

May 18, 2006

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

Subject: PC 06-13; 201, 205 and 211 E. Roosevelt Road; 1200 South Highland Avenue; and 112-116 & 120-124 E. 13th Street (Southwest Corner of Roosevelt & Highland)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following actions on the subject property:

- A. Approve a second amendment to an annexation agreement;
- B. Approve a second major plat of resubdivision.
- C. Pursuant to Section 155.504(A) of the Zoning Ordinance, approve a major change to the approved planned development with site plan approval (Ordinance 5560), to allow for an alternate commercial development plan, consisting of the following elements:
 1. For Lot 1 of the proposed resubdivision, approve the following:
 - a. A conditional use pursuant to Section 155.414 (C)(18) of the Zoning Ordinance for an outdoor dining/service establishment;
 - b. A deviation from Section 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;
 - c. A deviation from Section 153.234(F) of the Lombard Sign Ordinance to allow for a free-standing sign to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way; and
 - d. A deviation from deviation from Section 153.505 (B)(17)(b)(2) of the Sign Ordinance to allow for more than one wall sign for interior tenants.

2. For Lot 2 of the proposed resubdivision, approve the following:
 - a. A conditional use pursuant to Section 155.414 (C)(7) of the Zoning Ordinance for a drive-through facility;
 - b. A variation from Sections 155.706 and 155.709 of the Zoning Ordinance to reduce requisite parking lot and perimeter landscaping requirements;
 - c. A deviation from Section 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;
 - d. 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; and
 - e. A deviation from Section 153.211 (F) and 153.240 (F) of the Sign Ordinance to allow for mixed wall, window and awning signs. *(This item has been withdrawn by the petitioner)*

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 17, 2006. Scott Nicholson of V-Land, the property owner, developer and petitioner of the project, presented the petition. He mentioned that V-land came before the Plan Commission in 2004 for a planned development amendment for their property at the southwest corner of Roosevelt Road and Highland Avenue. They did receive approval and moved ahead on the project. They had significant challenges in the development of their site including environmental challenges, three contamination incidents and site development obstacles that slowed the project. They received a no further remediation (NFR) letter for two of the contamination incidents and one is still pending with the EPA. As time passed, the development started to fall apart and the anchor tenant decided to pull out of new development activity in Chicagoland and that changed the dynamic of the site. They are still trying to develop the site but are requesting a site plan change. The original plan was a phased development and consisted of a redevelopment of the eastern portion of the property first, with the 2006, Riley's Pub redeveloped at a later date.

He mentioned the uses that were to be included in the new plan. They are now requesting similar relief to the former ordinance outdoor dining. They propose a 5,500 square foot restaurant on the western portion of site. They intend to live up to the spirit of the planned development and honor the prior commitments to vegetation and buffering on the south portion of the site along 13th and Garfield. They have agreed to improve Garfield and 13th Street and complete improvements with detention in the back of the site.

The new site plan differs in that they are doing in one phase. They have purchased and closed on the entire property, completed significant infrastructure improvements, relocated utilities underground and have contracted with Commonwealth Edison and SBC to finish their work. They paid to have them take the utility poles down within the next 45 days. The new site plan includes

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a Chase Bank on the corner and the larger multi-tenant parcel, which takes the place of the former two proposed buildings.

He showed the proposed elevations of the multi-tenant building with raised parapets, two kinds of brick, water course block and compatible awnings. He noted the material samples and the two buildings would be similar in design. Since their submittal, they have had further discussions with staff and their recommendations and they are amenable to their suggestions. The bank building will be altered to look like the multi-tenant building. They will have a watercourse block base with double brick, lighten brick along the bottom, and where the entrance will be on the corner of the bank would be changed to a raised parapet element. They will also change the brick striping on the bank structure to fit the multi-tenant building.

Commissioner Olbrysh asked where the air conditioning units will be located. Mr. Nicholson stated that they will be roof units and the parapet wall will serve to screen the units. He also noted that there were concerns by residents along 13th Street to keep an attractive appearance to the building so they will have a berm and buffer area.

Wayne Marsh of Arcline, architect for the proposed multi-tenant building stated that he would be available to answer any questions.

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

William Heniff, Senior Planner, presented the staff report which was submitted to the public record. The petitioner proposes to amend the site plan associated with the 2004 planned development approval (PC 04-25, Ordinance 5560) for the subject properties. The financial institution that was originally going to occupy an area within the development decided not to proceed with their plans. The developer now has a new bank interested in the site so they are going to move forward with a new development proposal.

The amended plan relocates the proposed bank to the corner of Highland Avenue and Roosevelt Road and shifts the proposed shopping center to the west, to ultimately be combined with the redeveloped Riley's Pub site. The overall size of the commercial center is expanded to provide for 19,629 square feet of retail space in a single building. The southern end of the property along 13th Street will still consist of a stormwater detention outlot and associated parking for the development. This current proposal will be developed in a single phase.

After referencing the Inter-department Review Comments, he noted the history of the property. The subject properties were originally developed under the zoning jurisdiction of DuPage County. Lot 2 containing the salon site was annexed and rezoned to B3 in 2000. Reilly's Pub was also annexed into the Village in 2000, with a rezoning to the B3 district. However, no additional relief was granted for the existing restaurant/bar use. The Amoco station site at 1200 S. Highland was annexed in 2001.

In 2002, Ordinance 5122 (PC 02-17) approved the annexation of the Sharko's Site, and a companion annexation agreement was entered into by the previous property owner, BP, and the

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Village. In 2004, the current property owner brought forward a new development proposal for the site that also included the residential duplex units located along 13th Street as well as the Riley's Pub site (PC 04-25). This proposal approved a strip center, a bank with a drive-through and a future commercial building on the Riley's Pub site. The Village approved the petition and the companion annexation/development agreement. The subject properties are bound by the terms and conditions of the original agreement. The amended agreement would substitute the 2004 plan submittal with the new development plans.

He noted that the Comprehensive Plan identifies the subject property for Community Commercial Uses. As noted in 2004, a primary goal denoted in the Plan for commercial and retail Development is to identify and encourage the improvement or redevelopment of select commercial areas that are or are becoming functionally obsolete. The petitioner's original plan removed residential structures along 13th Street that were developed prior to their annexation in the Village and redevelop the site consistent with the objectives of the Plan.

He stated that the subject property is bordered on the east and west by other existing retail commercial uses. Roosevelt Road has traditionally included a substantial number of automotive related uses including drive-through services. Therefore, the proposed redevelopment is consistent with the other uses along Roosevelt Road.

South of the subject property, an abutting parcel along Highland Avenue is improved with a strip commercial center serving local shopping needs. Behind this center and south of the site is 13th Street, a Village street as well as unincorporated single family residences. The petitioner's revised plan attempts to minimize the impact of the development on the adjacent residential uses along 13th Street and follows the 2004 plan approval in the following respects:

1. Access will not be provided into the site off of 13th Street;
2. Internal access driveways minimize the need to use 13th Street by providing direct driveway access from Garfield Street to Highland Avenue;
3. All buildings will be oriented away from 13th Street;
4. A stormwater detention facility will be constructed at the south side of the property;
and
5. An earthen berm and landscaping will help screen the site.

The planned development amendment does not require any map amendments, but will require a new review of the other associated zoning action includes as part of the 2004 approval. As the new development reconfigures the location of the proposed buildings, a planned development amendment is required. Moreover, the 2004 approval also required the developer to receive site plan approval from the Village for the redevelopment of the Riley's Pub site.

He then described the relief included as part of this petition. The petitioner would like to have the flexibility to provide a small outdoor dining area adjacent to the proposed retail building. However, the location of the building and the companion dining area is being shifted to the west. Staff does not object to this request as it allows for an alternate area for patrons to eat if desired. As the proposed dining area is removed from any residences, impacts of the outdoor dining function are minimal.

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Regarding the parking lot landscape setback, arbitrary property lines can be ignored in favor of a more unified and cohesive development. In this case, the proposed access aisles are placed where it makes most sense within the overall project, rather than based upon property lines. This deviation can be supported as it provides for better traffic flow and circulation.

In the 2004 approval, free-standing signage locations were not determined. The petitioner's new plans identified a new free-standing sign to be located near the Roosevelt Road/Garfield Street intersection and a new sign at the intersection of Roosevelt Road/Highland Avenue intersection. These signs will meet the size and area requirements set forth in the Sign Ordinance. It will also be designed to incorporate architectural elements of the proposed building. However, its final placement will be closer than 75 feet from the center-line of the Roosevelt Road state right-of-way. As noted in other recent sign requests, moving the sign further away from the center-line will impact the ability to provide for proper traffic flow around the subject property.

The 2004 approval also provided for the retail center up to two wall signs on the north elevation of the building. The Sign Ordinance allows for two wall signs for end units and one sign for interior tenants. Staff can support this relief provided that all wall signs on the building shall be of a channel letter design.

The new banking facility proposes a drive-through facility on the west side of the building. Traffic would enter from the north side of the drive-through and exit to the south to a one-way drive going eastbound toward Highland Avenue. The petitioner's plans show that there is sufficient stacking to accommodate the drive-through on the property. Staff does not object to this request.

He then described the landscape variation request. After the 2004 development proposal was approved, the petitioner was required by a covenant from the previous property owner to provide a protective barrier over the Amoco/BP site. The BP site was previously listed by the State as a leaking underground storage tank (LUST) site – this requirement would help minimize any future impacts of development on adjacent properties.

To address this issue, the petitioner proposed to provide the foundation landscaping in a vault system. Along the Roosevelt Road, Highland Avenue and the southern lot line, the petitioner is proposing a stamped concrete system. Given the constraints, staff can support this proposal, provided that any requisite trees and/or plantings are provided within a vault system.

As with the previous bank approved as part of the 2004 approval, the new bank is proposing additional wall signage. This additional signage provides visibility to customers on adjacent streets as well as within the development and along the drive-through aisle. In discussions with the petitioner, staff noted that it could only support a wall sign on the east and north elevations. Regarding the west elevation, staff would only support ancillary signage that would primarily be intended for customers already on the subject property. However as signage on the south elevation would not be visible from the adjacent right-of-way or would be visible from the adjacent residential properties, staff would not support relief for wall signage on the south elevation.

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Mr. Heniff then discussed the building elevations. The exterior elevations for the proposed commercial center are similar to that which was approved as part of the 2004 petition. Staff recommends that the petitioner amend the elevations to incorporate two brick masonry elements replacing the proposed EIFS in a manner similar to the 2004 approval. The petitioner has agreed to make this modification as shown on the building elevations presented at the Plan Commission meeting. Moreover, staff requests the petitioner revise the building elevations for the bank building to tie the retail center and the bank together architecturally. He referenced the building elevations shown at the meeting, and suggested several changes that should be made to the elevations prior to consideration by the Village Board. These changes would make the building more compatible with the adjacent retail center.

To ensure that the overall retail center is not ultimately comprised of a number of small non-retail uses, a proposed cap on the overall number of tenant spaces within the center is suggested. Excluding the end-cap proposed sit-down restaurant, a cap of five spaces is suggested. The petitioner has been informed of this request and has stated that they do object to the request.

He noted that a bench exists at the northeast corner of the subject property which is occasionally used by Pace bus riders. To ensure a better appearance to the intersection and to the subject property, staff recommends that an easement be granted for a future bus shelter. An easement is needed as the pavement, curb and carriage walk sidewalk along Roosevelt Road do not provide adequate spacing for a shelter within the right-of-way. As the adjacent property is proposed to be improved with stamped concrete, placement of the shelter on the adjacent property should not present a problem.

Regarding the proposed resubdivision, the petitioner previously submitted a resubdivision plat creating five lots of record. The petitioner is now going to propose a three lot subdivision – Lot 1 as the retail parcel, Lot 2 as the bank and Lot 3 as the outlot. Staff notes that as this development is over one acre in size, the plat will need to be approved by the Village Board. Staff will bring the final plat to the Board for approval upon approval of final engineering for the development.

Staff recommends approval of the petition, subject to the conditions in the staff report plus an additional condition (#11) that would require the petitioner to submit amended building elevations for the bank.

Chairperson Ryan then opened the meeting for discussion among the Plan Commissioners. Commissioner Sweetser asked for a clarification regarding the right-in, right-out locations on the plan. Mr. Heniff noted that the driveway access to Highland Avenue will be a right-in right out facility as Highland Avenue has a high center curb. Along Roosevelt Road, one access will be provided which will have a pork chop to prevent left turns. Garfield Avenue will have full access.

Commissioner Burke asked about the restaurant outdoor dining location. Mr. Heniff noted that the proposed outdoor element would be for a tenant at the east end of the retail center. The sit-down restaurant at the west end of the center will not have outdoor dining.

Commissioner Sweetser stated that she likes what they are proposing with the building elevations. She then noted the proposed bus shelter. She inquired if the shelter could be designed to be comparable to the newly erected ornamental shelters installed in Chicago.

After due consideration of the petition and testimony presented, the Plan Commission found that the petition complies with the standards required by the Lombard Zoning, Sign and Subdivision and Development Ordinances; and that granting the planned development amendment is in the public interest, and therefore, the Plan Commission found that the recommendations of the Inter-Departmental Review Report as the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of PC 06-13, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the site and development plan packet prepared by Woolpert LLC, dated April 5, 2006, except as modified as part of the final engineering review and approval for the proposed development.
2. The petitioner shall enter into a second amendment to the annexation agreement for the subject property.
3. 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.
4. That any trash enclosure screening required by Section 155.710 of the Zoning Ordinance shall be constructed of material consistent with the principal building in which the enclosure is located.
5. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall allow for cross-access and cross parking between each lot within the proposed development.
6. The developer shall provide requisite fees to cover the cost of providing parkway trees around the perimeter of the site, consistent with Section 155.705 (C) of the Village Code. Where proposed trees are within an area proposed for an environmental barrier, a vault shall be provided for the trees. Where insufficient right-of-way width precludes placement of parkway trees within the right-of-way itself, the petitioner shall install the plantings on the adjacent private property.
7. Should construction on the project not commence within ninety days from the date of approval of the annexation/development agreement amendment, the petitioner shall provide 4" of graded topsoil over the property and shall seed the property.
8. The west end-cap tenant space within the shopping center shall be developed as a single sit-down restaurant of at least 5,491 square feet in size. The remainder of the center shall not be subdivided or partitioned to have more than five separate tenant spaces or business establishments.

9. Upon a request by the Village, the developer shall provide for an easement for a future bus shelter to be located adjacent Roosevelt Road, with the final location to be determined by the Village.
10. To ensure that the proposed signage, awnings and building elevations present a favorable appearance to neighboring properties and are consistent with the planned development objectives, the property shall be developed and operated as follows:
 - a. That channel lettering shall only be used for the wall signs.
 - b. That the perimeter of the proposed dining area for the retail building shall be fenced, with the design of the fence subject to the approval of the Director of Community Development.
 - c. That all rooftop mechanical equipment shall be screened pursuant to Section 155.221 of the Zoning Ordinance.
 - d. The petitioner shall submit final building elevations to the Village for review and approval prior to final consideration of the petition by the Village Board.
 - e. The north, west and east elevations of the proposed shopping center shall be constructed and maintained to not have any additional exterior doors other than those necessary for customer/employee access or as required by the Lombard Fire Department.
11. That prior to consideration of this petition by the Village Board, the petitioner shall submit revised building elevations for the proposed bank to be located on the subject property. The revised elevation shall incorporate the proposed building elevation changes as referenced by the Plan Commissioners and staff.

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Chairperson
Lombard Plan Commission

c Petitioner
 Lombard Plan Commission