

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
X Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: December 27, 2005 (BOT) Date: January 5, 2006

TITLE: PC 05-39: 19W555 Roosevelt Road *QAH*

SUBMITTED BY: Department of Community Development

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. Associated with an annexation petition, the petitioner is requesting approval of a map amendment rezoning the property from the R1 Single Family Residence District to the B3 Community Shopping District.

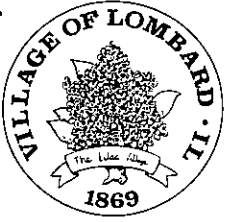
The Plan Commission recommended approval of this request.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W. T. Lichter* _____ Date *12/28/05*

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager

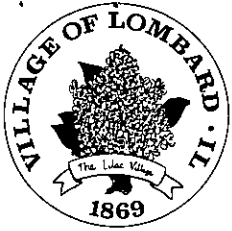
FROM: David A. Hulseberg, AICP, Director of Community Development *DAH*

DATE: January 5, 2006

SUBJECT: PC 05-39; 19W555 Roosevelt Road

Attached please find the following items for Village Board consideration as part of the January 5, 2006 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 05-39;
3. An Ordinance annexing the property into the Village; and
4. An Ordinance approving a rezoning of the property to the B3 Community Shopping District.



VILLAGE OF LOMBARD

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Village President
William J. Mueller

January 5, 2006

Village Clerk
Brigitte O'Brien

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

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Subject: PC 05-39: 19W555 Roosevelt Road

Village Manager
William T. Lichter

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner is requesting that the Village annex the property and approve a map amendment to rezone the property from the R1 Single-Family Residence District to the B3 Community Shopping District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on November 21, 2005. As the petitioner was not present at the November 21 meeting, the Plan Commission continued the petition to the December 19, 2005 meeting.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

At the December 19 meeting, William Heniff, Senior Planner, presented the petition and the staff report. He noted that the petitioner submitted a letter to the file that authorized Village staff to present the petition on their behalf.

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Mr. Heniff stated that the subject property is improved with a sit-down restaurant and banquet facility. Upon a request by the Village, the petitioner is seeking annexation. The companion rezoning to the B3 District is requested so that the underlying zoning reflects the commercial nature of the Roosevelt Road corridor. No improvements to the property are proposed as part of the annexation/rezoning petition.

Mr. Heniff noted that restaurants and banquet hall facilities are listed as permitted uses within the B3 District. The subject property meets all of the setback requirements. Recognizing that the use was deficient in parking for large-scale banquet activities, DuPage County granted parking island landscape relief in the 1990s to provide for additional parking. The lack of parking lot landscaping and the deficiency in parking spaces on-site would be classified as legal non-conforming. However, staff notes that as the use is a mix of two restaurant activities (i.e., 50% of their use is restaurant and 50% is banquet hall), the actual code requirement may overstate the actual parking demand for the site.

January 5, 2006

PC 05-39

Page 2

The Long-Range Plan Map of the Comprehensive Plan recommends that the property be used for community commercial uses, consistent with the proposed rezoning to the B3 Community Commercial District. The B3 zoning designation would ensure that any change in use would be compatible with surrounding uses and consistent with the Comprehensive Plan. The restaurant/banquet hall land use is consistent with other retail and restaurant uses along Roosevelt Road. An existing cross-access easement between the subject property and the Walgreen's property to the west provides for efficient traffic flow between properties. Staff finds that the existing restaurant use does not create negative impacts on surrounding land uses.

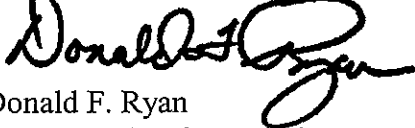
Chairperson Ryan then opened the meeting for public comment. There were no comments in favor or in opposition to the proposal. Chairperson Ryan opened the public hearing for discussion and questions by the Plan Commission.

After confirming with staff that the petition was just for a map amendment to rezone the property into a commercial district upon annexation, Commissioner Olbrysh indicated that he had no problem with the request.

Commissioner Olbrysh made a motion for approval of the petition, which was seconded by Commissioner Sweetser. The Plan Commission, by a roll call vote of 5-0, recommended to the Corporate Authorities **approval** of the petition associated with PC 05-39.

Respectfully,

VILLAGE OF LOMBARD



Donald F. Ryan
Lombard Plan Commission

att-

c. Petitioner
Lombard Plan Commission

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: November 21, 2005

FROM: Department of
Community Development

PREPARED BY: William Heniff, AICP
Senior Planner

TITLE

PC 05-39; 19W555 Roosevelt Road: The petitioner requests that the Village take the following actions on the property:

1. Annex the property into the Village of Lombard; and
2. Approve a map amendment to rezone the property from the R1 Single-Family Residence District to the B3 Community Shopping District.

GENERAL INFORMATION

Petitioner/Property Owner: Viceroy of India
19W555 Roosevelt Rd.
Lombard, IL 60148

PROPERTY INFORMATION

Existing Land Use: Sit-down restaurant/banquet hall

Size of Property: Approximately 1.56 Acres

Comprehensive Plan: Community Commercial

Existing Zoning: B2 Business District, Unincorporated DuPage County

Surrounding Zoning and Land Use:

North: Property zoned B4 Corridor Commercial District developed as commercial retail uses (furniture store, clothing store and an accessory store)

South: Property zoned B2 (Unincorporated DuPage County) and developed as a self-storage facility

East: Property zoned B3 Community Shopping District; developed as a private educational facility

West: Property zoned B3 Community Shopping District; developed as a Walgreen's Pharmacy

ANALYSIS

SUBMITTALS

This report is based upon receipt of a petitioner's request for annexation and zoning dated November 14, 2005, which was filed with the Department of Community Development.

DESCRIPTION

The subject property is located approximately 150 feet east of Highland Avenue on the south side of Roosevelt Road. A sit-down restaurant and banquet facility currently operates on the property. Upon a request by the Village, the petitioner is seeking annexation in to the Village. The companion rezoning to the B3 District is requested so that the underling zoning reflects the commercial nature of the Roosevelt Road corridor. No improvements to the property are proposed as part of the annexation/rezoning petition.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Public Works Engineering

The Public Works Engineering Division concurs with comments made by Private Engineering Services and has no other comments at this time.

Private Engineering Services

The Private Engineering Services Division has the following comment regarding this petition:

Any future connection to Village of Lombard 's water system shall require that the water main be extended to pass directly in front of this property, along the south side of Roosevelt Road. A water service line shall not be allowed to connect to the Village's existing water main on the north side of Roosevelt Road.

BUILDING AND FIRE

The Fire Department/Bureau of Inspection Services has no comments at this time. However, upon annexation, a new Certificate of Occupancy and a life/safety inspection will be conducted to ensure compliance with Village regulations.

PLANNING

Annexation

The subject property is contiguous to the Village of Lombard from the north, west and east and is within an area that will ultimately be annexed into Lombard per Lombard's boundary agreements.

Compatibility with the Zoning Ordinance

Restaurants and banquet hall facilities are listed as permitted uses within the B3 District. The subject property meets all of the setback requirements for the B3 Community Shopping District. Recognizing that the use was deficient in parking for large-scale banquet activities, DuPage County granted parking island landscape relief for the property in the 1990s to provide for additional parking on the property. The lack of parking lot landscaping and the deficiency in parking spaces on-site would be classified as legal non-conforming elements. However, staff notes that as the use is a mix of two restaurant activities (i.e., 50% of their use is restaurant and 50% is banquet hall), the actual code requirement may overstate the actual parking demand for the site. This is supported by empirical observations.

Table 1: Bulk Requirements for B3 Community Shopping District

	Code Requirements	Existing Conditions
Minimum lot area	20,000 s.f.	67,950 s.f
Minimum lot width	100'	170'
Front yard setback	30'	45'
Interior side yard setback	10'	35' (west), 25' (east)
Rear yard setback	30'	210'
Height	Less of 30'/2 stories	1 story
Open space	10%	<10%
Existing Parking spaces	Restaurant: 18.5 spaces per 1,000 sq. ft. of gross floor area = 203 spaces	132 spaces

The response to standards for map amendments is attached as Appendix A.

Compatibility with the Comprehensive Plan

The Long-Range Plan Map of the Comprehensive Plan recommends that the property be used for community commercial uses, consistent with the proposed rezoning to the B3 Community Commercial District. The B3 zoning designation would ensure that any change in use would be compatible with surrounding uses and consistent with the Comprehensive Plan.

Compatibility with the Surrounding Land Uses

The restaurant/banquet hall land use is consistent with other retail and restaurant uses along Roosevelt Road. An existing cross-access easement between the subject property and the

Walgreen's property to the west provides for efficient traffic flow between properties. Staff finds that the existing restaurant use does not create negative impacts on surrounding land uses.

Compatibility with the Sign Ordinance

No signage package is being submitted with this petition - the existing signage will remain. Any future changes to the signage on the property will be subject to the rules and regulations in the Village Sign Ordinance.

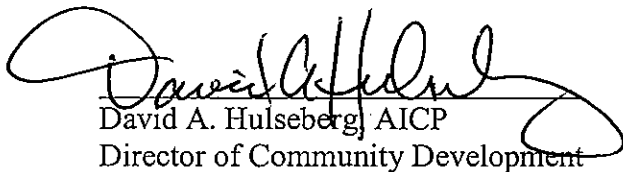
FINDINGS AND RECOMMENDATIONS

Staff believes that the map amendment for the subject property is appropriate at the subject location and is compatible with surrounding uses.

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of the request:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission and therefore, recommend to the Corporate Authorities **approval** of PC 05-39.

Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Director of Community Development

DAH:WH

Appendix A: Standards for Map Amendments

1. *Compatibility with existing uses of property within general area of the property in question.*

The area surrounding the property is generally commercial retail uses. A self-storage facility exists on the property to the south of the subject property. Staff finds that the proposed restaurant use will not create any negative impacts and therefore is compatible with the surrounding uses.

2. *Compatibility with the zoning classification of property within the general area of the property in question.*

The properties to the east and west of the subject property are also zoned B3 Community Shopping District. Properties located across the Roosevelt Road to the north of the subject property are zoned B4 Corridor Commercial District. This zoning district permits all of the permitted uses listed in the B3 District, including restaurant/banquet hall facilities.

3. *The suitability of the property in question to uses permitted under the existing zoning classification.*

The property is currently zoned B2 in DuPage County. The B2 district under DuPage County jurisdiction is very similar to the B3 District under Village of Lombard jurisdiction.

4. *Consistency with the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.*

The petitioner does not have any plans for improvements for the property. The general area is well-established and developed. The subject property is developed consistent with the surrounding properties. The Village has granted approval of map amendment requests for established commercial properties along Roosevelt Road concurrent with a voluntary annexation petition.

5. *The compatibility of the surrounding property with the permitted uses listed in the proposed zoning classification.*

The surrounding properties are zoned B3 Community Shopping District and B4 Corridor Commercial District and have been developed with uses that are permitted in the B3 and B4 zoning district.

6. *The objective of the current Comprehensive Plan for the Village of Lombard and the impact of the proposed amendment of the said objectives.*

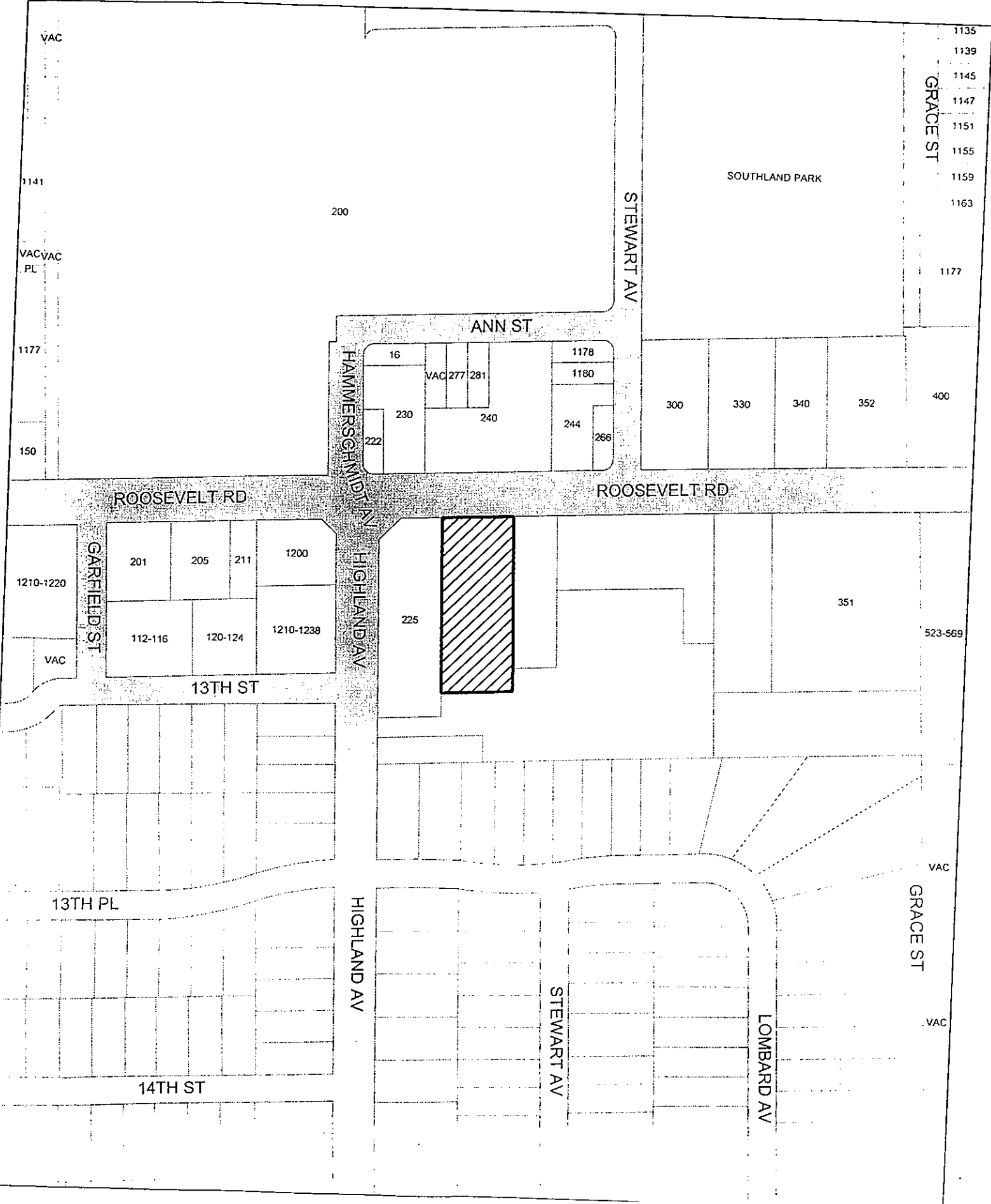
The Comprehensive Plan calls for Community Commercial for the Roosevelt Road corridor. This is consistent with the proposed B3 Community Commercial District zoning designation.

7. *The suitability of the property in question for permitted uses listed in the proposed zoning classification.*

The principal building meets all setback requirements for the B3 Community Shopping District. This site is deficient with respect to requisite parking and open space requirements, which will be recognized as legal non-conforming elements.

Location Map

PC 05-39
19W555 Roosevelt Road



ORDINANCE _____

**AN ORDINANCE ANNEXING CERTAIN TERRITORY
TO THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS**

(PC 05-39: 19W555 Roosevelt Road)

(See also Ordinance No.(s) _____)

WHEREAS, a written petition, signed by the legal owners and electors of record of all land within the territory hereinafter described, has been filed with the Village Clerk of the Village of Lombard, DuPage County, Illinois, requesting that said territory be annexed to the Village of Lombard; and,

WHEREAS, the said territory is not within the corporate limits of any municipality, but is contiguous to the Village of Lombard; and,

WHEREAS, all notices of said annexation, as required by (Chapter 65 ILCS 5/7-1-1), have been given to the appropriate parties in a timely manner as required by Statute (copies of said Notices being attached hereto as Exhibit "A", and made part hereof).

WHEREAS, it is in the best interest of the Village of Lombard that said territory be annexed thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS as follows:

SECTION 1: That the territory described in Section 2 below be and the same is hereby annexed to the Village of Lombard, DuPage County, Illinois, pursuant to (Chapter 65 ILCS 5/7-1-8).

SECTION 2: This ordinance is limited and restricted to the property indicated on the attached Plat of Annexation attached hereto as Exhibit "B", and generally located at 19W555 Roosevelt Road, Lombard, Illinois and legally described as follows:

LOT 3 IN WALTON'S SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 9, 1979 AS DOCUMENT R79-1016854, IN DUPAGE COUNTY, ILLINOIS.

Parcel Index Number: 06-20-106-074

SECTION 3: The new boundary of the Village of Lombard shall extend to the far side of any adjacent rights-of-way, and shall include all of every right-of-way within the area annexed hereby.

SECTION 4: The Village Clerk is hereby directed to record with the Recorder of Deeds and to file with the County Clerk, a certified copy of this Ordinance, and the original Plat of Annexation.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this ____ day of _____, 2006.

First reading waived by action of the Board of Trustees this ____ day of _____, 2006.

Passed on second reading this ____ day of _____, 2006.

Ayes: _____

Nayes: _____

Absent: _____

Approved this ____ day of _____, 2006.

Ordinance No. _____
Re: PC 05-39 Annexation
Page 3

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

ORDINANCE _____

**AN ORDINANCE APPROVING A MAP AMENDMENT (REZONING)
TO THE LOMBARD ZONING ORDINANCE
TITLE XV, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 05-39: 19W555 Roosevelt Road)

(See also Ordinance No.(s) _____)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title XV, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, an application has heretofore been filed requesting a map amendment for the purpose of rezoning the property described in Section 2 hereto from the R1 Single-Family Residence District to the B3 Community Shopping District; and,

WHEREAS, a public hearing thereon has been conducted by the Village of Lombard Plan Commission on November 21, 2005 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the rezoning described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS as follows:

SECTION 1: That Title XV, Chapter 155 of the Code of Lombard, Illinois, otherwise known as the Lombard Zoning Ordinance, be and is hereby amended so as to

rezone the property described in Section 2 hereof from the R1 Single-Family Residence District to the B3 Community Shopping District.

SECTION 2: This ordinance is limited and restricted to the property generally located at 19W555 Roosevelt Road, Lombard, Illinois and legally described as follows:

LOT 3 IN WALTON'S SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 9, 1979 AS DOCUMENT R79-1016854, IN DUPAGE COUNTY, ILLINOIS.

Parcel Index Number: 06-20-106-074

SECTION 3: That the official zoning map of the Village of Lombard be changed in conformance with the provisions of this ordinance.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2006.

Ordinance No. _____
Re: PC 05-39 (Map Amendment)
Page 3

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk