



Plan Commission  
Re: PC 04-21  
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Property Owner: The Sackar Company  
d.b.a. LaSalle Bank Trust 21022  
945 W. George, Suite 207  
Chicago, IL 60657

Status of Petitioner: Proposed lessee of subject premises

### **PROPERTY INFORMATION**

Existing Land Use: Shopping center – parcel V improved with a vacant fast-food restaurant with a drive-through

Size of Property: Entire Planned Development - approximately 19.5 acres; Parcels V & W – approximately 0.36 acres

Comprehensive Plan: Recommends Community Commercial land uses

Existing Zoning: B3 PD Community Shopping District/Planned Development

#### Zoning and Land Use Surrounding the Planned Development:

North: R2 Single-family Residence District; developed as single-family residences

South: B3 Community Shopping District; developed as misc. retail businesses south of Roosevelt road; developed as a White Castle fast-food restaurant at the southwest corner of the planned development

East: O PD Office - Planned Development; developed as the National University of Health Sciences

West: B3 Community Shopping District; developed as miscellaneous retail businesses (offices, gas station, convenience retail and fast-food restaurants)

### **ANALYSIS**

#### **SUBMITTALS**

This report is based on the following documentation, which was filed with the Department of Community Development on June 8, 2004, with subsequent amendments as referenced:

1. Petition for Public Hearing
2. Response to Standards
3. Plat of Survey, prepared by National Survey Service, Inc., dated March 19, 1999.
4. Existing & Proposed Site Plan, prepared by Roscoe Engineering, dated June 13, 2004.

5. Utility and Grading Plan, prepared by Roscoe Engineering, dated June 13, 2004.
6. Building Elevations and Floor Plans, prepared by Ollmann Architects Associates, dated June 7, 2004.
7. Photographs of similar store under construction in Milwaukee, WI.
8. Sign Plan packet, prepared by Jones Signs, dated July 26, 2004, and as amended by the petitioner.
9. Landscape plan, prepared by Roscoe Engineering, dated July 27, 2004
10. Materials Board

## **DESCRIPTION**

The petitioner is proposing to raze an existing vacant fast-food restaurant on the subject property and construct a new Culver's fast-food restaurant per the submitted plans. Associated with the petition are conditional uses for a drive-through facility and for outdoor dining. Also associated with the development is a request for various deviations from the Sign Ordinance.

The facility is proposed to be located within the Lombard Pines Shopping Center Planned Development. To facilitate this approval, amendments to the planned development ordinances are also required. For reference purposes, a list of past Village actions and copies of the Ordinances that need to be modified are listed in Appendix I.

As a companion to this proposal, the shopping center owner proposes companion amendments to the center regarding landscaping and signage.

## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **ENGINEERING**

#### Private Engineering Services

Private Engineering Services offers the following comments:

- Detention shall be provided for the aggregate area disturbed.
- The new structure will be required to have separate domestic and fire suppression water services.
- All curbs shall be B 6.12 type curb and gutter including those adjacent to sidewalks.
- We will provide further comments upon submittal of a full set of engineering drawings.

#### Public Works

The Engineering Division of the Department of Public Works supports a recommendation to require that the access drive into and out of the center adjacent to the proposed restaurant be redesigned as a right-in, right-out facility.

The Utilities Division of the Department of Public Works offers the following comments:

1. The utility plan shows the water service exiting to the north. There is not watermain between Brown's and Long John's Silver. The watermain is in the east parkway of Main Street.
2. Existing sanitary service that will be abandoned needs to be plugged with mechanical end cap. If water line is not reused, it needs to be removed at the main.
3. All utilities (water, sanitary, storm) that are on private property do not have easements and are privately owned and maintained by Lombard Pines.

### **FIRE AND BUILDING**

The Fire Prevention Bureau and the Bureau of Inspectional Services offers the following comments regarding this application:

1. The minimum construction type shall be 1B (non-combustible) per ICC 2000 code.
2. The outdoor dining area must be designed to include exiting.
3. A separate fire sprinkler valve room with outside access only is required.
4. A hood a duct suppression system monitored by the fire alarm system will be required for the kitchen.

### **PLANNING**

#### Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends commercial uses at this location. The Comprehensive Plan suggests several policies that should be used to guide improvement to commercial developments. One of those policies is ensuring the highest quality of design, including signage and graphics. If the comments and conditions noted in this report are incorporated into the petitioner's final plans, this development will meet the recommendations of the Comprehensive Plan.

#### Compatibility with Surrounding Land Uses

The site is surrounded by other retail commercial uses, both within the shopping center as well as along Main Street. Immediately north of the site is an existing Brown's Chicken fast-food restaurant with a drive-through facility. Staff believes the proposed land use is consistent with the surrounding land uses. Specific comments regarding the site plan are noted later in the report.

#### Compliance with the Zoning Ordinance

##### *Lombard Pines Planned Development Amendments*

Ordinance 2555, adopted September 23, 1982 (PC 82-8) established a planned development for the center. Subsequent amendments to the planned development addressed signage, site design

elements, and building expansions. As the petitioner's proposal will raze the existing building and replace it with a new one of a differing configuration, an amendment to the approved planned development will be required.

As noted in other petitions associated with the property, any development or redevelopment within the planned development should be reviewed in the context of the overall planned development. As such, staff has identified landscaping and shopping center freestanding signage issues as critical to the overall design of the center.

With respect to landscaping, staff notes that many of the perimeter pine trees have been topped. Additional entrance-way trees and shrubs are stressed, dead or dying. To address this concern staff has met with the shopping center owners to develop a landscape plan to address the perimeter and entrance way issues. The shopping center owner submitted a concept landscape plan for Village review and approval. Staff contracted with a landscape architect to review their proposed plan and to provide comments. These comments have been shared with the shopping center owners. Staff recommends that as a condition of approval, a revised landscape plan shall be submitted for review and approval by the Director of Community Development, which addresses the following issues:

- a. That any evergreen pine trees that have been topped shall be removed;
- b. That replacement deciduous trees shall be provided per Code along the perimeter of the parking lot;
- c. That where suggested by the Director of Community Development, the petitioner shall provide xeriscape plantings, consisting of native and salt-tolerant grasses and plantings in lieu of shrubs.
- d. That installation of the new plantings shall occur within twelve months of the date of approval of this Ordinance.

#### *Shopping Center sign*

With respect to the shopping center freestanding signs, the owner has agreed to erect new signage within two years from the date of approval of this petition. The shopping center owner has submitted sketch drawings of possible signage to staff, but as the signage has not been approved by the various tenants, they are reluctant to have the Commission and the Board consider the signs at this time. Additionally, they also did not want to present signage to the Village that may be substantially altered from the initial submittal.

Staff had represented to the owner a strong desire to tie a concept shopping center sign plan to the Culver's petition. However, if this cannot be achieved, staff recommends that a tight time frame (six months is suggested) be placed on the submittal of a shopping center sign plan to the Village for consideration. This would allow the Culver's development to continue while the shopping center owner secures requisite approvals and continues to work with sign companies on proposed signage plans.

Staff has also suggests that the existing Main Street sign also be replaced with a compatible sign, but which meets the sign area limitation expressed in Ordinance 4088 (i.e., 27 feet maximum height and 150 square feet of maximum area).

*Multiple structures on a lot of record*

In addition to the amended landscape and signage request for the overall planned development (discussed later) a conditional use is requested to allow for multiple structures on a lot of record. As the existing plat of survey shows, the shopping center is one lot of record that has been divided for tax purposes via assessment divisions (these divisions are denoted as “parcels”). This request is being made to ensure that the development is consistent with the provisions of the Zoning Ordinance. The proposed restaurant will be replacing an existing restaurant. Hence, the number of principal buildings within the planned development (5) will not change. Staff recommends approval of this request.

Actions Associated With Parcels V and W:

*Per Section 155.414 (C)(7) of the Zoning Ordinance, approve a conditional use for a drive-through establishment*

As shown on the petitioner’s plan, they propose to add a single lane drive through facility as part of their petition. Vehicles would enter from the southeast and proceed in a counter-clockwise fashion around the building. The order menu is located on the east side of the building and the pick-up window is located on the north side of the building. Typical of other Culver’s establishments, the petitioner also proposes a stacking area immediately west and south of the drive through lane for customers waiting for their orders.

Ordinance 4088 granted approval of a drive-through for Long John Silver’s. However, as this facility has not been in operation for over a year (actually since 1999), the conditional use is null and void. The original approval also requested a review of the drive-through by the Village’s traffic consultant, KLOA. As a new drive-through is being established, the Village requested the review of KLOA relative to the drive through. Both staff and KLOA express the following concerns regarding access and egress issues at the Main Street entrance adjacent to the site:

1. While the submitted plans suggest that the proposed turning radii into the restaurant is sufficient, staff has concerns regarding this maneuver, particularly if the stacking area is filled with cars. The radii assumes that motorists would know that they would need to make a hard right turn into their parking area and that vehicles would slow down accordingly on Main Street on their approach to the driveway entrance. Staff also notes that a deceleration lane does not exist at this location.

To address this concern, staff suggests that as a condition of approval that the petitioner demonstrates that the ingress from Main Street into the parking lot entrance on the west side of the property can adequately accommodate a large passenger vehicle (i.e., a Ford Expedition). Should the proposed entrance not safely accommodate such a vehicle, as determined by the Director of Community Development, the petitioner shall modify the site plan to close off the entrance.

2. Staff and KLOA have concerns regarding egress from the drive though back to Main Street. As it is currently proposed, patrons receiving their order would proceed westerly and then cross over the eastbound traffic to leave the site. As this movement is contrary to normal traffic flow, staff suggests that the barrier island be modified to extend westerly and widened to funnel traffic south around the building. Patrons can then leave the area through the parking lot and internal driveway east of the Culver's site. Staff's recommendation is similar to the approved and constructed Burger King establishment at the High Point Shopping Center on Roosevelt Road as well as the existing Wendy's Restaurant at 850 E. Roosevelt Road in Lombard. Additionally, to ensure that vehicles waiting for orders do not conflict with vehicles leaving the drive through area, the petitioner shall install flexible barrier poles segregating the drive through functions as well.
3. As part of overall Main Street improvements, staff suggests that the Main Street entrance drive into the facility shall be redesigned as a right-in, right-out facility. This concept is supported by the Village Engineer and is consistent with the improvement required as part of the Dunkin Donuts expansion plan immediately across the street. Moreover, as two traffic lights exist north of the property, which provides for a protected movement into the shopping center, staff does not anticipate that this requested modification will hinder overall access.

*Per Section 155.414 (C)(18) of the Zoning Ordinance, approve a conditional use for an outdoor service area (outdoor dining)*

As shown on the petitioner's plans, they are proposing to add a small outdoor dining area (10' x 17' =170 square feet) to be located immediately outside the main entrance. Staff does not object to this request as it allows for an alternate area for patrons to eat if desired. As the property is not located near any 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.

Compliance with the Sign Ordinance

As the site is a planned development, the signage associated with the Culver's site needs to be reviewed in the context of the entire shopping center. The petitioner's plan requests the following actions be taken:

*A deviation from Section 153.234 (G) of the Sign Ordinance providing for an additional free-standing sign in conjunction with a shopping center sign.*

When shopping center signs are provided for within a development, the Sign Ordinance prohibits the use of separate freestanding signs. The petitioner is requesting approval of a deviation to allow for the installation of a new Culver's free-standing sign. Staff notes that Long John Silver's had a freestanding sign as well as Brown's Chicken north of the site. From this perspective, establishing a freestanding sign on the site would not be inconsistent with past approvals.

*An amendment to Ordinance 4088 allowing for an automatic changeable copy sign to be located on the petitioner's proposed freestanding sign.*

Automatic changeable copy (ACC) signs are allowed on properties with more than 500 feet of street frontage. The Sign Ordinance does not cap the number of ACC signs permitted on a property. Ordinance 4088 provides for an ACC sign on the Roosevelt Road shopping center sign totaling 96 square feet (6' x 16'). The petitioner proposes to install a second ACC sign on the property. This sign is intended to advertise daily specials associated with the restaurant use.

From staff's perspective, the ACC sign could be supported provided that limitations on overall ACC signs within the shopping center can be made. Staff suggests that as a condition of approval of the amendment, the shopping center owner agree that no additional ACC signs shall be incorporated into future designs of the Main Street shopping center sign. Staff met with the shopping center owners and they found this condition to be acceptable.

*A deviation from Section 153.505 (B)(5)(b) of the Sign Ordinance to allow for a freestanding sign of greater than fifty square feet.*

The petitioner's initial plan proposed a freestanding sign of 128 square feet plus an additional 33 square feet for the ACC sign for a total of 151 square feet. Staff noted that the proposed square footage far exceeds code. In response, the petitioner is now proposing a 14' x 7' (98 square feet) oval sign with a 29 square foot ACC sign, totaling 117 square feet. Staff notes that this sign will be larger than many other signs along Main Street. However, in consideration of this request, staff notes that the access limitations proposed by the Village as part of this request will require customers traveling south on Main Street to make their decision to enter the property a block



ahead of the restaurant. Hence, given this trade-off for better site design and circulation, additional square footage could be conceptually supported.

*A deviation from Section 153.505 (B)(17)(b)(2) of the Sign Ordinance to allow for more than two wall signs are allowed for exterior tenants.*

Based on the petitioner's submitted elevations, they are proposing wall signs on the south, north and west sides of the building. Staff notes that each of the signs meet the wall sign requirements at only 18 square feet in overall size. Staff also notes that many other tenants within the shopping center have been granted relief for additional wall signs (i.e., Enchanted Castle, Hobby Lobby and Jewel/Osco). Given the store's position as an island within the shopping center parking lot, staff believes the request can be supported.

## **FINDINGS AND RECOMMENDATIONS**

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

Based on the submitted petition and the testimony presented, the proposed conditional use and variations do comply with the standards required by the Lombard Zoning and Sign Ordinances; and, therefore, I move that the Plan Commission adopt the findings included within the Inter-department Group Report as the findings of the Lombard Plan Commission, and recommend to the Corporate Authorities **approval** of the PC 04-21, subject to the following conditions:

1. That Section A of Ordinance 4088 adopted October 19, 1995 be amended as follows:
  1. That the petitioner shall submit a revised landscape plan to the Village for review and approval and shall undertake the following landscape improvements per the proposed plan:
    - a. Any evergreen pine trees that have been topped shall be removed;
    - b. That replacement deciduous trees shall be provided per Code along the perimeter of the parking lot;
    - c. That where suggested by the Director of Community Development, the petitioner shall provide xeriscape plantings, consisting of native and salt-tolerant grasses and plantings in lieu of shrubs.
    - d. That installation of the new plantings shall occur within twelve months of the date of approval of this Ordinance.

2. That Section A. 2.e. be amended to remove the reference to Long John Silver's.
3. That Section A 2. shall be amended to include the following:
  - f. That the property identified as Parcels V and W shall be permitted to be improved with a new Culver's fast-food restaurant. That the petitioner shall develop the site essentially in accordance with the submitted plans prepared by Roscoe Engineering and Ollman Associates Architects and made part of this petition and attached as Exhibit A.
  - g. That as part of the approval for the outdoor dining activity, the petitioner shall provide fencing around the perimeter of the dining area, with the design of the fence subject to the approval of the Director of Community Development.
  - h. That the Culver's free-standing sign shall not exceed 117 square feet in overall sign size, with the proposed Culver's oval sign not to exceed 98 square feet and the automatic changeable copy sign shall not exceed 29 square feet in size, as depicted on the submitted plans created by Jones Signs, dated July 28, 2004 and as amended by the petitioner.
  - i. That any trash enclosure screening as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the proposed restaurant building.
4. That Section 11 be replaced in its entirety and shall read as follows:
  11. That the conditional use for a drive-through establishment shall be subject to the following conditions:
    - a. The petitioner shall demonstrate to the Director of Community Development that the ingress from the driveway on Main Street into the Culver's entrance on the north side of the property can adequately accommodate a large passenger vehicle (i.e., a Ford Expedition). Should the proposed entrance not safely accommodate such a vehicle, as determined by the Director of Community Development, the petitioner shall modify the site plan to close off the entrance.
    - b. That the proposed barrier island dividing the access drive from the drive-through lane shall be modified to extend westerly and widened to funnel traffic south around the building. Additional signage shall be provided to direct patrons through the parking lot and internal

driveway east of the Culver's site. Additionally, to ensure that vehicles waiting for orders do not conflict with vehicles leaving the drive through area, the petitioner shall install flexible barrier poles segregating the drive through functions.

- c. The Main Street entrance drive into the planned development shall be redesigned as a right-in, right-out facility.
5. That Section B. of Ordinance 4088 be amended as follows:
    1. That within six months of the date of approval of this Ordinance, the shopping center owner shall submit an application and plans to the Plan Commission for a new shopping center sign along Roosevelt Road. Said sign can be reviewed and approved by the Plan Commission as part of the site plan approval process.
    2. In conjunction with the proposed shopping center sign, the center shall erect a compatible sign replacing the existing pylon sign at Main Street and Edward Street with a new sign compatible to the sign to be erected on Roosevelt Road. However, the Main Street sign shall not exceed 27 feet in height or 150 square feet in sign surface area.
    3. Said signs shall be erected within two years of the date of approval of this Ordinance.
  6. That Section 3. a. of Ordinance 2555 shall be deleted in its entirety.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Director of Community Development

att

c: Petitioner

## Appendix I

### Lombard Pines Shopping Center B3 PD Community Shopping District Planned Development

#### Summary of Activity/Ordinances

**Ordinance 2555**      Adopted September 23, 1982  
PC 82-8  
*Amended by Ordinances 2607, 2686, 2695, 2735, 3837, 4025 (amended by 4056), and 4088*  
Grants a Conditional Use for the Planned Development.

**Ordinance 2607**      Adopted June 23, 1983  
PC 83-12  
Amends Section 2 of Ordinance 2555 to allow a restaurant with entertainment (Enchanted Castle) at the west of the building located at 1103 S. Main Street, subject to the necessary license which would permit the token-operated amusement devices in conjunction with a restaurant.

**Ordinance 2686**      Adopted July 26, 1984  
PC 84-11  
Amends Section 2 of Ordinance 2555 to allow an indoor tanning salon at 1127 S. Main Street with conditions.

**Ordinance 2695**      Adopted September 13, 1984  
PC 84-7  
Amends Section 2 of Ordinance 2555 to allow the outside storage and sale of merchandise at 1177 S. Main Street (Jewel) with conditions.

**Ordinance 2735**      Adopted April 25, 1984  
PC 85-1  
Amends Section 2 of Ordinance 2555 to allow a drive-through customer pick up window at the restaurant located at 1145 S. Main Street with conditions.

**Ordinance 3104**      Adopted October 20, 1988  
PC 88-22  
Allows for the expansion of Enchanted Castle with conditions. (Note: the Planned Development Ordinance 2555 should have been amended, but the Planners at the time instead granted a whole new Conditional Use to Enchanted Castle. This oversight was corrected through Ordinance 4088, when Enchanted Castle was allowed to expand from what was existing in 1994 into the adjacent 4,000 sq. ft space, which amends the Planned Development Ordinance 2555.)

**Ordinance 3837**      Adopted March 17, 1994

PC 94-5

Amends Ordinance 2555 to allow additional wall signage for Enchanted Castle (1103 S. Main Street) with conditions.

**Ordinance 4025**      Adopted May 18, 1995

PC 95-14

*Amended by Ordinance 4056*

Amends Ordinance 2555, Section 2, paragraph 2-C, allowing Jewel/Osco an addition of 9,800 sq. ft. and amending Ordinance 2555, Section 2 to add subsections 6 and 7 which require certain site improvements and foundation landscaping in conjunction with the Jewel/Osco expansion.

**Ordinance 4056**      Adopted July 20, 1995

PC 95-14

Amends Ordinance 4025 to clarify and revise the site improvement required.

**Ordinance 4088**      Adopted October 19, 1995

PC 95-14

Amends Ordinance 2555, updating the site plan, to allow for a building addition or a new freestanding building, not to exceed 18,000 sq. ft between Jewel and Handy Andy (Hobby Lobby), to allow for the existing Enchanted Castle facility to expand into the existing and adjacent 4,000 sq. ft building space, to allow Brown's Chicken building to become a bank with drive-throughs, with conditions, to allow Long John's Silvers and Boston Market to have drive-throughs. This ordinance also addresses the shopping center signs. It also adds subsections 8, 9, 10, 11, 12 which discuss sidewalk improvements in front of Handy Andy and Jewel, the proposed bank and its required improvements, the Boston market drive-through, the Long John Silver's drive-through, and other site improvements.

**Ordinance 4651**      Adopted June 17, 1999

PC 99-04

Amends Ordinance 2555, allowing for five wall signs on the west elevation of the building, with the total square footage of all wall signs not to exceed 100 square feet.

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## **Appendix I**

### **Lombard Pines Shopping Center B3 PD Community Shopping District Planned Development Copies of adopted Ordinances 2555 & 4088**