

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 submittals 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. Reilly'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 abut 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. 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 abut 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 155.501 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 tie 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

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c. Petitioner

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