

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

TO:	Lombard Plan Commission	HEARING DATE:	January 24, 2011
FROM:	Department of Community Development	PREPARED BY:	Christopher Stilling, Assistant Director

**TITLE**

**PC 11-01; 455 & 477 East Butterfield Road:** The petitioner requests that the Village take the following actions on the subject property located within the O Office District:

1. A variation from Section 155.602 (C), table 6.3 of the Lombard Zoning Ordinance, to reduce the required number of parking spaces for a sit down restaurant.
2. A variation from section 155.412 (F) of the Lombard Zoning Ordinance to reduce the required front yard setback.
3. A conditional use, per Section 155.412 (C) (9), for off-site parking.
4. An amendment to Ordinances 5917 and 6162 for a new conditional use, per Section 155.412 (C) (15), for a restaurant establishment.

**GENERAL INFORMATION**

Petitioner:	RPC General Contractors 248 Levy Road Atlantic Beach, FL 32233
Property Owner:	Ernest G. Khougaz 5615 grey feather Ct Westlake Village, CA 91362
Relationship to Petitioner:	Construction management entity for lessee (Miller's Ale)

**PROPERTY INFORMATION**

Existing Zoning:	O Office District
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Existing Land Use: Sit down restaurant

Size of Property: Approximately 1.58 acres

Comprehensive Plan: Recommends Office

Surrounding Zoning and Land Use:

North: B3PD Community Shopping District; developed as Yorktown Mall

South: Interstate 88 - Reagan Tollway

East: O Office District; developed as an office building

West: O Office District; developed as the Carlisle banquet hall

## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documents that were submitted to the Department of Community Development on December 23, 2010:

1. Petition for Public Hearing with response to standards.
2. Site Plan, floor plan and elevation, prepared by RPC General Contractors, dated August 26, 2010, last revised December 21, 2010.
3. Parking analysis conducted in July & August of 2010. A subsequent analysis was submitted on January 17, 2011.

### **DESCRIPTION**

The subject property at 455 East Butterfield Road is currently developed with a sit-down restaurant establishment. Ordinance 5917 (PC 06-17) granted approval of the companion zoning relief required by this development. In 2008, additional relief was granted for an additional wall sign (Ordinance 6162). As part of their 2006 approvals, the restaurant was permitted to have an outdoor seating area. Such approval was subject to them entering into an agreement to use the existing parking spaces located on the Nicor Property to the south. Unfortunately Miller's was unable to reach an agreement with Nicor and never proceeded with constructing the outdoor

dining area. The petitioner is now seeking to construct a 1,500 square foot addition to the north elevation of their existing building, where the previously approved outdoor dining area was located. A portion of the addition will encroach into the front yard setback.

## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **PUBLIC WORKS**

The Engineering and Utilities Divisions of the Public Works Department has reviewed the proposal and has the following comments:

1. They are past due with their grease manifests that document monthly cleaning of the grease trap.
2. They are past due on the testing and certification of one of their backflow devices (mop basin in the closet in the kitchen. Watts 009 RPZ 1/2" Serial#A541903)
3. Need to install a valve immediately adjacent to the downstream side of their water meter.

### **PRIVATE ENGINEERING**

The Private Engineering Services Division of the Department of Community Development has reviewed the petition and has the following comments:

1. Per Code, Stormwater detention is required for the additional impervious area being constructed. The new detention volume shall not be stored in the parking lot. Prior to the issuance of a building permit, final engineering shall be submitted for review and approval.
2. The eastern retaining wall shall be elevated by 24" and the grading along the east side shall direct runoff to the north, towards the right-of-way. This work will need to be designed by a registered Illinois, professional engineer.

### **FIRE DEPARTMENT**

The Fire Department has no comment on the petition at this time.

### **BUILDING DIVISION**

The Building Division has no comment on the petition at this time.

### **PLANNING**

#### **Zoning History**

Miller's Ale House was approved by Ordinance 5917 in 2006 (PC 06-17) for a 7,230 square foot sit down restaurant with an additional 1,500 square foot outdoor seating area. At that time, the

proposal included the reuse of many of the previous parking lot improvements already constructed on site from the former Bally's building. The following is a summary of the previously approved zoning actions associated with Ordinance 5917:

*Conditional Use for a sit down restaurant*

The existing restaurant is 7,230 square feet in area and is improved with 123 parking spaces

*Conditional Use for outdoor dining associated with a restaurant*

As part of their approvals, the petitioner did receive relief from the parking requirements for a 1500 square foot outdoor seating area. Such approval was subject to them entering into an agreement to use the existing parking spaces located on the Nicor Property to the south. Unfortunately Miller's was unable to reach an agreement with Nicor and never proceeded with constructing the outdoor dining area.

*Conditional Use for off site parking*

As previously noted, Millers was required to have off-site parking to accommodate the parking demand for the proposed outdoor dining area. Since Miller's was unable to reach an agreement with Nicor, they never proceeded with constructing the outdoor dining area.

*A variation to reduce the required open space below the thirty-five percent (35%) requirement*

The existing site, including the proposed outdoor dining area, has 21% open space. Since the proposed addition is the same size as the previously approved outdoor dining area, open space will remain unchanged.

*A variation to allow for parking spaces within the required front yard*

This approval will remain unchanged as the proposed addition will not impact the location of parking.

*Variations to eliminate the perimeter parking lot landscaping and to reduce the perimeter lot landscaping requirements*

This approval will remain unchanged as the proposed addition will not impact the parking lot landscaping.

**Compatibility with the Zoning Ordinance**

The petitioner is seeking a number of additional zoning actions for the site to facilitate the construction of the 1,500 square foot addition on a property located within the O Office District. As previously mentioned, the proposed addition would be the same size as the previously granted outdoor dining area. However, unlike the outdoor dining area, a portion of the addition will encroach into the front yard setback and the addition will be fully enclosed. To address the required parking, Miller's has a tentative agreement with the office property to the east to provide the required 25 parking spaces during the evening hours. The following is a summary of the zoning actions associated with this petition:

*An amendment to Ordinances 5917 and 6162 for a new conditional use for a restaurant establishment*

The existing restaurant has previously received approvals for a restaurant at this location, through Ordinance 5917. In 2008, Ordinance 6162 was approved providing for an increase in sign size for a wall and increased the total number of permitted walls signs to three (3). Because the proposal constituted a change from what was previously approved, a new conditional use is required. The proposed addition would accommodate a new enclosed patio/lounge area that is consistent with some of the other Miller's Ale Houses located throughout the country. Although the addition would be approximately 1,500 square feet in area, the net increase in total seats is 22. The addition will be fully enclosed, although there will be sliding windows along the north elevation that can be completely opened during the warmer months. The exterior will be consistent with the original materials and colors previously approved as part of Ordinance 5917.

The Butterfield Road corridor is already improved with a number of restaurant type uses within the O District, including the Carlisle Banquet Hall abutting the subject property, Friday's, Taylor Brewing and Benihana. Such uses are considered complementary to the numerous office uses within the corridor. The petitioner has provided a response to the standards for conditional use. Staff finds that those standards have been met and supports the request.

*A variation to reduce the required front yard setback*

The proposed addition would encroach into the required 30' front yard setback in the O Office District. At its closest point, the addition would be setback approximately 17' from the Butterfield Road right of way. The petitioner indicates that due to the shape of the property, only 220 square feet or 15% of the new addition would encroach into the setback. Although the original plan did meet the required front yard setback for the outdoor dining area, the petitioner has indicated that since this will be a permanent addition to the existing structure, the encroachment is necessary to make the space more usable.

Staff finds that there are several other properties directly to the west of the site that are closer than the proposed 17' setback. The Carlisle to the west has their canopy and gazebo area setback approximately 14 from the right-of-way (legal nonconforming). Further west is the Highland Point office building which has setbacks as close as 1 foot. In addition, setback relief was granted for the parking structure (1' setback) for Highland Pointe in 2001. As noted in the past case, staff is supportive of this variation as the existing right of way line does not properly relate to the built environment found on the site and does not correlate to the functional bounds of the public roadway. The frontage road provides an additional 60' from Butterfield Road. Furthermore, there are no curb cuts from Butterfield Road directly to the subject property; access to the site is provided by the frontage roadway that terminates about ¼ mile east of the subject property.

*A variation to reduce the required number of parking spaces for a sit down restaurant & conditional use for off-site Parking Spaces*

The existing restaurant has 123 parking spaces, which meets the requirements for the existing 7,320 square foot sit-down restaurant itself. However, to accommodate the 1,500 square foot addition, which must meet the parking provisions for sit-down restaurants as well; twenty-five (25) additional spaces are required. The petitioner will be entering into a lease with the adjacent property to the west, located at 477 E Butterfield Road, to be used to meet their parking needs for the addition. As the 477 E Butterfield Road property is improved with an existing office building, the shared parking agreement only allows the use of 26 parking spaces on Friday and Saturday evenings from 6PM to 2AM when the office building is not in use. Because the agreement is for the use on Friday and Saturday evenings only, the petitioner is required to get a variation from the parking requirements. The petitioner has submitted a parking analysis conducted in July, August & September of 2010 and in January of 2011 (attached) showing their total number of available parking spaces during their lunch and evening rush. Based on the information provided, the petitioner indicates that Friday and Saturday evenings, from 6PM to close, are the only times where less than 25 parking spaces are provided.

Staff is supportive of the conditional use and variation. As shown in their parking analysis, parking demand is highest on Friday and Saturday evenings. The proposed agreement with 477 E Butterfield Road provides the necessary parking to accommodate their demand. Furthermore, staff finds that the shared parking will not impact the uses at 477 E Butterfield Road since they are office in nature and most businesses will be closed by 6PM. Lastly, if the petitioner were to terminate the agreement with the property owners at 477 E Butterfield Road, there are other locations the petitioner may consider for shared parking. As a condition of approval, staff will be recommending that the petitioner always maintain an agreement for the use of 25 parking spaces for Friday and Saturday evenings.

**Compatibility with the Sign Ordinance**

Ordinance 5917, subsequently amended by Ordinance 6162 provided for an increase in sign size for a wall and increased the total number of permitted wall signs to three (3). The proposed addition will not impact signage. The existing sign on the north elevation will remain unchanged upon completion of the addition.

**Compatibility with Surrounding Land Uses**

The properties to the east and west of the subject property are also zoned in the Office District. As noted in the 2006 petition, the proposed use is compatible with the adjacent land uses.

**Compliance with the Comprehensive Plan**

The Long-Range Plan Map of the Comprehensive Plan recommends that the property be designated for office uses. The proposed use, while not specifically office in nature, complements and is compatible with the surrounding office and restaurant uses.

## **FINDINGS AND RECOMMENDATIONS**

The Department of Community Development finds that the information presented **meets** the Standards for Conditional Uses and Standards for Variations as set forth in the Zoning Ordinance. Based on the above considerations, 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 **complies** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of PC 11-01, subject to the following conditions::

1. The petitioner shall develop the site in substantial conformance with the site plan, floor plan and elevation plan, prepared by RPC General Contractors, dated August 26, 2010, last revised December 21, 2010, except where modified by the conditions of approval.
2. All other conditions approved by Ordinance 5917 and 6162 shall remain in full force and effect.
3. Prior to the issuance of a building permit, the petitioner shall enter into a shared parking agreement with the property owner of 477 E Butterfield Road, for the use of a minimum of 25 parking spaces upon terms acceptable to the Village Board. In the event that the shared parking agreement is terminated, the petitioner shall secure the rights to minimum of 25 parking spaces on the property located at 477 E Butterfield Road or the abutting Nicor property. If neither location is available, an amendment to the conditional use and any corresponding variations shall be required.
4. The petitioner shall satisfactorily address all IDRC comments.

Inter-Departmental Review Report Approved By:

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William J. Heniff, AICP  
Director of Community Development