

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: August 2, 2006 (BOT) Date: August 17, 2006

TITLE: PC 06-18: 1000 North Rohlwing Road

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village approve the following actions for the subject property located within the B3 Community Shopping District:

1. An amendment to an annexation agreement (Ordinance 3336) approving an alternate landscape plan (Exhibit D).
2. A conditional use for a planned development, with the following deviations to the Lombard Sign Ordinance:
 - a. A deviation from Section 153.234 to allow for two shopping center identification signs of 372 square feet in sign area and one sign of 299 square feet in sign area, where a maximum of one-hundred fifty (150) square feet is permitted;
 - b. A deviation from Section 153.234 to allow for two free-standing signs of forty-five feet (45') in overall height, where a maximum of thirty-five feet (35') is permitted;
 - c. A deviation from Section 153.210 (D) to allow for an increase of an electronic message board from two feet (2') to five feet (5') in height with a display screen greater than eighteen inches in height.
 - d. A deviation to allow for up to three additional wall signs of up to 275 square feet in sign surface area for the benefit of tenants within the Northgate Shopping Center, in lieu of the provisions set forth in Section 153.505 (B)(19)(b).
3. A use exception to allow for a storage center to be located within the proposed planned development, with a variation from the use and area standards set forth in Section 155.508 (B)(3) of the Zoning Ordinance.
(DISTRICT #1)

The Plan Commission recommended approval of request #1 and #2 with conditions and denial of all other zoning actions requested as part of this petition.

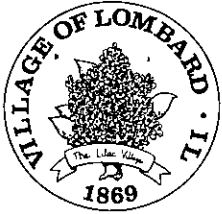
Staff is requesting a waiver of first reading.

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>8/8/06</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 *DAH*

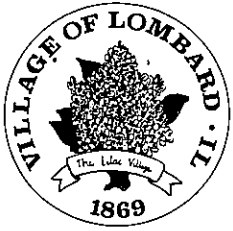
DATE: August 17, 2006

SUBJECT: PC 06-18: 1000 N. Rohlwing Road (Northgate Shopping Center)

Attached are the following items for Village Board consideration as part of the August 17, 2006 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report and addendum report for PC 06-18;
3. An Ordinance granting approval of a conditional use for a planned development with landscape variations and selected signage deviations, subject to conditions. The Ordinance also denotes that all signage not recommended for approval, as well as the request for a use exception for a storage center is denied.

Please let me know if you have any questions on the aforementioned materials.



VILLAGE OF LOMBARD

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Village President
William J. Mueller

August 17, 2006

Village Clerk
Brigitte O'Brien

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

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Subject: PC 06-18; 1000 N. Rohlwing Road (Northgate Shopping Center)

Dear President and Trustees:

Village Manager
William T. Lichter

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village approve the following actions for the subject property located within the B3 Community Shopping District:

1. An amendment to an annexation agreement (Ordinance 3336) approving an alternate landscape plan (Exhibit D).
2. A conditional use for a planned development, with the following deviations to the Lombard Sign Ordinance:
 - a. A deviation from Section 153.234 to allow for two shopping center identification signs of 372 square feet in sign area and one sign of 299 square feet in sign area, where a maximum of one-hundred fifty (150) square feet is permitted;
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3. A use exception to allow for a storage center to be located within the proposed planned development, with a variation from the use and area standards set forth in Section 155.508 (B)(3) of the Zoning Ordinance.

"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 June 19, 2006. Steve Rubin of Midwest Real Estate Equities, 2901 Butterfield Road, Oak Brook, presented the petition. Midwest owns the subject property under the Northgate Lombard LLC. He noted that they acquired the Northgate Shopping Center last July knowing that it has been vacant and had drawbacks with its marketability. They hoped to improve it in a number of areas and that is why they are before the Plan Commission. It was 80 percent vacant when they acquired it - now it is 90 percent vacant and they want to remedy that situation. The site has been 80 to 90 percent vacant for three years.

He then gave the history of North Avenue, noting that retailers tend to go to other locations. This location is a "tweener" location - in between two other major markets. They like the site due to its location, but need to attract a certain type of user. The property suffered from poor management and maintenance. There was a lot of debris on the property, overgrown landscaping, garbage overflowing dumpsters, the front of center unkempt, and the building was not painted. In addition, it also has poor visibility. If people can't see the center, the location does not help. The site impediments are the shrubs and trees on the west and east sides. Some are on their property and some are on Harlem Furniture's property. They want to remove vegetation on the west side and reduce some trees and prune trees on the east side. A drawback to the site is that the center layout is perpendicular to North Avenue. There is no visibility on I-355. There also is limited access along North Avenue. There was a teen club in the center that was not well run and it has since closed. In April, 2005, they hired a high quality leasing agent, CB Richard Ellis, who made several deals but none materialized. This site will attract local or regional tenants.

He then noted the positive things they did to improve the site including sealing and striping the parking lot and Harlem Furniture did a major renovation. Harlem owns their own building but have a cross access/parking agreement. They cleaned up debris on the property, replaced landscaping, got parking lot lights working, terminated the teen club lease, donated space to the Jaycees for their Halloween Haunted House, and facilitated a regional disaster drill on their site. They are painting the magenta stripe in front of the property. They are here to ask assistance to help them attract tenants and would like to improve the visibility, modify the signage, add a new large highly visible pylon sign on the tollway, and replace the two signs on North Avenue and Rowling Road.

They are also asking for a zoning amendment to allow a portion of the property for self storage. They have been approached by a storage company but they did not want to be involved in a zoning reclassification but wanted to ensure that the site could be developed in that fashion.

The petitioner has received staff's comments regarding their proposal and they have prepared alternative plans as recent as this morning. It appears that staff is in agreement with their landscape requests. Regarding the signage, they have made concessions for colors, size and

number of signs and agreed to change the name of center from Northgate Plaza to the Landings of Lombard. They agree to the sidewalk repairs along Route 53.

He then distributed a modified sign plan for the I-355 freestanding sign. The tollway sign is 45' x 17'3" wide. The name has been changed and the font has been changed to enhance its readability. The rendering shows beige columns but they will change the color to match the brick. They also change the cornice from white to grey.

They propose a similar sign but a smaller version on North Avenue. They came up with a mutual plan to have it 35 feet high and do away with an automatic changeable copy sign in lieu of more square footage. He mentioned that they agreed to do away with the ACC sign on North Avenue for greater sign area.

He then discussed the landscape plan, referring to a display board. A four-acre detention area for the tollway exists to the southwest of their site. They wanted to remove the trees but as it is a wetland area those plantings will remain. They propose to remove almost all trees and shrubbery by the Harlem Furniture building. They will remain in compliance with the Zoning Ordinance by planting or keeping one tree every 75 linear feet. On the east side of the property, they propose to remove some trees but keep the vast majority and prune them as needed. They will only prune the trees in the parking lot. They will also remove some trees along North Avenue, some of which are already dead.

Regarding the signage, he mentioned the Sydney/Rohling sign and showed where the pylon sign would be located. The North Avenue sign would be at the entrance and the Rowling Road sign will be at the same location as the existing sign.

Bob Clark of Harlem Furniture, 1046 Rohling Road, stated on Harlem's behalf they are pleased with their concepts for reducing landscaping and increasing visibility and they support the petition. They did invest a great deal of money in the center to make the store look great. Anything else to increase its visibility they wholeheartedly support.

Edward Welsh of Dommermuth, Brestal, Cobine and West, 123 Water Street, Naperville, attorney for the petitioner, provided more detail regarding the petition. He noted that the ACC sign requirements limit its height to two feet - they are asking three feet. Staff agrees to this request based upon the prevailing speed of traffic along I-355. Staff's addendum report concurs with most of their request.

The other item included in their request is for a use exception. They do not know exactly how large the proposed storage center would be, but they do not think it would be incompatible with the center.

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

William Heniff noted that two reports were created. The original report outlined the petitioner's request and the addendum report incorporates additional findings and recommendations based upon the petitioner's comments to the initial staff report.

He noted that the current property owners/petitioners are seeking approval of a number of actions to enhance the ability to make the center attractive to businesses. These actions include an amendment to the landscape plan as well as signage relief to provide for additional freestanding signs and wall signs on the property. To achieve this goal, the petitioner is also seeking approval of a conditional use for a planned development. This will allow for additional flexibility in site design and development standards in consideration of the unique site-specific constraints associated with the property.

Referencing the IDRC comments, Private Engineering Services Division notes that all of the landscaping along the west and south sides of the building, with exception of the northernmost 250 feet along I-355 and the easternmost 100 feet along North Avenue, is in a special management area, which is regulated by DuPage County. Total avoidance of that area is recommended.

He then discussed the history of the site. The subject property was annexed into the Village in 1990 associated with the approval of the Northgate Shopping Center development. A companion annexation agreement set forth the terms and conditions of the annexation. The agreement also tied the annexation to a specific set of plans and specifications for the subject property – including a site plan, signage plan and a landscape plan. The property owner that developed the subject property followed these specifications within their development.

Since the 1990 approval and construction of the site with a shopping center, the subject property has been sold on two separate occasions. In the late 1990s, the Northgate Theatres ceased operations. In 2003, an anchor tenant of the shopping center, Menard's, closed their operations within the center. Since then, the Menard's space has remained vacant. The theatre site received conditional use approvals for a teen club and a religious institution, but as of June 2006, both of these uses have since left the center. The property is currently occupied by the Harlem Furniture store (which was recently renovated) as well as smaller tenants occupying space at the southern end of the center.

The Comprehensive Plan recommends that the subject property be developed as a Community Commercial use. The petitioner's request to undertake activities on the property to enhance the use of the property as a retail center is consistent with the Comprehensive Plan. Establishing the site within a planned development would also be consistent with the Plan's objectives. However, staff finds that other aspects of the request are not consistent with the Plan objectives.

The shopping center is a permitted use within the B3 District. No expansions to the shopping center are proposed as part of this petition. However, within the planned development, the

petitioner is requesting approval of a landscape plan amendment, signage deviations and a use exception as part of the planned development approval.

He noted that the subject property is bound by the provisions of an Annexation Agreement. The petitioner proposes to substantially modify the landscape plan approved by the agreement. While the agreement provides that such an amendment could conceptually be reviewed and approved by staff, provided that the revised planting met code. However, Counsel noted that to incorporate the amended plan into the annexation agreement, an amendment should be undertaken.

The petitioner notes that the primary purpose of this request was to clear overgrowth or excessive vegetation surrounding the subject property in order to provide greater exposure of the shopping center. The amended landscape plan proposes to remove selected plant materials from the property and adjacent public rights-of-way. The revised plan consists of removing of almost all existing vegetation within the tollway property itself and thinning and/or removal of plantings along the west property line and on the ISTHA property located east of the northbound entrance ramp to I-355.

Staff would like to see at a minimum, the perimeter lot landscaping provisions met along the west property line, per the Zoning Ordinance regulations. The petitioner proposes to clear most of the mature trees north of the docks, and leave the requisite number of trees needed to meet the minimum requirements expressed in the Zoning Ordinance (i.e., 1 tree every 75 feet around the detention area/property line, with the ability to ability to cluster the trees). This can be accomplished through the preservation of selected existing trees and/or removing existing trees and planting new lower growing parkway tree species. The final selection of trees to be removed will be determined by a final site inspection of the trees and approval of the removal by staff.

Along Rohlwing Road and North Avenue, the petitioner would like to thin the plant materials to provide better visibility of the shopping center itself. Since the center is at a significantly lower elevation than Route 53 itself, the ability to see the center is more difficult. It also appears that the plant materials installed as part of the initial approval were never thinned or trimmed in recent years. As such, the site appears to be overgrown in many areas. Staff has field inspected the landscape plan prepared by the petitioner and made several comments regarding the materials to be removed. Staff also attempted to provide at least one tree every 40 feet, consistent with code. The tree removal also focuses upon those view corridors necessary to see the building and/or associated signage. The petitioner has agrees to incorporate staff's comments into its final plan. In consideration of the removal of plant materials, staff noted that a small segment of the sidewalk within the Route 53 right-of-way is in disrepair. Staff recommends that with the removal of these plantings that the sidewalk be repaired accordingly.

He noted within the petition is a request for conditional use approval for a planned development. As the subject property meets the minimum lot width and area requirements and since the intent of planned developments is to address the unique attributes surrounding the existing and proposed land uses, staff recommends the establishment of a planned development for this site.

Moreover, the planned development process will provide greater flexibility to consider unique parking and signage elements associated with the shopping center. Staff also notes that most other comparable shopping centers in the Village are within planned developments.

The petitioner is proposing a modified sign package for the center with the following signage characteristics. The freestanding sign along I-355 is proposed to be located at the far northwest corner of the Harlem Furniture property in order to maximize visibility to traffic along the tollway. Such signage has been commonly used for retail destination centers such as regional outlet malls. The petitioner is proposing a total sign height of 45 feet in order to allow for signage visibility over the adjacent noise barrier walls and overpass grade changes. The petitioner is also proposing the overall sign area to be about 360 square feet in sign surface area. The large sign size is intended to include primary tenants in the center at a size that would be readable to motorists traveling at higher speeds. Lastly, the proposed sign includes an automatic changeable sign, intended to provide changeable text at a size that is readable to motorists.

Staff notes that the Village Sign Ordinance does not have any special signage regulations for signage along limited-access expressways. As such, any increase in sign size and height must seek signage relief. The proposed sign is unique in the Village as the subject property is the only B-district property in the Village that abuts a tollway. From an economic development perspective, the proposed sign could also serve as a catalyst to secure a regional destination retailer to the property. Moreover, the larger sign provides the opportunity for the southbound motorist to see the sign prior to the North Avenue intersection and make necessary traffic movements safely. As such, staff is supportive of the sign along I-355, provided that the ACC sign is monochromatic, advertises business establishments located on the subject property only and is operated in compliance with Village Code.

The petitioner is also requesting an identical sign for the North Avenue frontage as is proposed along I-355. From staff's perspective, such signage raises a number of concerns, including sign size, consistency with signage on other like properties and past Plan Commission actions. The petitioner's revised sign plan along Route 53 will be in compliance with Village Code.

The petitioner is seeking relief to allow for up to four wall signs to be placed along the Harlem Furniture west wall. They are seeking approval to allow for such signage of up to 275 square feet in area. The petitioner is requesting this relief to allow various future tenants the opportunity to have more visible signage along the west building elevation. From staff's perspective, the total square footage of all signage of 1,100 square feet would be significant and could present a billboard appearance. As such, staff does not support the wall sign relief.

The petitioner is seeking a use exception to allow for a storage center to be located on the subject property. If approved, it would allow for such an establishment to be located within part of or all of the vacant tenant space. At this point in time, the petitioner does not have a site plan or tenant space plan to accommodate such a tenant. From staff's perspective, granting a use exception for the subject property to allow for a storage center would not be appropriate, as it

would be inconsistent with the Comprehensive Plan, the intent of planned development designation other zoning approvals and the industrial nature of the storage center use.

He then discussed the addendum report. Staff met with the petitioner relative to the recommendations staff is offering to the Plan Commission. Specifically, the petitioner reiterated their need and desire to have additional square footage for free-standing signage along North Avenue. As part of this discussion with staff, the petitioner is proposing an alternative sign proposal for the North Avenue sign that would provide for additional square footage but would address other concerns raised within the IDRC report.

The petitioner's revised request would allow for greater square footage for the North Avenue freestanding sign. However, as a trade off for this request, they are willing to withdraw their proposed ACC sign request. Moreover, they are also willing to "trade" their rights to install a two foot ACC sign component within their sign in consideration of the additional sign area.

In consideration of this alternative proposal, staff believes that the petitioner's amended request can be supported. Staff denoted in the initial report that 230 square feet would be the maximum desired signage for freestanding signs. While the North Avenue sign does not meet the description for an expressway, during periods of low street traffic, vehicles can move by at a higher rate of speed, which could serve as the basis for signage relief. However, given that the petitioner is willing to remove any ACC signage rights along North Avenue (which as not been deemed desirable by the Village in the past), the additional square footage can be seen as a reasonable accommodation. Moreover, the petitioner is also willing to cap the overall square footage on the Route 53 sign to 120 square feet to ensure that the site does not have excessive freestanding signage.

Chairperson Ryan then opened the meeting for comments from the Plan Commission members.

Commissioner Olbrysh stated that this property is significant as it is a gateway to Lombard. When traveling north, you have to be looking for the shopping center to find it and he agrees that the landscaping is overgrown. For marketing purposes, they need better signage and better pruning. He thanked the petitioner for trying to resurrect the center. Regarding the electronic message board, he is glad not to have it on North Avenue. With respect to the I-355 sign, his concern is that the ACC sign be operated so that flashing messages are not used. He agrees with staff in not having a storage center as it is not consistent with a retail commercial use.

Regarding the electronic sign, Mr. Rubin stated that they do not want to create a safety issue. The code requires certain types of message and they would work with that requirement to make it static. The message might last one minute and then change to another message.

Commissioners Burke and Flint concurred with Commissioner Olbrysh's comments.

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning and Sign Ordinances, only in part, and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Report as the findings of the Plan Commission and that granting a planned development would be in the public interest, and therefore recommends to the Corporate Authorities **approval** of only the following actions associated with PC 06-18:

1. An amendment to an annexation agreement (Ordinance 3336) approving an alternate landscape plan.
2. A conditional use for a planned development, with the following deviations to the Lombard Sign Ordinance:
 - a. A deviation from Section 153.234 to allow one shopping center identification sign of 360 square feet in sign area (to be located along I-355), where a maximum of one-hundred fifty (150) square feet is permitted;
 - b. A deviation from Section 153.234 to allow for one free-standing sign of forty-five feet (45') in overall height (to be located along I-355), where a maximum of thirty-five feet (35') is permitted; and
 - c. A deviation from Section 153.210 (D) to allow for an increase of an electronic message board from two feet (2') to three feet (3') in height with a display screen greater than eighteen inches in height (for a sign to be located along I-355).
 - d. A deviation from Section 153.234 to allow one shopping center identification sign of 230 square feet in sign area (to be located along North Avenue), where a maximum of one-hundred fifty (150) square feet is permitted.

Furthermore, the Plan Commission recommends denial of all other zoning actions requested as part of this petition.

The relief recommended for approval above shall be subject to the following conditions:

1. The petitioner shall follow the approved alternate landscape plan prepared by Rolf C. Campbell & Associates, dated June 20, 2005; with annotations provided by the petitioner denoting the materials to be removed or replaced. Any deviations from the plan must be reviewed and approved by the Village Director of Community Development.
2. The proposed sign along I-355 shall be developed in accordance with the submitted sign plan prepared by Olympic Signs, dated June 9, 2006 and made a part of this petition, except as amended by this Ordinance of approval.
3. The proposed automatic changeable copy sign element included within the free-standing sign along I-355 shall be of a monochrome LED design, shall only advertise

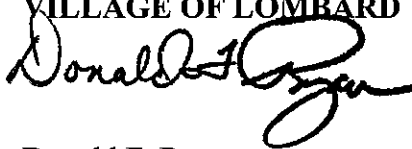
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- business establishment located on the subject property and shall operate in compliance with the Lombard Sign Ordinance.
4. The petitioner shall apply for and receive a building permit for the proposed improvements. Said permit shall include and shall satisfactorily address those issues identified as part of the Inter-departmental review comments noted within the staff report.
 5. Associated with the removal of the vegetation along Route 53, the petitioner shall repair and/or replace those segments of the adjacent sidewalk in disrepair located immediately south of the Sidney Avenue intersection within the Route 53 right-of-way.
 6. The proposed shopping center identification sign along North Avenue shall not have an automatic changeable sign (ACC) component.
 7. The proposed shopping center sign proposed to be located along Route 53 shall not exceed one-hundred twenty (120) square feet in sign surface area.

Respectfully,

VILLAGE OF LOMBARD


Donald F. Ryan
Lombard Plan Commission

c. Lombard Plan Commission

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT
ADDENDUM REPORT ONE

TO: Lombard Plan Commission

HEARING DATE: June 19, 2006

FROM: Department of Community
Development

PREPARED BY: William J. Heniff, AICP
Senior Planner

TITLE

PC 06-18; 1000 North Rohlwing Road (Northgate Shopping Center): The petitioner requests that the Village approve the following actions for the subject property located within the B3 Community Shopping District:

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3. A use exception to allow for a storage center to be located within the proposed planned development, with a variation from the use and area standards set forth in Section 155.508 (B)(3) of the Zoning Ordinance.

Addendum Discussion

After the IDRC report was completed relative to PC 06-18, staff met with the petitioner and their Counsel relative to the recommendations staff is offering to the Plan Commission relative to the petition in general and their proposed North Avenue freestanding sign in particular. Specifically, the petitioner reiterated their need and desire to have additional square footage for free-standing signage along North Avenue. As part of this discussion with staff, the petitioner is proposing an alternative sign proposal for the North Avenue sign that would provide for additional square

footage but would address other concerns raised within the IDRC report. The table below denotes the amendments to the proposal as the petitioner:

Signage	Existing	Permitted	Initial Proposal	Amended Proposal
Freestanding Sign (I-355)				
Sign Size	none	Max. 150 sq. ft. along state ROW	Approx. 360 sq. ft.	
Sign Height	none	Max. 35 feet	45 feet	
Automatic Changeable Copy (ACC) Sign	none	1 sign per frontage; < 2' high cabinet size	4' high cabinet	3' high cabinet
Freestanding Sign (North Av.)				
Sign Size	117 sq. ft.	Max. 150 sq. ft. along state ROW	Approx. 360 sq. ft.	230 sq. ft. cap
Sign Height	17' 8" feet	Max. 35 feet	45 feet	35 ft.
Automatic Changeable Copy (ACC) Sign	none	1 sign per frontage; < 2' high cabinet size	4' high cabinet	Willing to remove ACC sign
Freestanding Sign (Route 53)				
Sign Size	59 sq. ft.	Max. 150 sq. ft. along state ROW	Approx. 150 sq. ft.	Willing to cap at 120 sq. ft.
Sign Height	25 feet	Max. 35 feet	23 feet	
Wall Signs				
Sign Size	1 sign (Harlem Furniture of 275 sq. ft. in size)	2 times frontage of tenant space; cap at 300 sq. ft.	3 additional @ 275 sq. ft. each for interior tenants - to be placed along Harlem west elevation	

The amended proposal still is within the public hearing notification requirements. The petitioner's revised request would allow for greater square footage for the North Avenue freestanding sign. However, as a trade off for this request, they are willing to withdraw their proposed ACC sign request. Moreover, they are also willing to "trade" their rights to install a two foot ACC sign component within their sign in consideration of the additional sign area.

Staff Comments

In consideration of this alternative proposal, staff believes that the petitioner's amended request can be supported. Staff denoted in the initial report that 230 square feet would be the maximum desired signage for freestanding signs. While the North Avenue sign does not meet the description for an expressway, during periods of low street traffic, vehicles can move by at a higher rate of speed, which could serve as the basis for signage relief. However, given that the petitioner is willing to remove any ACC signage rights along North Avenue (which as not been deemed desirable by the Village in the past), the additional square footage can be seen as a reasonable accommodation. Moreover, the petitioner is also willing to cap the overall square

footage on the Route 53 sign to 120 square feet to ensure that the site does not have excessive freestanding signage.

IDRC Alternate Staff Summation

Should the Plan Commission support the alternate signage proposal, which can be conceptually supported by staff, and alternate findings and recommendation section is provided below.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition, only in part, and subject to the conditions as outlined:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning and Sign Ordinances, only in part, and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Report as the findings of the Plan Commission and that granting a planned development would be in the public interest, and therefore recommends to the Corporate Authorities **approval** of only the following actions associated with PC 06-18:

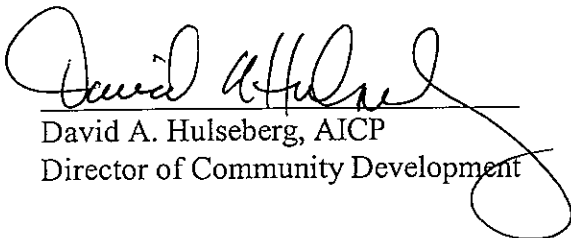
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 - d. A deviation from Section 153.234 to allow one shopping center identification sign of 230 square feet in sign area (to be located along North Avenue), where a maximum of one-hundred fifty (150) square feet is permitted.

Furthermore, the Plan Commission recommends denial of all other zoning actions requested as part of this petition.

The relief recommended for approval above shall be subject to the following conditions:

1. The petitioner shall follow the approved alternate landscape plan prepared by Rolf C. Campbell & Associates, dated June 20, 2005; with annotations provided by the petitioner denoting the materials to be removed or replaced. Any deviations from the plan must be reviewed and approved by the Village Director of Community Development.
2. The proposed sign along I-355 shall be developed in accordance with the submitted sign plan prepared by Olympic Signs, dated June 9, 2006 and made a part of this petition, except as amended by this Ordinance of approval.
3. The proposed automatic changeable copy sign element included within the free-standing sign along I-355 shall be of a monochrome LED design, shall only advertise business establishment located on the subject property and shall operate in compliance with the Lombard Sign Ordinance.
4. The petitioner shall apply for and receive a building permit for the proposed improvements. Said permit shall include and shall satisfactorily address those issues identified as part of the Inter-departmental review comments noted within the staff report.
5. Associated with the removal of the vegetation along Route 53, the petitioner shall repair and/or replace those segments of the adjacent sidewalk in disrepair located immediately south of the Sidney Avenue intersection within the Route 53 right-of-way.
6. The proposed shopping center identification sign along North Avenue shall not have an automatic changeable sign (ACC) component.
7. The proposed shopping center sign proposed to be located along Route 53 shall not exceed one-hundred twenty (120) square feet in sign surface area.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Director of Community Development

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: June 19, 2006

FROM: Department of Community
Development

PREPARED BY: William J. Heniff, AICP
Senior Planner

TITLE

PC 06-18; 1000 North Rohlwing Road (Northgate Shopping Center): The petitioner requests that the Village approve the following actions for the subject property located within the B3 Community Shopping District:

1. An amendment to an annexation agreement (Ordinance 3336) approving an alternate landscape plan (Exhibit D).
2. A conditional use for a planned development, with the following deviations to the Lombard Sign Ordinance:
 - a. A deviation from Section 153.234 to allow for two shopping center identification signs of 372 square feet in sign area and one sign of 299 square feet in sign area, where a maximum of one-hundred fifty (150) square feet is permitted;
 - b. A deviation from Section 153.234 to allow for two free-standing signs of forty-five feet (45') in overall height, where a maximum of thirty-five feet (35') is permitted;
 - c. A deviation from Section 153.210 (D) to allow for an increase of an electronic message board from two feet (2') to five feet (5') in height with a display screen greater than eighteen inches in height.
 - d. A deviation to allow for up to three additional wall signs of up to 275 square feet in sign surface area for the benefit of tenants within the Northgate Shopping Center, in lieu of the provisions set forth in Section 153.505 (B)(19)(b).
3. A use exception to allow for a storage center to be located within the proposed planned development, with a variation from the use and area standards set forth in Section 155.508 (B)(3) of the Zoning Ordinance.

GENERAL INFORMATION

Owner/Petitioners:

Lombard Northgate LLC
2901 Butterfield Road
Oak Brook, IL 60523

BBPVI LLC
1000-46 Rohlwing Road
Lombard, IL 60148

PROPERTY INFORMATION

Existing Land Use: Retail Commercial Shopping Center
Size of Property: 27.31 acres
Comprehensive Plan: Recommends Community Commercial
Existing Zoning: B3 Community Commercial District
Surrounding Zoning and Land Use:

- North: Property within the Village of Addison zoned M4 Planned Office Research Industrial; developed as Roman Candles, Inc. industrial and commercial development
- South: OPD – Heron Point Office Planned Development; improved as a hotel and office building; and R1 Single-Family Residence District – unimproved property
- East: R1 Single-Family Residence District – developed as a mix of single-family residences, contractor’s and storage yards and an automotive repair use
- West: B3 Community Shopping District – Interstate 355

ANALYSIS

SUBMITTALS

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

1. Petition for Public Hearing and response to Standards.
2. Existing survey of existing landscape plantings, prepared by survey prepared by Rolf C. Campbell & Associates, dated June 20, 2005, with annotations.
3. Signage plan for I-355 /Sidney, North Avenue and Route 53/Sidney, prepared by Olympic Signs, revised date of June 9, 2006.
4. Comparable sign package and photograph for wall sign for Four Flaggs Shopping Center, Niles, IL, prepared by Olympic sign, dated March 28, 2006.

DESCRIPTION

The current property owners/petitioners are seeking approval of a number of actions to enhance the ability to make the center attractive to existing and potential business establishments. These actions include an amendment to the landscape plan as well as signage relief to provide for additional freestanding signs and wall signs on the property. To achieve this goal, the petitioner is also seeking approval of a conditional use for a planned development. This will allow for additional flexibility in site design and development standards in consideration of the unique site-specific constraints associated with the property.

INTER-DEPARTMENTAL REVIEW COMMENTS

Private Engineering Services

The Private Engineering Services Division notes that all of the landscaping along the west and south sides of the building, with exception of the northernmost 250 feet along I-355 and the easternmost 100 feet along North Avenue, is in a special management area (i.e. 100-yr floodplain, wetland and/or 50-foot wetland buffer), which is regulated by DuPage County. Therefore, DuPage County would have to review and approve any proposed cutting of trees and bushes in that area. Total avoidance of that area is recommended.

Engineering - Public Works

Public Works Engineering notes that all signage must be placed outside of any public utility easement areas and/or clear line of sight areas.

Fire and Building

The Fire Department/Bureau of Inspectional Services notes that a building permit will be required for any new signage on the premises. The larger freestanding signs shall also require structural and wind load calculations.

Planning

The subject property was annexed into the Village in 1990 associated with the approval of the Northgate Shopping Center development. A companion annexation agreement set forth the terms and conditions of the annexation. The agreement also tied the annexation to a specific set of plans and specifications for the subject property -- including a site plan, signage plan and a landscape plan. The property owner that developed the subject property followed these specifications within their development.

Since the 1990 approval and construction of the site with a shopping center, the subject property has been sold on two separate occasions. In the late 1990s, the Northgate Theatres ceased operations. In 2003, an anchor tenant of the shopping center, Menard's, closed their operations within the center. Since then, the Menard's space has remained vacant. The theatre site received conditional use approvals for a teen club and a religious institution, but as of June 2006, both of these uses have since left the center. The property is currently occupied by the Harlem Furniture store (which was recently renovated) as well as smaller tenants occupying space at the southern end of the center.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends that the subject property be developed as a Community Commercial use. The Comprehensive Plan definition of a Community Commercial area is that it is a commercial area which provides services extending beyond daily living needs and includes comparison shopping goods. The petitioner's request to undertake activities on the property to enhance the use of the property as a retail center is consistent with the Comprehensive Plan. Establishing the site within a planned development would also be consistent with the Plan's objectives. However, staff finds that other aspects of the request (denoted later in this report) are not consistent with the Plan objectives.

Compatibility with the Zoning Ordinance

The shopping center is a permitted use within the B3 District. No expansions to the shopping center are proposed as part of this petition. However, within the planned development, the petitioner is requesting approval of a landscape plan amendment, signage deviations and a use exception as part of the planned development approval.

Landscape Plan Amendment

The Northgate Shopping Center Property is subject to the provisions of an Annexation Agreement between the Village and the property owner (Ordinance 3336). The agreement specifically denoted the landscape planting that would be required as part of the development. The petitioner proposes to substantially modify the landscape plan approved by the agreement. While the agreement provides that such an amendment could conceptually be reviewed and approved by staff, provided that the revised planting met code. However, Counsel noted that to incorporate the amended plan into the annexation agreement, an amendment should be undertaken.

The petitioner notes that the primary purpose of this request was to clear overgrowth or excessive vegetation surrounding the subject property in order to provide greater exposure of the shopping center from adjacent roadways. The amended landscape plan proposes to remove selected plant

materials from the Northgate Shopping Center property and adjacent public rights-of-way. The revised plan consists of the following elements:

- Removal of almost all existing vegetation within the Illinois State Toll Highway Authority (ISTHA) property abutting the tollway itself. This removal is outside the boundary of the subject property. Provided that the petitioner secures the approval of ISTHA, the petitioner can remove the plantings without Village approval.
- Thinning and/or removal of plantings along the west property line and on the ISTHA property located east of the northbound entrance ramp to I-355. The petitioner proposes to remove plant materials in order to provide greater exposure to the shopping center and to ensure that any freestanding or wall signage on the property can be viewed from the adjacent rights-of-way.

Staff would like to see at a minimum, the perimeter lot landscaping provisions met along the west property line, per the Zoning Ordinance regulations. In consideration of the IDRC comments noted above, the Village sees a benefit in preserving a significant amount of the landscaping screening near the loading and delivery areas (Areas E & F on the plan). In response to staff comments, the petitioner is focusing their plant thinning activities along the west property line north of the Harlem Furniture loading docks. The petitioner proposes to clear most of the mature trees north of the docks, and leave the requisite number of trees needed to meet the minimum requirements expressed in the Zoning Ordinance (i.e., 1 tree every 75 feet around the detention area/property line, with the ability to cluster the trees). This can be accomplished through the preservation of selected existing trees and/or removing existing trees and planting new lower growing parkway tree species. The final selection of trees to be removed or preserved will be determined by a final site inspection of the trees and approval of the removal by staff. Staff does not object to this approach.

- While not depicted on your landscape plan, there are foundation plantings located at the base of the Harlem Furniture west wall. Staff can conceptually support modifying the plant materials along the foundation wall and replanting it with lower growth plant materials. Staff will want to review a landscape plan with the new materials denoted on the plan with authorization from Harlem Furniture.
- Along Route 53 (Rohlwing Road) and Route 64 (North Avenue), the petitioner would like to thin the plant materials as well. The need to thin or remove the plant materials is requested to provide better visibility of the shopping center itself. Since the center is at a significantly lower elevation than Route 53 itself, the ability to see the center is more difficult. It also appears that many of the plant materials installed as part of the initial approval were never thinned or trimmed in recent years. As such, the site does appear to be overgrown in many

areas. Staff has field inspected the preliminary landscape plan prepared by the petitioner and made several comments regarding the materials to be removed. Staff also attempted to provide at least one tree every 40 feet, consistent with code. The tree removal also focuses upon those view corridors necessary to see the building and/or associated signage. The petitioner has agrees to incorporate staff's comments into its final plan.

- The petitioner is not proposing removal of any other perimeter lot or parking lot plant materials. However, they may prune selected trees as warranted or needed.
- In consideration of the removal of plant materials along Route 53, staff noted that a small segment (approximately 50 lineal feet) of the sidewalk within the Route 53 right-of-way is in disrepair. This may or may not be associated with the adjacent plantings. Staff recommends that with the removal of these plantings that the sidewalk be repaired/replaced accordingly.

Conditional Use – Planned Development

Included with the petition is a request for conditional use approval for a planned development. As the subject property meets the minimum lot width and area requirements and since the intent of planned developments is to address the unique attributes surrounding the existing and proposed land uses, staff recommends the establishment of a planned development for this site. Moreover, the planned development process will provide greater flexibility to consider unique parking and signage elements associated with the shopping center. Staff also notes that most other comparable shopping centers in the Village (e.g., High Point Center, Highlands of Lombard, Lombard Pines) are within planned developments. As such staff does not object to this request.

Signage Deviations

The petitioner is proposing a modified sign package for the center with the following signage characteristics. Please note that the modified sign submittal is less than what was originally advertised as part of the public hearing petition. The items that require signage relief are shaded within the table below.

Signage	Existing	Permitted	Proposed
Freestanding Sign (I-355)			
Sign Size	none	Max. 150 sq. ft. along state ROW	Approx. 360 sq. ft.
Sign Height	none	Max. 35 feet	45 feet
Automatic Changeable Copy (ACC) Sign	none	1 sign per frontage; < 2' high cabinet size	4' high cabinet
Freestanding Sign (North Avenue)			
Sign Size	117 sq. ft.	Max. 150 sq. ft. along state ROW	Approx. 360 sq. ft.

Sign Height	17' 8" feet	Max. 35 feet	45 feet
Automatic Changeable Copy (ACC) Sign	none	1 sign per frontage; < 2' high cabinet size	4' high cabinet
Freestanding Sign (Route 53/Sidney corner)			
Sign Size	59 sq. ft.	Max. 150 sq. ft. along state ROW	Approx. 150 sq. ft.
Sign Height	25 feet	Max. 35 feet	23 feet
Wall Signs (along west elevation of building)			
Sign Size	1 sign (Harlem Furniture of 275 sq. ft. in size)	2 times frontage of tenant space; cap at 300 sq. ft.	3 additional @ 275 sq. ft. each for interior tenants – to be placed along Harlem west elevation

Freestanding Sign Along I-355

The proposed freestanding sign along I-355 is proposed to be located at the far northwest corner of the Harlem Furniture property in order to maximize visibility to traffic along the tollway. Such signage has been commonly used for retail destination centers such as regional outlet malls. The petitioner is proposing a total sign height of 45 feet in order to allow for signage visibility over the adjacent noise barrier walls and overpass grade changes. The petitioner is also proposing the overall sign area to be about 360 square feet in sign surface area. The large sign size is intended to include primary tenants in the center at a size that would be readable to motorists traveling at higher speeds. Lastly, the proposed sign includes an automatic changeable sign (ACC) sign component of four feet in height. This sign is also intended to provide changeable text at a size that is readable to motorists.

Staff notes that the Village Sign Ordinance does not have any special signage regulations for signage along limited-access expressways. As such, any increase in sign size and height must seek signage relief. The proposed sign is unique in the Village as the subject property is the only B-district property in the Village that abuts a tollway. From an economic development perspective, the proposed sign could also serve as a catalyst to secure a regional destination retailer to the property. Moreover, the larger sign provides the opportunity for the southbound motorist to see the sign prior to the North Avenue intersection and make necessary traffic movements safely. As such, staff is supportive of the sign along I-355, provided that the ACC sign is monochromatic, advertises business establishments located on the subject property only and is operated in compliance with Village Code.

Freestanding Sign Along North Avenue

The petitioner is also requesting an identical sign for the North Avenue frontage as is proposed along I-355. However, from staff's perspective, such signage raises a number of concerns, including:

- Sign size – unlike the I-355 sign, prevailing traffic speeds are significantly lower along North Avenue. Eastbound traffic is also slowed by the I-355 entrance ramp traffic light

and is at a distinctively higher elevation than the center itself. Using “Sign Graphics and the Law” as a reference guide, this manual would suggest that up to 230 square feet would be appropriate. The proposed sign would exceed code.

- Consistency with signage on other like properties – the proposed signage would be significantly larger than other signage along North Avenue and the sign would be among the largest freestanding signs in the Village. Unlike the I-355 sign, many of the tenant’s wall signs in the center are visible from North Avenue and Route 53. Therefore, the North Avenue sign is intended to be a supplement to other signage approved for the center.
- Past ACC Plan Commission actions – the four-foot high sign request has been requested (and denied) for other properties in the Village, most recently the CVS site at Grace Street & North Avenue (PC 06-16). The Village has been consistent in its consideration of ACC signage and has only granted such relief in very unique situations. Staff finds there is nothing unique with the subject property that would warrant additional relief for an ACC sign along North Avenue.

Freestanding Sign Along Route 53

The petitioner’s revised sign plan will be in compliance with the Village Code. It is essentially a smaller sign that that which is proposed along I-355, but without the ACC component.

Wall Signage Relief

The petitioner is seeking relief to allow for up to four wall signs to be placed along the Harlem Furniture west wall. They are seeking approval to allow for such signage of up to 275 square feet in area. The petitioner is requesting this relief to allow various future tenants the opportunity to have more visible signage along the west building elevation.

From staff’s perspective, the total square footage of all signage of 1,100 square feet would be significant and could present a billboard appearance. Staff notes that the adjacent freestanding sign is proposed to address site visibility issues – adding the wall sign component could constitute excessive signage for the center. While this signage is meant to be an additional identifier as to the activity that occurs in the center, staff finds that the wall signs are not reasonably located on the building. As such, staff does not support the wall sign relief.

Use Exception – Storage Center

The petitioner is seeking a use amendment within the planned development to allow for a storage center to be located on the subject property. If approved, it would allow for such an establishment to be located within part of or all of the vacant tenant space. At this point in time, the petitioner does not have a site plan or tenant space plan to accommodate such a tenant. The

intent of this request is to provide the opportunity to develop the site with such a use should such a tenant seek to locate on the property in the future.

The Zoning Ordinance lists storage centers as a permitted use within the I Limited Industrial District, and a conditional use within the B4 Corridor Commercial Shopping District, provided that such a use is located along a low volume arterial street. As the property is zoned B3, allowing such an activity would only be allowed by granting a use exception to the proposed amendment. Moreover, Section 155.508 (B)(3) of the Zoning Ordinance states:

“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. However, in a residential planned development area no more than 10% of the site area or the total floor area shall be devoted to commercial use; furthermore, no industrial use shall be permitted.”

In consideration of this request, the Village must also find that granting such an exception would not be within the public interest.

From staff's perspective, granting a use exception for the subject property to allow for a storage center would not be appropriate for the following reasons:

- Inconsistency with the Comprehensive Plan – a storage center use would be inconsistent with the plan as it is not compatible with the retail commercial nature of shopping centers or the retail uses within the center itself.
- Intent of planned development designation and other zoning approvals – the other zoning actions included within the petition are all intended to increase the visibility and prominence of the shopping center as a retail center. The landscape amendment is intended to thin the plantings to provide for better visibility of the center and the requested signage relief is intended to more closely identify the existing retail activities within the center. However, should the center ultimately be used for industrial uses, there would be no need for the other zoning actions.
- Industrial nature of the use - storage centers, as evidenced by their classification within the Zoning Ordinance, are more industrial than commercial in nature. The Zoning Ordinance sets forth prohibitions and limitations for industrial type uses in other non-industrial districts. While the storage center use may have a retail component to the use, staff finds that it is not in keeping with the types of land uses typically found within shopping centers in general. Moreover, uses in the B3 District are intended to serve the “shopping needs of the community”. Staff finds that the use is not a “shopping use” by nature and definition.

Given these considerations, staff does not believe that a use exception for a storage center within the proposed Northgate Shopping Center planned development would be consistent with the intent of the planned development or the Plan.

IDRC Staff Summation

The table provided below gives a summary of the requested zoning actions requested by the petitioner and the IDRC staff recommendation to each request. Staff supports the amended landscape plan and the signage relief for the I-355 sign, subject to conditions. Staff does not support any relief for the freestanding North Avenue sign, the wall signage or the use exception for the storage center.

Petitioner's Requested Action	IDRC Recommendation
Amend the Approved Landscape Plan	Staff supports petitioner's request
Conditional Use for a Planned Development	Staff supports petitioner's request
I-355 Sign: Deviation for sign height, sign area and for the height deviation for an ACC sign	Staff supports petitioner's request
North Av. Sign: Deviation for sign height, sign area and for the height deviation for an ACC sign	Staff does not support any of the requested deviations for the North Avenue sign
Route 53/Sidney sign: revised submittal (6/9/06) shows that no signage relief is needed	No action needed by Plan Commission/Village Board
Wall signage deviations for the Harlem Furniture west wall	Staff does not support petitioner's request
Use Exception for a Storage Center	Staff does not support petitioner's request

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition, only in part, and subject to the conditions as outlined:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning and Sign Ordinances, only in part, and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Report as the findings of the Plan Commission and that granting a planned development would be in the public interest, and therefore recommends to the Corporate Authorities **approval** of only the following actions associated with PC 06-18:

1. An amendment to an annexation agreement (Ordinance 3336) approving an alternate landscape plan.

2. A conditional use for a planned development, with the following deviations to the Lombard Sign Ordinance:
 - a. A deviation from Section 153.234 to allow one shopping center identification sign of 360 square feet in sign area (to be located along I-355), where a maximum of one-hundred fifty (150) square feet is permitted;
 - b. A deviation from Section 153.234 to allow for one free-standing sign of forty-five feet (45') in overall height (to be located along I-355), where a maximum of thirty-five feet (35') is permitted; and
 - c. A deviation from Section 153.210 (D) to allow for an increase of an electronic message board from two feet (2') to four feet (4') in height with a display screen greater than eighteen inches in height (for a sign to be located along I-355).

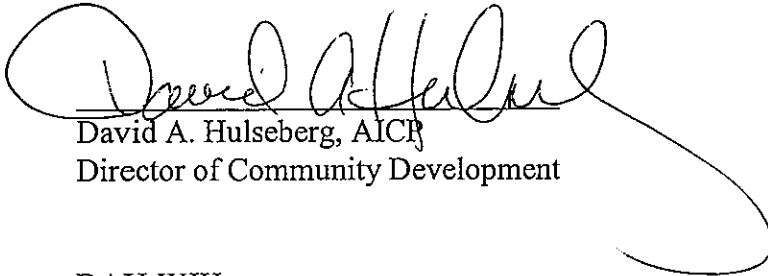
Furthermore, the Plan Commission recommends denial of all other zoning actions requested as part of this petition.

The relief recommended for approval above shall be subject to the following conditions:

1. The petitioner shall follow the approved alternate landscape plan prepared by Rolf C. Campbell & Associates, dated June 20, 2005; with annotations provided by the petitioner denoting the materials to be removed or replaced. Any deviations from the plan must be reviewed and approved by the Village Director of Community Development.
2. The proposed sign along I-355 shall be developed in accordance with the submitted sign plan prepared by Olympic Signs, dated June 9, 2006 and made a part of this petition.
3. The proposed automatic changeable copy sign element included within the free-standing sign along I-355 shall be of a monochrome LED design, shall only advertise business establishment located on the subject property and shall operate in compliance with the Lombard Sign Ordinance.
4. The petitioner shall apply for and receive a building permit for the proposed improvements. Said permit shall include and shall satisfactorily address those issues identified as part of the Inter-departmental review comments noted within the staff report.
5. Associated with the removal of the vegetation along Route 53, the petitioner shall repair and/or replace those segments of the adjacent sidewalk in disrepair located immediately south of the Sidney Avenue intersection within the Route 53 right-of-way.

Plan Commission
Re: PC 06-18
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Inter-Departmental Review Group Report Approved By:

A handwritten signature in black ink, appearing to read "David A. Hulseberg". The signature is written in a cursive style with a large initial "D" and a long, sweeping tail that extends to the right.

David A. Hulseberg, AICR
Director of Community Development

DAH:WJH
att
c. Petitioner

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A. Jay Goldstein

Direct Dial: (312) 580-2207

Direct Fax: (312) 782-6307

E-mail: agoldstein@fagelhaber.com

June 7, 2006

VIA HAND DELIVERY

Steven H. Rubin
Vice-President
Midwest Real Estate Equities, Inc.
2901 Butterfield Road
Oak Brook, IL 60523

Re: Northgate Plaza Shopping Center, Lombard, IL
Our File No.: 501650.00018

Dear Mr. Rubin:

As you know, this firm is General Counsel to Harlem Furniture, LLC ("Harlem"), which operates property in the Northgate Plaza Shopping Center ("Center") in Lombard. Please let this letter serve as written confirmation of our ongoing discussions regarding the need for improvements at the Center. As you know, Harlem maintains a significant investment in the Center. Prior to Midwest's involvement, the Center was allowed to fall into a state of disrepair, which led to tremendous vacancy and neglect.

Harlem is very pleased that Midwest has committed to improve and update the Center and strongly embraces the request for new signage, including new signs on North Avenue and Rohlwing Road sides, and a Pylon sign to the rear of the Center visible from the toll-way. In addition, Harlem also endorses Midwest's plan and need to address the overgrown landscaping. We believe elimination of several of the overgrown trees and vegetation would noticeably increase visibility of the Center and greatly improve its appearance. Please note that Harlem is in agreement and encourages that these steps be taken to improve the Center in order to increase visibility, attract tenants, and resume as a thriving enterprise in the Village of Lombard.

Very truly yours,


A. Jay Goldstein

AJG:kak

cc: Bruce Berman (C.E.O. – Harlem Furniture, LLC)



May 18, 2005

Steven H. Rubin, Vice President
Midwest Real Estate Equities, Inc.
2901 Butterfield Road
Oak Brook, IL 60523

Dear Mr. Rubin:

We have been extremely happy with our store location in Lombard, Illinois since its opening in 1996. Out of our entire chain of 15 stores throughout Chicagoland, the Lombard store consistently ranks in the top five in terms of both traffic and volume.

Due to this proven track record, Harlem has committed to a major remodel of the Lombard store during 2005, and we will be spending well in excess of \$1.0 million on the project.

We believe that an element of the Lombard store's success is its location adjacent to I-355 and the four-way interchange at North Avenue. In addition, we believe that the improvements that are planned for the center in terms of sight lines from I-355, as well as a new large pylon sign on I-355, will lead to even higher traffic and volume for our store.

Harlem Furniture looks forward to success for many years to come at our Lombard store location.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steven D. Kuptsis".

Steven D. Kuptsis
Chief Financial Officer

ORDINANCE NO. _____

**AN ORDINANCE GRANTING AN AMENMENT TO ORDINACE 3336;
AND GRANTING A CONDITIONAL USE FOR A
PLANNED DEVELOPMENT WITH LANDSCAPE VARIATIONS
AND SIGNAGE DEVIATIONS IN THE
B3 COMMUNITY SHOPPING DISTRICT**

(PC 06-18; 1000 N. Rohlwing Road (Northgate Shopping Center))

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, the President and Board of Trustees of the Village of Lombard also adopted Ordinance 3336, adopted November 15, 1990, approving an annexation agreement for the property legally described in Section 4 below (hereinafter the "Subject Property"); and

WHEREAS, an application has heretofore been filed requesting approval of an amendment to Ordinance 3336 to provide for an alternative landscape plan for the Subject Property; and

WHEREAS, the subject property is zoned B3 Community Shopping District; and,

WHEREAS, said application also requests approval of a conditional use for a planned development in a B3 Community Shopping District; and

WHEREAS, said application also included the following deviations to the Lombard Sign Ordinance:

- a. A deviation from Section 153.234 to allow for two shopping center identification signs of 372 square feet in sign area and one sign of 299

- square feet in sign area, where a maximum of one-hundred fifty (150) square feet is permitted;
- b. A deviation from Section 153.234 to allow for two free-standing signs of forty-five feet (45') in overall height, where a maximum of thirty-five feet (35') is permitted;
 - c. A deviation from Section 153.210 (D) to allow for an increase of an electronic message board from two feet (2') to five feet (5') in height with a display screen greater than eighteen inches in height.
 - d. A deviation to allow for up to three additional wall signs of up to 275 square feet in sign surface area for the benefit of tenants within the Northgate Shopping Center, in lieu of the provisions set forth in Section 153.505 (B)(19)(b); and

WHEREAS, said application also requests approval of a use exception to allow for a storage center to be located within the proposed planned development, with a variation from the use and area standards set forth in Section 155.508 (B)(3) of the Zoning Ordinance; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on June 19, 2006 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 amendment to Ordinance 3336, the conditional use for a planned development and selected signage relief as set forth below; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending denial of all other requested signage relief not set forth in Section 2 as well as denial of the use exception for the storage center use exception request; 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 an amendment to Ordinance 3336 is hereby granted to provide for an alternate landscape plan for the Subject Property, attached as Exhibit A attached hereto and subject to the conditions set forth in Section 5 below.

SECTION 2: That conditional uses for a planned development with the following amended signage deviations as set forth below are hereby granted for the Subject Property legally described in Section 3, subject to the conditions set forth in Section 5:

- a. A deviation from Section 153.234 to allow one shopping center identification sign of 360 square feet in sign area (to be located along I-355), where a maximum of one-hundred fifty (150) square feet is permitted;
- b. A deviation from Section 153.234 to allow for one free-standing sign of forty-five feet (45') in overall height (to be located along I-355), where a maximum of thirty-five feet (35') is permitted;
- c. A deviation from Section 153.210 (D) to allow for an increase of an electronic message board from two feet (2') to three feet (3') in height with a display screen greater than eighteen inches in height (for a sign to be located along I-355); and
- d. A deviation from Section 153.234 to allow one shopping center identification sign of 230 square feet in sign area (to be located along North Avenue), where a maximum of one-hundred fifty (150) square feet is permitted.

SECTION 3: That a use exception for a storage center as well as all other requested signage relief not set forth in Section 2 above is hereby denied.

SECTION 4: That the ordinance is limited and restricted to the properties generally located at 1000 N. Rohlwing Road, Lombard, Illinois, and legally described as follows:

LOT 1 IN NORTHGATE PLAZA ASSESSMENT PLAT 1, IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF

RECORDED AS DOCUMENT NO. R96-046670, IN DUPAGE COUNTY, ILLINOIS;
ALSO

LOT 2 IN NORTHGATE PLAZA RESUBDIVISION, BEING A RESUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. R93-269848, IN DUPAGE COUNTY, ILLINOIS.

Parcel Nos. 02-36-412-030, 02-36-412-034

SECTION 5: The zoning actions set forth in Sections 1 and 2 above shall be granted subject to compliance with the following conditions:

1. The petitioner shall follow the approved alternate landscape plan prepared by Rolf C. Campbell & Associates, dated June 20, 2005; with annotations provided by the petitioner denoting the materials to be removed or replaced. Any deviations from the plan must be reviewed and approved by the Village Director of Community Development.
2. The proposed sign along I-355 shall be developed in accordance with the submitted sign plan prepared by Olympic Signs, dated June 9, 2006 and made a part of this petition, except as amended by this Ordinance of approval.
3. The proposed automatic changeable copy sign element included within the free-standing sign along I-355 shall be of a monochrome LED design, shall only advertise business establishment located on the subject property and shall operate in compliance with the Lombard Sign Ordinance.
4. The petitioner shall apply for and receive a building permit for the proposed improvements. Said permit shall include and shall satisfactorily address those issues identified as part of the Inter-departmental review comments noted within the staff report.
5. Associated with the removal of the vegetation along Route 53, the petitioner shall repair and/or replace those segments of the adjacent sidewalk in disrepair located immediately south of the Sidney Avenue intersection within the Route 53 right-of-way.

6. The proposed shopping center identification sign along North Avenue shall not have an automatic changeable sign (ACC) component.
7. The proposed shopping center sign proposed to be located along Route 53 shall not exceed one-hundred twenty (120) square feet in sign surface area.

SECTION 6: 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 _____, 2006.

First reading waived by action of the Board of Trustees this ____ day of _____, 2006.

Passed on second reading this ____ day of _____, 2006.

Ayes: _____

Nayes: _____

Absent: _____

Approved this ____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Space above reserved for Recorder's use

**FIRST AMENDMENT TO THE ANNEXATION AGREEMENT
DATED OCTOBER 10, 1990 FOR
NORTHGATE PLAZA SHOPPING CENTER, LOMBARD, IL**

Parcel Nos. 02-36-412-030, 02-36-412-034

Common Address: 1000 N. Rohlwing Road, Lombard, Illinois

AFTER RECORDING RETURN TO:

**Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148**

**NORTHGATE PLAZA SHOPPING CENTER
FIRST AMENDMENT TO THE ANNEXATION AGREEMENT**

THIS FIRST AMENDMENT (hereinafter referred to as the “Amendment”) to the Northgate Plaza Shopping Center Annexation Agreement dated October 10, 1990, and recorded on October 17, 1990 as Document Number R90-139896 (hereinafter referred to as the “Agreement”) is made and entered into this _____ day of September, 2006, by and between the Village of Lombard, a municipal corporation (hereinafter referred to as the “Village”), and Lombard Northgate, L.L.C., a Delaware limited liability company, and BBP VI L.L.C., an Illinois limited liability company (hereinafter referred to as the “Owner”);

WITNESSETH:

WHEREAS, the Owner is the record owner of the property legally described in **EXHIBIT A**, attached hereto and made a part hereof (hereinafter referred to as the “Subject Property”); and

WHEREAS, the Subject Property was annexed to the corporate limits of the Village, which was passed and approved by the Corporate Authorities of the Village on October 10, 1990; and

WHEREAS, the Subject Property is subject to the terms of an Annexation Agreement; said agreement adopted October 10, 1990; and

WHEREAS, the Village has received an application for an amendment to Exhibit D of the

Annexation Agreement to provide for an amended landscape plan for the Subject Property; and

WHEREAS, said landscape improvements result in significant revisions to the approved landscape plan for the Subject Property; and

WHEREAS, said application was forwarded to the Plan Commission of the Village; and

WHEREAS, a public hearing by the Plan Commission was held on June 19, 2006 for the purpose of considering an amended landscape plan, and the Plan Commission has submitted to the Corporate Authorities of the Village (hereinafter referred to as the "Corporate Authorities") its findings of fact and recommendations with respect to said application and petition; and

WHEREAS, a public hearing on this Amendment was held by the Corporate Authorities on September 7, 2006; and

WHEREAS, the parties wish to amend the Agreement with respect to the revised landscape plan in accordance with the plan contained herein; and

WHEREAS, all public hearings and other actions required to be held or taken prior to the adoption and execution of this Amendment, in order to make the same effective, have been held or taken, including all hearings and actions required in connection with amendments to and classifications under Chapter 155 of the Lombard Village Code (hereinafter referred to as the "Zoning Ordinance") and Chapter 154 of the Lombard Village Code (hereinafter, the "Subdivision and Development Ordinance"), such public hearings and other actions having been held pursuant to public notice as required by law and in accordance with all requirements of law prior to adoption and execution of this Amendment ; and

WHEREAS, the Corporate Authorities of the Village and the Owner deem it to the mutual

advantage of the parties and in the public interest that the Subject Property be maintained as hereinafter provided; and

WHEREAS, the Corporate Authorities of the Village have examined the proposed Amendment by the Owner and have determined that said Amendment complies with the Comprehensive Plan of the Village and is in the public interest;

NOW THEREFORE, in consideration of foregoing and the mutual promises herein set forth, the sufficiency of which is acknowledged by all parties, the parties hereto agree as follows:

1. **Incorporation of Recitals:** The Village and Owner agree that the foregoing recitals are incorporated in this Amendment as if fully recited herein.

2. **Amendment:** The Agreement is hereby amended by substituting Exhibit D within the original Agreement with a new landscape plan attached as Exhibit D and made a part hereof entitled "Survey of Existing Landscape Plantings", prepared by Rolf C. Campbell & Associates, dated June 20, 2005, with annotations provided by the Owner and the Village.

3. **Ratification of Existing Terms.** Except to the extent specifically amended hereby, all other terms and provisions of and exhibits to the Agreement shall remain in full force and effect as if set forth in their entirety herein.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals to this
Amendment on the day and year first above written.

VILLAGE OF LOMBARD

ATTEST:

By: _____

Village President

Village Clerk

DATED:

OWNER:

By: _____

Its: _____

ATTEST:

Its: _____

DATED: _____

OWNER:

By: _____

Its: _____

ATTEST:

Its: _____

DATED: _____

ACKNOWLEDGMENTS

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that _____, personally known to me to be the President of the _____ Corporation, an Illinois corporation, and _____, personally known to me to be the _____ Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and _____ Secretary, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this _____ day of _____, ____ .

Commission expires _____, 20____ .

Notary Public

ACKNOWLEDGMENTS

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that _____, personally known to me to be the President of the _____ Corporation, an Illinois corporation, and _____, personally known to me to be the _____ Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and _____ Secretary, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this _____ day of _____, ____ .

Commission expires _____, 20____ .

Notary Public

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that William J. Mueller, personally known to me to be the President of the Village of Lombard, and Brigitte O'Brien, personally known to me to be the Village Clerk of said municipal corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Village Clerk, they signed and delivered the said instrument and caused the corporate seal of said municipal corporation to be affixed thereto, pursuant to authority given by the Board of Trustees of said municipal corporation, as their free and voluntary act, and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this _____ day of _____, ____ .

Commission expires _____, 20____ .

Notary Public

SCHEDULE OF EXHIBITS

EXHIBIT A: Legal Description

EXHIBIT D: Landscape Plan

EXHIBIT A
LEGAL DESCRIPTION

LOT 1 IN NORTHGATE PLAZA ASSESSMENT PLAT 1, IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. R96-046670, IN DUPAGE COUNTY, ILLINOIS; ALSO

LOT 2 IN NORTHGATE PLAZA RESUBDIVISION, BEING A RESUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. R93-269848, IN DUPAGE COUNTY, ILLINOIS.

Property Address: 1000 N. Rohlwing Road, Lombard, Illinois 60148

Parcel Nos.: 02-36-412-030, 02-36-412-034

EXHIBIT D
LANDSCAPE PLAN