

April 27, 1999

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

Subject: PC 99-11; 837 South Westmore-Meyers

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. This petition requests conditional use approval to establish a Planned Development in the B3 Community Shopping District to allow for an existing shopping and for additional outbuildings, conditional use approval to allow multiple buildings on one lot-of-record, conditional use approval for a three-lane drive-through facility, conditional use approval for outdoor display and sales, and exceptions to the standards for rear setback, transitional yard setback, transitional landscape yard, open space, off-street loading, landscaping, and signage.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 19, 1999.

Charles Bendetto attorney, 535 Sunset Road, Winnetka, stated he was representing Inland Real Estate. He introduced Scott Carr, President of Inland Commercial Property Management, Christie Rankin, Scott Allred, Property Manager, and Doug Bloom, who is assisting with plans for the shopping center. Mr. Bendetto gave background regarding Inland's acquisition of the shopping center in 1998. He stated that the parking lot was in need of repaving and they had earmarked \$1.2 million to perform infrastructure and building related improvements. He displayed a diagram showing the shopping center and explained they were requesting conditional use approval for a planned development as well as the following items:

1. He indicated the buildings were presently pre-existing nonconforming structures and requested the right to rebuild the buildings in the event of a catastrophe, as well as have the rear and yard setback waived.
2. To build a drive through facility with 3 lanes of teller service and 1 pass through lane which would have an ATM machine. He indicated that

possibly Westbank would be looking to go in the old LaSalle Bank tenant space.

3. Repaving and restriping of the parking lot. They would maintain 4.0 parking spaces per 1,000 ratio. He stated that the parking plan has been fully discussed throughout the process with staff.
4. The Landscaping Plan
5. The Sign Plan consisting of two parts: a. tenant level signage where they would provide new updated signs for new tenants but over time, the entire center would be resigned. b. pylon signs.
6. Multiple buildings on one lot of record.

He proceeded to indicate that the petitioner has been working with the Village for many months. Part of the reason they bought the property is to increase its value and in doing so, they have come to many compromises of what they would like to do versus what staff would like them to do. He indicated they were in agreement with all of staff's recommendation except 3-4 points. They were:

1. The strip of sidewalk along Jackson. He stated they don't have money budgeted to accomplish putting this sidewalk in and don't believe it would be required today. Hopefully, some compromise could be reached whereby they could install over time.
2. White Hen access. The Village wants to restrict access of Westmore-Meyers to right in right out. He indicated they have a lease with White Hen which doesn't allow for that, and if they did put in a right-in right-out, the lease would have to be terminated.
3. The Freestanding Sign – Inland would like to keep the freestanding sign located adjacent to facility to the bank.
4. Inland would like flexibility to maintain the sign for Westbank for their redevelopment into that corner.

There was no one present to speak in favor of this petition.

There was five people to speak against the petition. They were:

Susan McAlon, 859 School Street, stated she has watched Westmore Avenue since 1951 and its inception as a shopping center. She stated that it closed down at 6 p.m. and was quiet. She was concerned about the additional traffic, the addition of outbuildings which would face her yard, and the additional pollution. She indicated there has been a substantial increase in the amount of accidents and had previously petitioned to put up a guardrail along Westmore-

Meyers Road. Ms. McAlon had exception to the request for two signs and the lights glaring into her home but stated she was not against development but the building process and the extra lights. Lastly, she questioned how much light, traffic and pollution the residents have to put up with and wanted to know what kinds of stores might go in the shopping center.

Nora J. Mineo, 829 S. School Street, stated her backyard faces Eastgate, has been there for 23 years and has seen the decline of the shopping center. Her concerns have to do with the drive through bank and the traffic. She expressed a safety concern for pedestrians wanting to get to the sidewalk and the level of noise. She mentioned the increase in accidents especially at the north end of the center and was very upset about outbuildings. She mentioned the parking of vehicles for extended periods of time. Lastly, she indicate she would be glad for the improvements as it needs to be done.

Randy Morrissey, 8253 Meadowwood, Woodridge, stated he was with the corporate offices of White Hen Pantry and as a tenant appreciates the improvements that will be put into the center, such as the new parking lot and landscaping. He did express concern over the reduced access point to a right-in right-out stating it would hinder business. He felt that the nature of their business, being a convenient store and the ability to pull in front of the building run in and run out, is important. He felt that if they become less convenient to shop people will pass them by. He sees that aspect as a severe detriment to their business and requested that access point stay as it is.

Matt Wrenn, 83 S. Chase Avenue, stated he currently owns the White Hen Pantry. His concern is the limited access proposed for the northernmost entrance to the center. When he bought the store he looked at the property as being accessible on both Jackson Street and Westmore-Meyers Road and asked about the delivery trucks that visit his store on a daily basis. He indicated that since people were concerned about trucks on the north side of his building he instructed them to make deliveries on the south side. Lastly, he stated that any limited access would severely hurt his business.

Paul Hering, 1014 E. Jackson, stated he lived in the first house on Jackson across from the shopping center. He agreed that the center has gone downhill. His concerns were about the overflowing dumpsters, the dumpster enclosures, landscaping and the berm.

Scott Carr, gave rebuttal on behalf of the petitioner. He stated he job is to oversee management operations of the properties purchased. He indicated

Inland has put in over \$1 million in the budget to get to this point. He stated that they view this center as a neighborhood center and all points have been addressed by the Village. He indicated that in regards to the outbuildings, nothing is planned, they just want the potential to redevelop and increase income. He indicated that their first goal is to make the center attractive and that they will have to go through the site plan approval process with the Plan Commission. He indicated that Westbank has interest in the center and they requested multiple drive throughs so they may be service orientated. For the record, Mr. Carr stated that Inland is not interested in closing the north entrance to the White Hen as they want to keep their existing tenants prosperous. He referred to Inland's plans and stated that it calls for dumpster enclosures, which are indicated on the plans and landscaping and screening along Jackson. He did state there was initial conversation of a berm but it was pushed aside. He apologized for the trucks which park illegally and indicated that they are not an allowed use. He stated that Inland has a towing contract in place and should residents see this situation occurring to call their office directly and they will see that the trucks are removed. He concluded by stating that they hope to get support and improve a negative situation.

David Sundland, Senior Planner, presented the staff report. He indicated that the petitioner is seeking approval to have an existing shopping center rebuilt if damaged by catastrophe and for a conditional use for outbuildings, drive through facilities for the bank, to remove the existing freestanding sign and to replace with two smaller signs. Mr. Sundland stated that staff commended the petitioner for their proposed improvements as well as being willing to put money into the center for such items as redoing the parking lot and making the layout more functional, to provide more landscaping and other cosmetic improvements.

Mr. Sundland indicated that staff look at a number of things when reviewing the proposal.

Access – Mr. Sundland stated that staff was concerned about providing adequate stacking of vehicles for the bank and staff suggested the possibility of closing the drive aisle between White Hen and the bank. Since the petitioner indicated to staff that there may be an out in White Hen's lease if this was done, staff also suggested the drive aisle be changed to right in right out only to possibly eliminate accidents as well as to balance the needs of White Hen's business. Mr. Sundland thought that the Plan Commissioners could keep these options in mind. He introduced the problem of pedestrian safety as vehicles are leaving the drive through facility of the bank. He stated that all vehicles are

exiting to a blind sidewalk which was pointed out by a neighbor. Staff recommended that a low wall and sidewalk be installed to direct pedestrians more to the south as well as providing a sign warning pedestrians and drivers of the possible danger. Mr. Sundland then stated that when staff advertised this item, it was for 3 drive through lanes and should the petitioner want 3 drive-through teller lanes and 1 ATM lane, it would have to be readvertised and Ms. Petsche confirmed that was the case. Mr. Sundland's final comment on access concerned the Fed Ex and mail box that staff suggested be relocated by the landscape island which was parallel with Westmore-Meyers so as to not obstruct the driving lanes.

Parking - Mr. Sundland stated that staff did not have concerns and approved the proposed layout. He did indicated that on the third sheet of the plans submitted, it showed the southeast corner of the site and the future layout for the area. He did stated that the driver's facility has no intentions of relocated in the immediate future as their lease is intact for a number of years but the petitioner indicated his plans should the tenant ever leave.

Landscaping – Mr. Sundland stated that the petitioner is providing a landscape island at the end of each row of parking which will improve the view from the center from Westmore-Meyers. He stated they will provide landscaping along Jackson trying to juggle the needs of the residents who don't care to see the back of the center with the needs of the police who for security reasons, need to see into the area. He also stated that the trees that are provided are salt tolerant and will fit into the area.

Screening – Mr. Sundland stated that the petitioner will provide screening of every dumpster on site as well as improving the screening behind Ace Hardware. He stated that the chain link fence behind Ace will be replaced by wood fencing together with landscaping for buffering. Lastly, he stated that one condition of approval is that all storage will occur and be maintained within this area and not be above the fence which is 8' high.

Outdoor Service – Mr. Sundland indicated that the petitioner is requesting approval to be able to use the large sidewalk area in the "bend" of the south building as an outdoor seating area.

Multiple Structures – The petitioner is proposing to be allowed two additional outbuildings in the future. He indicated that presently the petitioner is not submitting a specific design but will come back to the Plan Commission for Site Plan approval once the buildings are desired. Mr. Sundland indicated that

some of the residents were concerned that these building might contain drive throughs. Mr. Sundland indicated that if this was the case, the petitioner would have to go through a similar process before the Plan Commission which would entail notifying adjacent property owners of this proposal.

Exceptions – These would be for setbacks, open space and off-street loading requirements due, to the locations of the existing building.

Signage – Mr. Sundland stated that staff wanted uniform signage throughout the center. The petitioner has submitted proposed sign criteria for tenant signs which specify individual illuminated channel letters, neon tubing illumination and two lines of text. He indicated that the petitioner wishes to maintain the freestanding sign. Mr. Sundland indicated that staff would agree to that proposal as long as there is no additional signage on the bank walls other than identification signs for the drive through lanes and on the canopies.

Sidewalks – Staff wants petitioner to provide a strip of sidewalk along Jackson. Since the petitioner disagreed with this recommendation, staff stated one possibility the Plan Commission could consider would be to have sidewalks provided with the construction of the outbuildings.

In conclusion, Mr. Sundland stated that staff recommends approval with conditions as stated in the staff report. He indicated that staff wants to make sure the site is as good as possible and any existing nonconformities and improvements are addressed.

Chairperson pro tem Broderick opened the public hearing for discussion and questions by the Plan Commission.

Commissioner Kramer questioned if staff knew which drive aisle the accidents happened in. Mr. Sundland stated that the accident report were unclear so he wasn't sure of a specific drive aisle.

Commissioner Kramer stated she had a big concern with the drive-through and the sidewalk ending where it did. She felt adding a little half wall won't slow down a teenager as they may use it for rollerblading. She suggested a railing.

Commissioner Kramer stated she did not want to see the access drive closed since traffic is already tight. On a personal note, she stated she has never seen more than one car in the drive-through at a time and that West Suburban Bank is hard to compete against. She stated she didn't want to impose a right-in

right-out on the business owner but at the same time, she was concerned about the number of accidents. She stated she was divided on her position.

Commissioner Kramer asked to address the concerns of the residents along Jackson Street regarding the screening and the landscaping. She asked the petitioner to explain what landscaping is being planned and if the trees shown on the plan were the existing trees or new ones. The petitioner stated new trees. She then stated she was in favor of the sidewalk along Jackson Street as it has been long overdue and new developments are required to put them in.

Commissioner Kramer then addressed the issue of flooding around the White Hen and stated that the residents have been trying to get it corrected for many years. Mr. Sundland stated the petitioner would work on that when they did the parking lot but he would defer to the petitioner for a response. Mr. Carr stated they were aware of the flooding problem, would work on the topography to remedy the situation which will be reflected in the engineering plans.

Commissioner Sweetser stated that she did not see anything in staff's recommendations regarding the existing setbacks and if they would be observed if the buildings were damaged and rebuilt. Mr. Sundland stated they will be included in the ordinance and were referred to as part of the request for PC 99-11 and, therefore, do not need to be made a part of the conditions for approval.

Commissioner Sweetser confirmed that the approval of the repaving and restriping does not need to be stated separately. David Sundland stated that was correct.

Commissioner Sweetser referred to the landscaping islands situated toward the Westmore-Meyers side, and asked if they would have to be destroyed or removed in the future to accommodate the outbuildings. Mr. Sundland stated that until the outbuildings are created, the landscape islands will provide screening and the petitioner will have to reevaluate this when the time comes.

Commissioner Sweetser stated that the southernmost access has a right turn lane out and one straight lane and recommended that be done with the middle (entrance) access.

Commissioner Sweetser stated she was divided on the issue of a right-in right-out access. She brought up the issue of deliveries on the south side of the White Hen building and asked if the reason that was being done was because the building lent to that or to keep traffic away from Jackson Street. Mr.

Sundland answered both. He stated that the residents benefit from that and it was easy access for trucks to pull forward for deliveries. Commissioner Sweetser commented that providing easy access multiplies traffic and creates more congestion.

Commissioner Olbrysh applauded the petitioner on their efforts to improve a deteriorated shopping center and concurred with the concerns of the other Commissioners. He stated that he had an additional concern which had to do with the parking along the sidewalks which causes you to drive right in and back out into a primary drive aisle. He further stated that after reading the staff report, he didn't see the Fire Department addressing that issue. He asked if the parking lot was full, wouldn't that impede access to the front of the building. Mr. Sundland stated that the areas marked on the plans would be "no parking." Commissioner Olbrysh asked if there would be a conflict with the backing up of vehicles into a drive aisle. Mr. Sundland stated that was one of the reasons the petitioner proposed to move one of the drive aisles away from the building.

Commissioner Kramer expressed concern for the residents along School Street regarding the impact of the multiple drive up windows, their privacy, as well as the additional vehicles and pollution. She suggested that a eight foot (8') board on board fence replace the current fence along School Street to block the noise and impact of the center. Mr. Sundland asked if she meant providing fencing off-site. The question was then referred to Ms. Petsche, legal counsel, for advice. Ms. Petsche asked if the fence was on private or public property and was unsure if it would acceptable since the property is across the highway. Mr. Sundland deferred to residents in the audience who stated that it was on private property.

Ms. Petsche stated that you can require a petitioner to do something off site when it has an impact on them but when it involves private property, the owners don't have to grant use of the property if they choose not to. Mr. Sundland also indicated that a variation would be required if the fence were to be 8' since only 6' is allowed in a residential area and this variation was not advertised.

Commissioner Kramer referred to the signage and commented that she felt two signs were more acceptable than one big sign. She also felt that the end buildings have a huge advantage and the businesses in the back are at a disadvantage. She suggested that more space for signage be given to the business owners in the back and possibly that the end buildings not have signage on the sign.

Commissioner Broderick referred to the sign ordinance and asked if the two end tenants can have a sign on their building facing Westmore-Meyers. Mr. Sundland stated they could but staff recommended that end units have no additional signage. He stated that the signage was addressed for outbuildings and to allow signage on the bank canopy but didn't provide for the end tenant on the south wing.

Commissioner Sweetser asked if it was possible to get the petitioner's intentions with regard to the number of drive-through aisles they wanted. Mr. Bendetto stated they would take approval as is and not hold up the process and should they require the additional drive through, they would work with staff at a future date.

Mr. Bendetto then addressed the Commissioners and asked them to consider the contractual relationship they have with White Hen and not put an economic impact on the petitioner by giving White Hen the opportunity to terminate their lease.

Commissioner Sweetser referred to staff's recommendation #2 and asked if it would be possible to insert a condition for a right-in right-out after the lease expires and if accidents should occur. Mr. Sundland stated that staff would have to rely on the police department to a great degree to accomplish this. Commissioner Sweetser suggested that if staff provides a diagram to the police for their use when reporting an accident at that site, they could mark the specific area where the accident occurred.

Commissioner Olbrysh asked when the lease expires. (Someone from the audience answered 2011). Mr. Bendetto then addressed the Commissioners to correct the answer with respect to the termination date of the lease. He stated that the date of the lease is 1998 and it's for 20 years, with a 4 or 5 years option to extend as part of the contract.

Commissioner Zorn asked who will determine where the existing Fed Ex and mail box will be placed. Mr. Sundland stated staff will take a look at that and the petitioner will select the site. Commissioner Sweetser suggested they be placed in an area so they will not have to be relocated in the future.

Commissioner Kramer asked the timetable for façade improvements. Mr. Carr stated that this year they will start the aesthetic improvements but the long term changes would be years for future tenants.

Commissioner Broderick asked if the issue of flooding in the parking lot had been addressed. Mr. Carr stated the petitioner will address the drainage problems.

After due consideration of the petition and the testimony presented, the Plan Commission found that the conditional uses and exceptions complied with the standards of the Zoning Ordinance, the Subdivision and Development Ordinance, and the recommendations of the Comprehensive Plan. Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities, approval of the petition associated with PC 99-11 with the following conditions:

- A. The site shall be developed in substantial compliance with the site plans, titled "Redevelopment Plat," "Landscape Plan," and "Future Possible Improvements," prepared by Land Development Services, dated October 18, 1998, last revised March 15, 1999, except as modified below.
- B. An appropriate loading area for the White Hen shall be identified. This loading area shall not obstruct any drive aisles (two-way drive aisles must be a minimum of twenty-four feet (24') wide) or interfere with traffic circulation or pedestrian safety. Plans for this loading area shall be submitted for approval to the Community Development Director, and the loading area shall be appropriately marked with signs and pavement markings. Every effort shall be made to require delivery vehicles to load from this loading area only.
- C. Those drive aisles which are to the south of and within one-hundred forty feet (140') of the White Hen which are not designated as loading areas shall be appropriately marked with signs, curb paint, and pavement markings as "no parking."
- D. If a drive-by mailbox and/or FedEx box is to be provided on-site, that (those) box(es) shall be placed in a location which will not interfere with traffic movement and which will accommodate any future outbuildings.
- E. The drive-through windows for the bank shall be located as far to the south as practicable.

- F. A stop sign and a “Watch for pedestrians” sign shall be installed at the bank drive-throughs.
- G. A barrier to pedestrians shall be installed at the west edge of the existing sidewalk on the south side of the north wing of the shopping center (adjacent to the bank). A new five-foot (5') wide sidewalk shall be installed to move pedestrians further south, and then across the drive aisles to the sidewalk along Westmore-Meyers. This sidewalk shall be installed from the west end of this shopping center sidewalk to the south end of the adjacent landscape island, with a depressed curb provided at the end of this sidewalk, facing west. Pavement markings shall then take this walk west to the sidewalk along Westmore-Meyers, with sidewalk provided whenever the walk crosses a landscape island.
- H. The possibility of closing the drive aisle between the White Hen and bank shall be considered. If it is closed, it shall be closed with a curbed landscape island with a minimum width of ten feet (10').
- I. At such time that the State of Illinois Drivers Services Facility moves out of the shopping center, the southeast corner of the property shall be improved in substantial compliance with the “Future Possible Improvements” plans.
- J. One (1) of every three (3) evergreen trees which are proposed along the north property line shall be removed from the plans. An evergreen species shall be selected which will not ultimately interfere with the overhead power lines.
- K. The evergreen trees shall be eliminated from the site control area for the easternmost Jackson drive, and the shrubs in this area replaced with low-lying species.
- L. The spruce trees which are proposed around the Ace Hardware storage area shall be replaced with a species, such as an upright arborvitae, which will not grow to be too large for the area.
- M. A shrub species which will not cause sight problems shall be selected for the landscape islands. The species and cultivar of the shrubs shall be specified on the landscaping plans.

- N. Trees used in the landscape islands shall be single-stem and upright.
- O. The birch and plums which are proposed in the parking lot islands shall be replaced with species which are salt-tolerant.
- P. The White Hen dumpster enclosure shall either be painted to match the building or replaced with an enclosure constructed of materials which match the building.
- Q. Eight foot (8') solid wood fencing shall be used for screening the Ace Hardware outdoor storage area.
- R. Materials shall not be stored outside of the outdoor storage area or be visible above the fence. Violation may result in revocation of the conditional use approval for outdoor storage by the Village Board of Trustees.
- S. No outdoor display shall be permitted in front of any store without a temporary event permit from the Village of Lombard.
- T. A minimum five foot (5') clear area for pedestrians shall be maintained around the outdoor seating area.
- U. Additional outbuildings may be constructed on the site if the existing on-site public watermains are replaced with new public water mains. These watermains must be installed per Village standards and will be accepted and maintained by the Village of Lombard.
- V. Additional outbuildings are subject to Site Plan Approval by the Plan Commission and must follow the following criteria:
 - 1. No more than two (2) additional outbuildings shall be permitted.
 - 2. Outbuildings shall be single-story.
 - 3. The total floor area of all new outbuildings shall not exceed 13,500 square feet.

4. A minimum of four (4) parking spaces per 1000 square feet shall be provided for the shopping center at all times.
 5. Applicable landscaping requirements shall be met.
 6. The exterior of buildings shall complement existing architecture.
 7. The outbuildings shall not interfere with fire truck access to the shopping center, and plans shall be subject to review by the Lombard Fire Chief.
 8. On-site traffic conflicts shall be minimized.
- W. The sign criteria shall be changed to specify that a maximum of two lines of text can be provided, to specify a maximum separation between lines of text, to take into consideration special sign needs for the outbuildings and the bank, and to specify that the sign criteria shall prevail in conflicts between the Sign Ordinance and the sign criteria.
- X. The existing freestanding sign (formerly used by LaSalle Bank) which is to the west of the north wing of the shopping center shall be allowed to remain only if no tenant identification sign is provided on the proposed bank canopy. If a tenant identification sign is provided on the canopy of the bank, then the freestanding sign for the bank shall be removed and only two (2) freestanding signs shall be allowed on the site. The installation of up to three (3) informational signs, each up to four (4) square feet in area, on the north side of the canopy, however, shall not constitute cause for the removal of the freestanding sign.
- Y. A five-foot (5') sidewalk shall be installed along Jackson Street, between the two entrance drives.

Re: PC 99-11
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Respectfully,

VILLAGE OF LOMBARD

Daniel Broderick
Chairperson pro tem
Lombard Plan Commission

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att-

c Petitioner
 Lombard Plan Commission

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