part of the CVS development they will build a drive aisle and full access point and when Lot 2 is developed it would tie in. Mr. Heniff mentioned that condition six reflected this.

Commissioner Sweetser stated that the report indicates that the petitioner's traffic report did not address traffic congestion. She asked if staff still has concerns regarding this. Mr. Heniff stated that with the new inclusion of the right-in, right-out facility the new plan is acceptable.

Commissioner Sweetser stated that there was confusion about the automatic changeable copy sign since staff indicated in the written report that they were not supportive of a cabinet higher than two feet but the petitioner says that they may be able to meet the overall height requirement. Mr. Heniff clarified by stating that condition five in the staff report addresses this. He stated that staff feels that is acceptable if they would like to expand the display area of the changeable copy sign, but the overall height of the sign should remain two feet. Chairperson Ryan mentioned that condition five in the staff report states that the height of the sign must be held to two feet.

Commissioner Sweetser stated that on the larger plans the west side shows a greater ability to access the loading dock area and the signage package shows an island that would not allow for backing up or turning around. She asked for clarification as to how the trucks would maneuver.

Mark Rice stated that in looking at the signage package the plan appeared to be the same. He noted that a landscape island was depicted to provide screening. Commissioner Sweetser stated that the larger plan labeled "C1" did not show an island. Commissioner Flint clarified by stating that there were two pages labeled "C1" with one showing the shared access and the other does not. Mr. Heniff stated that the plan would be acceptable with the island structure there in the event that the petitioner was not able to obtain shared access with the property to the west.

Commissioner Sweetser noted condition twelve within the staff report regarding a letter from the property owner and mentioned that the billboard is not under the purview of the Plan Commission. Mr. Heniff stated that the condition is noted in the event that the property west of the subject location were to develop they could take advantage of the future access. He stated that the condition is meant to ensure that there is cross access to the property.

Commissioner Burke asked if the cross access was constructed prior to occupancy would the neighboring property be responsible for recapture when that lot was developed. Mr. Heniff stated that it is in the property to the west's best interest and those provisions would have to be worked out accordingly. Commissioner Burke asked if there is a document adopting cross access but no provisions for recapture how can they come to an agreement. Mr. Heniff stated that they want to get the provisions in place and work out any costs. He stated that the concern is whether the property owner to the west can come back and not pay any costs for cross access. He would follow up with their Counsel and Village Counsel to meet both concerns.

Chairperson Ryan clarified that a statement should be incorporated into the conditions.

Mr. Kolb stated that it is a concern and anything that can be placed in the report should be noted. Mr. Kolb stated that it would be fine with them if the Plan Commission would like to address the recapture. Mr. Wagner, Village Counsel, noted that recapture has never been mentioned in other Plan Commission recommendations. Mr. Kolb stated that he considers it part of contract negotiations for both parties.

Commissioner Sweetser stated for clarification that signs "A" and "B" as proposed are not acceptable. She asked if the signs could include the name of the business. Mr. Heniff stated that the sign "A" could be permitted if it were less than six square feet and located at the entrance with the CVS name and an arrow. Mr. Heniff suggested that since sign "B" was not part of the petition it would have to come back before the Plan Commission. He stated that the two identification signs are allowed. He stated that there were no conditions for A but for B the tenant sign should only relate to businesses on Lot 2 and filed under a separate application.

Chairperson Ryan stated that the signs should not be addressed since they were not advertised.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed variations comply with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 6 to 0, recommended to the Corporate Authorities, **approval** of the following relief associated with PC 04-20, subject to the following conditions:

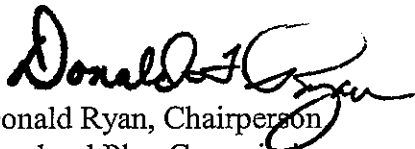
1. That the petitioner shall develop the site in accordance with the site plans prepared by Arc Design resources, Ives/Ryan Group and Stuart Novsky Associates, dated May 18, 2004 and submitted as part of this request.

2. Any future development on the Lot 2 of the proposed subdivision shall be subject to a separate site plan approval application.
3. That the petitioner shall modify the landscape plan for the subject property, as follows:
 - a. Additional landscape vegetation, consisting of evergreen and shrubs be placed on the proposed landscape island immediately east of the pharmacy pick-up window. The design and location of the plant materials shall be subject to the Director of Community Development.
 - b. The parkway shall be improved with parkway trees and sodded, pursuant to Section 155.706 of the Zoning Ordinance.
 - c. All internal parking lot islands shall be sodded rather than seeded, where applicable, pursuant to Section 155.706 of the Zoning Ordinance.
 - d. Detention landscaping shall be provided pursuant to Section 154.508 of the Subdivision and Development Ordinance and Section 155.709 of the Zoning Ordinance.
4. 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.
5. The maximum height of the automatic changeable copy sign proposed on the freestanding sign may not exceed 24 inches in height. The petitioner shall submit a revised sign plan reflecting that the modified sign dimensions.
6. That associated with the Lot 1 development, the petitioner shall construct the proposed northern access drive improvements on Lot 2, consisting of a left turn lane on Grace Street and an improved access driveway from Grace Street immediately across from the Adele Avenue right-of-way to Lot 1 of the proposed development. The design shall be subject to final review by the Director of Community Development and the Village Engineer.
7. That as part of the Lot 1 improvements, the petitioner shall construct the access driveway on Lot 2 pursuant to the revised plan submittal.
8. That as part of the public improvements, the petitioner shall provide full public improvements as required by Sections 154.304 and 154.306 of the Lombard Subdivision and Development Ordinance. The final design and location of all public improvements shall be reviewed and approved by the Village and/or the Illinois Department of Transportation.
9. 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.

10. That a total of five wall signs shall be permitted on the Lot 1 principal building, with the wall sign size and placement to be consistent with the petitioner's plans, as follows:
 - a. Two "CVS Pharmacy" signs which can include the secondary tag line. Said signs shall not exceed 136 square feet in size.
 - b. Three 'Drive-Thru/Pharmacy' signs, not to exceed 30 square feet in size. Any future signage changes shall be subject to a future site plan approval from the Village.
11. In the event that the property owner immediately west of the subject property shall not provide the rights to construct a shared access drive on his property, the petitioner shall develop the site consistent with the alternate site plan submittal, prepared by Arc Design Resources, dated May 18, 2004.
12. That any freestanding signage at the proposed entrance drive on North Avenue shall meet the directional signage requirements as regulated by the Lombard Sign Ordinance.
13. That the petitioner shall provide for cross-access easements between the subject property and the property immediately west of the subject property with two points of access/egress.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

att-

c. Petitioner
Lombard Plan Commission

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission HEARING DATE: June 21, 2004
FROM: Department of Community PREPARED BY: Angela Clark, AICP
Development Planner I

TITLE

PC 04-20; 350 E. North Ave.: The petitioner, GB Illinois #1, LLC, requests that the Village takes the following actions on the subject property located within the B4 Corridor Commercial District.

1. Approve a three-lot major plat of subdivision.
2. For the entire subject property, approve a conditional use for a planned development.
3. For Lot 1 of the proposed subdivision, approve the following deviations and variations:
 - a. A deviation from Section 153.505 (B)(17)(a)(1) to allow for an increase in wall sign surface area from one hundred (100) square feet to one hundred and thirty four (134) square feet.
 - b. A deviation from Section 153.505 (B)(17)(a)(2) to allow for more than one wall sign on a street frontage.
 - c. A deviation from Section 153.210 (B)(D) to allow for an increase in the height of an electronic message board from two feet (2') to 3.65 feet with a display screen greater than eighteen inches in height.
 - d. A deviation from Section 153.210 (F) to allow for an electronic message board that is less than twelve feet above grade.
 - e. A deviation from Section 155.706 (C) and 155.709 (B) reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.
4. Approve a conditional use for a drive-through facility on Lot 1 of the proposed subdivision.
5. For Lot 2 of the proposed subdivision, approve a deviation from Section 155.706 (C) and 155.709 (B) reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.
6. For Lot 3 of the proposed subdivision, approve a variation from Section 155.415 (E), allowing for a reduction in the minimum lot width from one hundred fifty (150) feet to seventy-two (72) feet for a proposed stormwater detention outlet.
7. Approve a development agreement for the subject property.

GENERAL INFORMATION

Petitioner: GB Illinois #1, LLC
600 E. 96th Street, Suite 150
Indianapolis, IN 46240

Relationship to Property: Contract Purchaser

Property Owner: 555 Building Corp.
600 Enterprise Drive, Suite 108
Oak Brook, IL 60523

PROPERTY INFORMATION

Existing Land Use: The Terrace Restaurant

Size of Property: 5.209 Acres

Comprehensive Plan: Recommends Community Commercial

Existing Zoning: B4 Corridor Commercial District

Surrounding Zoning and Land Use:

- North: B4 Corridor Commercial District; undeveloped property.
- South: R2 Single Family Residential District, developed as single family residences.
- East: B4 Corridor Commercial District and R2 Single Family Residential District; developed as a vacant motor vehicle sales building, single family detached and attached residences.
- West: I Limited Industrial District; undeveloped property (this site is temporarily being used as a batch plant for the North Av. reconstruction project).

ANALYSIS

SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development:

1. Petition for Public Hearing, received May 20, 2004.
2. Preliminary Plat of Subdivision, dated May 14, 2003, prepared by Arc Design Resources, Inc.
3. ALTA/ACSM Land Title Survey, dated October 16, 2003, prepared by Arc Design Resources, Inc.
4. Preliminary Site Plan, updated May 18, 2004, prepared by Arc Design Resources Inc.
5. Alternative Preliminary Site Plan, updated May 18, 2004, prepared by Arc Design Resources Inc.
6. Grading and Drainage Plan, updated December 5, 2003, prepared by Arc Design Resources, Inc.
7. Detention Plan, updated December 5, 2003, prepared by Arc Design Resources, Inc.
8. Utility Plan, dated July 14, 2003, prepared by Arc Design Resources, Inc.
9. Erosion Control Plan, updated December 5, 2003, prepared by Arc Design Resources, Inc.
10. Stormwater Pollution Prevention Plan, dated December 5, 2003, prepared by Arc Design Resources, Inc.
11. Landscape Plan, dated December 5, 2003, prepared Ives/Ryan Group, Inc.
12. Proposed Building Elevations, updated December 4, 2003, prepared by Stewart Nosky Architects, Ltd.
13. Revised Signage dated November 14, 2003
14. Photometric Plan, dated November 14, 2003, prepared by Arc Design Resources, Inc.
15. Draft Traffic Impact Analysis, dated September 2003, prepared by Metro Transportation Group, Inc.
16. Kane-DuPage Soil and Water Conservation District Land Use Opinion Application

DESCRIPTION

The petitioner appeared before the Plan Commission in December 2003 (PC 03-45) with the proposed development. The Plan Commission recommended approval of the petition with the condition that the south Grace Street entrance be designed as a right in, right out facility. The petitioner found this and other conditions of approval unacceptable and withdrew the petition. The petitioner is resubmitting the petition at this time with a revised site plan illustrating the right in, right out facility at the south Grace Street entrance. Included with the petition is an alternative site plan depicting provision for a cross access easement to the neighboring property west of the subject site. All other aspects of the submittal remain the same as the original petition submitted in December 2003.

The subject site is the current location of the Terrace Restaurant. The petitioner intends to acquire the site and subdivide the property into three lots. The petitioner plans to develop Lot 1 as CVS Pharmacy and has not identified a use for Lot 2 at this time. Lot 3 will serve as a detention area for Lots 1 and 2. The petitioner also requests a variation to the minimum lot width requirement for Lot 3, as it is only seventy-two feet in width, where one-hundred fifty feet is required. As the entire site meets the minimum lot width and area requirements for a planned development, planned development approval is also included as part of this petition.

The proposed CVS Pharmacy on Lot 1 of the subdivision includes a drive-through facility, which requires approval of a conditional use. Included with the request are deviations for the proposed freestanding and wall signs, which are discussed later in the report.

For reference purposes, the term "subject property" refers to the entire 5.2 acre property. The CVS Pharmacy development will be referenced to as "Lot 1" or the "CVS site". At this time, the petitioner is not requesting approval of a specific site plan pertaining to the development of Lot 2. Should this petition be approved, any future development on Lot 2 (other than public utility, access and landscape improvements) will be filed as a future site plan approval application.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

From a construction or engineering perspective, Private Engineering Services has the following comments:

- 1.) The 30-ft utility easement shall be dedicated to the Village at the same time that the plat of subdivision is recorded. The easement shall be later revised as needed based on permit review comments and as-built conditions.

- 2.) Permits shall be required from the Illinois Department of Transportation, the Illinois Environmental Protection Agency and the DuPage County Department of Development and Environmental Concerns.
- 3.) The detention basin slope shall be set back from the Grace Street right-of-way per 605 ILCS 5/9-115.1.
- 4.) Additional comments shall be provided upon receipt of a building permit application including all required calculations.
- 5.) Best Management Practices such as locating storm sewer inlets in landscape islands and using natural landscaping in the detention basin shall be incorporated as possible.
- 6.) The legal description on the plat of subdivision needs to be revised prior to recording since the site is in the Southwest Quarter of Section 32, rather than the Southeast Quarter.
- 7.) A 5' wide public sidewalk easement is recommended along the eastern edge of the property. Moving the sidewalk onto the private property in this manner will allow for grass and trees in the parkway, will keep plowed snow off of the sidewalk and will keep pedestrians a safer distance from traffic.
- 8.) Any sign over two feet high should be kept out of the thirty-foot line of sight triangle.

PUBLIC WORKS

The Department of Public Works, Engineering Division has no comments regarding the petition.

The Department of Public Works, Utilities Division has the following comments:

- 1.) Instead of installing a watermain around the entire building for two hydrants, consider connecting the two hydrants to individual hydrant "legs."
- 2.) Fire suppression line and domestic water service need to be individually connected to the watermain. Shut off valves need to be located in an easement close to the watermain.
- 3.) If connections to the watermain are not pressure connections, install valves in vaults at each connection point.
- 4.) Verify that these plans reflect the new utilities being installed as part of the North Avenue project.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has the following comments:

All new construction must comply with current Village of Lombard building and fire codes (minimum type 2A construction).

PLANNING

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Community Commercial uses on the subject property and the proposed pharmacy retail use is compatible with the Comprehensive Plan designation.

Compatibility with Surrounding Land Uses

The site is currently utilized as a restaurant. There are single family residences located on the south side of North Avenue as well as the east side of Grace Street. Two parcels border the site to the north and west are zoned for commercial uses. There are other commercial uses east of Grace Street along North Avenue.

The property west of the subject site is subject to future retail development activity (a bank was proposed on the property earlier this year as part of PC 04-03, but those plans have since been withdrawn). To ensure compatibility to the abutting property, staff requested that the petitioner develop their site plan in conjunction with the property to the west. This coordination would include provisions for cross-access and shared drive aisles. Additionally, the petitioner's plan also provides for potential cross-access to the vacant property to the east of the subject property, in the event that that property develops at a later date. Given these considerations, staff believes the proposed development is compatible with the adjacent properties.

However, in the event that the abutting property owner does not provide for the petitioner to construct site improvements and cross access on his property, the petitioner has submitted an alternate plan for consideration that provides for the access exclusively on their property.

Staff believes that the proposed use would be compatible with the existing land uses. However, to ensure that the overall impacts of the new development are satisfactorily addressed, staff offers additional comments and recommendations, as noted later in this report.

Compliance with the Zoning Ordinance

Drug stores are identified as permitted uses in the B4 Corridor Commercial District. Therefore, the proposed pharmacy use is compatible with the Zoning Ordinance. Any future development activity on Lot 2 would also be required to meet the B4 provisions.

Conditional Use – Drive-Through Facility

As with many new pharmacies, the petitioner is proposing a double drive through facility to be included as part of the CVS site plan. The drive-through window will be intended for the disbursement of prescription medications only. Vehicles using the drive-through will queue from the northeast corner of the building and will travel westbound to the window. Upon receiving their prescriptions, they would proceed past the proposed loading dock area to the access drive aisle to North Avenue or back to Grace Street. The proposed drive through lane is proposed on the north side of the building, which will effectively screen the activity from residential property owners along North Avenue.

Staff believes that the petitioner’s site plan adequately addresses the internal drive-through circulation issues. However, to provide additional screening for the residences to the east, staff recommends that additional vegetation, consisting of evergreen and shrubs be placed on the proposed landscape island immediately east of the pharmacy pick-up window. The design and location of the plant materials shall be subject to the Director of Community Development.

Conditional Use – Planned Development

Included with the petition is a request for conditional use approval for a planned development. Per Village Code, planned developments are required with any variation request associated with a property which has R6, O, B1, B2, B3, B4, B5, B5A, or I zoning designations and meets the minimum lot area and width requirements for a planned development. The subject property meets the minimum lot width and area requirements and therefore, staff recommends the establishment of a planned development for this site. Creation of the planned development will also give the Village an opportunity to review any future modifications of the subject property, particularly as it relates to the future Lot 2 development. To this end, staff is recommending that the Lot 2 development shall be subject to site plan approval as well.

Compatibility with the Sign Ordinance

The petitioner submitted a signage plan along with the site plan submittal. There are two signage elements that would not meet the Village’s regulations.

Wall Signage

The petitioner is proposing a primary “CVS/Pharmacy” wall sign at the front entrance on the south and east wall of approximately 134 square feet in size. One wall sign is allowed per street frontage. The total surface area of any single wall sign shall not exceed 100 square feet, if the wall is less than 120 feet from the property line and shall not exceed 200 square feet if the wall is between 120 and 240 feet from the property line. Therefore, the east wall sign meets code but the south wall will require relief.

The petitioner is also requesting approval of wall signs to accommodate the drive-through activities. The “Drive-Thru” sign is approximately thirty square feet in surface area.

Staff can support the wall sign deviations for the following reasons:

For the primary CVS wall signs, the proposed signage is consistent with the sign package that was approved for the Roosevelt Road/Meyers Road facility. Staff finds that the size of the signs are appropriately sized relative to the proposed elevations. The proposed sign package also consolidates multiple signs, as shown on a previous plan submittal. Lastly, the sign package also creates consistency in design between the two wall signs. If reviewed cumulatively, the petitioner could install two signs of up to 300 square feet in area; their signage proposal totals 272 square feet (i.e., 2 signs of 136 square feet in size).

With respect to the drive-through signage, staff finds that this signage can be supported as it is intended to serve as an informational and directional function for the site. These signs are necessary as it facilitates efficient traffic flow. Therefore, staff finds that the additional signs are acceptable and supports the deviation.

Free-Standing Sign – Electronic Message Board

The petitioner also is requesting approval for a freestanding sign that includes an automatic changeable copy (ACC) area (i.e., electronic message sign). The proposed sign is intended to identify the CVS store; the ACC sign is intended to provide information regarding products or services available in the store.

As proposed, the freestanding sign is twenty-four feet in height and approximately sixty-five square feet in surface area. The sign also includes an ACC board that is approximately three and a half feet in height. The overall height and surface area of the freestanding sign meet the code requirements. However, ACC boards are required to be two feet in height or less with no more than eighteen inches in display area. Code also requires that the ACC board is no less than twelve feet above grade. The proposed message board is approximately eleven feet above grade.

In consideration of the ACC sign request, staff does not object to the deviation for the height above grade, but does have concerns regarding the overall size of the sign. Staff notes that ACC signs do present additional challenges and hence they are subject to differing regulations. Where properties are permitted to have ACC signage, the Village has established regulations pertaining to their overall size. Staff believes that the petitioner's cabinet height of over two feet can be considered excessive and can create a negative appearance on the overall corridor. As such, staff is not supportive of the deviation to allow for a cabinet of higher than two feet. The petitioner has represented that they may be able to meet the two-foot provision, but the sign area may be slightly greater than 18 inches in height. Modern electronic message boards utilize a substantial amount of the board's height as a display area. Staff can support the deviation from the eighteen inch display area assuming the overall height of the board meets code. If the ACC sign is modified to meet this provision, the deviation for a board less than twelve feet above grade becomes unnecessary as well.

Landscaping Deviations

The landscape plan indicates that perimeter landscaping will be provided around the perimeter of the parking lot of Lots 1 and 2 with the exception of those areas to the north and west where cross access easements will be provided. Those areas designated for landscaping meet the code requirements of five feet in width. Staff believes the cross access easements will allow sufficient traffic flow between lots in the event of future development and is therefore supportive of the requested deviation.

Traffic

The petitioner submitted a preliminary traffic report for the proposed development. The proposal assumes that Lot 1 would be developed as a pharmacy while Lot 2 would contain an office building/banking facility. While the Lot 2 development is not being considered at this time, the report does address some of the traffic issues associated with the CVS site.

The new site plan has taken staff's previous comments into consideration and are reflected accordingly. The loading dock area has been modified to prevent cut-through traffic. Drive-through patrons will leave the pick-up window and proceed west to the access drive, away from the loading area. The new plan also shows a right in, right out facility at the south Grace Street entrance as recommended by staff and the Village's traffic consultant. The north Grace Street entrance will provide full access. Staff believes that this may impede the flow of traffic along Grace Street resulting in congestion at the intersection of North Avenue and Grace Street. The petitioner's traffic report did not address this issue.

Staff recommends as a condition of approval for the overall planned development that the proposed northern access drive improvements be constructed, consisting of a left turn lane on Grace Street and an improved access driveway from Grace Street immediately across from the Adele Avenue right-of-way to Lot 1 of the proposed development.

Compliance with the Subdivision and Development Ordinance

The site currently consists of one lot. The petitioner plans to subdivide the lot into two lots and an outlot for detention. The two lots meet the minimum lot width and area requirements while a variation is requested to reduce the width of Lot 3 to seventy-two feet. Staff supports the requested variation considering Lot 3 is intended to provide detention for Lots 1 and 2 and is not intended to be a buildable lot of record. This reduction is consistent with Section 154.507 (D) of the Subdivision and Development Ordinance, which requires a minimum lot width of 30 feet for a detention outlot.

This development is both a major subdivision and a major development as expressed in the Subdivision and Development Ordinance. Therefore, the petitioner will be required to meet the provisions of Section 154.304 and 154.306. This includes, but is not limited to, sidewalks, landscaping, parkway trees and street lighting per Code. The petitioner is providing cross access easements in the event that development occurs on neighboring lots.

Development Agreement

Pursuant to Section 154.602(A), the petitioner will be preparing a companion development agreement for the subject property. This agreement will be considered by the Village Board in conjunction with the final consideration of Ordinances.

FINDINGS AND RECOMMENDATIONS

Staff believes that the proposed use is appropriate at the subject location and is compatible with surrounding uses.

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

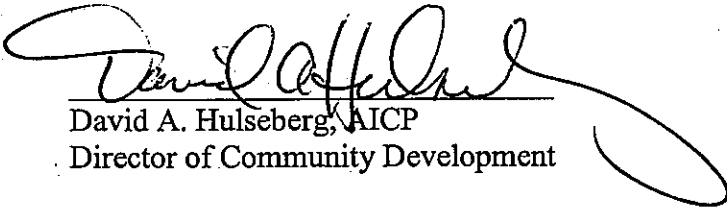
Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning, Sign and Subdivision and Development Ordinances; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-department Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of PC 04-20, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the site plans prepared by Arc Design resources, Ives/Ryan Group and Stuart Novsky Associates, dated May 18, 2004 and submitted as part of this request.
2. Any future development on the Lot 2 of the proposed subdivision, shall be subject to a separate site plan approval application.
3. That the petitioner shall modify the landscape plan for the subject property, as follows:
 - a. Additional landscape vegetation, consisting of evergreen and shrubs be placed on the proposed landscape island immediately east of the pharmacy pick-up window. The design and location of the plant materials shall be subject to the Director of Community Development.
 - b. The parkway shall be improved with parkway trees and sodded, pursuant to Section 155.706 of the Zoning Ordinance.
 - c. All internal parking lot islands shall be sodded rather than seeded, where applicable, pursuant to Section 155.706 of the Zoning Ordinance.
 - d. Detention landscaping shall be provided pursuant to Section 154.508 of the Subdivision and Development Ordinance and Section 155.709 of the Zoning Ordinance.

4. 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.
5. The maximum height of the automatic changeable copy sign proposed on the free-standing sign may not exceed 24 inches in height. The petitioner shall submit a revised sign plan reflecting that the modified sign dimensions.
6. That associated with the Lot 1 development, the petitioner shall construct the proposed northern access drive improvements on Lot 2, consisting of a left turn lane on Grace Street and an improved access driveway from Grace Street immediately across from the Adele Avenue right-of-way to Lot 1 of the proposed development. The design shall be subject to final review by the Director of Community Development and the Village Engineer.
7. That as part of the Lot 1 improvements, the petitioner shall construct the access driveway on Lot 2 pursuant to the revised plan submittal.
8. That as part of the public improvements, the petitioner shall provide full public improvements as required by Sections 154.304 and 154.306 of the Lombard Subdivision and Development Ordinance. The final design and location of all public improvements shall be reviewed and approved by the Village and/or the Illinois Department of Transportation.
9. 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.
10. That a total of five wall signs shall be permitted on the Lot 1 principal building, with the wall sign size and placement to be consistent with the petitioner's plans, as follows:
 - a. Two "CVS Pharmacy" signs which can include the secondary tag line. Said signs shall not exceed 136 square feet in size.
 - b. Three "Drive-Thru/Pharmacy" signs, not to exceed 30 square feet in size.

Any future signage changes shall be subject to a future site plan approval from the Village.
11. In the event that the property owner immediately west of the subject property shall not provide the rights to construct a shared access drive on his property, the petitioner shall develop the site consistent with the alternate site plan submittal, prepared by Arc Design Resources, dated May 18, 2004.

Plan Commission
Re: PC 04-20
Page 12



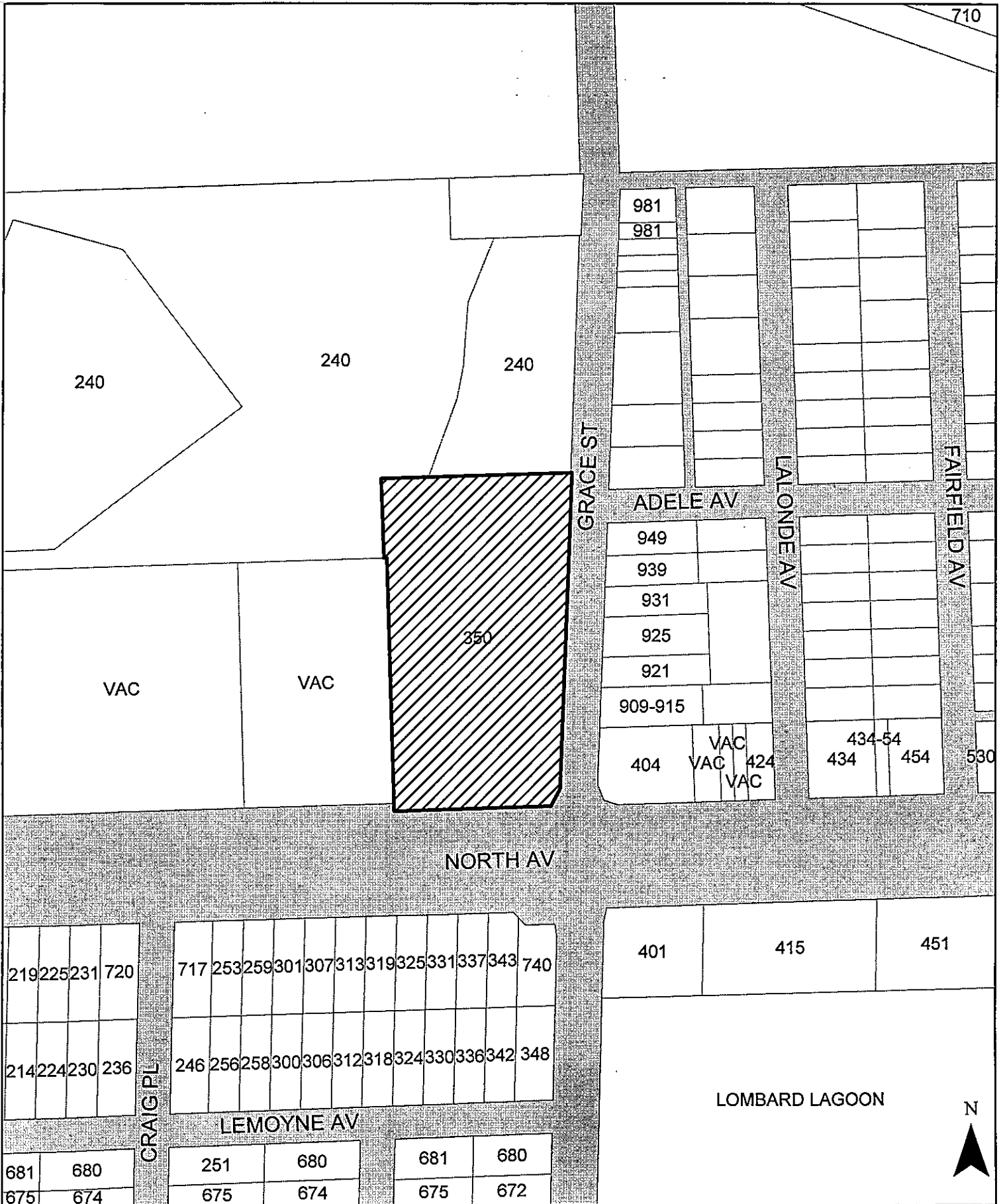
David A. Hulseberg, AICP
Director of Community Development

DAH/ADC:

att
c. Petitioner

Location Map

PC 04-20: 350 E. North Avenue
CVS Pharmacy



SCHNELL, BAZOS, FREEMAN, KRAMER, SCHUSTER & VANEK
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
ATTORNEYS AT LAW

PETER C. BAZOS
BRADLEY T. FREEMAN
ROBERT S. KRAMER
MARK SCHUSTER
GARY M. VANEK

1250 LARKIN AVENUE, SUITE 100
ELGIN, ILLINOIS 60123
TELEPHONE (847) 742-8800
FAX (847) 742-9777
E-mail -- pbazos@sbfklaw.com

THEODORE N. SCHNELL, JR. - Retired

ANDREW E. KOLB
BROOK C. CAREY

July 12, 2004

Transmitted via E-Mail

Mr. William Heniff
Planner
Village of Lombard
255 East Wilson
Lombard, Illinois 60148

Re: GB-Illinois 1 Application
Petition 03-45 for CVS Pharmacy Project
North Ave. and Grace

Dear Bill:

The subject petition is set to come before the Village Board on July 22, 2004.

On behalf of the Petitioner I respectfully request that the Village Board waive the first reading and, instead, approve the Development Agreement and execute all zoning / subdivision actions with respect to our petition at the July 22, 2004 meeting. If the Board approves this petition on that date, my client hopes to break ground yet this year, and the requested waiver of first reading will greatly improve the chances of project commencement in 2004.

The petitioner understands that if approval is obtained on July 22, 2004, it will still need to come back with final engineering and obtain final plat approval for the proposed subdivision.

Thank you.

Very truly yours,

Peter C. Bazos

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A
CONDITIONAL USE FOR A PLANNED DEVELOPMENT
WITH DEVIATIONS FOR WALL SIGNAGE,
PERIMETER PARKING LOT LANDSCAPING,
AND AN ELECTRONIC MESSAGE BOARD;
AND A CONDITIONAL USE FOR DRIVE THROUGH FACILITY;
ALL LOCATED IN THE B4 CORRIDOR COMMERCIAL DISTRICT**

(PC 04-20: 350 E. North Avenue)

(See also Ordinance(s) _____)

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

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Sign Ordinance, otherwise known as Title 15, Chapter 153 of the Code of Lombard, Illinois; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for a planned development on the property described in Section 1 below hereinafter the "Subject Property"; and,

WHEREAS, said application requests a deviation on Lot 1 of the Subject Property from Section 153.505 (B) (17) (a) (1) (a) of the Sign Ordinance to allow for an increase in wall sign surface area from one hundred (100) square feet to one hundred and thirty-four (134) square feet in an B4 Corridor Commercial District; and,

WHEREAS, said application requests a deviation on Lot 1 of the Subject Property from Section 153.505 (B) (17) (a) (2) (a) of the Sign Ordinance to allow for an increase in the number of wall signs allowed on a street frontage in an B4 Corridor Commercial District; and,

Ordinance No. _____

Re: PC 04-20

Page 2

WHEREAS, said application requests a deviation on Lot 1 of the Subject Property from Section 153.210 (D) of the Sign Ordinance to allow for an increase in the height of an electronic message board from two (2) feet to 3.65 feet with a display screen greater than eighteen inches in height in an B4 Corridor Commercial District; and,

WHEREAS, said application also requests a deviation on Lot 1 of the Subject Property from Section 153.210 (F) of the Sign Ordinance to allow for an electronic message board that is less than twelve feet above grade in an B4 Corridor Commercial District; and,

WHEREAS, said application also requests a deviation on Lot 1 of the Subject Property from Sections 155.706 (C) and 155.709 of the Sign Ordinance reducing the required perimeter parking lot landscaping from five (5) feet to zero (0) feet to provide for shared cross-access and parking in an B4 Corridor Commercial District; and,

WHEREAS, said application also requests a deviation on Lot 2 of the Subject Property from Section 155.706 (C) and 155.709 (B) reducing the required perimeter parking lot landscape from five feet (5') to zero feet (0') to provide for shared cross-access and parking; and

WHEREAS, said application also requests a deviation on Lot 3 of the Subject Property from Section 155.415 (E), allowing for a reduction in the minimum lot width from one hundred fifty (150) feet to seventy-two (72) feet for a proposed stormwater detention outlot; and

WHEREAS, said application also requests conditional use approval on Lot 1 of the Subject Property pursuant to Section 155.415 (C)(10) of the Zoning Ordinance for a conditional use to allow for a drive-through facility on Lot 1 of the proposed subdivision in a B4 Corridor Commercial District; and

WHEREAS, said application requests approval of a aforementioned actions on the property described in Section 2 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on June 21, 2004 pursuant to appropriate and legal notice; and,

Ordinance No. _____
Re: PC 04-20
Page 3

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees recommending approval in part of the conditional uses, variations and deviations described herein, subject to conditions; 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 this ordinance is limited and restricted to the property generally located at 350 E. North Avenue, Lombard, Illinois, and is legally described as:

THE SOUTH 750.0 FEET, AS MEASURED ON THE WEST LINE AND PARALLEL WITH THE SOUTH LINE THEREOF, (EXCEPT THE WEST 877.74 FEET AS MEASURED ON THE NORTH AND SOUTH LINES THEROF AND EXCEPT THAT PART LYING SOUTH OF THE NORTH LINE OF LAND TAKEN BY CONDEMNATION CASE 02ED-13) OF THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RAGNE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE CENTER LINE OF LOMBARD ROAD (WEST LINE OF THE NORTH AVENUE MANOR, A SUBDIVISION IN SAID SECTION 32) IN DUPAGE COUNTY, ILLINOIS.

Parcel No. 03-32-301-009
Hereinafter the "Subject Property"

SECTION 2: That a conditional use for a planned development with the following deviations is hereby granted for the Subject Property, subject to compliance with the conditions set forth in Section 4 below.

- A. For Lot 1 of the Subject Property, a deviation is hereby granted from Section 153.505 (B)(17)(a)(1) of the Sign Ordinance to allow for an increase in wall sign surface area from one hundred (100) square feet to one hundred and thirty four (134) square feet.

- B. For Lot 1 of the Subject Property, a deviation is hereby granted from Section 153.505 (B)(17)(a)(2) of the Sign Ordinance to allow for more than one wall sign on a street frontage.
- C. For Lot 1 of the Subject Property, a deviation is hereby granted from Section 153.210 (B)(D) of the Sign Ordinance to allow for a display screen greater than eighteen inches in height, to a limit of twenty-four inches in height.
- D. For Lot 1 of the Subject Property, a deviation is hereby granted from Section 153.210 (F) of the Sign Ordinance to allow for an electronic message board that is less than twelve feet above grade.
- E. For Lot 1 of the Subject Property, a deviation is hereby granted from Section 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscape from five feet (5') to zero feet (0') to provide for shared cross-access and parking.
- F. For Lot 2 of the Subject Property, a deviation is hereby granted from Section 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscape from five feet (5') to zero feet (0') to provide for shared cross-access and parking.
- G. For Lot 3 of the Subject Property, a deviation is hereby granted from Section 155.415 (E) of the Zoning Ordinance, allowing for a reduction in the minimum lot width from one hundred fifty (150) feet to seventy-two (72) feet for a proposed stormwater detention outlot.

SECTION 3: That a conditional use is hereby granted for a drive-through facility hereby granted for Lot 1 of the Subject Property, subject to compliance with the conditions enumerated in Section 4.

SECTION 4: This ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with the site plans prepared by Arc Design resources, Ives/Ryan Group and Stuart Novsky Associates, dated May 18, 2004 and submitted as part of this request.
2. Any future development on the Lot 2 of the proposed subdivision, shall be subject to a separate site plan approval application.
3. That the petitioner shall modify the landscape plan for the subject property, as follows:
 - a. Additional landscape vegetation, consisting of evergreen and shrubs be placed on the proposed landscape island immediately east of the pharmacy pick-up window. The design and location of the plant materials shall be subject to the Director of Community Development.
 - b. The parkway shall be improved with parkway trees and sodded, pursuant to Section 155.706 of the Zoning Ordinance.
 - c. All internal parking lot islands shall be sodded rather than seeded, where applicable, pursuant to Section 155.706 of the Zoning Ordinance.
 - d. Detention landscaping shall be provided pursuant to Section 154.508 of the Subdivision and Development Ordinance and Section 155.709 of the Zoning Ordinance.
4. 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.
5. The maximum height of the automatic changeable copy sign proposed on the freestanding sign may not exceed 24 inches in height. The petitioner shall submit a revised sign plan reflecting that the modified sign dimensions.
6. That associated with the Lot 1 development, the petitioner shall construct the proposed northern access drive improvements on Lot 2, consisting of a left turn lane on Grace Street and an improved access driveway from Grace Street immediately across from the Adele

Avenue right-of-way to Lot 1 of the proposed development. The design shall be subject to final review by the Director of Community Development and the Village Engineer.

7. That as part of the Lot 1 improvements, the petitioner shall construct the access driveway on Lot 2 pursuant to the revised plan submittal.
8. That as part of the public improvements, the petitioner shall provide full public improvements as required by Sections 154.304 and 154.306 of the Lombard Subdivision and Development Ordinance. The final design and location of all public improvements shall be reviewed and approved by the Village and/or the Illinois Department of Transportation.
9. 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.
10. That a total of five wall signs shall be permitted on the Lot 1 principal building, with the wall sign size and placement to be consistent with the petitioner's plans, as follows:
 - a. Two "CVS Pharmacy" signs which can include the secondary tag line. Said signs shall not exceed 136 square feet in size.
 - b. Three "Drive-Thru/Pharmacy" signs, not to exceed 30 square feet in size. Any future signage changes shall be subject to a future site plan approval from the Village.
11. In the event that the property owner immediately west of the subject property shall not provide the rights to construct a shared access drive on his property, the petitioner shall develop the site consistent with the alternate site plan submittal, prepared by Arc Design Resources, dated May 18, 2004.
12. That any freestanding signage at the proposed entrance drive on North Avenue shall meet the directional signage requirements as regulated by the Lombard Sign Ordinance.

Ordinance No. _____

Re: PC 04-20

Page 7

13. That the petitioner shall provide for cross-access easements between the subject property and the property immediately west of the subject property with two points of access/egress.

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 _____, 2004.

First reading waived by action of the Board of Trustees this ____ day of _____, 2004.

Passed on second reading this ____ day of _____, 2004.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____, day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

RESOLUTION
R _____ 05

**A RESOLUTION AUTHORIZING SIGNATURE OF
PRESIDENT AND CLERK ON A DEVELOPMENT AGREEMENT**

WHEREAS, the Corporate Authorities of the Village of Lombard have received a Development Agreement, as attached hereto and marked Exhibit "A": and,

WHEREAS, the Corporate Authorities deem it to be in the best interest of the Village of Lombard to authorize the development agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That the Village President be and hereby is authorized to sign on behalf of the Village of Lombard said document as attached hereto.

SECTION 2: That the Village Clerk be and hereby is authorized to attest said Agreement as attached hereto.

Adopted this _____ day of _____, 2004.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

DEVELOPMENT AGREEMENT

**AN AGREEMENT RELATING TO THE APPROVAL OF A
MAJOR PLAT OF SUBDIVISION (OR MAJOR DEVELOPMENT),
THE MAKING OF REQUIRED IMPROVEMENTS, AND PROVIDING FUNDS,
THEREFORE, FOR
TERRACE COMMERCIAL SUBDIVISION LOMBARD, IL**

This Agreement, made and entered into this 22nd day of July, 2004 by and between GB ILLINOIS 1, LLC, an Indiana limited liability company (hereinafter referred to as the "Developer" or the "Owner"), and the VILLAGE OF LOMBARD, a municipal corporation, located in DuPage County, Illinois, (hereinafter referred to as the "Village").

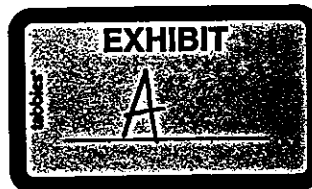
WITNESSETH:

Whereas, the Developer is developing the real estate situated within the corporate limits of the Village, legally described in Exhibit 1 attached hereto and made a part hereof (the "Subject Property") and platted as a subdivision known as Terrace Commercial Subdivision (the "Subdivision") as shown by prints of the final plans thereof placed on file in the office of the Village Clerk of the Village; and,

Whereas, the Developer has prepared final Plats as referenced in this document which have been approved by the Plan Commission and the Corporate Authorities of the Village and which upon receipt by the Village of an Irrevocable Letter of Credit for an amount specified as security for public improvements, and for such other purpose or purposes herein mentioned if any, and upon execution of this Development Agreement shall be recorded; and,

Whereas, plans and specifications for the making of the required public improvements within the boundaries of the aforesaid Subdivision, as prepared by ARC Design Resources, Inc. dated November 13, 2003 with revised stamp dates of December 5, 2003 and May 18, 2004 and landscape plans, as prepared by Ives / Ryan Group, Inc. dated November 12, 2003 with revised stamp dates of December 5, 2003, have been approved by the Corporate Authorities of the Village, and plans for sidewalks, parkway trees, and street lighting will be submitted for the approval of the Corporate Authorities of the Village and copies thereof (collectively the "Subdivision Plans") have been filed in the office of the Village Clerk of the said Village, which copies by reference thereto are hereby incorporated as a part hereof; and,

Whereas, the Developer has entered into contracts or will enter into contracts for the work and improvements required to be made within said Subdivision pursuant to Lombard Village Code;



Whereas, the Developer has also submitted to the Corporate Authorities of the Village certain plans for the development of Lot 1 of the Subdivision ("Lot 1"), which plans are more particularly enumerated as follows and have been submitted to the Plan Commission of Village:

- (a) Plat of Subdivision prepared by Arc Design Resources, Inc. under its project number 03011 and submitted to the Village along with the Developer's original application on November 14, 2003;
- (b) Layout Plan prepared by Arc Design Resources, Inc. under its project number 03011 and submitted to the Village along with the Developer's original application on November 14, 2003 with a revised date stamp of May 18, 2004;
- (c) Grading and Drainage Plan prepared by Arc Design Resources, Inc. under its project number 03011 and submitted to the Village along with the Developer's prior application on November 14, 2003 with a revised date stamp of December 5, 2003;
- (d) Detention Plan prepared by Arc Design Resources, Inc. under its project number 03011 and submitted to the Village along with the Developer's prior application on November 14, 2003 with a revised date stamp of December 5, 2003;
- (e) Utility Plan prepared by Arc Design Resources, Inc. under its project number 03011 and submitted to the Village along with the Developer's prior application on November 14, 2003 with a revised date stamp of December 5, 2003;
- (f) Erosion Control Plan prepared by Arc Design Resources, Inc. under its project number 03011 and submitted to the Village along with the Developer's prior application on November 14, 2003 with a revised date stamp of December 5, 2003;
- (g) Storm Water Pollution Prevention Plan prepared by Arc Design Resources, Inc. under its project number 03011 and submitted to the Village along with the Developer's prior application on November 14, 2003 with a revised date stamp of December 5, 2003;
- (h) Details Plan prepared by Arc Design Resources, Inc. under its project number 03011 and submitted to the Village along with the Developer's prior application on November 14, 2003 with a revised date stamp of December 5, 2003;

- (i) Photometric Plan prepared by Arc Design Resources, Inc. under its project number 03011 and submitted to the Village along with the Developer's prior application on November 14, 2003 with a revised date stamp of December 5, 2003;
- (j) Elevation for the proposed CVS Pharmacy building to be built on Lot 1 as prepared by Stewart Nosky Architects, Ltd., bearing date November 11, 2003 with a revised date stamp of December 5, 2003; and
- (k) Signage Plan prepared by ImagePoint and dated October 3, 2003, as originally submitted to the Village along with Developer's application.

The documents listed in this paragraph shall hereinafter be called the "Lot 1 Improvement Plans".

Now, therefore, for and in consideration of the premises and the mutual covenants and agreements hereinafter set forth, the parties hereto agree as follows:

Section 1: Commencement of construction of the public improvements detailed in the Subdivision Plans and in the Lot 1 Improvement Plans may begin only after the Developer has delivered one or more Irrevocable Letters of Credit in a form satisfactory to the Village and issued by a bank or financial institution approved by the Village in an amount equal to 115% of the Developer's Engineer's estimate of cost of construction as approved by the Village's engineer or 115% of actual construction cost for the following improvements ("Public Improvements") pertaining to the Subdivision as shown on the Subdivision Plans:

- (a) the stormwater detention pond and related facilities to be constructed on Lot 3 of the Subdivision;
- (b) the right-of-way improvement (being a left turn lane) within the Grace Street right-of-way for the northern-most access point;
- (c) public sidewalks and parkway trees and sod along the adjacent sides of the North Avenue and Grace Street rights of way;
- (d) street lights along the Grace Street right-of-way (designed per Village specifications and approved by the Village, with said costs not to exceed \$35,000);
- (e) underground utilities (including water distribution system, sanitary sewer system, and storm sewers) with appurtenances; storm water control systems (including retention or detention ponds, drainage ways and related facilities); and all related grading improvements; and
- (f) parking lot pavement, curb and gutter, signage, pavement parking and lighting, per Section 154.603 et. seq. of the Village Code.

Section 2: The Developer agrees to cause to be made in such Subdivision with due dispatch and diligence, the Public Improvements enumerated in Section 1 above. The Developer will, when required to bring about progress in the work with due dispatch, take aggressive steps to enforce each contract connected with the construction of said Public Improvements, to the end that said Public Improvements will be duly and satisfactorily completed within the time or times herein mentioned. The Developer agrees that all work in the construction of said Public Improvements shall be done in a good, substantial and workmanlike manner, that all manufactured materials used therein shall be new and of good quality, that same shall at all times be subject to inspection by the Village, shall all be satisfactory to the Village and shall be subject to its approval. The Developer will at its expense furnish all necessary engineering services for said Public Improvements.

Section 3: The Public Improvements subject to the Letter of Credit shall be completed within twenty-four (24) months following the recording of the final Plat of Subdivision unless otherwise extended by amendment to this Agreement, consented to by the Corporate Authorities of the Village. All Letters of Credit, assurances, guarantees, acceptances, and related matters shall comply with the Lombard Village Code. In the event that the Village shall complete the Public Improvements, the Owner/Developer shall grant a temporary easement to the Village to facilitate the necessary construction activity. The construction of Public Improvements by the Developer and issuance of approvals by the Village for the Subdivision shall comply with the following schedule:

A. Sediment and Erosion Control

Sediment and Erosion control measures shall be implemented as per Chapter 154 of the Lombard Village Code prior to the issuance of building permits or authorization to proceed with mass grading or other improvements to the Property. Said measures shall be maintained during the entire construction process and shall be inspected and repaired as necessary after each significant rainfall. Failure to do so may result in the issuance of a stop work order for any outstanding Public Improvements or building permits.

B. Tree preservation measures

All necessary tree preservation measures including tagging of trees to be preserved and fencing around the tree drip lines, shall be implemented prior to issuance of building permits, authorization to proceed with mass grading, or any other improvements to the Subject Property.

C. Authorization to proceed with Public Improvements

Upon approval of the final engineering plans, receipt of all required fees, approval of the Letter of Credit, recording of this Agreement and the final Plat of the

Subdivision, and completion of items "A" and "B" above, authorization to begin construction of the Public Improvements will be given by the Village.

D. Construction of Storm Water Control System

The storm water detention pond and a storm water management system for that portion of the Subject Property upon which construction activities have begun is to be operational prior to any paving or building construction. An operational storm water detention pond and storm water management system means that the volume of the storm water detention pond is adequate for the flow being directed to it and the restrictor outlet is in place and that the system has been reviewed and approved by the Director of Community Development. Final grading and landscaping of the detention pond shall be completed in conjunction with final landscaping.

E. Issuance of Building Permits

1) Foundation-Only Permits

Foundation-only permits may be issued upon completion of adequate construction access to the corresponding building sites and the completion of underground utility work across the street frontage of the subject building site. Adequate access shall mean a maintained gravel access road.

2) Building Permits

Building construction may commence only upon provision of adequate emergency access to the building site (gravel sub base) and an operational fire hydrant within 300 feet of the subject building site.

F. Acceptance of Public Improvements

- 1) Final record drawings (as built), including final grading and all utilities, shall be submitted for the review and approval of the Director of Community Development prior to acceptance of the Public Improvements.
- 2) Engineer's Certification. The Design Engineer is to certify that the detention pond was constructed in accordance with Chapter 151 of the Lombard Village Code, and that the Public Improvements were constructed substantially to plan.
- 3) All deficiencies described in the final punch list shall be satisfactorily completed and approved by the Directors of Public Works and Community Development

- 4) A maintenance guarantee in the form of a Letter of Credit shall be submitted and approved. Said guarantee and Letter of Credit shall comply with Chapter 154 of the Lombard Village Code.
- 5) The Public Improvements to be dedicated to the Village shall be accepted by the Corporate Authorities of the Village. Upon acceptance by the Corporate Authorities of the Village, the installation guarantee (Letter of Credit) shall be returned to the Developer.
- 6) The maintenance guarantee Letter of Credit, upon inspection and determination that no deficiencies exist, shall be returned at the time of its expiration.

Section 4: Construction Damage to Public Improvements:

Care shall be taken to avoid damage to existing public improvements, including utilities and curbs, during construction. Any existing public improvement damaged during construction shall be repaired to the satisfaction of the Village and in substantial compliance with this Agreement and all relevant Village codes and ordinances.

Section 5: Dedication of Public Improvements:

Upon approval and acceptances of the aforesaid Public Improvements by the Village, said Public Improvements shall become the property of the Village and subject to its control, and if deemed necessary or desirable by the Corporate Authorities of the Village, a formal dedication or conveyance to the Village shall be made by the Owner and Developer.

Section 6: Letter of Credit:

It is expressly understood that this Agreement is conditional upon and subject to the delivery to the Village of the document provided for in Section 1 above from the financial institution approved by the Village, and subject to the Corporate Authorities of the Village approving same and placing same on file.

Section 7: Notices:

All notices or demands to be given hereunder shall be in writing, and served by either personal service or the mailing of such notice or demand by Certified or Registered Mail. Said notices shall be provided as follows:

to the Owner / Developer at:
GB Illinois 1, LLC
600 East 96th Street, Suite 150
Indianapolis, Indiana 46240
Attn: H. Spencer Knotts, Esq.

with copy to:

Peter C. Bazos, Esq.
Schnell, Bazos, Freeman, Kramer, Schuster & Vanek
1250 Larkin Avenue, Suite 100
Elgin, Illinois 60123

and to the Village at:

Village of Lombard
255 East Wilson Avenue
Lombard, IL 60148
Attn: Director of Community Development

or to such other place for any of them as it may in writing designate. Service of any such notice shall be deemed given on the date of personal service or three (3) days from the date of mailing.

Section 8: Site Access

Developer (and its contractors) shall keep all streets which provide access to the Subject Property reasonably clean from all mud, gravel and other debris, at all times during and after construction hours.

Section 9: Traffic

The Village shall permit access to the Subdivision as shown on the final Plat. It is agreed and understood that, subject to the provisions of subparagraph (b) of this Section 9, the access points shall be as follows:

- (a) The access point on North Avenue shall be a “right in – right out” access (the “North Avenue Access”). This access point shall be built so as to straddle the property line with the property to the West, but only on the condition that the property owner to the West promptly agrees to such construction, grants all necessary easements, and participates in 50% of the cost of such construction. Otherwise said North Avenue Access shall be constructed on and adjacent to the Westerly property line of the Subdivision, at Developer’s sole cost and expense.
- (b) The Southern most access point on Grace Street as shown on the plans (the “Southern Grace Street Access Point”) shall be a “right in – right out” access.

- (c) The Northern most access point on Grace Street (the "Northern Grace Street Access") shall be a full and unrestricted access point as shown on the plans.

Section 11: The Village shall permit Lot 1 to be developed as shown in the Lot 1 Improvement Plans, and agrees to issue permits for the construction of the site and building improvements shown on said plans without undue delay.

Section 12: Acceptance:

Public improvements shall be accepted by the Corporate Authorities of the Village after certification by the Village Engineer and Director of Community Development that the improvements are in compliance with previously approved plans, specifications, and relevant Village codes and ordinances. All required fees and procedures shall be provided prior to such acceptance. The Village shall not be liable for any damages that may occur to the Public Improvements prior to acceptance thereof by the Village. The Owner/Developer shall hold the Village free and harmless and indemnify the Village, its agents, officers and employees from any and all claims, damages, judgments, costs and settlements including, but not limited to attorneys' fees that may arise from construction, use, repair, or maintenance of said Public Improvements before they are accepted by the Village.

Section 13: Binding Effect and Term and Covenants Running with the Land:

This Agreement has been executed on behalf of the Village pursuant to action adopted by the Corporate Authorities of said Village at a meeting of said Corporate Authorities duly held on July 22, 2004.

This Agreement has been executed by the Owner and the Developer and shall be binding on the heirs and assigns of the Developer and of the Owner, but shall not be binding on a unit owner subsequent to the issuance of an occupancy permit for that unit.

This Agreement shall automatically expire upon the expiration of the maintenance guarantee Letter of Credit required at the time of acceptance of the Public Improvements as set forth in Section 3.J.4 above.

[signature page follows]

In witness whereof, the parties hereto have caused these presents to be duly executed on their behalf respectively and have caused their respective Corporate Seals to be affixed hereto, all as of the day and year first above written.

Owner and Developer;
GB ILLINOIS 1, LLC, an Indiana limited liability company

By: G.B. FFS Developers, LLC, an Indiana limited liability company,
Its sole member

By: _____
H. Spencer Knotts, Esq.

Village of Lombard:

By: _____ (Village President)

Attest: _____ (Deputy Village Clerk)

EXHIBIT 1

**DEVELOPMENT AGREEMENT DATED JULY 22, 2004 FOR
TERRACE COMMERCIAL SUBDIVISION, LOMBARD, ILLINOIS**

LEGAL DESCRIPTION

THE SOUTH 750.0 FEET, AS MEASURED ON THE WEST LINE AND PARALLEL WITH THE SOUTH LINE THEREOF, (EXCEPT THE WEST 877.74 FEET AS MEASURED ON THE NORTH AND SOUTH LINES THEREOF AND EXCEPT THAT PART LYING SOUTH OF THE NORTH LINE OF LAND TAKEN BY CONDEMNATION CASE 02ED-13) OF THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE CENTER LINE OF LOMBARD ROAD (WEST LINE OF THE NORTH AVENUE MANOR, A SUBDIVISION IN SAID SECTION 32) IN DUPAGE COUNTY, ILLINOIS.

PARCEL NUMBER: 03-32-301-009