

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission HEARING DATE: July 17, 2006

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

TITLE

PC 06-17; 455 East Butterfield Road: The petitioner requests that the Village take the following actions on the subject property located within the O Office District:

1. Grant the following conditional uses from the Zoning Ordinance:
 - a. A conditional use, per Section 155.411 (C) (14), for a restaurant establishment;
 - b. A conditional use, per Section 155.411 (C) (10), for outdoor dining associated with a restaurant establishment;
 - c. A conditional use, per Section 155.411 (C) (9), for off-site parking.

2. Grant the following variations from the Zoning Ordinance to address existing non-conformities:
 - a. A variation from Section 155.411 (F) to reduce the required open space below the thirty-five percent (35%) requirement;
 - b. A variation from Section 155.602 (A)(3)(d) to allow for parking spaces within the required front yard;
 - c. Along the south property line, variations from Sections 155.706 (C) and 155.709 (B) to eliminate the perimeter parking lot landscaping and to reduce the perimeter lot landscaping requirements from five feet (5') to zero feet (0').

3. Grant the following variations from the Sign Ordinance:
 - a. A variation from Section 153.503(B)(12)(a) of the Sign Ordinance to allow for a wall sign of up to 146 square feet where a maximum of 100 square feet is permitted;
 - b. A variation from Section 153.503(B) (12)(b) of the Sign Ordinance to allow for a second wall sign per street front exposure, where a maximum of one sign is permitted.

4. Approval of a one-lot major plat of subdivision.

GENERAL INFORMATION

Petitioner/Property Owner: Insite Real Estate LLC
(455 E. Butterfield Rd.) 1603 West 16th Street
Oak Brook, IL 60523

Property Owner: NiCor Gas Real Estate
(NiCor Property) P.O. Box 190
Aurora, IL 60507

PROPERTY INFORMATION

Existing Zoning: O Office District

Existing Land Use: 455 property: Vacant with parking lot improvements
Lot 6: Vacant with NiCor Gas Easement

Size of Property: Approximately 1.58 acres

Comprehensive Plan: Recommends Office

Surrounding Zoning and Land Use:

North: B3 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 May 16, 2006:

1. Petition for Public Hearing with response to standards.

2. ALTA Land Title Survey, prepared by Gentile & Associates, dated May 3, 2005 (the Bally's building has since been removed)
3. Proposed Improvement Plan Packet (includes demolition plan, site engineering plan with details, preliminary landscape plan, prepared by prepared by Seton Engineering, dated April 30, 2006.
4. Photometric Plan, prepared by Security Lighting, dated June 12, 2006.
5. Proposed Landscape Plan, prepared by Lehman & Lehman, dates June 28, 2006.
6. Proposed site plan including NiCor property parking area, prepared by Seton Engineering, dated June 30, 2006.
7. Proposed Exterior Building Elevations, prepared by Interplan, Inc., no date.

DESCRIPTION

The subject property at 455 East Butterfield Road was previously improved with a fitness center, which was razed earlier this year. The property owner/petitioner is seeking approval of a number of zoning actions in order to allow a sit-down restaurant with outdoor dining component to be developed on the property.

The subject property abuts a NiCor tract of land immediately to the south. This area is currently improved with an asphalt surface. The petitioner is seeking approval of a conditional use for off-site parking in order to meet the parking needs of the outdoor dining component of the restaurant.

The subject property is also improved with a parking lot with three legal non-conformities related to landscaping requirements. The petition includes companion relief to allow these nonconformities to remain on the property. The petition does increase the degree of nonconformity.

The petitioner is also seeking relief from the Sign Ordinance to allow for larger wall signs and for two wall signs on the property, when only one is permitted by right.

Lastly, the petitioner will be seeking approval of a one-lot plat of subdivision, making the subject property a lot of record.

PUBLIC WORKS

The Engineering Division of the Public Works Department has reviewed the proposal and does not have any comments on the petition. However, Public Works may have comments on future plans if they show other work in the public right-of-way, or as part of the building permit submittal.

The Utilities Division of the Public Works Department has the following comments on the subject petition:

1. Abandon the existing unused water services at the main. The condition of the existing 6” valve that they are connecting to should be checked and may be required to be replaced. A vault may be required if the existing valve remains.
2. Move the sanitary inspection manhole to property line.
3. A 6” PVC SDR 26 pipe for sanitary services shall be required, not the depicted 4” pipe.
4. Add a storm inspection manhole at property line.

PRIVATE ENGINEERING

The Private Engineering Services Division of the Department of Community Development offers the following comments regarding the development proposal:

1. The Fire Department connection shall be at the front of the building and within 75 feet of a hydrant.
2. A fire hydrant shall be placed at the southwest corner of the building to afford coverage to the rear of the building.
3. The stormwater restrictor shall be sized according to calculations rather than any minimum diameter.
4. Best management practices for stormwater runoff quality (i.e. removal of sediment and 80% of total suspended solids) shall be incorporated into to design.
5. Additional comments will be provided upon receipt of a full building permit application submittal.

BUILDING AND FIRE

The Fire Department has no comment on the petition at this time. However, further review of on-site engineering drawings for placement of hydrants, water mains, and locations will be necessary prior to submittal for permits. Moreover, the Fire Department notes that a separate fire suppression room with outside access only shall be required.

PLANNING

Compatibility with the Zoning Ordinance

The petitioner is seeking a number of zoning actions to facilitate the construction of a 7,230 square foot sit-down restaurant with a 1,500 square foot outdoor dining area on a property located within the O Office District. The proposal attempts to reuse many of the previous parking lot improvements already constructed on site and replace the former Bally's building with a new restaurant based upon the submitted plans.

Conditional Use Approval for a Sit-Down Restaurant

Sit-down restaurants require conditional use approval in the Office District. 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, Benihana and Magnum's. Such uses are considered complementary to the numerous office uses within the corridor. However to ensure compatibility, staff offers a number of site plan improvements as part of the proposal to address access and circulation issues.

Conditional Use – Outdoor Dining Area

The petitioner's proposal includes a 1,500 square foot outdoor dining area located on the north side of the building. This area is intended to provide outdoor dining in the same manner as many other established sit-down restaurants that currently operate in the community. This area will be semi-enclosed with a folding glass wall system that can be closed during inclement weather, but the west exterior wall will be open. The Zoning Ordinance was amended in 2005 (PC 05-34) to list outdoor dining as a conditional use in the O Office District. As the abutting land uses to the outdoor area are non-residential in nature, these uses would not be negatively affected by the outdoor dining. Therefore, staff does not object to this request.

Conditional Use – Off-site Parking Spaces

The abutting NiCor property is improved with an asphalt parking lot that has historically been used by the subject property owner for parking purposes. The petitioner's development proposal will provide for 123 spaces, which meets the requirements for the 7,320 square foot sit-down restaurant itself. However, to accommodate the outdoor dining, 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 NiCor to allow for the NiCor property to be used to meet their parking needs for the outdoor dining component.

The petitioner has prepared a joint parking plan showing how the spaces will be configured under the lease arrangement. The proposed plan provides for a net total of 59 additional spaces immediately south and southeast of the subject property. The design of the additional spaces is intended to be well integrated into the petitioner's plans. The southeast parking area has been designed to create a 24-foot wide, two-lane drive aisle that will ultimately permit cross-access provisions between each of the properties along the Butterfield Road frontage road in order to provide for better traffic flow. Staff recommends that a removable barrier be erected along the north side of the proposed drive aisle to preclude vehicles from pulling through the parking stalls directly onto the drive aisle. Moreover, a temporary bulb shall be demarcated at the end of the lot to allow for turn-around movements. Lastly, should the parking lot and/or drive aisle to the east of the parking lot be extended, the petitioner shall re-stripe the parking lot accordingly to accommodate the connection.

Given that the NiCor parking area is for the use and benefit of the petitioner only to meet their outdoor dining parking needs and that the use of the principal building would be unaffected by the lease arrangement, staff is supportive of the conditional use. If NiCor and/or the property owner were to terminate the lease agreement, the subject property could easily achieve code compliance by removing the outdoor dining area.

Variation for Parking Landscape Requirements

As a companion to the conditional uses noted above, three parking related landscape variations are included within this petition. The petitioner has provided a parking lot plan includes the construction of ten new landscape parking islands on the property. With these improvements, the parking lot will meet the five percent minimum landscape requirement required by code. However, three non-conforming parking lot landscape issues remain, including:

- a. A variation to reduce the required open space below the thirty-five percent (35%) requirement. Staff notes that many of the properties within this corridor exceed this provision and that the existing property. The petitioner's plan will provide up to 21 percent open space, which is greater than existing conditions. As the increase in landscaping will bring the site closer to compliance with code without creating other parking variations, staff can support this request.
- b. A variation to allow for parking spaces within the required front yard. The Office District precludes parking spaces in the requisite 30-foot front yard. Currently, three spaces encroach into this area. Staff notes that the adjacent property to the west also encroaches into this area and that the Village previously granted relief to allow for encroachments into the front yard for the office development at 333-377 East Butterfield Road, this

request is not out of context along the corridor. Moreover, granting this relief is preferable to granting relief from the number of required parking spaces.

- c. Along the south property line, variations to eliminate the perimeter parking lot landscaping and to reduce the perimeter lot landscaping requirements from five feet (5') to zero feet (0') are requested. This request is to allow for the cross-access and cross-park agreements noted for the NiCor property above.

The petitioner included a conceptual landscape plan as part of the overall site plan packet that has been superseded by a more detailed landscape plan. The petitioner intends to provide the requisite landscaping plantings to meet the provisions established in the Lombard Zoning Ordinance.

The petitioner's plan proposes to have a trash area on the south side of the building with the exterior walls of the trash enclosure area to be integrated into the building design, as shown on the submitted plans.

Compatibility with the Sign Ordinance

Wall Signs

As shown on the elevation exhibits, the petitioner is proposing to install two identical signs on the proposed building. The signs on the north and west sides of the building will state "Miller's Ale House Restaurant" and are proposed to be approximately 125 square feet in size. The Zoning Ordinance limits the number of wall signs to one per street frontage in the Office District and caps the overall square footage to a maximum of 100 square feet. Given the building's distance from Butterfield Road and the relatively high speeds at which traffic moves along that road, staff does not object to the proposed number or increased size of the wall signs. However, it should be noted that the wall signs could be brought into compliance with the Office District size regulations by removing the word "Restaurant."

Compatibility with the Subdivision and Development Ordinance

The petitioner is also seeking approval of a one-lot subdivision encompassing the subject property. This subdivision will make the property a lot of record, as required by the Zoning Ordinance. The lot will meet the width and area requirement of the Zoning Ordinance.

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.

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 earlier, the proposed use is compatible with the adjacent land uses, subject to the access provisions noted earlier.

FINDINGS AND RECOMMENDATIONS

Staff has reviewed the response to standards included as part of the petition and concurs that the petition meets the standards set forth in the Zoning Ordinance. Staff believes that the proposed use is appropriate at the subject location and is compatible with surrounding uses and the Comprehensive Plan.

Based on the above findings, 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 requested relief **complies** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 06-17, subject to the following conditions:

1. The petitioner shall develop the site in substantial conformance with the submitted plans prepared listed below and made part of this request, except where modified by the conditions of approval:
 - a) Proposed demolition plan and site engineering plan with details, prepared by prepared by Seton Engineering, dated April 30, 2006.
 - b) Photometric Plan, prepared by Security Lighting, dated June 12, 2006.
 - c) Proposed Landscape Plan, prepared by Lehman & Lehman, dates June 28, 2006.
 - d) Proposed Additional Parking Exhibit (including NiCor property parking area), prepared by Seton Engineering, dated June 30, 2006.
 - e) Proposed Exterior Building Elevations, prepared by Interplan, Inc., no date.

2. The petitioner shall revise the Additional Parking Exhibit to include a removable barrier along the north side of the proposed drive aisle and a temporary bulb demarcated at the end of the lot.
3. The owners or subsequent owners of the Subject Properties shall not object to granting cross access easement rights on, and, or across the Subject Properties, upon a request by the Village.
4. Should the parking lot and/or drive aisle to the east of the parking lot be extended, the petitioner shall re-stripe the parking lot accordingly to accommodate the connection.
5. In the event that the 455 E. Butterfield property is unable to maintain a lease for parking rights on the Nicor property, the conditional use for outdoor dining shall immediately become null and void.

Furthermore, the Plan Commission recommends to the Corporate Authorities that site plan approval be granted to the Plan Commission for the planned development.

Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH/WJH
att-

c. Petitioner