

**FRED BUCHOLZ**  
DUPAGE COUNTY RECORDER  
DEC.06,2007 3:08 PM  
OTHER 02-36-412-035  
**012 PAGES R2007-215859**

**ORDINANCE 6083**

**AMENDING ORDINANCE 4920, GRANTING A  
VARIATION FROM THE LOMBARD SIGN ORDINANCE**

**PIN: 02-36-412-035**

**ADDRESS: 600 W. North Avenue, Lombard, IL**

**Return To:**

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

**ORDINANCE NO. 6083**

**AN ORDINANCE AMENDING ORDINANCE 4920, GRANTING  
A VARIATION FROM THE LOMBARD SIGN ORDINANCE**

(PC 07-08: 600 W. North Avenue)

The petitioner requests that the Village amend Ordinance 4920 and take the following actions on the property located within the B4 Corridor Commercial District:

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance (the "Zoning Ordinance"), otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Sign Ordinance, otherwise known as Title 15, Chapter 153 of the Code of Lombard, Illinois; and,

WHEREAS, the Subject Property as defined below is zoned B4 Corridor Commercial District; and,

WHEREAS, an application has been filed requesting an amendment to Ordinance 4920 to grant a conditional use for a second drive-through facility (the "Conditional Use") and to grant a variation from Section 153.505(B)(16)(a)(2) of the Lombard Sign Ordinance to increase the number of permitted wall signs to seven (the "Sign Variation"); and

WHEREAS, the Inter-Departmental Review Committee has been established pursuant Section 155.102(D) of the Lombard Zoning Ordinance to act as an advisory body in the site plan review process; and

WHEREAS, the Inter-Departmental Review Committee reviewed said application and found that the Signage Variation meets the standards for variations, but that the Conditional Use does not meet the standards for conditional uses, said standards being established by the Zoning Ordinance; and

WHEREAS, the Inter-Departmental Review Committee forwarded its findings to the Plan Commission and recommended that the Plan Commission recommend to the Corporate Authorities approval of the Signage Variation and denial of the Conditional Use; and

Ordinance No. 6083  
Re: PC 07-08  
Page 2

WHEREAS, public hearings on the forgoing application were conducted by the Village of Lombard Plan Commission on July 16, 2007 and August 20, 2007 pursuant to appropriate and legal notice, and the Plan Commission considered the testimony and evidence presented, including the findings and recommendations of the Inter-Departmental Review Committee; and

WHEREAS, the Plan Commission concurred with the findings and recommendations of the Inter-Departmental Review Committee relative to the Signage Variation, but did not concur with the findings and recommendations of the Inter-Departmental Review Committee relative to the Conditional Use; and

WHEREAS, the Plan Commission filed its recommendations with the President and Board of Trustees recommending approval of the Sign Variation and the Conditional Use, subject to conditions; and,

WHEREAS, the President and Board of Trustees does not concur with the findings and recommendation of the Plan Commission relative to the Conditional Use; and

WHEREAS, the President and Board of Trustees adopts the findings and recommendations of the Inter-Departmental Review Committee in regard to the Conditional Use, as set forth in its report, dated July 16, 2007, which is attached hereto as Exhibit A and incorporated herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Ordinance 4920 pertaining to the Subject Property, as described in Section 3 below, is hereby amended to provide for the relief set forth in Section 2 below.

SECTION 2: That a variation is hereby granted from the provisions of Section 153.505(B)(16)(a)(2) of the Lombard Sign Ordinance to grant the Sign Variation to increase the number of permitted wall signs, subject to the conditions set forth in Section 4 below.

SECTION 3: That this Ordinance is limited and restricted to the property located at 600 W. North Avenue, Lombard, Illinois and legally described as follows:

LOT 1 IN EQUILON ENTERPRISES LLC CONSOLIDATION PLAT NO. 3 OF PART OF THE SOUTHEAST QUARTER OF SECTION 36 TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY ILLINOIS

Parcel Number: 02-36-412-035; (the "Subject Property").

SECTION 4: The approval of the actions set forth in Sections 1 and 2 above shall be subject to the following conditions:

1. The signage shall be consistent with the proposed signage plan prepared by Warren Johnson Architects, and dated June 6, 2007.
2. The petitioner shall apply for and receive a building permit for the proposed signage prior to installation.

SECTION 5: That all other provisions of Ordinance 4920 not amended by this Ordinance shall remain in full force and effect.

SECTION 6: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 7: 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 6th day of September , 2007.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Passed on second reading this 20th day of September, 2007, pursuant to a roll call vote as follows:

Ordinance No. 6083  
Re: PC 07-08  
Page 4

Ayes: Trustees Gron, Tross, O'Brien & Fitzpatrick

Nays: None

Absent: Trustees Moreau and Soderstrom

Approved by me this 20th day of September, 2007.

  
William J. Mueller, Village President

ATTEST:

  
Brigitte O'Brien, Village Clerk

Published in pamphlet from this 27th day of September, 2007.

  
Brigitte O'Brien, Village Clerk

**VILLAGE OF LOMBARD**  
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission                      HEARING DATE: July 16, 2007  
FROM: Department of                                      PREPARED BY: Michelle Kulikowski, AICP  
          Community Development                                      Planner I

**TITLE**

**PC 07-08; 600 W. North Avenue:** The petitioner requests that the Village amend Ordinance 4920 and take the following actions on the property located within the B4 Corridor Commercial District:

1. A conditional use for a second drive-through facility.
2. A variation from Section 153.505(B)(16)(a)(2) of the Lombard Sign Ordinance to increase the number of permitted wall signs.

**GENERAL INFORMATION**

Petitioner:                                      Warren Johnson Architects  
  19 N. Greely Street  
  Palatine, IL 60067

Status of Petitioner:                              Consultant for Property Owner/Proposed Tenant

Property Owner:                                      Shell Oil Products US  
  904 S. Roselle Rd. #342  
  Schaumburg, IL 60193

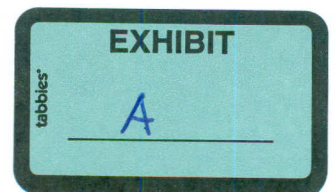
**PROPERTY INFORMATION**

Existing Zoning:                                      B4 Corridor Commercial District

Existing Land Use:                                      Gas station with car wash and convenience store

Size of Property:                                      Approximately 1.2 Acres

Comprehensive Plan:                                      Recommends Community Commercial.



Surrounding Zoning and Land Use:

- North: B3PD Community Shopping District Planned Development; developed as Northgate (Lombard Landings) Shopping Center
- South: B4 Corridor Commercial District; developed as Jiffy Lube
- East: B4 Corridor Commercial; developed as a BP gas station and McDonald's restaurant with drive-through facility
- West: B3PD Community Shopping District Planned Development; developed as Northgate (Lombard Landings) Shopping Center

## ANALYSIS

### SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on February 16, 2007 and June 12, 2007:

1. Petition for Public Hearing.
2. Response to Standards for Conditional Uses and for Variations.
3. Site Plan, prepared by Warren Johnson Architects, and dated June 6, 2007.
4. Building elevations and proposed signage prepared by Warren Johnson Architects, and dated June 6, 2007.

### DESCRIPTION

The subject property is located at the northwest corner of North Avenue (IL Route 64) and Rohlwing Road (IL Route 53) adjacent to the Northgate (Lombard Landings) Shopping Center. In 2000, the Village Board approved a conditional use for a gas station and a car wash on the property (PC 00-54). The car wash and convenience mart are in separate buildings, and the gas station has a large canopy covering the fuel pumps. The Shell gas station has entered into an agreement to lease the portion of the convenience store that is currently used as a deli counter to Dunkin Donuts. The petitioner is proposing a drive-through associated with the Dunkin Donuts, which requires an additional conditional use approval in the B4 Corridor Commercial District. The petitioner also seeks an amendment to the previous sign approvals to allow for two additional wall signs on the property.

## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **PUBLIC WORKS**

The Engineering Division of the Public Works Department has no comments on the petition.

### **ENGINEERING**

The Private Engineering Services Division has no comments regarding the proposed project.

### **BUILDING AND FIRE**

The Bureau of Inspectional Services comments that with the possible vehicle stacking at the drive thru and the car wash, proper emergency vehicle/equipment access is to be maintained at all times.

### **PLANNING**

#### Compliance with the Zoning Ordinance

The proposed Dunkin Donuts is not considered a change in use as its proposed location is within the convenience store in the space that is currently used as a deli counter. As such, Dunkin Donuts can lease space in the convenience mart without any zoning action. However, the petitioner is proposing a new drive-through window in conjunction with the Dunkin Donuts operations, which requires an conditional use approval.

Staff notes that there are already four conditional uses currently associated with the property, which are as follows:

- Conditional use for gasoline sales,
- Conditional use for automobile service (car wash),
- Conditional use for two principal buildings on one lot, and
- Conditional use for outside display and sales of products.

The drive-through conditional use is proposed to operate in a counter-clockwise manner. Vehicles using the drive-through would be directed to drive around the rear of the convenience store and stack in a parallel lane to the car wash drive-through lane. The menu board would be located behind the building and between the drive-through lanes and the vehicle delivery area. Once orders have been placed by customers, he/she would proceed to the window placed on the west side of the convenience store.



For a conditional use to be recommended for approval, the standards for conditional uses must be met, pursuant to Section 155.103 (F)(8) of the Zoning Ordinance. Staff offers its concerns and findings relative to the following standards:

1. *That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;*
5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;*
6. *That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and,*
7. *That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

Staff notes that it is not uncommon to have complementary businesses and uses associated with gas station establishments. Many such establishments within the community offer additional retail uses (indoor or outdoor) as well as other auto service uses such as car washes, vehicle service activities or even restaurant drive-through facilities, such as the BP/McDonald's establishment east of the subject property.

However, when reviewing this petition, staff finds that if a conditional use for the drive-through window is granted, the cumulative impact of this conditional use as well as all of the other conditional uses would negatively affect the property. Essentially, there would be three auto-oriented uses on a property and a fourth conditional use (outside sales of product) that also impacts the automobile circulation and use of the site, which is just over an acre.

The petitioner has represented that the Dunkin Donuts will have peak hours in the morning whereas the gas station will have peak hours in the afternoon and evening. However, once a conditional use for a drive-through window is granted it is tied to the property. There is nothing that would prevent a hamburger fast food restaurant or any modification to the Dunkin Donuts business operations, whose peak hours may coincide with the gas station, from taking over the lease and operating the drive-through as well. Empirical evidence from similar types of coffee establishments finds that while their peak hour of generation may be in the morning, there will be business activity throughout the entire day.

From a stacking and queuing standpoint, the petitioner's plan does provide the minimum number of stacking spaces for the drive-through window. However, when one looks at the cumulative impact of the use, staff notes that should the queue extend beyond eight spaces, it can impact the ability for other motorists to access the car wash lane, the parking spaces on the east side of the building and

possibly even the access drive into the gas station along Route 53. The drive-through may also impact the ability for gasoline delivery vehicles from accessing the site or may hinder the ability of motorists to circulate around the property during these periods. Staff also has concerns about the ability to maneuver emergency vehicles around the site if the site is “overloaded” with an excessive number of differing auto uses.

Overall, staff expresses its concerns regarding the cumulative effect of all of the conditional uses for the site. Staff also notes that no other gas station in the Village has approval for all of the conditional uses proposed for the petitioner’s property. Staff has not supported conditional uses for restaurant drive-through windows on gas station that also have drive-through car washes. Staff believes that the cumulative impact of this window creates additional impacts on overall traffic congestion and as such does not meet the standards for conditional uses in this regard.

#### Compliance with the Sign Ordinance

The subject property is allowed one wall sign per street frontage, for a total of two (2) wall signs, by a matter of right. With the approval for the gas station and car wash, a signage variation was granted to allow five (5) wall signs. There is one wall sign on the convenient mart building, one on the car wash building, and one wall sign on each of three sides of the canopy structure.

The Sign Ordinance allows each business in a multi-tenant building a minimum of twenty-five (25) square feet for a wall sign. However, one of the conditions of approval associated with Ordinance #4920, which granted approval for the gas station and car wash back in 2000, limited the property to five (5) wall signs. Staff finds that the gas station in combination with the other uses on the property present unique signage issues. Additionally, staff finds that the signs are appropriately sized and believes that the request is reasonable.

#### Compliance with the Comprehensive Plan

The Long-Range Plan Map of the Comprehensive Plan recommends that the property be used as community commercial uses at this location. While the existing commercial uses and the proposed drive-through are consistent with the recommendation of the Comprehensive Plan, the Plan does note as an objective to “encourage quality site development and amenities in commercial areas” (pg. 9). Staff believes the additional vehicle oriented conditional use can excessively burden the site, which in turn would not create a quality site design. As such, staff does not believe that the petition meets the objectives of the Comprehensive Plan.

#### Compatibility with Surrounding Zoning

The property is within the North Avenue corridor, which includes a wide variety of uses, including a fair number of auto-oriented uses. The property abuts a commercial shopping area and an existing cross-access easement has been established between the properties. The existing uses and the proposed drive-through are consistent with the zoning of the adjacent properties, albeit the additional drive-through may create additional traffic in the adjacent center.

## FINDINGS AND RECOMMENDATIONS

Based on the above considerations, the Inter-Departmental Review Committee has reviewed the standards for conditional uses and variations and finds that the proposal meets the standards for variations, but does not meet the standards for conditional uses and therefore recommends that the Plan Commission make the following motion recommending **partial approval** of this petition:

Based on the submitted petition and the testimony presented, the requested conditional use **does not** comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission recommend to the Corporate Authorities **denial** of the conditional use associated with PC 07-08.

Based on the submitted petition and testimony presented the requested sign variation does comply with the standards required by the Lombard Zoning and Sign Ordinances; and, therefore, I move that the Plan Commission recommend to the Corporate Authorities **approval** of the sign variation associated with PC 07-08 subject to the following conditions:

1. The signage shall be consistent with the proposed signage plan prepared by Warren Johnson Architects, and dated June 6, 2007.
2. The petitioner shall apply for and receive a building permit for the proposed signage prior to installation.

Inter-Departmental Review Report Approved By:



David A. Hulseberg, AICP  
Assistant Village Manager

MK:jd

att-

c. Petitioner



I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a  
copy of ORDINANCE 6083  
AMENDING ORDINANCE 4920, GRANTING A  
VARIATION FROM THE LOMBARD SIGN  
ORDINANCE

ADDRESS: 600 W. NORTH AVENUE, LOMBARD, IL  
PIN: 02-36-412-035

of the said Village as it appears from the official records of  
said Village duly approved September 20, 2007.

**In Witness Whereof**, I have hereunto affixed my official signature and the  
Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this  
26th day of October, 2007



Barbara A. Johnson  
Deputy Village Clerk  
Village of Lombard  
DuPage County, Illinois

