

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

 X

Resolution or Ordinance (Blue) _____ *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: August 25, 2004 (B of T) Date: September 2, 2004
TITLE: PC 04-25: 201, 205 and 211 E. Roosevelt Road; 1200 S. Highland Avenue; and 112-116 & 120-124 E. 13th Street (Southwest Corner of Roosevelt & Highland)
SUBMITTED BY: Department of Community Development *DH*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration a petition requesting that the Village take the following actions on the subject properties:

1. Approve an amendment to an annexation agreement (2/3 of Corporate Authorities Vote Required) (*Request to continue to September 16, 2004*);
2. Approve a major plat of resubdivision.
3. For the entire subject property, approve a conditional use for a planned development.
4. For Lot 1 of the proposed subdivision, approve the following deviations:
 - a. 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.
 - 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.
5. Pursuant to Section 155.414 (C)(7) of the Zoning Ordinance, approve a conditional use for a drive-through facility on Lot 1 of the proposed subdivision.
6. For Lot 2 of the proposed subdivision, approve the following deviations:
 - a. 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.
 - b. A deviation from Section 153.505 (B)(17)(b)(2) of the Sign Ordinance to allow for more than one wall sign for interior tenants.

- 7. Pursuant to Section 155.414 (C)(18) of the Zoning Ordinance, approve a conditional use for an outdoor dining/service establishment on Lot 2 of the proposed subdivision.
- 8. For Lot 3 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; and
- 9. For the entire development, grant site plan approval authority to the Lombard Plan Commission.
(DISTRICT #6)

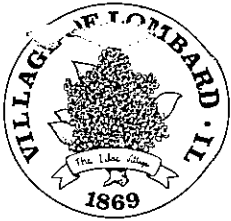
The Plan Commission recommended approval of this petition with amended conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <u>W. H. J. Lichner</u>	Date <u>8/25/04</u>

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 *DCH*

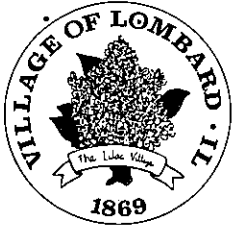
DATE: September 2, 2004

SUBJECT: **PC 04-25: PC 04-25; 201, 205 and 211 E. Roosevelt Road; 1200 S. Highland Avenue; and 112-116 & 120-124 E. 13th Street (Southwest Corner of Roosevelt Road & Highland Avenue)**

Attached please find the following items for Village Board consideration as part of the September 2, 2004 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 04-25;
3. An Ordinance approving conditional uses for a planned development with deviations, outdoor dining and for a drive-through facility; and
4. Site plans associated with the petition.

Also on the September 2, 2004 Village Board agenda is a public hearing associated with a first amendment to the annexation agreement for the subject property. This amendment substitutes the site plans originally approved in the annexation agreement with the petitioner's proposed plans. The agreement will also modify the geographical extent of the development, establish provisions for removing the Reilly's Pub site in 2006 and address public infrastructure improvements. As the final language associated with the amendment has not been completed to date, staff recommends that the Board consider a first reading of the zoning matters associated this petition at the September 2 meeting and that the Ordinance amending the aforementioned annexation agreement be considered as part of the second reading of Ordinance for the proposed project on September 16.



VILLAGE OF LOMBARD

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Lombard, Illinois 60148
630/620-5700 FAX: 630/620-8222
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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

September 2, 2004

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

Subject: PC 04-25; 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:

1. Approve an amendment to an annexation agreement;
2. Approve a major plat of resubdivision.
3. For the entire subject property, approve a conditional use for a planned development.
4. For Lot 1 of the proposed subdivision, approve the following deviations:
 - a. 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.
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"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."

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- b. 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.
7. Pursuant to Section 155.414 (C)(18) of the Zoning Ordinance, approve a conditional use for an outdoor dining/service establishment on Lot 2 of the proposed subdivision.
8. For Lot 3 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.
9. For the entire development, grant site plan approval authority to the Lombard Plan Commission.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on August 16, 2004.

Wayne Marth of Archline Associates, 3025 Highland Parkway, Downers Grove, IL, started the presentation of the petition. He began his presentation by displaying a color rendering of the site. He mentioned that a bank is proposed on the central parcel and a retail building at the east end of the property. The other parcels within the proposed development are under contract but not ownership.

The proposed retail building on corner of Highland Avenue and Roosevelt Road, is proposed where the old Amoco station was located. They proposed to construct a 7,820 square foot retail building. Referencing the building elevations, he mentioned the materials used on the building. They propose using cast stone for the building base. He described the tower elements, the site lighting and accent lighting and the fabric awnings. The trash enclosure on the southwest corner of the retail site will be surrounded by masonry and gates and of material compatible with the building. They propose an outdoor sitting area for possible restaurant tenants (Cold Stone Creamery, Chipotle).

He then referenced the extensive landscaping plan to help soften the building from the residents along 13th Street. He mentioned the curb cuts off of Roosevelt, which will now be landscaped. They will provide a 4 foot high berm along 13th with landscape screening.

Chad Herrell, architect for TCF Bank, showed a colored rendering and explained the challenge of working with the bank and establishing a branding identity. They built a similar branch in Glendale Heights and Chicago and are implementing a new program in the metropolitan area. Key elements of the building include a tower to provide signage, which will create an identity. Staff recommended changes to the proposed tower - he feels a resolution could be made which will be compatible with staff. He mentioned the materials being the same as the retail center. They support staff's recommendation to remove the wall sign on the southern wall. The awnings are a different color but work with their scheme and are compatible to the overall development. The south and west elevations have a greater mass as this is where their secure functions are located. He explained the site circulation and the bypass lane, which also serves as fire lane

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around the building. He mentioned the Fire Department comment about raising the canopy to 16 feet and that was something they wanted to talk about with staff.

Commissioner Olbrysh asked if the TCF tower would be illuminated. He said it would be.

Mr. Marth then addressed the site lighting. It is considered low intensity – they are keeping poles lower than 25 feet and the lighting level will be low. The lighting intensity at the property lines will be zero. He felt the additional green space at the south would be a benefit. All lighting on buildings include down lighting.

Chairperson Ryan asked about the sconces shown in the elevations. The petitioner stated that they are not projecting light away from the building - they are accenting the building and it enhances the building at night. Due to security problems, they try to have that lighting.

The petitioner referenced the proposed single access driveway onto Roosevelt Road, which will replace numerous driveways that currently exist on the property.

Commissioner Olbrysh asked for clarification as to the status of the properties on the north side of 13th Street. The petitioner noted that they have the properties under contract. If the project is approved, they will demolish the homes and place the berming and the detention on the site.

Chairperson Ryan then opened the meeting for public participation. There was no one present to speak in favor of or against the petition.

William Heniff, Senior Planner, then presented the staff report. He restated the petitioner's request and gave the location of the property. He described the recent history of the site. Lot 2 containing the salon site and Reilly's Pub were 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 was annexed in 2001. In 2002, 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 Village. Other than the sale of the property and the removal of all structures on the property, no further actions were taken. The terms and conditions of the original agreement bind the former Sharko's site as well as the adjacent BP lots. The Village Board has expressed their conceptual support for amending the annexation agreement to provide for an alternative land use other than the approved gas station.

He noted 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. Therefore, the proposed redevelopment is consistent with the other uses along Roosevelt Road.

South of the subject property, are unincorporated single family residences. To ensure compatibility with the residential uses, the petitioner has reconfigured their plan to not provide access onto 13th Street, create internal access driveways to minimize the need to use 13th Street, orientation of buildings away from the residences and an earthen berm and landscaping will help screen the site.

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He then described the zoning issues for the site. Establishing a conditional use for the entire development is an appropriate way to address the unique site constraints and phasing of the proposed development. Moreover, the planned development process allows the Village to look at all of the proposed structures comprehensively, versus looking at each proposed structure separately. Through this process, staff believes that a better overall design can be achieved.

As the project is being developed in phases, similar to the Highlands of Lombard and Fountain Square of Lombard, the petitioner is requesting that the Plan Commission have the ability to review and approve additions and/or modifications to the project. Of special note, as the petitioner does not know the design elements of the proposed Reilly's development parcel - they are willing to bring the building elevations and site plan back to the Plan Commission for consideration.

By establishing a planned development, 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. Moreover, it also helps minimize traffic on adjacent public streets.

The proposed banking facility proposes a drive-through facility on the south side of the building. Staff notes that full access is provided around the bank as part of the Phase 1 improvements. Patrons would travel counter-clockwise around the bank. Leaving the drive-through area, patrons can turn north to Roosevelt Road or proceed easterly to Highland Avenue.

The petitioner would like to have the flexibility to provide a small outdoor dining area adjacent to the proposed retail building. As the proposed dining area is removed from any residences, impacts of the outdoor dining function are minimal. Staff recommends that the perimeter of the dining area be fenced. Staff would find a four-foot high decorative iron fence with an exit gate as an acceptable type of fence.

Referencing signage, the proposed bank elevations propose a wall sign located on each of the four walls of the tower elements. The Zoning Ordinance limits businesses to one wall sign per street frontage. The overall sign size does meet code requirements for area. Staff does not object to the relief, but recommends that the sign on the south wall be removed from the plans.

The petitioner's plans for the retail center to provide for 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 notes that if the center unit is subdivided, the two wall signs could be approved as proposed without any relief. Staff can support this relief provided that all wall signs on the building shall be of a channel letter design.

Regarding other development issues, the Village's traffic consultant KLOA reviewed the site for its impact on the Village street network. The consultant's analysis found that the site redevelopment would actually result in virtually no net change in traffic generation over the amount that was originally generated prior to demolition activity.

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Right now, seven separate curb cuts exist along Roosevelt Road. The petitioner's plans propose to decrease this number to one full access driveway. IDOT has reviewed this configuration and find that one full access curb cut is acceptable for Phase 1. However, once Phase 2 is constructed, they will require that the Roosevelt Road access drive be converted into a right-in, right-out facility. The petitioner has also designed the project to provide for cross-access between the subject property and the Dan Development property south of the site, subject to approval by both parties.

The petitioner has also submitted preliminary landscape plans, which will be subject to refinements upon completion of final engineering. The plans attempt to minimize impacts on neighboring parcels by providing an undulating earthen berm with full vegetation to screen and soften the development from the residential uses south of 13th Street.

Staff recommends as a condition of approval that additional plantings, meeting the transitional landscape yard requirements be provided along the south property line and that the landscaping be installed as part of the Phase 1 improvements. To address concerns raised by neighbors, the property immediately south of Reilly's Pub be graded and seeded until such time that the property is developed. Moreover, staff also recommends a further condition that a post and rail fence be installed along the north and west sides to prevent trespassing.

Regarding the retail building elevations, the petitioner has refined the elevations to include windows on the east elevation, a modified parapet roofline. The TCF Bank roofline on the tower was modified to include a seam-metal pitched roof. However, staff recommends that the tower be modified to incorporate a similar peak as proposed on the adjacent retail building and that the watercourse brick used for both buildings are compatible.

The petitioner proposes to resubdivide the property to create five lots of record. Lots 1 through 3 along Roosevelt Road would be developed as commercial uses. Lot 5 would ultimately be developed as a parking lot concurrent with the redevelopment of the Reilly's Pub site. Lot 4 would be a detention outlot for the stormwater drainage of the project. 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.

This project is a major development as defined by the Subdivision and Development Ordinance, which would require full public improvements where needed. This includes street lighting, sidewalks, parkway trees, storm sewer, landscaping and roadway improvements to include curb and gutter additions. Staff will be working with the petitioner to establish appropriate timelines for these improvements, particularly in light of the phased nature of the development. Final consideration of the timing of these improvements and the manner in which these improvements would be provided will be addressed in the companion amendment to the annexation agreement.

Chairperson Ryan then opened the meeting for comments from the Plan Commissioners.

Commissioner Burke asked about the June 2006 timeframe associated with the Reilly's Pub redevelopment. Mr. Heniff stated that the existing lease between Reilly's and the property owner

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runs until that date. As such, they are proposing to do the project in phases. However, in the meantime, they can demolish the residences, construct the infrastructure and provide landscaping.

Commissioner Sweetser asked if there was a center turn lane for Roosevelt Road. Mr. Heniff said that there are existing left turn lanes for Garfield and Highland Avenue – the entrance into the site would be via a shared median area. Commissioner Sweetser asked about access into the site from Highland Avenue noting that it is right-in, right-out access only. She raised a concern that access to and from the site for northbound Highland Avenue traffic may be a problem.

Commissioner Olbrysh commended the petitioner's response to the comments raised by the Commissioners at an earlier workshop on the development proposal. He had concerns about a strip center and the proposed elevations and they have done an admirable job designing the project. He is now pleased with the project and they have met his concerns about the type of buildings that are proposed.

Commissioner Sweetser asked if a tenant for the Phase 2 development does not materialize, how would they proceed. The petitioner's attorney stated that the intent of the developer is to clear the site and landscape the area. However, they want to have on the record that the site is available for development.

Commissioner Burke referenced the TCF Sign on the south elevation. One of the conditions of approval is that they eliminate it on the south side. The tower is all glass – how do they propose to address the south tower element? Mr. Harrell stated that would remain a blank glass window. Commissioner Burke stated that since it is 25 feet high, spandrel glass should be used rather than having a tower light on the south elevation. Mr. Harrell said that they would consider the request and talk with their client (TCF Bank).

Commissioner Sweetser asked if the petitioner was in agreement with the conditions in the report. The petitioner responded yes. Commissioner Sweetser noted that if they add a condition it is binding. Mr. Harrell stated that they still have a few issues with the tower element that they have to work out, but they feel they can come to a resolution.

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 Ordinance and therefore the Plan commission recommends to the Corporate Authorities **approval** of PC 04-25, subject to the following conditions, as amended:

1. That the petitioner shall develop the site in accordance with the site plans prepared by Woolpert LLC, updated August 5, 2004, the landscape plan, prepared by Arcline Associates, updated July 2, 2004, the building elevations for proposed retail center, prepared by Arcline Associates, updated July 28, 2004, the building elevations for proposed bank, prepared by Griskelis Young Harnell, updated August 9, 2004, submitted as part of this request and as amended by the conditions of approval for the project.
2. That the petitioner shall enter into a first amendment to the annexation agreement for the subject property.

3. 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.
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 ensure that the proposed signage, awnings and building elevations present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
 - a. That channel lettering shall only be used for the wall signs.
 - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
 - c. That the tower peak shall be modified in a manner so that the roof element is consistent and/or compatible with the adjacent retail building, as determined by the Director of Community Development.
 - d. That wall signage shall only be located on the north, east and west sides of the proposed tower on the bank building.
 - e. That the watercourse brick at the foundation each of the proposed buildings shall be compatible.
 - f. 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.
 - g. That all rooftop mechanical equipment shall be screened pursuant to Section 155.221 of the Zoning Ordinance.
6. 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.
7. That the landscape plan and/or the grading plan shall be revised as follows:
 - a. Additional landscape plantings, meeting the transitional landscape yard requirements be provided along the south property line and that the landscaping be installed as part of the Phase 1 improvements.
 - b. The property immediately south of Reilly's Pub shall be graded and seeded until such time that the property is developed.
 - c. A post and rail fence be installed along the north and west side of the property to prevent trespassing, with the final placement of the fencing subject to the Director of Community Development.
 - d. Additional trees shall be placed around the perimeter of the proposed detention pond, consistent with Section 154.508 of the subdivision and Development Ordinance.

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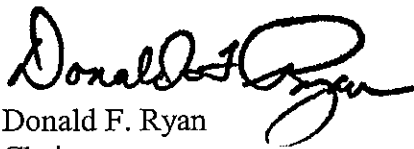
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- e. Additional landscape plantings consisting of a shade tree and approved ground cover shall be placed on the landscape island south of the proposed outdoor dining area.
- 8. That the redevelopment of the Reilly's Pub site shall be subject to site plan approval of the Village.
- 9. That opaque, spandrel glass shall be used for the window element on the south tower of the proposed banking facility.

Respectfully,

VILLAGE OF LOMBARD



Donald F. Ryan

Chairperson

Lombard Plan Commission

- c Petitioner
Lombard Plan Commission

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission HEARING DATE: August 16, 2004
FROM: Department of PREPARED BY: William J. Heniff, AICP
 Community Development Senior Planner

TITLE

PC 04-25; 201, 205 and 211 E. Roosevelt Road; 1200 South Highland Av.; and 112-116 & 120-124 E. 13th Street (Southwest Corner of Roosevelt & Highland): The petitioner requests that the Village take the following actions on the subject properties:

1. Approve an amendment to an annexation agreement;
2. Approve a major plat of resubdivision.
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8. For Lot 3 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.
9. For the entire development, grant site plan approval authority to the Lombard Plan Commission.

GENERAL INFORMATION

Petitioner: V-Land Lombard Highland LLC
c/o Steve Panko
312 N. Clark St., Suite 2440
Chicago, IL 60610

Owner: Lots 1, 2, 3 plus east 21 feet of Lot 4:
V-Land Lombard Highland LLC
c/o Steve Panko
312 N. Clark St., Suite 2440
Chicago, IL 60610

Lot 4 of Sub. plus Lots 1 & 2 of Merl Sub:
George Pulice, as Trustee
P.O. Box 3788
Oak Brook, IL 60522

Status of Petitioner: Contract Purchaser/Owner

PROPERTY INFORMATION

Existing Zoning: B3 Community Commercial District

Existing Land Uses: Lots 1, 2, 3 plus east 21 feet of Lot 4: vacant
Lot 4 remainder: Reilly's Pub
Lots 1 & 2 of Merl Sub.: four duplex units

Size of Property: Approximately 3.42 Acres

Comprehensive Plan: Recommends Community Commercial Uses

Surrounding Zoning and Land Use:

North: OPD Office Planned Development; improved as the National College for the Health Sciences
South: B3 Community Shopping District; developed as a strip shopping center; also unincorporated property zoned and developed as single-family residences
East: B3 Community Commercial District; improved as a Walgreen's pharmacy
West: B3 Community Commercial District; improved as a strip commercial center (Merl Plaza)

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on June 21, 2004:

1. Application with Response to Standards.
2. Plat of Survey for Lots 1, 2 and 3 of Subject Property, prepared by Woolpert LLC, updated June 21, 2004
3. Proposed Plan Packet includes: Existing Conditions/Demolition Plan, Overall Site Plan, Site Plan Phase 1, Grading/Erosion Control Plan, Utility Plan, and Utility Plan, Phase 1, prepared by Woolpert LLC, updated August 5, 2004.
4. Landscape plan, prepared by Arcline Associates, updated July 2, 2004.
5. Building Elevations for proposed retail center, prepared by Arcline Associates, updated July 28, 2004.
6. Building Elevations for proposed bank, prepared by Griskelis Young Harnell, updated August 9, 2004.
7. Lighting/photometric plan, prepared by Arcline Associates, updated July 28, 2004.
8. Materials boards for the proposed buildings.

DESCRIPTION

The subject property is located at the southwest corner of Highland Avenue and Roosevelt Road. In 2002, the Village approved an annexation agreement for the property and created a planned development in order to provide for a new BP service station, mini-mart and a car wash. However, after BP acquired the property, they decided not to proceed with the project. However they did raze all the structures on the site.

Since then the purchaser of the property V-Land Corporation has been working on development plans for the site. Their redevelopment plan also includes parcels not originally a part of the initial petition and will encompass all but one parcels on the block face. The petitioner is proposing three principal

structures, a retail building, a banking facility and a future development parcel as shown on the submitted plans.

This project will be developed in phases. Phase I will consist of the development of a retail center and a bank with a drive-through facility. Also included within Phase I will be the requisite stormwater detention and infrastructure improvements. Phase II will consist of the redevelopment of the Reilly's Pub site, which will occur after June, 2006. At this point in time, the petitioner is requesting approval of the concept plan for a 6,600 square foot retail and/or restaurant building footprints with associated parking and landscape improvements.



INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The Private Engineering Services Division offers the following preliminary comments:

1. Sanitary sewer service will be provided by the Highland Hills Sanitary District. Public water shall be provided by the Village of Lombard via a new water main to be installed by the developer and located on the south side of the Roosevelt Road right-of-way.
2. Easements will need to be provided for any new utility lines installed on the premises.
3. On-site stormwater detention shall be sloped at a minimum of 3:1 and meet the provisions established in the Village Specification Manual.
4. Public right of way improvements are required per the Subdivision and Development Ordinance (Section 154 of the Village Code).
5. Full comments will be provided upon submittal of final engineering for the site. However, the final engineering should reflect proposed built conditions in Phases 1 and 2 of the project.
6. Water for all domestic and fire suppression use shall be provided by the Village.

PUBLIC WORKS

The Utilities Division of the Public Works Department notes that the petitioner shall coordinate their phasing and the infrastructure improvements with the Highland Hills Sanitary District as well as the Village.

BUILDING AND FIRE

The Bureau of Inspectional Services has no objections to the request. However, they offer several comments that should be considered by the petitioner:

1. The proposed structures are to be built to the newly adopted Village building and fire codes.
2. The buildings are to be sprinklered, separate fire and domestic water services and fire alarm systems are required, along with a dedicated fire sprinkler room with direct outside access.
3. Height of the canopy should be a minimum of 16 feet to bottom, to allow for clearance for emergency vehicles.
4. An additional Village watermain and hydrant shall be provided at the southeast corner of the proposed bank site.

PLANNING

History of Property

Each of 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 was annexed in 2001.

In 2002 (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 Village. Other than the sale of the property and the removal of all structures on the property, no further actions were taken by the Village.

Annexation Agreement Amendment

The former Sharko's site as well as the adjacent BP lots, are bound by the terms and conditions of the original agreement. The Village Board has expressed their conceptual support for amending the annexation agreement to provide for an alternative land use other than the approved gas station.

Compatibility with the Comprehensive Plan

The Comprehensive Plan identifies the subject property for Community Commercial Uses. Of particular note, 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 plan intends to remove structures that were developed prior to their annexation in the Village and redevelop the site consistent with the objectives of the Roosevelt Road Corridor and the Plan. Therefore, the proposed redevelopment is consistent with the Comprehensive Plan.

Compatibility with the Surrounding Land Uses

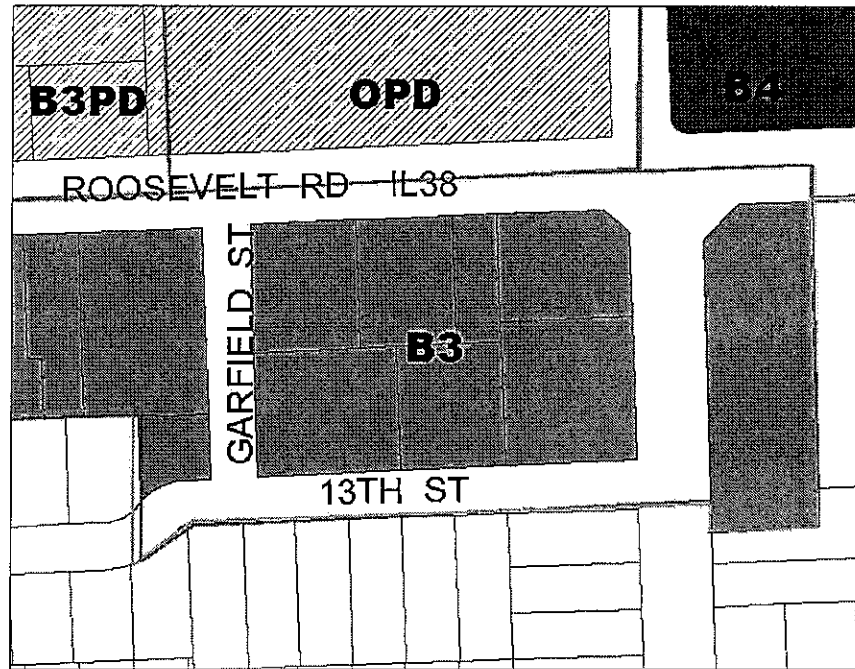
The subject property is bordered on the east and west by other existing retail commercial uses. Roosevelt Road has traditionally included a substantial number of automotive related uses. Therefore, the proposed redevelopment is consistent with the other uses along Roosevelt Road.

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. To ensure compatibility with the residential uses, the petitioner has reconfigured their plan, as follows:

1. Access will not be provided into the site off of 13th Street;
2. Internal access driveways minimize the need to use 13th Street;
3. All buildings will be oriented away from 13th Street and the residences; and
4. An earthen berm and landscaping will help screen the site.

Compatibility with the Zoning Ordinance

The property is zoned B3 Community Shopping District as depicted on the map below.



Conditional use for a planned development

Establishing a conditional use for the entire development is an appropriate way to address the unique site constraints and phasing of the proposed development. Moreover, the planned development process allows the Village to look at all of the proposed structures comprehensively, versus looking at each proposed structure separately. Through this process, staff believes that a better overall design can be achieved.

For the entire development, grant site plan approval authority to the Lombard Plan Commission.

As the project is being developed in phases, similar to the Highlands of Lombard and Fountain Square of Lombard, the petitioner is requesting that the Plan Commission have the ability to review and approve additions and/or modifications to the project. Of special note, as the petitioner does not know the design elements of the proposed Reilly's development parcel - they are willing to bring the building elevations and site plan back to the Plan Commission for consideration. Staff is supportive of this request.

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.

By establishing a planned development, 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. Moreover, it also helps minimize traffic on adjacent public streets.

A conditional use for a drive-through facility on Lot 1 of the proposed subdivision.

The proposed banking facility proposes a drive-through facility on the south side of the building. Staff notes that full access is provided around the bank as part of the Phase 1 improvements. Patrons would travel counter-clockwise around the bank. Leaving the drive-through area, patrons can turn north to Roosevelt Road or proceed easterly to Highland Avenue. Both scenarios remove any additional traffic on 13th Street. Staff does not object to this request.

Pursuant to Section 155.414 (C)(18) of the Zoning Ordinance, approve a conditional use for an outdoor dining/service establishment on Lot 2 of the proposed subdivision.

The petitioner would like to have the flexibility to provide a small outdoor dining area (approximately 18' x 20' = 360 square feet) adjacent to the proposed retail building. 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. However, to ensure that the dining function does not extend into the sidewalk and/or parking lot, staff recommends that the perimeter of the dining area be fenced, with the design of the fence subject to the approval of the Director of Community Development. Staff would find a four foot high decorative iron fence with an exit gate as an acceptable type of fence.

Compatibility with the Sign Ordinance

Two signage deviations are requested as part of this petition, as follows:

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.

The proposed bank elevations propose a wall sign located on each of the four walls of the tower elements. The Zoning Ordinance limits businesses to one wall sign per street frontage. The overall sign size does meet code requirements for area. Staff does not object to the relief, but recommends that the sign on the south wall be removed. Staff does not see a value to this wall sign, as it would not be visible to motorists on Roosevelt Road. Moreover, this recommendation is made so that the wall signage would not be visible from the residences along 13th Street.

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.

The petitioner's plans for the retail center to provide for 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. However, in review of the building elevations, the petitioner would like to have the flexibility of adding a second sign for a proposed interior tenant. Staff notes that if the center unit is subdivided, the two wall signs could be approved as proposed without any relief. Staff can support this relief provided that all wall signs on the building shall be of a channel letter design.

Other Issues

The overall petition can also be supported based upon consideration of the following items:

Traffic Analysis

As part of the submittal, the Village's traffic consultant KLOA reviewed the site for its impact on the Village street network. The consultant's analysis found that the site redevelopment would actually result in virtually no net change in traffic generation over the amount that was originally generated prior to demolition activity on the subject site.

Right now, seven separate curb cuts exist along Roosevelt Road. The petitioner's plans propose to decrease this number down to one full access driveway. IDOT has reviewed this configuration and find that one full access curb-cut is acceptable for Phase 1 development. However, once Phase II is constructed, they will require that the Roosevelt Road access drive be converted into a right-in, right-out facility. Staff does not have a problem with this arrangement as Garfield Street could be used for patrons desiring to turn left onto Roosevelt Road once Phase 2 is complete.

Staff notes that the site plans provide for an internal circulation system, which can reduce commercial traffic movements from 13th Street. The petitioner has also designed the project to provide for cross-access between the subject property and the Dan Development property south of the subject property, subject to approval by both parties.

Landscaping

The proposed plan is intended to provide perimeter and internal parking lot island landscaping as part of the petition. The petitioner has also submitted preliminary landscape plans which will be subject to refinements upon completion of final engineering for the site. However, the plans attempt to minimize impacts on neighboring parcels by providing an undulating earthen berm of up to approximately four feet in height along the south property line with full vegetation to screen and soften the development from the residential uses south of 13th Street.

Staff recommends as a condition of approval that additional plantings, meeting the transitional landscape yard requirements be provided along the south property line and that the landscaping be installed as part of the Phase 1 improvements. Additionally, to address concerns raised by neighbors

that the property immediately south of Reilly's Pub be graded and seeded until such time that the property is developed. Moreover, staff also recommends a further condition that a post and rail fence be installed along the north and west sides of the Lot 4 to prevent trespassing, with the final placement of the fencing subject to the Director of Community Development.

Elevational Drawings

The petitioner has submitted elevational drawings for the proposed buildings. Staff has been working with the petitioner to refine the respective elevations. Both buildings have similar masonry color and materials, compatible awnings, watercourse brick, similar stone medallions and similar wall sconces.

Regarding the retail building, the petitioner has refined the elevations to include windows on the east elevation, a modified parapet roofline. The TCF Bank roofline on the tower was modified to include a seam-metal pitched roof. However, staff recommends that the tower be modified to incorporate a similar peak as proposed on the adjacent retail building and that the watercourse brick used for both buildings are compatible.

Compatibility with the Subdivision and Development Ordinance

The petitioner proposes to resubdivide the property to create five lots of record. Lots 1 through 3 along Roosevelt Road would be developed as commercial uses. Lot 4 would ultimately be developed as a parking lot concurrent with the redevelopment of the Reilly's Pub site. Lot 5 would be a detention outlot for the stormwater drainage of the project. 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.

Lastly, this project is considered a major development as defined by the Subdivision and Development Ordinance, which would require full public improvements where they are needed. This includes street lighting, sidewalks, parkway trees, storm sewer, landscaping and roadway improvements to include curb and gutter additions. Staff will be working with the petitioner to establish appropriate timelines for these improvements, particularly in light of the phased nature of the development. Final consideration of the timing of these improvements and the manner in which these improvements would be provided will be addressed in the companion amendment to the annexation agreement.

FINDINGS AND RECOMMENDATIONS

Staff believes that the proposed uses are compatible with the surrounding area and is appropriate for the site. Based on the above, 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 Ordinance; and, therefore, I move that the Plan Commission adopt the findings of the Inter-departmental Group Report as the finding of the Plan Commission, and therefore I recommend to the Corporate Authorities **approval** of PC 04-25, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the site plans prepared by Woolpert LLC, updated August 5, 2004, the landscape plan, prepared by Arcline Associates, updated July 2, 2004, the building elevations for proposed retail center, prepared by Arcline Associates, updated July 28, 2004, the building elevations for proposed bank, prepared by Griskelis Young Harnell, updated August 9, 2004, submitted as part of this request and as amended by the conditions of approval for the project.
2. That the petitioner shall enter into a first amendment to the annexation agreement for the subject property.
3. 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.
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 ensure that the proposed signage, awnings and building elevations present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
 - a. That channel lettering shall only be used for the wall signs.
 - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
 - c. That the tower peak shall be modified in a manner so that the roof element is consistent and/or compatible with the adjacent retail building, as determined by the Director of Community Development.
 - d. That wall signage shall only be located on the north, east and west sides of the proposed tower on the bank building.
 - e. That the watercourse brick at the foundation each of the proposed buildings shall be compatible.
 - f. 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.

- g. That all rooftop mechanical equipment shall be screened pursuant to Section 155.221 of the Zoning Ordinance.
- 6. 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.
- 7. That the landscape plan and/or the grading plan shall be revised as follows:
 - a. Additional landscape plantings, meeting the transitional landscape yard requirements be provided along the south property line and that the landscaping be installed as part of the Phase 1 improvements.
 - b. The property immediately south of Reilly's Pub shall be graded and seeded until such time that the property is developed.
 - c. A post and rail fence be installed along the north and west side of the property to prevent trespassing, with the final placement of the fencing subject to the Director of Community Development.
 - d. Additional trees shall be placed around the perimeter of the proposed detention pond, consistent with Section 154.508 of the subdivision and Development Ordinance.
 - e. Additional landscape plantings consisting of a shade tree and approved ground cover shall be placed on the landscape island south of the proposed outdoor dining area.
- 8. That the redevelopment of the Reilly's Pub site shall be subject to site plan approval of the Village.

Inter-departmental Group Report Approved By:



David A. Hulseberg, AICP
Director of Community Development

att-

c. Petitioner

Location Map

PC 04-25: 215 E. Eoosevelt Road



**APPLICATION OF VLAND LOMBARD HIGHLAND, LLC FOR
CONDITIONAL USE, VARIATIONS, MAJOR SUBDIVISION AND PLANNED
DEVELOPMENT**

PETITIONER'S RESPONSES TO STANDARDS¹

I. Conditional Use

A. Introductory Statement:

1. Petitioner intends to develop on that portion of Parcel A identified as Lot 2, as shown on Petitioner's site plan, a bank with a drive through facility. The drive through facility would encompass four drive through lanes and a bypass lane.
2. Petitioner intends to develop on that portion of Parcel A identified as Lot 3, a multi-tenant retail building that may include, among other uses, one or more restaurants, including, possibly, a common outdoor seating area.
3. Petitioner intends to develop that portion of Parcel B identified as Lot 4 as a detention area for Lots 1, 2, 3 and 5.

B. Petitioner's Responses to Conditional Use Standards:

1. *Neither the establishment, maintenance, or operation of the drive through or of a restaurant(s) with outdoor seating area will be detrimental to, or endanger the public health, safety, morals, comfort or general welfare.*
 - a) Convenient and safe vehicular circulation is provided to, through and from the drive through facility, including sufficient stacking spaces, that will allow for the convenient and safe flow of traffic on the site and to and from the site. The drive through facility is in keeping with the predominant commercial character of neighboring properties, several of which have drive through

¹ Petitioner would like to call to the Village's attention the following: a) Petitioner's proposed development of the subject property will require a comprehensive amendment of the Annexation Agreement, dated May 2, 2002, that currently governs development of the subject property; and b) Petitioner requests that the Villager enter into a recapture agreement with Petitioner with respect to any public improvements that the Village may require Petitioner to construct in connection with the development of the subject property to the extent such improvements, such as detention areas, benefit other properties.

facilities, including, without limitation, the following properties which are in close proximity to the subject property: i) the *Walgreen's* site that is across Highland Avenue from the subject property at the southeast corner of Roosevelt Road and Highland Avenue; ii) the *Citibank* site at 1210 South Main Street (at the southwest corner of Roosevelt Road and Main Street); iii) the *Charter One Bank* site that is immediately west of the Citibank site along Roosevelt Road; iv) the *Starbucks* site that is immediately west of the Charter One Bank site along Roosevelt Road; v) the *White Castle* site at the northeast corner of Roosevelt Road and Main street; and vi) the *Boston Market* site at the northwest corner of Roosevelt Road and Garfield Street.

b) Convenient and safe vehicular circulation is provided to, through and from the multi-tenant retail building that will allow for the convenient and safe flow of traffic on the site and to and from the site. Restaurants, including those with an outdoor seating area, are in keeping with the predominant commercial character of neighboring properties and with conditional uses that have been granted by the Village to other similarly situated properties in the B3 and B4 zoning districts.

2. *Neither the drive through facility nor restaurants with an outdoor seating area will be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood in which it is located.*

The properties to the north, south, east and west are zoned, respectively, OPD, unincorporated residential, B3 and B3. To the north of the property (across Roosevelt Road) is the multi-building planned development housing the National College of Chiropractic/National University for the Health Sciences. To the south of the subject property are a) along its southern board on its eastern side, a multi-tenant commercial strip center, and b) along its southern border on its western side are 13th Street and to the south 13th Street, single family homes that lie outside the territorial limits of the Village. To the east of the property, across Highland Avenue, is a Walgreen's store and to the west of the subject property across Garfield Street is another commercial strip center. Additionally, up and down Roosevelt Road, east and west of the subject property are commercial properties, including those that have been granted conditional uses by the Village for drive-through facilities and/or restaurants, including some with an outdoor seating area. Moreover, bank drive through facilities are common in the marketplace today because retail banking

customers desire such facilities. A bank with a drive through facility will satisfy a demand for such a facility in the relevant market area, will be consistent with the general commercial character of surrounding properties and, therefore, will not be injurious to, or diminish the value of, such properties. A restaurant with an amenity such as an outdoor seating area is one that is very much favored by the public and, therefore, will not be injurious to, or diminish the value of, such properties.

3. *Neither the establishment of the drive through facility or a restaurant(s) with outdoor seating area will impede the normal and orderly development and improvement of the surrounding property for uses permitted in the B3 zoning district.*

a) The subject property is located in the B3 zoning district. A bank is a permitted use in such district. In recent years, most branch banking facilities that have been developed in suburban communities have been developed with drive through facilities, and that trend continues because retail banking customers demand such facilities to better serve their needs. Thus, such facilities are commonplace in commercial and mixed commercial/residential areas. As noted, the properties to the north, south, east and west are zoned, respectively, OPD, unincorporated residential, B3 and B3. Also as noted, the subject property is surrounded by a multi-building planned development housing a college campus and commercial properties on its north, east, west and a portion of its south sides. Further, there are many other retail establishments with drive through facilities in close proximity to the subject property. The existence of the subject drive through facility would be wholly consistent with the character of the surrounding properties and would not have any adverse impact on the normal and orderly development and improvement of the surrounding properties for uses permitted in the zoning district in which such properties are located.

b) A restaurant, including one with an outdoor seating area, is a conditional use in the B3 zoning district. Such a use is wholly consistent with nearby uses that are also located in the B3 zoning district, as well as with nearby uses located in the B4 zoning district where a restaurant, including one with an outdoor seating area, is also a conditional use.

4. *Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided.*

The subject property will have adequate direct access to Roosevelt Road, Highland Avenue and Garfield Street. All public utilities are at the perimeters of, or will be extended to, the subject property and adequate detention will be provided for the subject property in connection with its development.

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

Access to, through and from the subject property will be provided as shown on Petitioner's site plan. Such ingress, egress and circulation flow will serve to avoid any adverse impact on any adjoining public streets. As noted, the subject property currently has one access point along Garfield Street, seven points of ingress and egress along Roosevelt Road and two points of ingress along Highland Avenue. Petitioner proposes to reduce significantly the number of access points for the Development along both Roosevelt Road and Highland Avenue and thereby make access to and from the subject property and the adjoining major public thoroughfares safer and better than what currently exists at the site. Petitioner proposes a single full access point for the Development along Garfield Street, a single right in and right out only access point along Highland Avenue and a single full access point along Roosevelt Road.

6. *Neither the drive through facility, nor restaurants, including those with an outdoor seating area, are contrary to the objectives of the current Comprehensive Plan of the Village of Lombard.*

The drive through facility is wholly consistent with the design and operation of branch banking facilities in the marketplace today, which is a use permitted in the B3 zoning district. Restaurants, including those with an outdoor seating area, are consistent with the development to date within the B3 zoning district. Moreover, the zoning of the subject property as B3 is consistent with the Village's Comprehensive Plan insofar as it pertains to the subject property.

7. *The drive through facility and restaurant uses, including those with an outdoor seating area, will, in all other respects, conform to the applicable regulations of the B3 district, subject only to such deviations or waivers of same that are approved by the Village of Lombard.*

Other than a signage variance and a perimeter parking lot landscaping variance for which the Petitioner is seeking the Village's approval in connection with the development of the subject property, such development, including the drive through facility and restaurant uses with an outdoor seating area, complies with all of the applicable regulations of the B3 district.

II. Variations

A. Introductory Statement:

Petitioner is seeking the following variations from the Village's Zoning Code and Sign Ordinance: (1) from Section 155.706(C) and 155.709(B) of the Zoning Code to reduce the required landscape setback area from 5 feet to zero feet along the property line that is common to Lot 2 and Lot 3, being the east lot line of Lot 2 and the west lot line of Lot 3 (the "*Common Property Line*"); and (2) from Section 153.505(B)(17)(a)(2) of the Sign Ordinance to allow more than one wall sign on a street frontage and (3) from Section 153.505(B)(17)(b)(2) of the Sign Ordinance to allow more than one wall sign for interior tenants

B. Petitioner's Responses to Variation Standards:

1. Because of the particular physical surroundings, shape, or *topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from mere inconvenience, if the strict letter of the regulations were to be applied.*

Given the proposed nature of the Development as a single, integrated retail/commercial project, with cross parking and cross access among the lots of record that will comprise the Development, interior drive aisles providing access to, through and across each of the lots within the Development is required. As such, strict application of the Village's landscape setback area along the Common Property Line would preclude such cross parking and cross access and, correspondingly, would preclude development of the subject property as a single, integrated retail/commercial project.

2. *The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.*

See Petitioner's responses to number 1 above.

3. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*

See Petitioner's responses to number 1 above.

4. *The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

See Petitioner's responses to number 1 above.

5. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

The landscape setback area variance along the Common Property Line would allow the subject property to be developed in a manner that is wholly consistent with the development of many other community retail center, retail strip center, and other commercial properties along Roosevelt Road to the east and west of, and in close proximity to, the subject property.

6. *The granting of the variation will not alter the essential character of the neighborhood.*

The landscape setback area variance along the Common Property Line would allow the subject property to be developed in a manner that is wholly consistent with the development of many other community retail center, retail strip center, and other commercial properties along Roosevelt Road to the east and west of, and in close proximity to, the subject property.

7. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The landscape setback area variance along the Common Property Line would allow the subject property to be developed in a manner that is wholly consistent with the development of many other community retail center, retail strip center, and other commercial properties along Roosevelt Road to the east and west of, and in close proximity to, the subject property. Such variance will not

impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. Further, the stormwater management system that will be provided for the Development will help to resolve a drainage problem for certain surrounding properties.

III. Planned Development

A. Introductory Statement:

Petitioner is seeking to develop the subject property as a single integrated retail/commercial development (the "*Development*"). Petitioner proposes to resubdivide the subject the property into 5 separate lots of record. Lot 2 would be developed with a 4,225 square foot bank and related drive through facility, with 24 off street parking spaces provided on site. Lot 3 would be developed with a 7,820 square foot multi-tenant building, with 36 off street parking spaces and one off street loading berth provided on site. Lots 1 and 5 would be developed in the future for retail or other commercial purposes, and Lot 4 would be used as a detention area for Lots 1, 2, 3 and 5.

Currently, the property that would comprise Lots 2 and 3 is vacant and blighted, consisting only of broken concrete and rubble. The property that would comprise Lot 1 is currently improved with and being used as a pub commonly known as Riley's Classic Sports and Eatery (the "*Tavern*"). The property that would comprise Lots 4 and 5 is improved with four single family residences commonly known as, respectively, 112, 116, 120 and 124 13th Street, Lombard, Illinois (collectively, the "*Residences*"). The Tavern is old and somewhat dilapidated and does not beautify or otherwise enhance the Roosevelt Road commercial corridor. Each of the Residences is old and dilapidated and represent eyesores within the Village. The Tavern and the Residences are each subject to leases in favor of third parties, the respective terms of which have not yet expired.

To facilitate the operation of the Development as a single integrated retail/commercial center, the Petitioner intends to provide, among other things, for perpetual, nonexclusive cross parking and cross access rights, as well as a shared detention area and certain private development and use restrictions. Given the nature of the Development as a single integrated retail/commercial project, and because various deviations from certain of the Village's Zoning Code, Sign Ordinance and Subdivision and Development Regulations will be required for the Development, Petitioner seeks to develop the Development as a Planned Development with an

underlying zoning of B3, which is the existing zoning of the subject property.

B. Petitioner's Responses to the Planned Development Standards:

General Standards

1. *Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.*

The Development is located in the B3 zoning district and, except for specific deviations from the B3 zoning district requirements that are approved by the Village for the Development, the Development will comply fully with the said B3 zoning district requirements.

2. *Community sanitary sewage and potable water facilities connected to a central system are provided.*

The subject property is currently served by, and the Development will be connected to and served by, the Highland Hills Sanitary District ("HHSD"). The subject property currently uses HHSD water and the Development will be disconnected from HHSD for potable water and will be served by the Village's water system.

3. *The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.*

The Development will be comprised of a bank and other retail and commercial uses that are permitted (or conditional) uses in the B3 zoning district and such uses are consistent with the predominant commercial character of neighboring properties along Roosevelt Road and Highland Avenue. Moreover, the zoning of the subject property as B3 is consistent with the Village's Comprehensive Plan insofar as it pertains to the subject property.

4. *The proposed development is in the public interest and is consistent with the purposes of the Zoning Ordinance.*

That portion of the subject property at the southwest corner of Roosevelt Road and Highland Avenue is a vacant, blighted site consisting only of broken concrete and rubble. This portion of the subject property does not beautify or otherwise enhance the

aesthetic appeal, the character, or the value of the Village's Roosevelt Road commercial corridor. Moreover, the Tavern is old and somewhat dilapidated and it, too, does not beautify or otherwise enhance the aesthetic appeal, the character, or the value of the Village's Roosevelt Road commercial corridor. The Residences are old, are in disrepair, represent an eyesore within the Village and do not conform to the uses permitted within the B3 zoning district.

Therefore, the Development is in the public interest because: (i) it will develop a vacant and blighted parcel of land at a major arterial intersection in the Village and along a major commercial corridor of the Village; it will redevelop the Tavern site and replace old, dilapidated homes with newer, more modern commercial buildings that will further enhance the aesthetic appeal, character, and the value of the Roosevelt Road commercial corridor; (ii) it will provide additional banking, shopping and employment opportunities within the Village; and (iii) it will generate additional real estate tax and sales tax revenue for the Village. Further, the stormwater management system that will be designed and constructed to serve the Development will help to resolve a significant drainage problem that exists at and around the subject property.

5. *The streets have been designed to avoid:*
 - a. *Inconvenient or unsafe access to the planned development.*
 - b. *Traffic congestion in the streets which adjoin the planned development.*
 - c. *An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.*

The subject property currently has one access point along Garfield Street, seven points of ingress and egress along Roosevelt Road and two points of ingress along Highland Avenue. Petitioner proposes to reduce the number of access points for the Development along both Roosevelt Road and Highland Avenue and thereby make access to and from the subject property and the adjoining major public thoroughfares safer than what currently exists at the site. Petitioner proposes a single full access point for the Development along Garfield Street, a single right in and right out only access point along Highland Avenue and a single full access point along Roosevelt Road.

The Development is commercial in character and is wholly consistent with the multiple other commercial uses along the north and south sides of Roosevelt Road to the east and west of the subject property and along Highland Avenue to the south of the subject property. The Development will not add in any material way to the congestion along the adjoining public thoroughfares, or to the burden on public parks, recreation areas, schools, or other public facilities which would serve the Development.

Standards for Planned Developments with Use Exceptions

1. *Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses.*

See Petitioner's Responses to the Standards for Conditional Uses.

2. *Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties.*

See Petitioner's Responses to the Standards for Conditional Uses.

3. *Proposed use exceptions shall not represent more than 40% of the site area or more than 40% of the total floor area, whichever is less.*

The proposed conditional uses to allow a drive through facility for a bank and restaurants with an outdoor seating area do not represent more than 40% of the site area or more than 40% of the total floor area of the Development.

Standards for Planned Developments with Other Exceptions

1. *Any reduction in the requirements of this Ordinance is in the public interest.*

That portion of the subject property at the southwest corner of Roosevelt Road and Highland Avenue is a vacant, blighted site consisting only of broken concrete and rubble. This portion of the subject property does not beautify or otherwise enhance the aesthetic appeal, the character, or the value of the Village's Roosevelt Road commercial corridor. Moreover, the Tavern is old and somewhat dilapidated and it, too, does not beautify or otherwise enhance the aesthetic appeal, the character, or the value of the Village's Roosevelt Road commercial corridor. The

Residences are old, are in disrepair, represent an eyesore within the Village and do not conform to the uses permitted within the B3 zoning district.

Therefore, the Development is in the public interest because: (i) it will develop a vacant and blighted parcel of land at a major arterial intersection in the Village and along a major commercial corridor of the Village; it will redevelop the Tavern site and replace old, dilapidated homes with newer, more modern commercial buildings that will further enhance the aesthetic appeal, character, and the value of the Roosevelt Road commercial corridor; (ii) it will provide additional banking, shopping and employment opportunities within the Village; and (iii) it will generate additional real estate tax and sales tax revenue for the Village. Further, the stormwater management system that will be designed and constructed to serve the Development will help to resolve a significant drainage problem that exists at and around the subject property.

2. *The proposed exceptions would not adversely impact the value or use of any other property.*

The properties to the north, south, east and west are zoned, respectively, OPD, unincorporated residential, B3 and B3. To the north of the property (across Roosevelt Road) is the multi-building planned development housing the National College of Chiropractic/National University for the Health Sciences. To the south of the subject property are a) along its southern board on its eastern side, a multi-tenant commercial strip center, and b) along its southern border on its western side are 13th Street and to the south 13th Street, single family homes that lie outside the territorial limits of the Village. To the east of the property, across Highland Avenue, is a Walgreen's store and to the west of the subject property across Garfield Street is another commercial strip center. Additionally, up and down Roosevelt Road, east and west of the subject property are commercial properties.

Moreover, bank drive through facilities are common in the marketplace today because retail banking customers desire such facilities. A bank with a drive through facility will satisfy a demand for such a facility in the relevant market area, will be consistent with the general commercial character of surrounding properties and, therefore, will not be injurious to, or diminish the value of, such properties. A restaurant(s) with an outdoor seating area will also be consistent with the development and use of properties along Roosevelt Road in proximity to the subject property.

3. *Such exceptions are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding properties.*

The exceptions that Petitioner seeks are necessary to construct and operate the Development as a single integrated retail/commercial project, including cross access and cross parking to, through and among all of the Lots that will comprise the Development. Development of the site as a single integrated development will allow for fewer access points to Roosevelt Road and thereby promote good traffic planning and will allow for the design of a stormwater management system that will help to resolve a drainage problem that currently affects the subject property and certain surrounding properties.

4. *The overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district.*

The Development is located in the B3 zoning district. Such zoning district does not contain any maximum floor area ratio requirement. Further, the Development complies with the B3 bulk regulations such as the minimum lot area, minimum lot width, minimum building setbacks, maximum building height and minimum open space requirements.

5. *N/A*

6. *All buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:*

- a. *The front, side or rear yard setbacks on the perimeter of the development shall not be less than required in the abutting zoning district or the zoning district underlying the subject site, whichever is greater.*

The perimeter of the Development (at least with respect to Lots 2, 3 and 4, the bank parcel, multi-tenant retail parcel and the detention parcel, respectively, which Petitioner intends to develop presently) comply with the front, side and rear yard setbacks of the B3 zoning district. Petitioner does not yet have a definitive site plan

for Lots 1 and 5, which Petitioner intends for future development but Petitioner has submitted a tentative site plan which represents Petitioner's current expectations but which is subject to change. However, Petitioner agrees to develop Lots 1 and 5 in accordance with a site plan that will comply with the front, side and rear yard setbacks of the B3 zoning district.

- b. *All transitional yards and transitional landscape yards of the underlying zoning district are complied with.*

Given the nature of the surrounding properties, the transitional yard and transitional landscape yard requirements of the B3 zoning district are not applicable to the Development (at least with respect to Lots 2, 3 and 4, the bank parcel, multi-tenant retail parcel and the detention parcel, respectively, which Petitioner intends to develop presently).

- c. *If required transitional yards and transitional landscape yards are not adequate to protect the privacy and enjoyment of property adjacent to the development, the Plan Commission shall recommend either or both of the following requirements:*

1. *All structures located on the perimeter of the planned development must set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses;*

See Petitioner's response to 6(b) immediately above.

2. *All structures located along the entire perimeter of the planned development must be permanently screened with sight-proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.*

See Petitioner's response to 6(b) immediately above.

- d. *The area of open space provided in a planned development shall be at least 25% more than that required in the underlying zoning district.*

Petitioner's site plan for the Development (at least with respect to Lots 2, 3 and 4, the bank parcel, multi-tenant retail parcel and the detention parcel, respectively, which Petitioner intends to develop presently) complies with this open space requirement. Petitioner agrees to develop the balance of the subject property in accordance with this open space requirement.

July 7, 2004

To the members of the Lombard Village Board:

With regards to the proposal for re-development of the property boarding Highland Avenue on the east Garfield on the west and 13th St to the south.

I have been a resident of the area since 1978, and there has been a lot of redevelopment to our area. To do what is proposed with this property is a disgrace And I feel we are slowly being pushed out of this area. To add parking and a drive thru bank added along with an outdoor eating place is in bad taste, not only would this add to traffic conjection on our street, but also to added refuse being thrown on our property. Since the Garfield restaurant was added there has been cars parking on our street when sports are being televised they throw empty bottles all over the place and it can get very loud at all hours of the night.

Myself and other neighbors have attended your previous meetings regarding the car wash that was put in long ago, then the added drive thru at the White Castle, since has relocated. You added a strip mall on 13th and Highland by tearing down homes in this area. You talk about Eminent Domane you do what ever you please to add-to-revenue in your favor. Our cries for help are going unheard, we take pride in what we worked for all these years and you just do not care. If you have any pity at all use this land for something that will add beauty to the area instead of another strip mall, and if you must ~~add~~ it to Roosevelt Road only

Sincerely William Posh
1300 South Highland Ave

Henry Brown 123 E 13 Street Lombard IL 60148

James Sola 1310 S Highland Ave Lombard 60148

Dwight M. Martin 1320 Highland Ave. Lombard 60148

Jack Levin 107 E. 13TH STREET, LOMBARD, IL 60148

Stan Dome 115 E. 13TH ST. Lombard, IL 60148

James Malito 119 E. 13TH St Lombard, IL 60148

Rock Malito

11

ORDINANCE NO. _____

**AN ORDINANCE GRANTING CONDITIONAL USES FOR A
PLANNED DEVELOPMENT WITH DEVIATIONS, OUTDOOR DINING AND A
DRIVE THROUGH ESTABLISHMENT IN A
B3 COMMUNITY SHOPPING DISTRICT**

(PC 04-25; 201, 205 and 211 E. Roosevelt Road; 1200 S. Highland Avenue; and 112-116 & 120-124 E. 13th Street (Southwest Corner of Roosevelt Road & Highland Avenue))

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 subject property is zoned B3 Community Shopping District; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for a planned development in a B3 Community Shopping District; and

WHEREAS, said planned development includes deviations 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; and

WHEREAS, said planned development includes deviations 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 a deviation from Section 153.505 (B)(17)(b)(2) of the Sign Ordinance to allow for more than one wall sign for interior tenants; and

WHEREAS, said application also requests approval of a conditional uses for a drive-through facility and for an outdoor dining/service establishment; and

WHEREAS, said application also requests that the Village Board grant site plan approval authority to the Lombard Plan Commission; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 16, 2004 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the conditional uses and deviations described herein; 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 conditional uses for a planned development with the following deviations as well as a conditional use for outdoor dining and for a drive-through establishment as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 4:

1. For Lot 1 of the proposed subdivision, the following deviations are hereby granted:
 - a. 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.
 - 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.
2. Pursuant to Section 155.414 (C)(7) of the Zoning Ordinance, a conditional use for a drive-through facility on Lot 1 of the proposed subdivision.
3. For Lot 2 of the proposed subdivision, the following deviations are hereby granted:
 - a. 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.
 - b. 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.

4. Pursuant to Section 155.414 (C)(18) of the Zoning Ordinance, a conditional use for an outdoor dining/service establishment on Lot 2 of the proposed subdivision is hereby granted.
5. For Lot 3 of the proposed subdivision, 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 is hereby granted.

SECTION 2: That the ordinance is limited and restricted to the properties generally located at 201, 205 and 211 E. Roosevelt Road; 1200 S. Highland Avenue; and 112-116 & 120-124 E. 13th Street, Lombard, Illinois, and legally described as follows:

LOTS 1, 2, 3 AND 4 IN ROOSEVELT HIGHLANDS SHOPPING CENTER, BEING A SUBDIVISION OF PART OF THE WEST ½ OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 26, 1954 AS DOCUMENT 738449, IN DU PAGE COUNTY, ILLINOIS.

ALSO,

LOTS 1 AND 2, IN MERL'S RESUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST ½ OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 22, 1976 AS DOCUMENT R-76-84675, IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 06-20-100-008, 009, 010, 021, 060 and 061

SECTION 3: The Village Board hereby and authorizes the Plan Commission to have Site Plan Approval authority relative to this Planned Development.

SECTION 4: The conditional uses and deviations set forth in Section 1 above 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 Woolpert LLC, updated August 5, 2004, the landscape plan, prepared by Arcline Associates, updated July 2, 2004, the building elevations for proposed retail center, prepared by Arcline Associates, updated July 28, 2004, the building elevations for

proposed bank, prepared by Griskelis Young Harnell, updated August 9, 2004, submitted as part of this request and as amended by the conditions of approval for the project.

2. That the petitioner shall enter into a first amendment to the annexation agreement for the subject property.
3. 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.
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 ensure that the proposed signage, awnings and building elevations present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
 - a. That channel lettering shall only be used for the wall signs.
 - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
 - c. That the tower peak shall be modified in a manner so that the roof element is consistent and/or compatible with the adjacent retail building, as determined by the Director of Community Development.
 - d. That wall signage shall only be located on the north, east and west sides of the proposed tower on the bank building.
 - e. That the watercourse brick at the foundation each of the proposed buildings shall be compatible.
 - f. 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.
 - g. That all rooftop mechanical equipment shall be screened pursuant to Section 155.221 of the Zoning Ordinance.
6. 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.
7. That the landscape plan and/or the grading plan shall be revised as follows:

- a. Additional landscape plantings, meeting the transitional landscape yard requirements be provided along the south property line and that the landscaping be installed as part of the Phase 1 improvements.
 - b. The property immediately south of Reilly's Pub shall be graded and seeded until such time that the property is developed.
 - c. A post and rail fence be installed along the north and west side of the property to prevent trespassing, with the final placement of the fencing subject to the Director of Community Development.
 - d. Additional trees shall be placed around the perimeter of the proposed detention pond, consistent with Section 154.508 of the subdivision and Development Ordinance.
 - e. Additional landscape plantings consisting of a shade tree and approved ground cover shall be placed on the landscape island south of the proposed outdoor dining area.
8. That the redevelopment of the Reilly's Pub site shall be subject to site plan approval of the Village.
9. That opaque, spandrel glass shall be used for the window element on the south tower of the proposed banking facility.

SECTION 5: 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: _____

Ordinance No. _____
Re: PC 04-25
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Approved this _____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

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