

July 22, 2004

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

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

Dear President and Trustees:

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

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

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

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

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

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

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

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

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

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

Chairperson Ryan then requested the staff report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Any future development on the Lot 2 of the proposed subdivision shall be subject to a separate site plan approval application.
3. That the petitioner shall modify the landscape plan for the subject property, as follows:
 - a. Additional landscape vegetation, consisting of evergreen and shrubs be placed on the proposed landscape island immediately east of the pharmacy pick-up window. The design and location of the plant materials shall be subject to the Director of Community Development.
 - b. The parkway shall be improved with parkway trees and sodded, pursuant to Section 155.706 of the Zoning Ordinance.
 - c. All internal parking lot islands shall be sodded rather than seeded, where applicable, pursuant to Section 155.706 of the Zoning Ordinance.
 - d. Detention landscaping shall be provided pursuant to Section 154.508 of the Subdivision and Development Ordinance and Section 155.709 of the Zoning Ordinance.
4. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
5. The maximum height of the automatic changeable copy sign proposed on the freestanding sign may not exceed 24 inches in height. The petitioner shall submit a revised sign plan reflecting that the modified sign dimensions.
6. That associated with the Lot 1 development, the petitioner shall construct the proposed northern access drive improvements on Lot 2, consisting of a left turn lane on Grace Street and an improved access driveway from Grace Street immediately across from the Adele Avenue right-of-way to Lot 1 of the proposed development. The design shall be subject to final review by the Director of Community Development and the Village Engineer.
7. That as part of the Lot 1 improvements, the petitioner shall construct the access driveway on Lot 2 pursuant to the revised plan submittal.
8. That as part of the public improvements, the petitioner shall provide full public improvements as required by Sections 154.304 and 154.306 of the Lombard Subdivision and Development Ordinance. The final design and location of all public improvements shall be reviewed and approved by the Village and/or the Illinois Department of Transportation.
9. That any trash enclosure screening on Lots 1 or 2 as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the principal building.

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

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

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c. Petitioner
Lombard Plan Commission