

January 15, 2004

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

Subject: ZBA 03-27; 25 E. North Avenue

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation to Section 155.414 (K) of the Lombard Zoning Ordinance to reduce the required transitional landscape yard from thirty feet (30') to fifteen feet (15') in the B3 Community Shopping District.

The Zoning Board of Appeals conducted a public hearing on December 17, 2003. George Evangelopoulos of GEA Architects, presented the petition. He opened his presentation by noting that he reviewed the staff report and he met with staff to incorporate their recommendations into the design of the building. He then submitted new drawings of the proposed development based upon staff's recommendations.

He then described the project. The proposed retail center will be about 7,000 square feet in size and will provide for up to six separate tenant spaces. He then stated that other than the transitional yard encroachment, the proposed development would meet all other provisions of the Zoning Ordinance.

He stated that the transitional yard request is for a reduction to the yards adjacent to areas where the property abuts a detention facility. He noted that the proposed development would meet all setback requirements for the area which abuts the single-family residential lot. The requested relief on the south side of the property is to accommodate truck loading and requisite Fire Department access to the building. The relief for the east transitional yard is to provide for an additional parking space and an access driveway to North Avenue.

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

William Heniff, Senior Planner, presented the staff report. He restated the request and described the project. He noted that the Comprehensive Plan recommends Community Commercial uses on the subject property and the proposed retail uses proposed for the building would be compatible with the Comprehensive Plan designation.

He stated that the site is currently vacant. Immediately east and south of the subject property are retention ponds that were constructed as part of the Providence Glen residential development. To the west is an existing Phillips 66 gas station/convenience mart that was constructed in 2000. A cross-access easement exists between the two properties that allows for internal circulation. There is a single-family residence abutting the southeast side of the subject property. Staff believes that the proposed use would be compatible with the existing land uses surrounding the site. However, to ensure that the overall impacts of the new development are satisfactorily addressed, staff offers additional comments and recommendations, which he described in detail.

He noted two areas in which the transitional landscape yard encroachments occur are adjacent to areas that are currently improved with a detention pond. The variation for the rear transitional yard is intended to facilitate the loading activities as well as providing for requisite Fire Department access around the building. The relief for the side yard is requested in order to provide for sufficient parking and to allow for the relocation of the proposed access driveway into the site.

Mr. Heniff then described the proposed signage. The petitioner is proposing adding channel lettered wall signs for each of the proposed spaces. The petitioner is not requesting any relief associated with this petition – he will be required to meet the underlying Sign Ordinance provisions for the B3 District. He then referenced the conditions recommended by staff to ensure that the proposed signage and awnings present a favorable appearance to neighboring properties.

Referencing the proposed landscaping, the landscape plan indicates that the landscape plant material requirements will be provided per code, consisting of shade trees every 25 feet and two rows of shrub masses. With respect to fencing, the Village Board previously granted relief for the erection of a six-foot solid fence along the property as part of the Providence Glen development. This fence has been installed and provides an additional screening and noise-buffering element between the subdivision and the subject property.

He then noted the petitioner's plan proposes the construction of a parking lot on the north side of the building and construction of a service/loading area to the rear. Rear access will be provided via an access drive from the property to the west. The petitioner (who is also the owner of the property immediately west of the subject property) is proposing to widen the drive aisle around the gas station and is proposing to sign and stripe the car wash drive through lane in a manner that minimizes vehicle conflicts on the property. Staff recommends this as a condition of approval.

The North Avenue driveway will be constructed as a right-in, right-out facility. Staff has reviewed the proposed IDOT construction plans for North Avenue and finds that the pavement surface will be located 30 feet closer to the property line. This modification should not impact the overall site development. However, staff will still require IDOT review and approval of any improvement within their right-of-way.

The petitioner is providing 26 spaces on the north side of the property for employees and customers, which would meet the Village's parking requirement when the storage and mechanical area exemptions are factored in. The petitioner anticipates about 500 square feet (or about 2½ percent of the overall gross area) will be for this activity. He also referenced additional staff conditions to minimize parking conflicts and impacts on adjacent properties.

This development would be considered a major development as expressed in the Subdivision and Development Ordinance. Therefore, the petitioner will be required to install public improvements per code. The petitioner has already provided cross access easements to the property to the west. As North Avenue is currently under the jurisdiction of IDOT, any required improvements will need to be approved by the Village and IDOT. Staff will also require that as a condition of approval that the petitioner provides a plat of resubdivision for the property making the property a lot of record.

To ensure that these impacts are removed or minimized, staff has met with the petitioner and the petitioner is agreeing to modifications to the site plan and layout accordingly. Staff wants to ensure that the development is compatible with the adjacent neighborhood and presents a positive appearance for the adjacent residences as well as the overall corridor and referenced additional conditions of approval in the staff report.

Overall, staff recommends approval of the petitions, subject to the conditions in the staff report.

Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Mr. Polley asked about the proposed sound wall IDOT is constructing along North Avenue. Mr. Heniff noted that a sound wall will not be installed in front of the subject property.

Mr. Polley then asked about the types of stores that may be located in the center. The petitioner stated that they plan to lease the property to uses that are permitted within the B3 District. Generally speaking, they will look to fill the site with convenience commercial uses.

Mr. Young then asked about the requested relief to the transitional yard. Mr. Heniff noted that the relief would only be for the paved surfaces noted in gray on the site plan. The proposed building meets all setback requirements.

Mr. Young then referenced the conditions associated with the recommendation for approval. Mr. Heniff felt that the conditions locked the petitioner into constructing the site as depicted on the site plan. He then noted that should a recommendation for approval be made, the date associated with condition number 1 should be changed to December 16, 2003 to reflect the latest plans that were submitted to the file.

After due consideration of the petition and testimony presented, the proposed development meets the standards for variations as expressed in the Zoning Ordinance. Therefore, the Zoning Board of Appeals recommended approval by a vote of 5-0 of the transitional landscape yard variation request, subject to the following conditions, as amended:

1. That the petitioner shall develop the site in accordance with the site plans prepared by GEA Architects, Ltd., updated December 16, 2003 and submitted as part of this request.
2. 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.
3. 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.
4. That any trash enclosure screening as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the principal building.
5. To ensure that the proposed signage and awnings present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
 - a. That channel lettering shall only be used for the wall signs.
 - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
 - c. That the awnings shall be of a uniform design and color around the building.
6. That the petitioner shall effectuate improvements on the abutting gas station property, as shown on the petitioner's submitted plans. These improvements shall include widening the drive aisle around the gas station building and sign and stripe the car wash drive through lane in a manner that minimizes vehicle conflicts on the property. Said design shall be subject to review and approval of the Director of Community Development.

7. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall operate the property, as follows:
 - a. Overnight parking shall be prohibited south of the proposed building.
 - b. No more than fifty (50%) of the proposed building square footage shall be allowed to be occupied by restaurant uses.
 - c. That the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.
8. That the petitioner shall provide a plat of subdivision for the subject property making the property a lot of record.
9. That the following elevational changes shall be made to the property, as follows:
 - a. The petitioner shall modify the proposed east, south and west elevations to break up the proposed brick mass. The modified elevations may include a combination of inset brick, window or spandrel glass insets and/or use of an additional brick color. The final design of the wall elevations shall be subject to the Director of Community Development.
 - b. That the proposed woodscreen on the south elevation be replaced with an extended parapet wall similar to the other three building elevations.
 - c. That additional awnings shall be placed on the access doors, consistent with the other three proposed elevations.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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