

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: October 24, 2007 (BOT) Date: November 1, 2007

TITLE: PC 07-36: 201 - 211 East Roosevelt Road (V-Land Highland/Roosevelt
Planned Development)

SUBMITTED BY: Department of Community Development *duh*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village take the following actions on the subject property located within the B3PD Community Shopping District, Planned Development (now the B4APD Roosevelt Road Commercial District, Planned Development):

1. Pursuant to Section 155.415 (C) of the Zoning Ordinance, grant a conditional use for an outside service area (outdoor dining); and

2. Pursuant to Section 155.504 (B) of the Zoning Ordinance, approve a minor change to the retail commercial building in the approved planned development, to provide for a building addition of up to 400 square feet in area.
(DISTRICT #6)

The Plan Commission recommended approval of this petition with conditions.

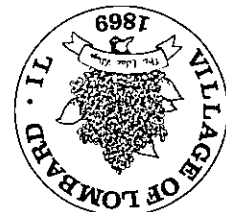
Since this property is located in the Roosevelt Road Corridor, which was recently the subject of a Comprehensive Plan amendment, approval of this petition will require approval of 5 of 7 members of the Corporate Authorities.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	Date
Finance Director X	Date
Village Manager X	Date

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 *DAH*
Assistant Village Manager/Director of Community Development
DATE: November 1, 2007

SUBJECT: PC 07-36: 201-211 E. Roosevelt Road (V-Land Highland/Roosevelt Planned Development)

Attached please find the following items for Village Board consideration as part of the November 1, 2007 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 07-36;
3. An Ordinance granting approval of an amendment to a conditional use for a planned development with a conditional use for an outdoor dining establishment, subject to conditions.
4. Plans associated with the petition.

This petition is located within the Roosevelt Road Corridor, which was recently the subject of a Comprehensive Plan amendment. Pursuant to 65 ILCS 5/11-13-3.1, approval of this petition will require approval of 5 of 7 members of the Corporate Authorities of the Village.



VILLAGE OF LOMBARD
 255 E. Wilson Avenue
 Lombard, IL 60148-3931
 (630) 620-5700 FAX: (630) 620-8222
 TDD: (630) 620-5811
 www.villageoflombard.org

November 1, 2007

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

**Subject: PC 07-36; 201 - 211 East Roosevelt Road (V-Land Highland/
 Roosevelt Planned Development)**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests approval of the following actions on the subject property located within the B3PD Community Shopping District, Planned Development (now the B4APD Roosevelt Road Corridor District, Planned Development):

1. Pursuant to Section 155.415 (C) of the Zoning Ordinance, grant a conditional use for an outside service area (outdoor dining); and

2. Pursuant to Section 155.504 (B) of the Zoning Ordinance, approve a minor change to the retail commercial building in the approved planned development, to provide for a building addition of up to 400 square feet in area.

After due notice was given for the hearing, the Plan Commission held a public hearing on October 15, 2007. Scott Nicholson of V-Land Development, property owner and petitioner, presented the petition. He noted that the approvals granted last year provided for approval of a planned development amendment, which provided for retail center and a bank with a drive-through. He noted that construction was progressing slowly, but they have been moving forward on the project. He noted that they are seeking approval of two zoning actions that were not envisioned as part of the original approval. He stated that Buffalo Wild Wings is proposing to locate within the retail center. They are requesting approval of two items to facilitate their restaurant. The first request is to allow for an outdoor dining area, which is proposed to be located along the west side of the building. The original approval provided for outdoor dining on the northeast side of the building. He then described the submitted plans and how the use would be compatible with the overall restaurant plan.

Village President
 William J. Mueller

Village Clerk
 Brigitte O'Brien

Trustees

Greg Alan Gron, Dist. 1
 Richard J. Tross, Dist. 2
 John "Jack" T. O'Brien, Dist. 3
 Dana L. Moreau, Dist. 4
 Laura A. Fitzpatrick, Dist. 5
 Rick Soderstrom, Dist. 6

Village Manager
 William T. Lichter

"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."

He then referenced the building addition, which is being requested to provide space for a proposed storage/cooling room. From the exterior, the restaurant will appear to be identical to the existing building and will incorporate similar building materials as the rest of the center.

Chairperson Ryan then opened the meeting for public comment. No one spoke in favor or in opposition of the petition.

William Heniff, Senior Planner, presented the staff report, which was submitted to the public record. The petitioner proposes to further amend the approved plans associated with the 2004 and 2006 planned development approvals for the subject property and associated proposed tenant build out of a new Buffalo Wild Wings sit-down restaurant. The first change would be to provide for an outdoor dining element proposed for the west side of the restaurant, classified as a conditional use in the underlying zoning district. The second element is to allow for a small building addition to provide for a cooler for the restaurant, a minor change to a planned development. No other changes are proposed within the planned development.

The subject properties are bound by the terms and conditions of the original agreement as well as the annexation agreement/planned development amendments approved in 2004 and 2006. The Comprehensive Plan identifies the subject property for Community Commercial Uses. The Roosevelt Road Corridor plan, a supplement to the Comprehensive Plan, provides additional recommendations regarding the request.

- Restaurants are a preferred land use in the corridor.
- Outdoor sales and service areas should be tied to the principal use of the property.

- Buildings should incorporate architectural design features on all building elevations. The petitioner's plan meets this provision by incorporating the approved brick masonry banding and design elements on the exterior of the cooler addition area.

- Ensuring that compatibility with adjacent residential properties is maintained. The outdoor dining element is proposed on the west side of the building and will about other commercial uses. The outdoor area will be approximately 270 feet away from the nearest residence and the previously approved landscape improvements will soften the impact on adjacent residential properties. Therefore, the petition is consistent with the Comprehensive Plan and the Corridor Plan.

At the time of the filing of the petition in September, 2007, the property is zoned B3PD Community Shopping District, Planned Development. The Village Board adopted the B4A map amendment regulations on October 4, 2007. This text amendment does not affect the petition.

The 2006 approval for the site did provide for the right for a small outdoor dining area to the north and east side of the building. No outdoor dining improvements were proposed on the west side of the building.

As shown on the petitioner's plans, the petitioner is proposing to add a 723 square foot outdoor dining area to be located immediately on the west side of the restaurant. Entrance into this area would be made through the restaurant itself. Staff does not object to this request as it allows for an alternate area for patrons to eat if desired. As the property does not abut residences, impacts of the outdoor dining function are minimal.

The approved project required 79 spaces, plus the outdoor dining requirement of 12 spaces means that 91 spaces are required for the project. Therefore, the previously approved site plan provides for sufficient parking spaces for the proposed use.

The Zoning Ordinance sets forth provisions as to whether a change to a planned development is a major or a minor change. Staff also has the ability to forward minor changes to the Plan Commission/Village Board for consideration as well.

The petitioner is proposing a 300 square feet addition to the restaurant tenant space. As the location of the building addition is less than ten feet from what was originally approved by the Village Board, it would be considered a minor change to a planned development. As this change is being sought in addition to the outdoor dining request, staff is bringing both forward for Plan Commission consideration.

Staff does not object to the addition, as it will be fully integrated into the approved building plans. The exterior elevations will be fully integrated into the shopping center and the exterior materials will be identical to the rest of the center. The additional area will be exclusively for storage uses, so additional parking will not be required as part of the request. Lastly, the addition will not conflict with any easements or any of the other governing agreements for the planned development or the Zoning Ordinance.

Staff reviewed the standards for conditional uses and for planned development amendments and finds that the development does meet those provisions as well. Based on the above, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition.

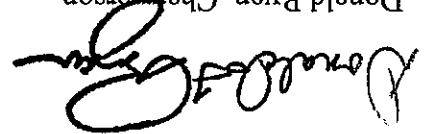
Chairperson Ryan then opened the meeting for comments from the Commissioners. There were no comments from the Commissioners.

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 Ordinance and that the amendment meets the standards set forth in the original planned development approval and granting approval of the planned development amendment is in the public interest. Therefore, the Plan Commission, by a roll call vote of 5-0, recommended to the Corporate Authorities approval of the petition associated with PC 07-36 subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the site and development plan packet prepared by Interplan Midwest LLC, dated August 24, 2007 and made a part of the petition.
2. All other conditions of approval required as part of the annexation agreement and planned development approvals shall remain in full force and effect.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson

Lombard Plan Commission

c. Petitioner

Lombard Plan Commission

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission
HEARING DATE: October 17, 2007

FROM: Department of
Community Development
PREPARED BY: William J. Heniff, AICP
Senior Planner

TITLE

PC 07-36; 201 - 211 East Roosevelt Road (V-Land Highland/Roosevelt Planned Development): The petitioner requests that the Village take the following actions on the subject property:

The petitioner requests that the Village take the following actions on the subject property located within the B3PD Community Shopping District, Planned Development (now the B4APD Roosevelt Road Commercial District, Planned Development):

1. Pursuant to Section 155.415 (C) of the Zoning Ordinance, grant a conditional use for an outside service area (outdoor dining); and
2. Pursuant to Section 155.504 (B) of the Zoning Ordinance, approve a minor change to the retail commercial building in the approved planned development, to provide for a building addition of up to 400 square feet in area.

GENERAL INFORMATION

Petitioner/Property Owner:
V-Land Lombard Highland LLC
312 N. Clark St., Suite 2440
Chicago, IL 60610

PROPERTY INFORMATION

Existing Zoning: B4A PD Roosevelt Road Commercial District, Planned Development
Existing Land Uses: Existing bank and retail center under development
Size of Property: Approximately 3.42 Acres (planned development)
Comprehensive Plan: Recommends Community Commercial Uses

Surrounding Zoning and Land Uses (around the planned development):

North:	OPD Office Planned Development; improved as the National University of Health Sciences
South:	B3 Community Shopping District; developed as a strip shopping center; also unincorporated property zoned and developed as single-family residences
East:	B3 Community Commercial District; improved as a Walgreen's pharmacy
West:	B3 Community Commercial District; improved as a strip commercial center (Merl Plaza)

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on September 18, 2007:

1. Application with Response to Standards.
2. Proposed Site Plan, prepared by Interplan Midwest LLC, dated August 24, 2007
3. Site Improvement Plan Packet (includes exterior building elevations and signage details, patio details and notes, exterior construction plan, and interior floor plan), prepared by Interplan Midwest LLC, dated August 24, 2007.
4. Photographs of outdoor dining elements at other locations, taken by petitioner.

DESCRIPTION

The petitioner proposes to further amend the approved plans associated with the 2004 and 2006 planned development approvals for the subject property and associated proposed tenant build out of a new Buffalo Wild Wings sit-down restaurant. The first change would be to provide for an outdoor dining element proposed for the west side of the restaurant, classified as a conditional use in the underlying zoning district. The second element is to allow for a small building addition to provide for a cooler for the restaurant, a minor change to a planned development. No other changes are proposed within the planned development.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The Private Engineering Services Division does not have any comments on the petition. However, all other comments previously provided to the petitioner as part of the approved building plan submissions remain in effect. The easement area that is shown on the plan set where the building addition is proposed has been since abrogated.

PUBLIC WORKS

As noted previously, the Public Works Department does not have any comments on the petition.

BUILDING AND FIRE

The Bureau of Inspectional Services notes that the outdoor seating area and building addition does not pose any concerns.

PLANNING

History of Property

The subject properties were originally developed under the zoning jurisdiction of DuPage County. Lot 2 containing the salon site was annexed and rezoned to B3 in 2000. Kelly's Pub was also annexed into the Village in 2000, with a rezoning to the B3 district. However, no additional relief was granted for the existing restaurant/bar use. The Amoco station site at 1200 S. Highland was annexed in 2001.

In 2002, Ordinance 5122 (PC 02-17) approved the annexation of the Sharko's Site, and a companion annexation agreement was entered into by the previous property owner, BP, and the Village. Other than the sale of the property and the removal of all structures on the property, no further actions were taken by the Village.

In 2004, the current property owner brought forward a new development proposal for the site that also included the residential duplex units located along 13th Street as well as the Riley's Pub site (PC 04-25). This proposal approved a strip center, a bank with a drive-through and a future commercial building on the Riley's Pub site. The Village approved the petition and the companion annexation/development agreement.

In 2006, the petitioner received approvals for a modified site plan that placed the bank at the corner of Roosevelt Road and Highland Avenue and the retail center to the west of the bank (PC

06-13). The approved plans for the retail center did not provide for outdoor dining on the west side of the building. Additionally, the proposed building footprint did not include the additional cooler element now being sought by the restaurant tenant. As such, amended approvals are requested.

Annexation Agreement Amendment

The subject properties are bound by the terms and conditions of the original agreement (as the previous approvals go back to the annexation of the Sharko's property in 2002) as well as the annexation agreement/planned development amendments approved in 2004 and 2006. In discussions with Village Counsel, the nature of this petition does not automatically require an amendment to the annexation agreement to be executed as the requested actions do not violate any of the substantive items within the agreement. However, should an amendment be required in the future, the actions set forth herein should be incorporated into the agreement.

Compatibility with the Comprehensive Plan

The Comprehensive Plan identifies the subject property for Community Commercial Uses. The Roosevelt Road Corridor plan, a supplement to the Comprehensive Plan, provides additional recommendations regarding the request.

- Restaurants are a preferred land use in the corridor.

- Outdoor sales and service areas should be tied to the principal use of the property. The plan meets this goal.

- Buildings should incorporate architectural design features on all building elevations. The petitioner's plan meets this provision by incorporating the approved brick masonry banding and design elements on the exterior of the cooler addition area. As such, it will appear that the cooler addition was intentionally incorporated into the initial building design.

- Ensuring that compatibility with adjacent residential properties is maintained. The proposed outdoor dining element is proposed on the west side of the building and will be approximately 270 feet away from the nearest residence and the previously approved landscape improvements will soften the impact on adjacent residential properties. Moreover, the proposed outdoor lighting will be decorative in nature and will not create excessive glare.

Therefore, the petition is consistent with the Comprehensive Plan and the Corridor Plan.

Compatibility with the Surrounding Land Uses

The subject property is bordered on the east and west by other existing retail commercial uses. The petition would not affect their business operations. As noted above, the original approved plans for the site provide for landscape screening and the outdoor component is located way from the residential properties. Therefore, the petition is consistent with adjacent land uses.

Compatibility with the Zoning/Sign Ordinances

At the time of the filing of the petition in September, 2007, the property is zoned B3PD Community Shopping District, Planned Development. The B4A map amendment regulations were adopted by the Village Board on October 4, 2007. This text amendment does not affect the petition.

Conditional use for outdoor service area (outdoor dining)

The 2006 approval for the site did provide for the right for a small outdoor dining area to the north and east side of the building. No outdoor dining improvements were proposed on the west side of the building.

As shown on the petitioner's plans, the petitioner is proposing to add an outdoor dining area (18'6" x 42'5" = 723 square feet) to be located immediately on the west side of the restaurant. Entrance into this area would be made through the restaurant itself. Staff does not object to this request as it allows for an alternate area for patrons to eat if desired. As the property does not about residences, impacts of the outdoor dining function are minimal. However, to ensure that the dining function does not extend into the sidewalk and/or parking lot, staff recommends that the perimeter of the dining area be fenced, with the design of the fence subject to the approval of the Director of Community Development. Staff would find a four foot high decorative iron fence with an exit gate as an acceptable type of fence. The petitioner's proposed fencing plan, as shown on their submittals would meet this requirement as well.

The parking requirements for restaurant outdoor seating areas are the same as those for indoor restaurant seating areas. For sit-down restaurants with less than 7,000 square feet of gross floor area, the parking requirements is 16 spaces per 1,000 square feet of gross floor area. Based on a 723 square feet dining area, 12 spaces would be required.

The 2006 plan provided for 127 parking spaces. Six spaces would be lost by adding the outdoor dining, thereby resulting in 121 parking spaces for the development. The approved project required 79 spaces, plus the outdoor dining requirement of 12 spaces means that 91 spaces are required for the project. Therefore, the previously approved site plan provides for sufficient parking spaces for the proposed use.

Minor Change to the Planned Development (Building Addition)

Section 15.501 of the Zoning Ordinance sets forth provisions as to whether a change to a planned development is a major or a minor change. Major changes do require a new public hearing and minor changes can be approved by staff. Staff also has the ability to forward minor changes to the Plan Commission/Village Board for consideration as well.

The 2006 planned development approval did the approval to the submitted site plan. The petitioner is proposing a 9' x 33'5" addition (300 square feet) to the restaurant tenant space. As the location of the building addition is less than ten feet from what was originally approved by the Village Board, it would be considered a minor change to a planned development. As this change is being sought in addition to the outdoor dining request, staff is bringing both forward for Plan Commission consideration.

Staff does not object to the addition, as it will be fully integrated into the approved building plans. The exterior elevations will be fully integrated into the shopping center and the exterior materials will be identical to the rest of the center. The additional area will be exclusively for storage uses, so additional parking will not be required as part of the request. Lastly, the addition will not conflict with any easements or any of the other governing agreements for the planned development or the Zoning Ordinance.

Compatibility with the Subdivision and Development Ordinance

The petitioner's request does not affect any of the platting provisions approved as part of the original planned development or requirements for major developments.

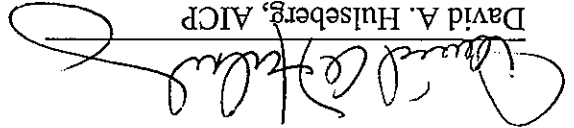
FINDINGS AND RECOMMENDATIONS

Staff believes that the proposed uses are compatible with the surrounding area and is appropriate for the site. Staff has also reviewed the standards for conditional uses and for planned development amendments and finds that the development does meet those provisions as well. Based on the above, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning and Subdivision and Development Ordinances and that granting approval of the petition is consistent with the previously approved planned development and granting approval of the planned development amendment is in the public interest; and, therefore, I move that the Plan Commission find that the recommendations of the Inter-Departmental Review Report as the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of PC 07-36, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the site and development plan packet prepared by Interplan Midwest LLC, dated August 24, 2007 and made a part of the petition.
2. All other conditions of approval required as part of the annexation agreement and planned development approvals shall remain in full force and effect.

Inter-departmental Group Report Approved By:



David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

att-

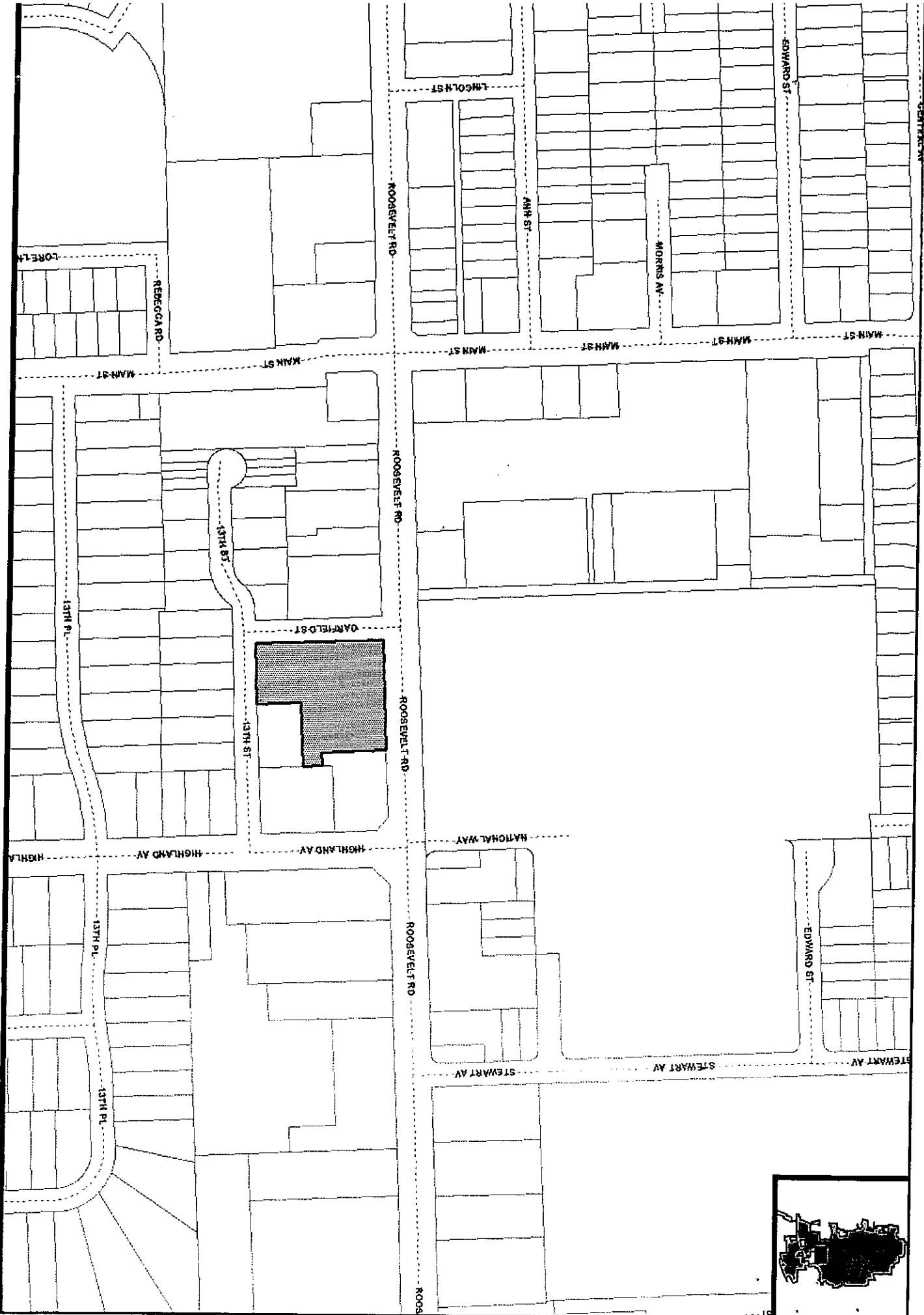
c. Petitioner

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PC 07-36: 201-211 E. Roosevelt Rd.

1 in. = 350.0 feet



APPLICATION OF VLAND LOMBARO HIGHLAND, LLC FOR AMMENDMENTS TO PREVIOUSLY APPROVED CONDITIONAL USE, VARIATIONS, MAJOR SUBDIVISION AND PLANNED DEVELOPMENT. THESE RESPONSES ARE STILL APPLICABLE TODAY, AS IN 2006 WITH THE NOTED EXCEPTIONS.

PETITIONER'S RESPONSES TO STANDARDS

I. Conditional Use

A. Introductory Statement:

1. Petitioner intends to develop on that portion of Parcel A identified as Lot 1, as shown on Petitioner's site plan, a bank with a drive through facility. The drive through facility would encompass four drive through lanes and a bypass lane.

2. Petitioner intends to develop on that portion of Parcel A identified as Lot 2 a multi-tenant retail building that may include, among other uses, one or more restaurants, including, possibly, a common outdoor seating areas.

3. Petitioner intends to develop that portion of Parcel B identified as Lot 4 as a detention area for Lots 1, and 2.

B. Petitioner's Responses to Conditional Use Standards:

1. Neither the establishment, maintenance, or operation of the drive through or of a restaurant(s) with outdoor seating area will be detrimental to, or endanger the public health, safety, morals, comfort or general welfare.

a) Convenient and safe vehicular circulation is provided to, through and from the drive through facility, including sufficient stacking spaces, that will allow for the convenient and safe flow of traffic on the site and to and from the site. The drive through facility is in keeping with the predominant commercial character of neighboring properties, several of which have drive through facilities, including, without limitation, the following properties which are in close proximity to the subject property: i) the Walgreen's site that is across Highland Avenue from the subject property at the southeast corner of Roosevelt Road and Highland Avenue; ii) the Citibank site at 1210 South Main Street (at the southwest corner of Roosevelt Road and Main Street); iii) the Charter One Bank site that is immediately west of the Citibank site along Roosevelt Road; iv) the Starbucks site that is immediately west of the Charter One Bank site along Roosevelt Road; v) the White Castle site at the northeast corner of Roosevelt Road and Main street; and vi) the Boston Market site at the northwest corner of Roosevelt Road and Garfield Street.

b) Convenient and safe vehicular circulation is provided to, through and from the multi-tenant retail building that will allow for the convenient and safe flow of traffic on the site and to and from the site. Restaurants, including those with an outdoor seating areas, are in keeping with the predominant commercial character of neighboring properties and with conditional uses that have been granted by the Village to other similarly situated properties in the B3 and B4 zoning districts.

2. Neither the drive through facility nor restaurants with an outdoor seating area will be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood in which it is located.

The properties to the north, south, east and west are zoned, respectively, OPD, unincorporated residential, B3 and B3. To the north of the property (across Roosevelt Road) is the multi-building planned development housing the National College of Chiropractic/National University for the Health Sciences. To the south of the subject property are a) along its southern border on its eastern side, a multi-tenant commercial strip center, and b) along its southern border on its western side are 13th Street and to the south 13th Street, single family homes for which we will have a significant buffer area on the border of our property. To the east of the property, across Highland Avenue, is a Walgreen's store and to the west of the subject property across Garfield Street is another commercial strip center. Additionally, up and down Roosevelt Road, east and west of the subject property are commercial properties, including those that have been granted conditional uses by the Village for drive-through facilities and/or restaurants, including some with an outdoor seating areas. Moreover, bank drive through facilities are common in the marketplace today because retail banking customers desire such facilities. A bank with a drive through facility will satisfy a demand for such a facility in the relevant market area, will be consistent with the general commercial character of surrounding properties and, therefore, will not be injurious to, or diminish the value of, such properties. A restaurant/Restaurants with an amenity-amenities such as an outdoor seating area is one that is very much favored by the public and, therefore, will not be injurious to, or diminish the value of, such properties.

STILL APPLICABLE TO 2006 SUBMITTAL

3. Neither the establishment of the drive through facility or a restaurant(s) with outdoor seating area will impede the normal and orderly development and improvement of the surrounding property for uses permitted in the B3 zoning district.

a) The subject property is located in the B3 zoning district. A bank is a permitted use in such district. In recent years, most branch banking facilities that have been developed in suburban communities have been developed with drive through facilities, and that trend continues because retail banking customers demand such facilities to better serve their needs. Thus, such facilities are commonplace in commercial and mixed commercial/residential areas. As noted, the properties to the north, south, east and west are zoned, respectively, OPD, unincorporated residential, B3 and B3. Also as noted, the subject property is surrounded by a multi-building planned development housing a college campus and commercial properties on its north, east, west and a portion of its south sides. Further, there are many other retail establishments with drive through facilities in close proximity to the subject property. The existence of the subject drive through facility would be wholly consistent with the character of the surrounding properties and would not have any adverse impact on the normal and orderly development and improvement of the surrounding properties for uses permitted in the zoning district in which such properties are located.

b) A restaurant/Restaurants, including ~~one~~ two with an outdoor seating areas, is a conditional use in the B3 zoning district. Such a use is wholly consistent with nearby uses that are also located

in the B3 zoning district, as well as with nearby uses located in the B4 zoning district where a restaurant, including one-two with an outdoor seating area, is also a conditional use.

~~STILL APPLICABLE TO 2006 SUBMITTAL~~

4. Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided.

The subject property will have adequate direct access to Roosevelt Road, Highland Avenue and Garfield Street. All public utilities are at the perimeter of, or will be extended to, the subject property and adequate detention will be provided for the subject property in connection with its development.

~~STILL APPLICABLE 2006 SUBMITTAL~~

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Access to, through and from the subject property will be provided as shown on Petitioner's site plan. Such ingress, egress and circulation flow will serve to avoid any adverse impact on any adjoining public streets. As noted, the subject property currently has one access point along Garfield Street, seven points of ingress and egress along Roosevelt Road and two points of ingress along Highland Avenue. Petitioner proposes to reduce significantly the number of access points for the Development along both Roosevelt Road and Highland Avenue and thereby make access to and from the subject property and the adjoining major public thoroughfares safer and better than what currently exists at the site. Petitioner proposes a single full access point for the Development along Garfield Street, a single full access point along Highland Avenue and a single right in and right out only access point along Roosevelt Road.

6. Neither the drive through facility, nor restaurants, including those with an outdoor seating areas, are contrary to the objectives of the current Comprehensive Plan of the Village of Lombard.

The drive through facility is wholly consistent with the design and operation of branch banking facilities in the marketplace today, which is a use permitted in the B3 zoning district. Restaurants, including those with an outdoor seating area, are consistent with the development to date within the B3 zoning district. Moreover, the zoning of the subject property as B3 is consistent with the Village's Comprehensive Plan insofar as it pertains to the subject property.

~~STILL APPLICABLE 2006~~

7. The drive through facility and restaurant uses, including those with an outdoor seating areas, will, in all other respects, conform to the applicable regulations of the B3 district, subject only to such deviations or waivers of same that are approved by the Village of Lombard.

Other than a signage variance and a perimeter parking lot landscaping variance (which is necessary due to deed restrictions from petroleum contamination) for which the Petitioner is seeking the Village's approval in connection with the development of the subject property, such development, including the drive through facility and restaurant uses with an outdoor seating areas, complies with all of the applicable regulations of the B3 district.

~~STILL APPLICABLE 2006~~

II. Variations

A. Introductory Statement:

Petitioner is seeking the following variations from the Village's Zoning Code and Sign Ordinance: (1) from Section 155.706(C) and 155.709(B) of the Zoning Code to reduce the required landscape setback area from 5 feet to zero feet along the property line that is common to Lot 2 and Lot 3, being the east lot line of Lot 2 and the west lot line of Lot 3 (the "Common Property Line"); and (2) from Section 153.505(B)(17)(a)(2) of the Sign Ordinance to allow more than one wall sign on a street frontage and (3) from Section 153.505(B)(17)(b)(2) of the Sign Ordinance to allow more than one wall sign for interior tenants

PER PREVIOUS SUBMITTAL

B. Petitioner's Responses to Variation Standards:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from mere inconvenience, if the strict letter of the regulations were to be applied.

Given the proposed nature of the Development as a single, integrated retail/commercial project, with cross parking and cross access among the lots of record that will comprise the Development, interior drive aisles providing access to, through and across each of the lots within the Development is required. As such, strict application of the Village's landscape setback area along the Common Property Line would preclude such cross parking and cross access and, correspondingly, would preclude development of the subject property as a single, integrated retail/commercial project. Furthermore, due to significant contamination on the property from the former service station, BP placed deed restrictions upon the sale to V Land that include requirements that the entire parcel has to have "engineered barriers" that include concrete or asphalt over the entire corner parcel, now proposed for a banking facility.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

See Petitioner's responses to number 1 above. PER EARLIER SUBMITTAL

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

See Petitioner's responses to number 1 above.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

See Petitioner's responses to number 1 above.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

The landscape setback area variance along the Common Property Line would allow the subject property to be developed in a manner that is wholly consistent with the development of many other community retail center, retail strip center, and other commercial properties along Roosevelt Road to the east and west of, and in close proximity to, the subject property. ~~STHL~~ ~~APPLICABLE TO 2006 SUBMITTAL.~~

6. The granting of the variation will not alter the essential character of the neighborhood.

The landscape setback area variance along the Common Property Line would allow the subject property to be developed in a manner that is wholly consistent with the development of many other community retail center, retail strip center, and other commercial properties along Roosevelt Road to the east and west of, and in close proximity to, the subject property.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The landscape setback area variance along the Common Property Line would allow the subject property to be developed in a manner that is wholly consistent with the development of many other community retail center, retail strip center, and other commercial properties along Roosevelt Road to the east and west of, and in close proximity to, the subject property. Such variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. Further, the stormwater management system that will be provided for the Development will help to resolve a drainage problem for certain surrounding properties.

III. Planned Development

A. Introductory Statement:

Petitioner is seeking to develop the subject property as a single integrated retail/commercial development (the "Development"). Petitioner proposes to resubdivide the subject property into 3 separate lots of record. Lot 1 would be developed with a 4,042 square foot bank and related drive through facility, with 35 off street parking spaces provided on site. Lot 2 would be developed with a 19,629 square foot multi-tenant building, with 127 off street parking, and Lot 3 would be used as a detention area for Lots 1, and 2.

To facilitate the operation of the Development as a single integrated retail/commercial center, the Petitioner intends to provide, among other things, for perpetual, nonexclusive cross parking and cross access rights, as well as a shared detention area and certain private development and use restrictions. Given the nature of the Development as a single integrated retail/commercial project, and because various deviations from certain of the Village's Zoning Code, Sign

Ordinance and Subdivision and Development Regulations will be required for the Development, Petitioner seeks to develop the Development as a Planned Development with an underlying zoning of B3, which is the existing zoning of the subject property.

B. Petitioner's Responses to the Planned Development Standards:

General Standards

1. Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.

The Development is located in the B3 zoning district and, except for specific deviations from the B3 zoning district requirements that are approved by the Village for the Development, the Development will comply fully with the said B3 zoning district requirements.

2. Community sanitary sewage and potable water facilities connected to a central system are provided.

The subject property is currently served by, and the Development will be connected to and served by, the Highland Hills Sanitary District ("HHSD"). The subject property currently uses HHSD water and the Development has been disconnected from HHSD for potable water and will be served by the Village's water system.

3. The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.

The Development will be comprised of a bank and other retail and commercial uses that are permitted (or conditional) uses in the B3 zoning district and such uses are consistent with the predominant commercial character of neighboring properties along Roosevelt Road and Highland Avenue. Moreover, the zoning of the subject property as B3 is consistent with the Village's Comprehensive Plan insofar as it pertains to the subject property.

4. The proposed development is in the public interest and is consistent with the purposes of the Zoning Ordinance.

The subject property does not beautify or otherwise enhance the aesthetic appeal, the character, or the value of the Village's Roosevelt Road commercial corridor. Moreover, the Tavern is was old and somewhat dilapidated and it, too, does not beautify or otherwise enhance the aesthetic appeal, the character, or the value of the Village's Roosevelt Road commercial corridor.

Therefore, the Development is in the public interest because: (i) it will develop a vacant and blighted parcel of land at a major arterial intersection in the Village and along a major commercial corridor of the Village; it will redevelop the Tavern site with newer, more modern commercial buildings that will further enhance the aesthetic appeal, character, and the value of

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.

See Petitioner's Responses to the Standards for Conditional Uses.

2. Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties.

See Petitioner's Responses to the Standards for Conditional Uses.

1. Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses.

Standards for Planned Developments with Use Exceptions

~~APPLICABLE TO 2006 SUBMITTAL~~

The Development is commercial in character and is wholly consistent with the multiple other commercial uses along the north and south sides of Roosevelt Road to the east and west of the subject property and along Highland Avenue to the south of the subject property. The Development will not add in any material way to the congestion along the adjoining public thoroughfares, or to the burden on public parks, recreation areas, schools, or other public facilities which would serve the Development.

The subject property currently has one access point along Garfield Street, seven points of right-of-way along Roosevelt Road and two points of ingress and egress along Highland Avenue. Petitioner proposes to reduce the number of access points for the Development along both Roosevelt Road and Highland Avenue and thereby make access to and from the subject property and the adjoining major public thoroughfares safer than what currently exists at the site. Petitioner proposes to provide a single full access point for the Development along Garfield Street, a single right of way and right out only access point along Highland Avenue and a single full access point along Roosevelt Road.

- a. Inconvenient or unsafe access to the planned development.
 - b. Traffic congestion in the streets which adjoin the planned development.
 - c. An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.
5. The streets have been designed to avoid:

~~APPLICABLE TO 2006 SUBMITTAL~~

the Roosevelt Road commercial corridor; (ii) it will provide additional banking, shopping and employment opportunities within the Village; and (iii) it will generate additional real estate tax and sales tax revenue for the Village. Further, the stormwater management system that will be designed and constructed to serve the Development will help to resolve a significant drainage problem that exists at and around the subject property.

The proposed conditional uses to allow a drive through facility for a bank and restaurants with an outdoor seating area do not represent more than 40% of the site area or more than 40% of the total floor area of the Development.

APPLICABLE TO 2006 SUBMITTAL

Standards for Planned Developments with Other Exceptions

1. Any reduction in the requirements of this Ordinance is in the public interest.

That portion of the subject property at the southwest corner of Roosevelt Road and Highland Avenue is a vacant, blighted site consisting only of broken concrete and rubble. This portion of the subject property does not beautify or otherwise enhance the aesthetic appeal, the character, or the value of the Village's Roosevelt Road commercial corridor. Moreover, the Tavern ~~is~~ was old and somewhat dilapidated and it, too, ~~does~~ did not beautify or otherwise enhance the aesthetic appeal, the character, or the value of the Village's Roosevelt Road commercial corridor.

Therefore, the Development is in the public interest because: (i) it will develop a vacant and blighted parcel of land at a major arterial intersection in the Village and along a major commercial corridor of the Village; it will redevelop the Tavern site with newer, more modern commercial buildings that will further enhance the aesthetic appeal, character, and the value of the Roosevelt Road commercial corridor; (ii) it will provide additional banking, shopping and employment opportunities within the Village; and (iii) it will generate additional real estate tax and sales tax revenue for the Village. Further, the stormwater management system that will be designed and constructed to serve the Development will help to resolve a significant drainage problem that exists at and around the subject property.

2. The proposed exceptions would not adversely impact the value or use of any other property.

The properties to the north, south, east and west are zoned, respectively, OPD, unincorporated residential, B3 and B3. To the north of the property (across Roosevelt Road) is the multi-building planned development housing the National College of Chiropractic/National University for the Health Sciences. To the south of the subject property are a) along its southern board on its eastern side, a multi-tenant commercial strip center, and b) along its southern border on its western side are 13th Street and to the south 13th Street, single family homes that lie outside the territorial limits of the Village. To the east of the property, across Highland Avenue, is a Walgreen's store and to the west of the subject property across Garfield Street is another commercial strip center. Additionally, up and down Roosevelt Road, east and west of the subject property are commercial properties. Moreover, bank drive through facilities are common in the marketplace today because retail banking customers desire such facilities. A bank with a drive through facility will satisfy a demand for such a facility in the relevant market area, will be consistent with the general commercial character of surrounding properties and, therefore, will not be injurious to, or diminish the value of, such properties. A restaurant(s) with an outdoor seating area will also be consistent with the development and use of properties along Roosevelt

Road in proximity to the subject property.
STILL APPLICABLE TO 2006 SUBMITTAL

3. Such exceptions are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding properties.

The exceptions that Petitioner seeks are necessary to construct and operate the Development as a single integrated retail/commercial project, including cross access and cross parking to, through and among all of the Lots that will comprise the Development. Development of the site as a single integrated development will allow for fewer access points to Roosevelt Road and thereby promote good traffic planning and will allow for the design of a stormwater management system that will help to resolve a drainage problem that currently affects the subject property and certain surrounding properties.

APPLICABLE TO 2006 SUBMITTAL

4. The overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district.

The Development is located in the B3 zoning district. Such zoning district does not contain any maximum floor area ratio requirement. Further, the Development complies with the B3 bulk regulations such as the minimum lot area, minimum lot width, minimum building setbacks, maximum building height and minimum open space requirements.

APPLICABLE TO 2006 SUBMITTAL

5. N/A

6. All buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:

a. The front, side or rear yard setbacks on the perimeter of the development shall not be less than required in the abutting zoning district or the zoning district underlying the subject site, whichever is greater.

The perimeter of the Development complies with the front, side and rear yard setbacks of the B3 zoning district.

b. All transitional yards and transitional landscape yards of the underlying zoning district are complied with.

Given the nature of the surrounding properties, the transitional yard and transitional landscape yard requirements of the B3 zoning district are not applicable to the Development.

c. If required transitional yards and transitional landscape yards are not adequate to protect the privacy and enjoyment of property adjacent to the development, the Plan Commission shall recommend either or both of the following requirements:

1. All structures located on the perimeter of the planned development must set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses;

See Petitioner's response to 6(b) immediately above.

2. All structures located along the entire perimeter of the planned development must be permanently screened with sight-proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.

See Petitioner's response to 6(b) immediately above.
APPLICABLE TO 2006 SUBMITTAL

d. The area of open space provided in a planned development shall be at least 25% more than that required in the underlying zoning district.

Petitioner's site plan for the Development complies with this open space requirement. Any exception will be due to requirements in BP's deed restrictions due to hydrocarbon contamination on the site.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A FURTHER AMENDMENT TO A CONDITIONAL
USE FOR A PLANNED DEVELOPMENT AND WITH A CONDITIONAL USE FOR AN
OUTDOOR DINING ESTABLISHMENT
IN THE B4A ROOSEVELT ROAD CORRIDOR DISTRICT

(PC 07-36; 201- 211 E. Roosevelt Road (V-Land Highland/Roosevelt Planned Development))

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, an application has heretofore been filed requesting approval of an amendment to a previously approved conditional use for a planned development in a B3PD Community Shopping District, Planned Development; and

WHEREAS, said application also requests approval of a conditional use for a for an outdoor dining/service establishment; and

WHEREAS, subsequent to the submittal of the application for the aforementioned relief, the Corporate Authorities approved text and map amendments for the subject property from the B3PD Community Shopping District, Planned Development to the B4A Roosevelt Road Corridor District, Planned Development; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on October 15, 2007 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 planned development amendment and conditional use for outdoor dining described herein; 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: A further amendment to a conditional use for a planned development, as approved by Ordinances 5560 and 5879, and pursuant to Section 155.504 (B) of the Zoning Ordinance, for a building addition of up to 400 square foot retail commercial building in area; as well as a conditional use for outdoor dining, are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3.

SECTION 2: That the ordinance is limited and restricted to the properties generally located at 201-211 E. Roosevelt Road, Lombard, Illinois, and legally described as follows:

Lot 1 in V-Land Lombard Highland Resubdivision, being a subdivision of part of the west one-half of the northwest quarter of Section 20, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded October 12, 2006 as Document R2006-197358, in DuPage County, Illinois.

Parcel Number: 06-20-110-006

SECTION 3: The planned development amendment and the conditional use set forth in Section 1 above shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with the site and development plan packet prepared by Interplan Midwest LLC., dated August 24, 2007 and made a part of the petition.

2. All other conditions of approval required as part of the annexation agreement and planned development approvals shall remain in full force and effect.

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

Passed on first reading this _____ day of _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.
Passed on second reading this _____ day of _____, 2007.

Ayes: _____
Nays: _____
Absent: _____

Approved this _____ day of _____, 2007.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me this _____ day of _____, 2007.

Brigitte O'Brien, Village Clerk