

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

\_\_\_\_\_  
  X    
\_\_\_\_\_

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: February 10, 2004 (B of T) Date: February 19, 2004

TITLE: PC 03-44: 105 W. St. Charles Road

SUBMITTED BY: Department of Community Development *QAT*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration a petition requesting approval of a conditional use for a planned development with approval of the following signage deviations within the B5 Central Business District, as follows:

1. A deviation from Sections 153.211(F), 153.506(B)(3)(a) and 153.506 (B)(16)(a) to allow for mixed wall signs and canopy signs on a building; and
2. A deviation from Sections 153.211(E) and 153.506(B)(3)(c) to allow for an increase in the number and square footage amount of wall signs.

The Plan Commission recommended approval of this petition with conditions.

Staff is requesting waiver of first reading.

(DISTRICT #1)

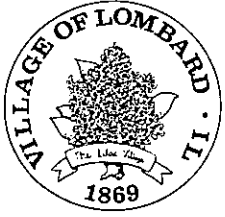
Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <u>W. T. Lichter</u>	Date <u>2/11/04</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 *Daff*

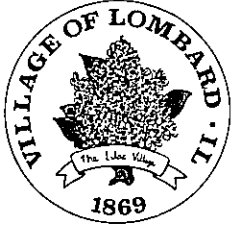
**DATE:** February 19, 2004

**SUBJECT:** PC 03-44: 105 West St. Charles Road *i*

Attached please find the following items for Village Board consideration as part of the February 19, 2004 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 03-44; and
3. A draft Ordinance granting approval of a planned development with signage deviations.
4. Plans associated with the petition.





## VILLAGE OF LOMBARD

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

February 19, 2004

Village President  
William J. Mueller

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

### 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

**Subject: PC 03-44; 105 W. St. Charles (The Texan Restaurant)**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, Parkwest Properties, requests that the Village takes the following actions on the subject property located within the B5 Central Business District.

1. Approval of a conditional use for a planned development.
2. A deviation from Sections 153.211(F), 153.506 (B)(3)(a) and 153.506 (B)(16)(a) to allow for mixed wall signs and canopy signs on a building; and
3. A deviation from Sections 153.211(E) and 153.506 (B)(3)(c) to allow for an increase in the number and square footage amount of wall signs.

"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."

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 26, 2004.

James Madden, Jr., 105 W. St. Charles Road presented the petition. He noted that they are petitioning for relief from the Sign Ordinance. There was some confusion on their part regarding the awnings they installed. He had the impression that the Texan Restaurant had sign permit approval when the Economic and Community Development Committee approved their request for grant funds. He noted that they are over the Sign Ordinance by 9 square feet and that the Ordinances does not allow wall signs with canopy signs. He is asking for permission to do that now.

James Madden, Sr., 564 Main Street, West Chicago, noted that he was the property developer and wanted to clarify the Texan's right to install the awnings. The Texan occupies the whole first floor of the mixed use building. Under the condominium covenants there are instances that allow the commercial condominium association to place items on the limited common elements on the building.

Chairperson Ryan mentioned that the covenant and restriction provisions are between the homeowners association and them.

Chairperson Ryan then opened the meeting for public comment. There was no one to speak in favor or against the petition. He then requested the staff report.

William Heniff, Senior Planner, presented the staff report. Mr. Heniff stated that the petitioner applied for and was approved to receive grant funds from the Economic and Community Development Committee to install window awnings on the subject property. The petitioner installed the awnings prior to receiving a permit. Upon staff review of the building permit application, the petitioner was notified that the placement of the awnings would require zoning relief due to the fact that six of the awnings contained text.

The petitioner placed three awnings on the west elevation and five awnings on the north elevation of the subject building. He noted that all eight of the awnings contain a graphic and text. Each of the awnings that display the graphic and text are considered wall signs per Village code. Only one wall sign is allowed per street frontage. The proposed awnings with text and graphic also exceed the maximum square footage allowed for wall signage.

Mr. Heniff stated that there were no comments from the Inter-departmental Review Committee. He then highlighted comments from the planning staff. The proposed awnings are approximately eight feet in width and 2.9 feet in wall height. Six of the awnings contain the Texan logo along with text that reads "The Texan Bar-BQ." The combined surface area of the text awnings is approximately 40 square feet in area. Currently, there are two wall signs on the building. The wall signs and proposed awnings with text are in excess of the maximum allowable square footage which in this instance is one times the lineal frontage of the building (51 feet).

Mr. Heniff stated that staff is supportive of the deviations for the following reasons. Staff finds that the awnings add an attractive element to the building and contribute to the pedestrian atmosphere desired within the Central Business District. Staff finds that the existing wall signage is generally unobtrusive and is therefore supportive of the request to maintain mixed wall signage. However, there are no permits on file for the existing wall signage and recommends that permits are obtained at this time.

Mr. Heniff noted that included with the petition is a request for conditional use approval for a planned development. Per Village Code, planned developments are required with any variation request associated with a property which has R6, O, B1, B2, B3, B4, B5, B5A, or I zoning designation and meets the minimum lot area and width requirements for a planned development.

The subject property meets the minimum lot width and area requirements and therefore, staff recommends the establishment of a planned development for this site. Creation of the planned development will also give the Village an opportunity to review any future modifications of the subject property.

Chairperson Ryan then opened the meeting to the Commissioners.

Commissioner Sweetser noted that there are three awnings on the north elevation and five on the west elevation. She then said that she does not have any objections to the petition. Color is a matter of taste and if they get weathered they could be replaced.

Commissioner Olbrysh noted that there are quite a few businesses that have awnings similar to the Texan – it is an attractive element. He thanked staff for the pictures in the IDRC report.

Commissioner Burke noted condition 4 and asked if it made sense to require that any new awnings be put back up without logos. Mr. Heniff noted that should the relief be granted and if the awnings are replaced, they could be replaced exactly as is. If additional signage is requested then they would have to come back. Commissioner Burke raised a concern about setting a precedent.

Chairperson Ryan indicated that if it was approved in that manner, the owner would have go back to the Plan Commission each time they wanted to replace their awning.

Commissioner Sweetser noted that this situation makes a strong case for vigilance and review and she would hate to see it happen again. Mr. Heniff noted that when staff finds something was improperly erected and it does not meet the intent of code, staff tries to look at it objectively noting that the Village Board has denied things that were improperly erected. The way the awnings have been erected and the support the Economic and Community Development Committee felt relative to the project, suggested that it could be supported by staff.

Commissioner Olbrysh noted that what the petitioner has installed is not out of line for what has been installed elsewhere.

Commissioner Flint stated that the awnings are tasteful and within the character of the downtown.

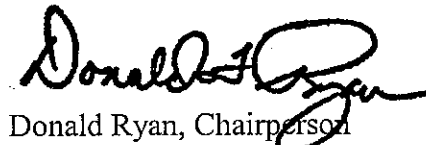
After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed variations comply with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities, approval of the following relief associated with PC 03-44, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the proposed signage drawings, prepared by Nuyen Awning Company, Inc. dated September 15, 2003 and made a part of this request.

2. That the petitioner apply for and receive a building permit for the proposed awning signs as well as the two existing wall signs already located on the subject property.
3. That the approved signage shall be limited to the following:
  - a. That one wall sign be permitted on the north elevation, with said sign not to exceed twenty-five square feet in overall size.
  - b. That one wall sign be provided on the west elevation, with said sign not to exceed twenty-five square feet in overall size.
  - c. That the two wall signs noted in Section 3a and 3b above shall not be internally illuminated and shall be of wood-carved design as is currently erected on the subject property.
  - d. That the awning signs shall be limited to eight in number and each awning sign shall be limited to forty square feet in overall surface area.
4. That should the awnings deteriorate or have a weathered appearance, the petitioner shall install new awnings on the building. Determination as to whether the awning signs need to be replaced shall be made by the Director of Community Development.

Respectfully,

**VILLAGE OF LOMBARD**



Donald Ryan, Chairperson  
Lombard Plan Commission

att-

c. Petitioner  
Lombard Plan Commission



**VILLAGE OF LOMBARD  
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission      HEARING DATE: January 26, 2004  
FROM: Department of Community      PREPARED BY: Angela Clark, AICP  
Development      Planner I

**TITLE**

**PC 03-44; 105 W. St. Charles:** The petitioner, Park West Properties, requests approval of a conditional use for a planned development with approval of the following signage deviations within the B5 Central Business District, as follows:

1. A deviation from Sections 153.211(F), 153.506 (B)(3)(a) and 153.506 (B)(16)(a) to allow for mixed wall signs and canopy signs on a building; and
2. A deviation from Sections 153.211(E) and 153.506 (B)(3)(c) to allow for an increase in the number and square footage amount of wall signs.

**GENERAL INFORMATION**

Petitioner/Owner:      Parkwest Properties  
   105 W. St. Charles  
   Lombard, IL 60148

**PROPERTY INFORMATION**

Existing Land Use:      First Floor Restaurant

Size of Property:      Approximately 4,778 square feet

Comprehensive Plan:      Recommends Community Commercial

Existing Zoning:      B5 Central Business District

Surrounding Zoning and Land Use:

    North:      B5 Central Business District; developed as commercial.

    South:      B5 Central Business District, developed as commercial (Punky's Bar and second story residential).

    East:      B5 Central Business District (Café 101); developed as commercial.

West: B5 Central Business District; developed as Parkview  
Condominium/commercial.

## ANALYSIS

### SUBMITTALS

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

1. Petition for Public Hearing, received December 5, 2003.
2. Proposed awning signage.

### DESCRIPTION

The petitioner applied for and was approved to receive grant funds from the Economic and Community Development Committee to install window awnings on the subject property. The petitioner installed the awnings prior to receiving a permit. Upon staff review of the building permit application, the petitioner was notified that the placement of the awnings would require zoning relief due to the fact that six of the awnings contain text.

The petitioner placed three awnings on the north elevation and five awnings on the west elevation of the subject building. Six of the awnings contain a graphic and text. Each of the awnings that display the graphic and text are considered wall signs per Village code. Only one wall sign is allowed per street frontage. The proposed awnings with text and graphic also exceed the maximum square footage allowed for wall signage.

### ENGINEERING

From a construction or engineering perspective, Private Engineering Services has no comments.

### PUBLIC WORKS

The Department of Public Works, Engineering and Utilities Divisions has no comments regarding the petition.

### FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has no comments regarding the petition.

## PLANNING

### Compliance with the Sign Ordinance

The proposed awnings are approximately eight feet in width and 2.9 feet in wall height. Six of the awnings contain the Texan Barbecue logo along with text that reads "The Texan Bar-BQ." The combined surface area of the text awnings is approximately 40 square feet in area. Currently, there are two wall signs on the building. The wall signs and proposed awnings with text are in excess of the maximum allowable square footage which in this instance is one times the lineal frontage of the building (51 feet).

	Requested	Permitted by Code
Sign Area	Wall Sign – Approx. 20 sq. ft. Total Text on Awnings – 40 sq. ft.	51 sq. ft
Number of Signs	2 Wall Signs 8 Awning Signs	1 Wall Sign per Street Frontage

### Photographs of the Subject Property



Staff is supportive of the deviations for the following reasons. Staff finds that the awnings add an attractive element to the building and contribute to the overall aesthetics of the Central Business District. The awnings contribute to the pedestrian atmosphere desired within the Central Business District. Staff finds that the existing wall signage is generally unobtrusive and is therefore supportive of the request to maintain mixed wall signage. However, there are no permits on file for the existing wall signage and recommends that permits are obtained at this time.

### **Conditional Use – Planned Development**

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

### **FINDINGS AND RECOMMENDATIONS**

Staff believes that a planned development and the proposed signage is appropriate at the subject location and is compatible with surrounding uses.

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

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission recommend to the Corporate Authorities **approval** of PC 03-44, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the proposed signage drawings, prepared by Nuyen Awning Company, Inc. dated September 15, 2003 and made a part of this request.
2. That the petitioner apply for and receive a building permit for the proposed awning signs as well as the two existing wall signs already located on the subject property.
3. That the approved signage shall be limited to the following:
  - a. That one wall sign be permitted on the north elevation, with said sign not to exceed twenty-five square feet in overall size.
  - b. That one wall sign be provided on the west elevation, with said sign not to exceed twenty-five square feet in overall size.
  - c. That the two wall signs noted in Section 3a and 3b above shall not be internally illuminated and shall be of wood-carved design as is currently erected on the subject property.
  - d. That the awning signs shall be limited to eight in number and each awning sign shall be limited to forty square feet in overall surface area.

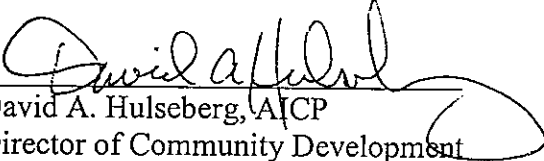
Plan Commission

Re: PC 03-44

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4. That should the awnings deteriorate or have a weathered appearance, the petitioner shall install new awnings on the building. Determination as to whether the awning signs need to be replaced shall be made by the Director of Community Development.

Inter-Departmental Review Group Report Approved By:

  
David A. Hulseberg, AICP  
Director of Community Development

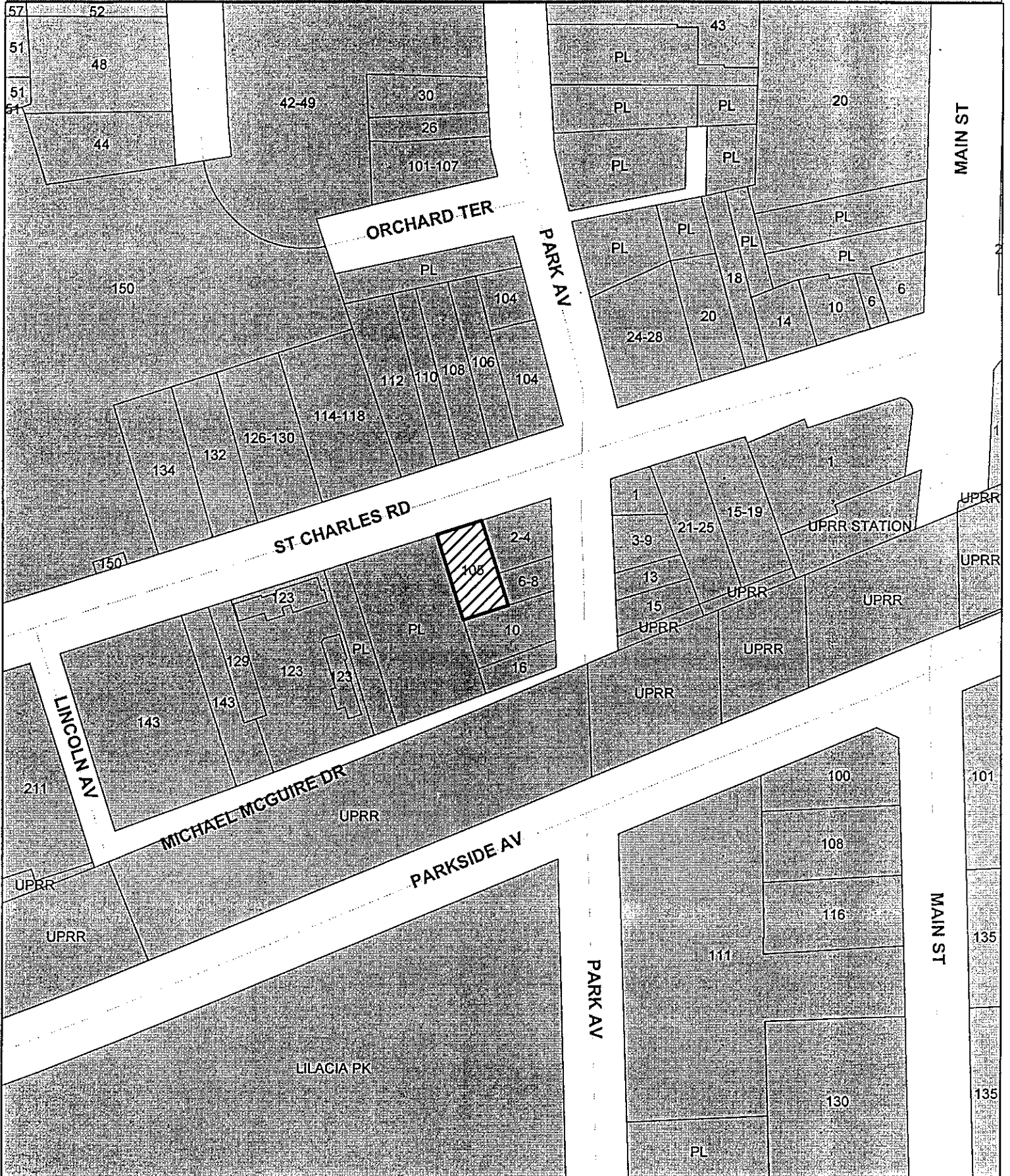
DAH/ADC:

att

c. Petitioner

# Location Map

## PC 03-44: 105 W. St. Charles Road (The Texan Bar-B-Q)



The homeowners, who occupy the top three floors of the 105 W. St. Charles Road building shared with the Texan BBQ restaurant, were surprised and unsettled at the restaurant's installation of the blue awnings. As joint owners of the building, we would have liked to have been informed of such a drastic change in the building's appearance. The homeowners signed below are in support of the Village code permitting one sign per street side, and feel the large wooden signs facing both St. Charles road and the parking lot are adequate. We find the blue awnings on the Texan restaurant a bit obnoxious when compared to the signage of other establishments in the downtown Lombard area.

Signed,

Park West Condominium Homeowners:

Kevin + Christy Albert

Steve Keam

Cynthia

Mary

[Signature]





ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING A PLANNED DEVELOPMENT;  
WITH DEVIATIONS TO ALLOW FOR AN INCREASE  
IN THE NUMBER OF WALL SIGNS AND AN INCREASE IN THE  
MAXIMUM SIGN SQUARE FOOTAGE ALLOWED  
ON A STREET FRONTAGE**

(PC 03-44: 105 W. St. Charles – The Texan Restaurant)

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

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

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

WHEREAS, said application requests a deviation on the Subject Property from Sections 153.211(F), 153.506 (B)(3)(a) and 153.506 (B)(16)(a) to allow for mixed wall signs and canopy signs on a building; and,

WHEREAS, said application also requests a deviation from Sections 153.211(E) and 153.506 (B)(3)(c) to allow for an increase in the number and square footage amount of wall signs; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on January 26, 2004 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees recommending approval of the conditional uses, variations and deviations described herein, subject to conditions; and,

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Re: PC 03-44  
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WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

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

SECTION 1: That this ordinance is limited and restricted to the property generally located at 105 W. St. Charles Road, Lombard, Illinois, and is legally described as:

LOT 1 OF ZITTS RESUBDIVISION BEING A RESUBDIVISION IN THE NORTHEAST ¼ OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT NUMBER R91-153504 ON NOVEMBER 18, 1991, IN DU PAGE COUNTY, ILLINOIS.

Parcel No. 06-07-209-016  
Now known as 06-07-226-001

SECTION 2: That a conditional use for a planned development with the following deviations from the Sign Ordinance are hereby granted for the Subject Property:

- A. A deviation from Sections 153.211(F), 153.506 (B)(3)(a) and 153.506 (B)(16)(a) to allow for mixed wall signs and canopy signs on a building; and
- B. A deviation from Sections 153.211(E) and 153.506 (B)(3)(c) to allow for an increase in the number and square footage amount of wall signs.

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with the proposed signage drawings, prepared by Nuyen Awning Company, Inc. dated September 15, 2003 and made a part of this request.

2. That the petitioner apply for and receive a building permit for the proposed awning signs as well as the two existing wall signs already located on the subject property.
3. That the approved signage shall be limited to the following:
  - a. That one wall sign be permitted on the north elevation, with said sign not to exceed twenty-five square feet in overall size.
  - b. That one wall sign be provided on the west elevation, with said sign not to exceed twenty-five square feet in overall size.
  - c. That the two wall signs noted in Section 3a and 3b above shall not be internally illuminated and shall be of wood-carved design as is currently erected on the subject property.
  - d. That the awning signs shall be limited to eight in number and each awning sign shall be limited to forty square feet in overall surface area.
4. That should the awnings deteriorate or have a weathered appearance, the petitioner shall install new awnings on the building. Determination as to whether the awning signs need to be replaced shall be made by the Director of Community Development.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2004.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2004.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2004.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Re: PC 03-44

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Absent: \_\_\_\_\_

Approved this \_\_\_\_\_, day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Barbara A. Johnson, Deputy Village Clerk