

September 21, 2006

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

Subject: PC 06-17; 455 E. Butterfield Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following actions on the subject property located within the O Office District:

1. Grant the following conditional uses from the Zoning Ordinance:
 - a. A conditional use, per Section 155.411 (C) (14), for a restaurant establishment;
 - b. A conditional use, per Section 155.411 (C) (10), for outdoor dining associated with a restaurant establishment;
 - c. A conditional use, per Section 155.411 (C) (9), for off-site parking.

2. Grant the following variations from the Zoning Ordinance to address existing non-conformities:
 - a. A variation from Section 155.411 (F) to reduce the required open space below the thirty-five percent (35%) requirement;
 - b. A variation from Section 155.602 (A)(3)(d) to allow for parking spaces within the required front yard;
 - c. Along the south property line, variations from Sections 155.706 (C) and 155.709 (B) to eliminate the perimeter parking lot landscaping and to reduce the perimeter lot landscaping requirements from five feet (5') to zero feet (0').

3. Grant the following variations from the Sign Ordinance:
 - a. A variation from Section 153.503(B)(12)(a) of the Sign Ordinance to allow for a wall sign of up to 146 square feet where a maximum of 100 square feet is permitted;

- b. A variation from Section 153.503(B) (12)(b) of the Sign Ordinance to allow for a second wall sign per street front exposure, where a maximum of one sign is permitted.

4. Approval of a one-lot major plat of subdivision.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on July 17, 2006.

Greg Van Landingham, of In-site Real Estate, 1603 W. 16th Street, Oak Brook, presented the petition. He described the petition and the project location, noting several other restaurants located along the corridor. He indicated that they are also requesting to have an outdoor dining area, approximately 1,500 s.f. which is to be located on the north side of the building. Staff has stated their support for these requests due to the success of other establishments. As a result of staff support, additional off site parking to the rear of the property for the outdoor dining component is being secured through a lease agreement with NiCor. This parking area had been previously used by other property owners as additional parking and has since been repaved and re-striped.

Continuing, he referenced the variation to reduce open space below 35% of the lot area. The previous use was also below the amount of open space and the proposed restaurant will have more open space than the previous use. He then referred to a display board and showed where the previous use contained parking spaces and where the three parking spaces encroach into 30 foot front yard setback. He stated that they proposed to utilize the existing parking lot with the existing encroachment leaving the parking area as is. Lastly, they were also requesting a variation to reduce the perimeter parking lot landscape requirement from 5' to 0'. This is due to using that area for additional parking and that there would be a drive aisle on both sides.

The petitioner then passed out colored elevations of the proposed signs. Truman Gee, Interplan, 933 Lee Road, Orlando Florida, who also has a local office within Lombard, presented the signage requests. He spoke of the unusual situation they were being faced with – that being the road the building faces is not the entry to the restaurant. Therefore they are requesting signage on two facades instead of one which is allowed by Village code. Referring to a display board he showed the location of the signs and explained the reasoning for having them there. Mr. Gee then indicated that the area of the sign according to staff is 125 square feet in size, however, they have not confirmed their sign is that large. The total square footage of the sign would depend on your calculations. Staff led them to believe that 2 or 3 rectangular signs totaling 100 square feet or under could be acceptable.

Mr. Gee continued and displayed the materials board and indicated what they had already proposed. He stated that for this project they have modified their plans from the standard ale house restaurant, which usually uses stucco, to incorporate staff's suggestions that they increase the amount of masonry. He mentioned that they did notice a few other stucco buildings in town.

On the two main facades they are using seventy percent masonry and thirty percent stucco. They have a stucco block building which is not EIFS. This current design has evolved with the cooperation of staff and they were able to add additional towers. He then referred to their submitted plans, 4 sets of 2 sheets. The materials are specified in the colored renderings. The plans proposed painted siding with a little stained wood and he explained where it would be located. The remainder of the façade would be masonry. He mentioned that their client was cooperative in working with staff and the ultimate design was a long way from their typical building. He stated that this building could be used for future stores in the area and would fit in well with the other existing restaurants due to the tall parapets, rooftop mechanicals screened behind parapet walls resulting in no visibility from any angle, walk in coolers and freezers are encased behind the concrete wall, and the dumpsters will be enclosed. Concluding, Mr. Gee stated they believed this project is compatible with the surrounding area.

Mark Henderson of Seton Engineering, 19 S. Bothwell Street, Palatine, explained the proposed site plan and stormwater detention. He mentioned that this site was previously used by Bally's. It was 80 percent impervious and will be 82 percent impervious. The site is being reconstructed, the back half will remain which has been sealcoated and restriped. The front is repaved and the new building will be in place. He stated that they will follow DuPage County ordinance and the stormwater detention will be held on the surface of the parking lot.

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 presented the staff report. He summarized the petition and the requested actions. The subject property at 455 East Butterfield Road was previously improved with a fitness center, which was razed earlier this year. The petitioner is seeking a number of zoning actions to facilitate the construction of a 7,230 square foot sit-down restaurant with a 1,500 square foot outdoor dining area on a property located within the O Office District. The proposal attempts to reuse many of the previous parking lot improvements already constructed on site and replace the former Bally's building with a new restaurant based upon the submitted plans.

The subject property abuts a NiCor tract of land immediately to the south. This area is currently improved with an asphalt surface. The petitioner is seeking approval of a conditional use for off-site parking in order to meet the parking needs of the outdoor dining component of the restaurant.

The subject property is also improved with a parking lot with three legal non-conformities related to landscaping requirements. The petition includes companion relief to allow these nonconformities to remain on the property. The petition does increase the degree of nonconformity.

The petitioner is also seeking relief from the Sign Ordinance to allow for larger wall signs and for two wall signs on the property, when only one is permitted by right.

Lastly, the petitioner will be seeking approval of a one-lot plat of subdivision, making the subject property a lot of record.

Sit-down restaurants require conditional use approval in the Office District. Such uses are considered complementary to the numerous office uses within the corridor. However to ensure compatibility, staff offers a number of site plan improvements as part of the proposal to address access and circulation issues.

The petitioner's proposal includes a 1,500 square foot outdoor dining area located on the north side of the building. As the abutting land uses to the outdoor area are non-residential in nature, these uses would not be negatively affected by the outdoor dining.

The abutting NiCor property is improved with an asphalt parking lot that has been used by the subject property owner for parking purposes. The petitioner will be entering into a lease with NiCor to allow for the NiCor property to be used to meet their parking needs for the outdoor dining component. The petitioner has prepared a joint parking plan showing how the spaces will be configured under the lease arrangement.

Given that the NiCor parking area is for the use and benefit of the petitioner only to meet their outdoor dining parking needs and that the use of the principal building would be unaffected by the lease arrangement, staff is supportive of the conditional use. If NiCor and/or the property owner were to terminate the lease agreement, the subject property could easily achieve code compliance by removing the outdoor dining area.

As a companion to the conditional uses noted above, three parking related landscape variations are included within this petition. The petitioner has provided a parking lot plan includes the construction of ten new landscape parking islands on the property. With these improvements, the parking lot will meet the five percent minimum landscape requirement required by code. He then discussed the three non-conforming parking lot landscape issues, noting that the relief can be supported in light of the existing conditions on the property.

The petitioner intends to provide the requisite landscaping plantings to meet the provisions established in the Lombard Zoning Ordinance.

The petitioner is proying to install two identical signs on the proposed building. The signs on the north and west sides of the building will state "Miller's Ale House Restaurant" and are proposed to be approximately 125 square feet in size. The Zoning Ordinance limits the number of wall signs to one per street frontage in the Office District and caps the overall square footage to a maximum of 100 square feet. Given the building's distance from Butterfield Road and the relatively high speeds at which traffic moves along that road, staff does not object to the proposed number or increased size of the wall signs.

The petitioner is also seeking approval of a one-lot subdivision encompassing the subject property. This subdivision will make the property a lot of record, as required by the Zoning Ordinance. The lot will meet the width and area requirement of the Zoning Ordinance.

The Comprehensive Plan recommends that the property be designated for office uses. The proposed use, while not specifically office in nature, complements and is compatible with the surrounding office and restaurant uses. The properties to the east and west of the subject property are also zoned in the Office District. As noted earlier, the proposed use is compatible with the adjacent land uses, subject to the access provisions noted earlier.

He then concluded his presentation by noting how the petition meets the standards for variations and conditional uses. He also clarified that no site plan approval authority is needed as this is not within a planned development. He also noted that the petitioner may come back to the Plan commission for additional signage approval, based on their latest sign concept. He wanted to know the Commissioners initial comments on this idea.

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

Commissioner Sweetser thought that the petitioner might be thinking that staff is asking more of them compared to other petitioners as it relates to the amount of masonry being requested in their building. Mr. Heniff indicated that Lombard is a unique market for restaurants. Restaurants are a destination location and there is a lot of competition as well as opportunity. That being said, an attractive building is an asset and in the context of their competition, they should be looking at these types of additional materials. There are some restaurants that do not include masonry but these met Village Code or were a previous developed. If you look at the corridor in which this proposed restaurant will be located it does present the opportunity to have a strong masonry element which staff has requested of them.

Commissioner Sweetser confirmed that the petitioner's signage request was based on the colored elevations and that they are requesting signs on two sides of the building plus the logos. Mr. Heniff indicated that at this point, staff advertised for the channel letter sign on the south and the north elevations, per the exhibit included in the plan packet.

Commissioner Sweetser asked if the petitioner took staff's suggestion by eliminating the word "restaurant". Mr. Heniff stated that they did make that modification which resulted in the reduction of the overall size of the sign.

Mr. Heniff indicated that if the Commissioners had any comments whether the corporate logo is appropriate that would be fine but the petitioner would have to come back to a later meeting in order for staff to readvertise for the logos.

Commission Olbrysh commented on the corporate logo. He referred to the brochure they distributed and mentioned that their location in Orlando, Florida does not have the logo and

He wondered if this was something new. Ray Holden, 612 N. Orange Avenue, Jupiter, Florida, indicated that to jazz up the proposed building and in order for them to relay that they are a family restaurant and not just an ale house this logo would be necessary as their name could be misleading. The logo is something new and they have another rendition which is a porthole. They are also open to that concept.

Commissioner Flint thought it was nice but stated they can vote on the submitted petition. Chairperson Ryan asked the Commissioners if they had any reservations relative to the petitioner returning for the logo. Commissioners Burke and Flint indicated they had no objection. Commissioner Olbrysh indicated that it makes the building look busy but others have a corporate logo. Commissioner Sweetser suggested that they wait and see what their other options are.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition complies with the standards required by the Lombard Zoning and Sign Ordinances. Therefore, the Plan Commission, by a roll call vote of 4-0, recommended to the Corporate Authorities **approval** of the petition associated with PC 06-17 subject to the following conditions:

1. The petitioner shall develop the site in substantial conformance with the submitted plans prepared listed below and made part of this request, except where modified by the conditions of approval:
 - a) Proposed demolition plan and site engineering plan with details, prepared by prepared by Seton Engineering, dated April 30, 2006.
 - b) Photometric Plan, prepared by Security Lighting, dated June 12, 2006.
 - c) Proposed Landscape Plan, prepared by Lehman & Lehman, dates June 28, 2006.
 - d) Proposed Additional Parking Exhibit (including NiCor property parking area), prepared by Seton Engineering, dated June 30, 2006.
 - e) Proposed Exterior Building Elevations, prepared by Interplan, Inc., no date.
2. The petitioner shall revise the Additional Parking Exhibit to include a removable barrier along the north side of the proposed drive aisle and a temporary bulb demarcated at the end of the lot.
3. The owners or subsequent owners of the Subject Properties shall not object to granting cross access easement rights on, and, or across the Subject Properties, upon a request by the Village.

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4. Should the parking lot and/or drive aisle to the east of the parking lot be extended, the petitioner shall re-stripe the parking lot accordingly to accommodate the connection.
5. In the event that the 455 E. Butterfield property is unable to maintain a lease for parking rights on the Nicor property, the conditional use for outdoor dining shall immediately become null and void.

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Lombard Plan Commission

c. Lombard Plan Commission

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