

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

Burger King Restaurant – 401 E. Roosevelt Road

September 21, 2015

Title

PC 15-24

Petitioner

Tri City Foods of Illinois, Inc.
1400 Opus Place, Suite 900
Downers Grove, IL 60515

Property Owner

Brixmoor LLC
450 Lexington Avenue, 13th Floor
New York, NY 10170

Property Location

401 E. Roosevelt Road
(06-20-200-036) District #6

Zoning

B4APD

Existing Land Use

1-story commercial building

Comprehensive Plan

Community Commercial

Approval Sought

1. A conditional use for a drive-through and drive-in establishments;
2. An amendment to the High Point Centre Planned Development, to allow a third freestanding sign; and
3. A deviation to increase the maximum allowable area of a wall sign.

Prepared By

Jennifer Ganser
Assistant Director



DESCRIPTION

The petitioner requests to reestablish a Burger King restaurant at 401 E. Roosevelt Road, with a conditional use for a drive thru and two sign variances. Burger King received conditional use approval for a drive thru in 1987 via Ordinance 3022.

LOCATION MAP

APPROVAL(S) REQUIRED

The petitioner requests that the Village take the following actions on the subject property at 401 E. Roosevelt Road, located within the B4APD Roosevelt Road Corridor District, Planned Development:

1. A conditional use pursuant to Section 155.417(G)(2)(b)(vi) of the Lombard Zoning Ordinance for a drive-through and drive-in establishments;
2. An amendment to the High Point Centre Planned Development, as approved in Ordinance 2867 to allow a third freestanding sign; and
3. A deviation from Section 153.505(B)(19)(b)(i)(a) of the Lombard Sign Ordinance to increase the maximum allowable area of a wall sign from forty (40) square feet to eighty-four (84) square feet.

PROJECT STATS

Lot & Bulk

Parcel Size: 12.50 acres

Submittals

1. Petition for a public hearing, submitted;
2. Response to Standards;
3. Land Title Survey, prepared by The Orin Group LLC, dated September 20, 2006;
4. Sign packet, prepared by Federal Heath Sign Company, dated August 17, 2015;
5. Pictures of recent remodels, prepared by Tri City Foods, undated;
6. Site Plan & Details, prepared by Warren Johnson Architects, Inc., dated July 14, 2015;
7. Demo Plan, prepared by Warren Johnson Architects, Inc., dated July 14, 2015;
8. BK reader board freestanding sign, prepared by Federal Heath Sign Company, dated August 17, 2015; and
9. Landscape plans; prepared by Warren Johnson Architects, Inc., dated July 14, 2015.

EXISTING CONDITIONS

The subject property is currently improved with a vacant one-story commercial building, formally occupied by a Burger King restaurant.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the project.

Fire Department:

The Fire Department has no comments regarding the project.

Private Engineering Services (PES):

PES has no comments regarding the project.

Public Works:

The Department of Public Works has no comments.

Planning Services Division (PSD):

The Planning Services Division notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	B4APD	Retail
South	R4PD	Townhomes
East	B4APD	Retail
West	B4APD	Retail

Staff finds that the three requests are consistent with the zoning and land use of the surrounding properties.

2. Comprehensive Plan Compatibility

The Comprehensive Plan recommends community commercial for the site. The proposed restaurant with a drive thru meets the Comprehensive Plan goals for the area.

3. Landscape Plan

The petitioner has provided landscape plans. They propose to remove some existing landscaping, but then add new landscaping to make the building more visible. High Point Centre has more parkway trees than allowed per Code; therefore a variance is not required. Staff is supportive of the new landscape plan and finds it will enhance the area.

4. Zoning & Sign Ordinance Compatibility

Burger King is requesting a conditional use for a drive thru. Since the drive thru has not been utilized for over one (1) year, it has lost previous zoning entitlements that were granted in 1987. Staff notes that the drive thru was approved by the Village Board and is not aware of any issues with the drive thru while it was operational. Staff supports the conditional use request for the drive thru, as it is generally a re-establishment of what was previously approved for the site. Drive thru signage (such as a menu board) is regulated by the Village through the conditional use process. The petitioner is requesting two (2) variances from the Sign Ordinance:

1. Extra Wall Sign Square Footage

The petitioner proposes a total of eighty-four (84) square feet of signage. As noted in previous approvals, the wall signage on multiple elevations will help the restaurant be recognized from both directions of traffic on Roosevelt Road. Burger King would be allowed forty (40) square feet of signage and a variance is being requested for eighty-four (84) square feet of signage.

High Point Centre received a sign variance in 1988 (PC 88-13, Ord. No. 3064) to allow certain tenants, Burger King included, an additional wall sign up to twenty-five (25) square feet. The previous Burger King had had two wall signs and one canopy sign. Due to a recent text amendment (Village-wide), the number of signs is no longer a concern, but rather only the square feet. Staff supports the variance for extra wall signs.

Direction	Square Feet
North Elevation	1 sign; 19 square feet
South Elevation	None
West Elevation	2 signs; 27 square feet & 19 square feet
East Elevation	1 sign; 19 square feet

2. Freestanding Sign.

Currently, the shopping center has two freestanding shopping center identification signs. This sign, if approved, would be a third sign. A similar request was made in 1989 (PC 89-10), which was denied by the Village Board. At the time, staff noted that the restaurant had sufficient visibility from their existing signs. The allowance of Burger King to have their own freestanding sign could encourage other requests from businesses in this planned development and along Roosevelt Road and would be generally inconsistent with the purpose and intent of shopping center sign provisions.

Burger King has previously appeared before the Plan Commission and Village Board of Trustees in 1989 (PC 89-10) for an amendment to the High Point Centre Planned Development to allow for a third freestanding sign, which was denied. The proposed sign was to be fifty-three (53) square feet in area and ten (10) feet in height.

Staff does not find any site constraints for a hardship for a third freestanding sign. As noted above, the strip center has more parkway trees than required by Code and some trees will be removed as part of the re-establishment of the use.

Staff feels that the extra wall signs will help offset the need for a freestanding sign. Temporary signage options are available with permission from the property owner and a permit from the Village.

Burger King has submitted two options for a freestanding sign. If the Plan Commission decided to recommend approval for the freestanding sign, they could specify which sign they are recommending approval of, or specify that as long as the freestanding sign meets Code, it does not matter which option Burger King would choose.

FINDINGS & RECOMMENDATIONS

Staff has reviewed the petition and finds that petition does not meet the Standards for the freestanding sign set forth in the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **denial** of the amendment to the High Point Centre Planned Development for the freestanding sign associated with PC 15-24.

However, the Inter-Departmental Review Committee has reviewed the standards for the conditional use for a drive thru and the wall sign deviation and finds that the proposed use **complies** with the standards established by the Village of Lombard Zoning Ordinance, subject to the conditions of approval based on the above consideration. As such the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of the conditional use for a drive thru and the wall sign deviation associated with PC 15-24,:

Based on the submitted petition and the testimony presented, the proposed conditional use for a drive thru and the wall sign deviation does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional use permit for a drive thru and the wall sign deviation is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Committee Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 15-24 in part, subject to the following conditions:

1. Any future signs, including these wall signs, involving the subject property shall apply for and receive a building permit. Said permit shall be in accordance with the sign plan prepared by Federal Heath Sign Company with a date of August 17, 2015, and made a part of this petition;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
3. All other relief associated with this petition shall be denied.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

August 17, 2015

Village of Lombard
Plan Commission
255 E. Wilson Avenue
Lombard, IL 60148

Re: **Burger King 5956 Remodel**
401 E. Roosevelt Road
Lombard, IL 60148
Conditional Use Petition (Drive-Thru)

Response to Lombard Zoning Ordinance Standards for Conditional Uses

1. The site and building were designed originally and have historically operated under use identical to the proposed use, a Burger King® restaurant with drive-thru. The restaurant has served the community for over twenty-five (25) years without the record, reputation or appearance of being detrimental or endangering to the community.
2. High Pointe Centre shopping center has been a long-standing retail destination serving the Lombard community for over twenty-five (25) years. At this time, the center exhibits numerous vacancies in its real estate. Petitioner is poised to invest substantial capital in the property in the form of a 20-year lease agreement and a commitment to remodel the exterior and interior of the Burger King® building and a refreshing of the parking areas and landscaping; a project that will exceed \$500,000 in expense. With a new, contemporary appearance, a remodeled Burger King® will add value to the center and promote a significant increase in customer visits. We are confident this increase in customer traffic will benefit other tenants in the shopping center, including Ultra Foods and Office Depot, among others.
3. Petitioner's proposed use of premises is consistent with its historical design and use. The site is contained within a demised portion of the larger, surrounding shopping center, which is fully-developed. Re-opening the restaurant as a Burger King® with drive-thru is not expected to impede future redevelopment of the surrounding property.
4. No change to the utilities or access roads currently serving the site and building are anticipated. Existing utilities are believed adequate for Petitioner's proposed use.
5. Ingress and egress will remain unchanged from the existing conditions, which were professionally designed when originally developed and have not shown to be problematic over the interim twenty-five (25) years.
6. As the project is a re-opening of a former, approved Burger King® restaurant only recently shuttered, Petitioner understands the use to conform to the current Comprehensive Plan.
7. Petitioner shall proceed with renovation and occupancy in conformance with Village regulations and ordinance.

August 17, 2015

Village of Lombard
Plan Commission
255 E. Wilson Avenue
Lombard, IL 60148

Re: **Burger King 5956 Remodel**
401 E. Roosevelt Road
Lombard, IL 60148
Variations Petition (Monument Sign)

Response to Lombard Zoning Ordinance Standards for Variations

1. The site has suffered since its original development as a Burger King® in 1988 from the absence of ground signage promoting the use of the property. Although the High Point Centre shopping center does have multi-tenant pylon signage available roadside, all existing sign panels are committed under leases or leasing plans to tenants in the multi-tenant portions of the development and no panel has ever or is now available for the tenant of the free-standing Burger King® building. The franchisor, Burger King Corporation, requests and expects a form of ground signage to be made available for the franchise by franchisee. An absence of ground signage must be approved by the franchisor. Prior operators of the Burger King® restaurant identified the ground sign deficiency as negatively impacting operations within months after the initial opening. They petitioned the Village for additional ground signage, citing low revenue as compared to comparable Burger King® restaurants in the market, none of which suffered the same signage deficiency, and were denied their request. Ultimately, the Burger King® operation closed on the basis of low revenues and a resulting lack of profit necessary to support operations and continued investment in the business and facility. The restaurant closed “permanently” on November 22, 2011 and has remained shuttered and vacant since. Time has weathered the untended facility, which is now showing signs of deterioration and imposing detrimentally on the appearance and vibrancy of High Point Centre shopping center. The parcel now burdens the neighboring businesses with the stigma of vacancy, suggesting failure and lack of desirability as a retail destination. Burger King® is a Quick Service Restaurant operation that will derive the majority of its business from vehicular traffic passing in front of the store along Roosevelt Rd., which carries nearly 50,000 vehicles per day average as measured by the. Across the +/-165 restaurants Petitioner operates in Chicagoland, over 60% of gross sales on average are derived from drive-thru customers that are drawn to the restaurant from the bold reminder of its presence, primarily accomplished by roadside signage. This is especially true on sites that have a high quantity of mature trees obscuring the site lines from the roadway to the building. Such is the case at this subject property.

2. The request is based on a specific absence of a ground sign available to identify a quick service restaurant with a drive-through located on busy Roosevelt Road. A drive-through restaurant requires a Conditional Use and thereby establishes the subset of comparable zoning classification property. Petitioner is aware of no other drive-through restaurant located on Roosevelt Road that does not have a ground sign available to support visibility of the premises.
3. The purpose of the variation is to bring improved identity to a longstanding restaurant on fast-moving Roosevelt Road that is obscured from visibility and has historically underperformed to a level that cannot sustain an ongoing operation, causing a multiple-year vacancy, likely because of a lack of identity that is comparable to the competitive set of restaurants on the same roadway.
4. The hardships experienced by former operators of the restaurant have been longstanding and on-record with the Village at least twenty-five (25) years preceding Petitioner's interest in the site or ownership by the current owner. The current status as a vacant property for over three (3) years precedes Petitioner's interest in the property.
5. Petitioner believes that proper ground signage will support the improved image and success (i.e. business sustainability) of a remodeled Burger King® at High Point Centre.
6. The addition of a ground sign along Roosevelt Road would be consistent with numerous other signs servicing numerous other roadside businesses in the community.
7. The requested ground sign would be placed in a landscaped area with ample open space surrounding separated no less than thirty (30) feet from the nearest building improvement. It is not believed the addition of a ground sign as proposed would promote any of the concerns stated above. The sign would be tasteful, compliant with regulation (subject to receiving variance) and would coordinate with and enhance the substantial investment planned in remodeling the Burger King® restaurant.

August 17, 2015

Village of Lombard
Plan Commission
255 E. Wilson Avenue
Lombard, IL 60148

Re: **Burger King 5956 Remodel**
401 E. Roosevelt Road
Lombard, IL 60148
Variations Petition (Building Signs)

Response to Lombard Zoning Ordinance Standards for Variations

1. The site has suffered since its original development as a Burger King® in 1988 from the absence of adequate signage promoting the use of the property. The restaurant closed “permanently” on November 22, 2011 and has remained vacant since. The current building is now showing signs of deterioration and imposing detrimentally on the appearance and vibrancy of High Point Centre shopping center. The parcel now burdens the neighboring businesses with the stigma of vacancy, suggesting failure and lack of desirability as a retail destination. Burger King® is a Quick Service Restaurant operation that will derive the majority of its business from vehicular traffic passing in front of the store along Roosevelt Road.
2. The request is based on a specific absence of building signs on separate elevations in order for the building to be identified as a quick service restaurant located on busy Roosevelt Road.
3. The purpose of the variation is to bring improved identity to a longstanding restaurant on fast-moving Roosevelt Road that is obscured from visibility and has historically underperformed to a level that cannot sustain an ongoing operation, causing a multiple-year vacancy, likely because of a lack of identity that is comparable to the competitive set of restaurants on the same roadway.
4. The hardships experienced by former operators of the restaurant have been longstanding and on-record with the Village at least twenty-five (25) years preceding Petitioner’s interest in the site or ownership by the current owner. The current status as a vacant property for over three (3) years precedes Petitioners interest in the property.
5. Petitioner believes that building signage on multiple elevations will support the improved image and success (i.e. business sustainability) of a remodeled Burger King® at High Point Centre.
6. The addition of building signage that will be viewed from many different directions along Roosevelt Road and one of the High Point Centre entrances/exits would be consistent with numerous other signs servicing numerous other roadside businesses in the community.
7. The requested building signage would be placed on the West, North and East elevations. It is not believed the addition of these building signs that are proposed would promote any of the

concerns stated above. The signs would be tasteful, compliant with regulation (subject to receiving variance) and would coordinate with and enhance the substantial investment planned in remodeling the Burger King® restaurant.