

September 6, 2007

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 07-08: 600 W. North Avenue

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. 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.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on July 16, 2007 and August 20, 2007.

July 16, 2007 Plan Commission Meeting

Mario Valentini with Warren Johnson Architects presented the petition. He stated that Dunkin Donuts has partnered with Shell and taken space within the gas station convenience marts at several Shell locations within the Chicagoland area. He noted that these Dunkin Donuts differ from the freestanding establishments as nothing is cooked on location. He mentioned that it is more of a retail shop where some of the same menu items are available but at a smaller scale. He stated that the subject property is one of the few sites that has the ability to incorporate a drive-through with the Dunking Donuts. He noted that the site is substantial for Chicago area standards and has decent flow of traffic throughout. He stated that the proposed site plan will not be detrimental in their day to day operations . He noted that the peak times for the Dunkin Donuts won't interfere with gas deliveries or convenient mart deliveries.

Mr. Valentini noted that the variation to increase the number of wall sign is necessary to gain identity as a major brand and to let people know that Dunkin

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Donuts is located within the convenience mart. He stated that the majority of the customers will be people who are coming to the site for both purposes, and that is why the drive-through works so well. He mentioned that the Dunkin Donuts is a permitted use in the established convenience mart. He referenced the floor plan showing the lease space of the Dunkin Donuts.

Chairperson Ryan then opened the meeting for public comment. No one spoke in favor or against the petition.

Mark Hawkinson, construction Manager with Dunkin Donuts brands, noted that they had looked at a number of Shell locations, and only two met the stringent criteria for a Dunkin Donuts drive-through. He noted staff concerns, but stated that that it is a well-thought out site plan. He mentioned that there is an escape lane and un-loading of delivery trucks will occur in the back of the store. He stated that if the drive-through doesn't work, they will shut it down because if it doesn't work it is not in their best interest either.

Mr. Valentini stated that a representative from Shell was unable to be at the meeting, but they had sat down with staff to discuss some of the concerns. He referenced the staff report comments about the existing conditional use for outdoor display and sales. He noted that since those items are seasonal, they would limit the amount of material or product that was displayed outdoors. He stated that concessions would be made to make sure there is a free flowing site configuration.

Chairperson Ryan then requested the staff report.

William Heniff, Senior Planner, presented the staff report which is submitted to the public record. He stated that in 2000, the Village Board approved a conditional use for a gas station and a car wash on the property (PC 00-54). He noted that 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. He stated that 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, and in addition, the petitioner also seeks an amendment to the previous sign approvals to allow for two additional wall signs on the property.

Mr. Heniff noted that there are already four conditional uses currently associated with the property, which include: 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.

Mr. Heniff described the configuration of the car wash noting that stacking for the drive-through is parallel to the lane for the car wash drive-through. He noted that it is not uncommon to have complementary businesses and uses associated with gas station establishments, and 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. He stated 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. He mentioned that 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. He noted the petitioner's representation that the Dunkin Donuts will have peak hours in the morning whereas the gas station will have peak hours in the afternoon and evening. He stated that once a conditional use for a drive-through window is granted it is tied to the property, and 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.

Mr. Heniff stated that from a stacking and queuing standpoint, the petitioner's plan does provide the minimum number of stacking spaces for the drive-through window. He noted that looking 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. He noted that the drive-through may also impact the ability for gasoline delivery vehicles or emergency vehicles from accessing the visit the site.

Mr. Heniff noted that no other gas station in the Village has approval for all of the conditional uses proposed for the petitioner's property, and 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.

With regard to the requested signage variation, he noted that the subject property is allowed one wall sign per street frontage, for a total of two (2) wall signs, by a matter of right. He noted that with the approval for the gas station and car wash, a signage variation was granted to allow five (5) wall signs. He stated that the Sign Ordinance allows each business in a multi-tenant building a minimum of twenty-five (25) square feet for a wall sign. He mentioned that 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. He stated that staff finds that the gas station in combination with the other uses on the property present unique signage issues and the signs are appropriately sized and believes that the request is reasonable.

Mr. Heniff stated that the additional conditional use could burden the site and not create a quality site design. He stated that staff recommends partial approval – denial of the conditional use for a drive-through and approval for the signage variation. He noted that if the Plan Commission chooses to follow staff's recommendation, they must adopt the findings of the IDRC committee.

Chairperson Ryan opened the meeting for comments from the Plan Commission.

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Commissioner Burke questioned the queing and how that would conflict with access to the car wash. He stated that they seem to be independent of each other.

Mr. Heniff stated that it is the cumulative nature of the two land drive-through concept. He noted that any excessive stacking past the menu board could create conflicts. He stated that if there are more than nine vehicles stacked, it is not obvious which drive-through land is for which activity.

Commissioner Sweetser agreed. She noted that clear signage would prevent people from getting into the wrong queing lane. She stated that until it proves itself unworkable, she doesn't see a problem with the proposed drive-through. She mentioned that if the site plan works, the number of condition uses on the property shouldn't matter. She expressed concern about emergency vehicle access and the conditional use for the drive-through being tied to the property for future uses. She asked staff if anything could be done once the conditional use is approved- could it be revoked?

Mr. Heniff stated that it could not be revoked. He noted that if Burger King took over the Dunkin Donuts lease, they would have rights to the drive-through.

George Wagner, Village Attorney, noted that the conditional use could be limited to certain hours or limited to certain venues.

Commissioner Burke asked if the Dunkin Donuts would be open twenty-four hours a day.

Commissioner Sweetser asked if limitations on the hours of operation for the drive-through were imposed, could they be modified. Mr. Heniff noted that they could be changed through an amendment to the conditional use.

Commissioner Frost stated that human nature would dictate that people would either go inside or not stop there if the drive-through lanes were fully stacked.

Commissioner Burke noted that there is a bypass lane which would allow someone to get out of the drive-through line. Mr. Heniff noted that if there are too many vehicles stacked, some cars would not be able to access the bypass lane. Commissioner Burke stated that situation happens at almost every drive-through in town.

Commissioner Sweetser stated she would consider approving the petition if the drive-through was conditioned so it wouldn't be tied to the property for future owners.

Mr. Heniff stated that if the Plan Commission makes a recommendation for approval they must make a finding that the proposed conditional use meets the standards and add a condition.

Mr. Valentini noted that with some of their other sites, the municipality tied the approval for the drive-through to the business license for Dunkin Donuts. He stated that if another business

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comes in, they would have to reestablish the business license which would require the drive-through to come back for approval. He mentioned that Dunkin Donuts is a morning intense use and he felt that limiting the hours would confuse and send mixed messages to the customer.

Mr. Heniff stated that the Village doesn't license restaurants per se. He noted that the Village licenses food handlers, but having a legal standing to tie to a conditional use approval would be difficult.

Commissioner Sweeter commented on emergency vehicle access, noting that there is no place to access the west side of the car wash or drive-through if both lanes are fully stacked. She asked if any other properties are similarly constrained. Mr. Heniff stated that aren't properties that have both a car wash and a drive-through. Commissioner Sweetser stated that she doesn't care what uses are there and her concern is that the area to the west of the convenience mart would be undriveable if both stacking lanes are full. She noted that they don't know how often that would occur.

Mr. Hawkinson stated that they would be flexible as far as conditions of approval. He noted that the speed of service is important. He mentioned that wait time is 57 seconds from the time someone places and order until they drive away. He stated that they would be open to limited hours of operation, but concurred with Mr. Valentini's comments that it would confuse the customer and create an inconvenience. He noted that it wouldn't be a deal breaker and they would consider something like 5 AM to 10 PM.

Commissioner Burke noted that there are still a lot of loose ends with the petition and suggested that the petition be continued to the next meeting in order for staff and the petitioner to work out additional details.

Commissioner Sweetser asked if the petition should be addressed as two motions.

Mr. Valentini noted that there are two requests- one for the drive-through and one for the signage. He asked if the Plan Commission had any concerns about the wall signage.

Commissioner Sweetser stated she had no issue with the signage. She asked the petitioner if they were willing to reduce the outside display of products if the drive-through wasn't working.

August 20, 2007 Plan Commission

Mario Valentini with Warren Johnson Architects presented the petition. He mentioned that the petition was continued from the July Plan Commission because there were some general concerns and comments. He referenced that letter dated June 29, 2007 that addressed some of the concerns raised at the previous meeting. He stated that they were comfortable that the proposed site plan would not create any safety issues or hamper the business.

Chairperson Ryan then opened the meeting for public comment. No one spoke in favor or against the petition.

Chairperson Ryan then requested the staff report.

William Heniff, Senior Planner, presented the addendum staff report. He noted the Plan Commission continued the public hearing for PC 07-08 in order to allow the petitioner to provide additional information regarding the proposed drive-through establishment. Specifically, the Plan Commission requested additional information as follows:

1. Review what conditions that can be added that permits the drive-through, but addresses potential staff concerns regarding future changes in use.
2. Review what conditions or provisions that can be added that permits the drive-through but address potential staff concerns regarding hours of operation issues and conflicts.
3. Review the conditional use for outdoor storage provisions previously granted on the property.

Mr. Heniff referred to the petitioner's submitted letter that denotes their response to the Plan Commission comments. He noted that the petitioners are willing to tie the conditional use to the proposed use. He mentioned that the petitioners were also willing to not operate the drive-through between the hours of 10:00 p.m. and 5:00 a.m.

Mr. Heniff noted that the petitioner wanted the drive-through open during the daytime hours but offered that they would close at night. He stated that attaching conditions of approval to a petition should be related to the findings of fact associated with the case, and as the testimony did not demonstrate negative impacts of the use during overnight hours (commonly associated with properties abutting residential districts), this property is surrounded by commercial uses. He noted that this condition would serve little or no benefit.

Mr. Heniff stated that if the Plan Commission makes a finding that the conditional use can be supported but only for an establishment with an A.M. peak hour generator, the Plan Commission would need to make a finding of fact based upon that standard. He noted that a recommendation should state that the drive-through is limited to a restaurant use with an A.M. peak hour generator, with a requirement that the operator provide requisite traffic studies demonstrating compliance with that standard. This approach would tie the approval to the use rather than the operator itself.

Mr. Heniff noted that three areas were approved for the existing conditional use for outdoor sales and display— the fuel islands, the sidewalk in front of the convenience store and on the external periphery of the property along the adjacent right-of-way. He stated that the outdoor storage element that could affect circulation is the storage element on the perimeter of the site. He mentioned that while the petitioner did not include this within their request, the Plan

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Commission could require that the outdoor sales element be limited to the fuel islands and the sidewalk only.

Mr. Heniff noted that the petition includes the wall sign relief as well. He stated that staff was supportive of the wall sign relief, but not the drive through window element. He mentioned that if the Plan Commission seeks to recommend approval of the petition in its entirety, staff offers alternative language for consideration as well.

Chairperson Ryan opened the meeting for comments from the Plan Commission.

Commissioner Burke stated that it makes sense to tie the conditional use to a morning peak hour traffic generator because it gives us a way to prevent problems in the future.

Chairperson Ryan noted that he was not at the last meeting, but he did go over the testimony. He noted he is prepared to vote if needed.

Commissioner Burke asked how to memorialize the condition of approval that ties the conditional use to a morning peak hour traffic generator.

Mr. Heniff stated that the addendum staff report includes language to improve the petition in its entirety.

George Wagner, Village Attorney, stated that condition 5 relating to the outdoor activities would need to be removed. He noted that such a condition could only be added if the conditional use for outdoor sales and display were amended.

After due consideration of the petition and the testimony presented, the Plan Commission did not concur with the findings of the Inter-departmental Review Report and found that the requested conditional use and sign variation **does** comply with the standards required by the Lombard Zoning Ordinance for variations and conditional uses, but only subject to the conditions set forth herein; and, therefore, the Plan Commission, by a roll call vote of 5-0, recommended to the Corporate Authorities **approval** of the petition 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.
3. The conditional use for a drive through establishment shall be developed and operated in accordance with the submitted Site Plan, prepared by Warren Johnson Architects, dated June 6, 2007 and made a part of this petition.

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4. The conditional use for the drive-through is limited to a restaurant use with an A.M. peak hour traffic generation. Any existing or proposed use shall be required to submit requisite traffic studies to the Village upon request demonstrating compliance with this provision.
5. Outdoor sales activities shall be limited to the existing fuel islands and sidewalk areas in front of the existing convenience store.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission