

August 17, 2006

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

Subject: PC 06-18; 1000 N. Rohlwing Road (Northgate Shopping Center)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village approve the following actions for the subject property located within the B3 Community Shopping District:

1. An amendment to an annexation agreement (Ordinance 3336) approving an alternate landscape plan (Exhibit D).
2. A conditional use for a planned development, with the following deviations to the Lombard Sign Ordinance:
 - a. A deviation from Section 153.234 to allow for two shopping center identification signs of 372 square feet in sign area and one sign of 299 square feet in sign area, where a maximum of one-hundred fifty (150) square feet is permitted;
 - b. A deviation from Section 153.234 to allow for two free-standing signs of forty-five feet (45') in overall height, where a maximum of thirty-five feet (35') is permitted;
 - c. A deviation from Section 153.210 (D) to allow for an increase of an electronic message board from two feet (2') to five feet (5') in height with a display screen greater than eighteen inches in height.
 - d. A deviation to allow for up to three additional wall signs of up to 275 square feet in sign surface area for the benefit of tenants within the Northgate Shopping Center, in lieu of the provisions set forth in Section 153.505 (B)(19)(b).
3. A use exception to allow for a storage center to be located within the proposed planned development, with a variation from the use and area standards set forth in Section 155.508 (B)(3) of the Zoning Ordinance.

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After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on June 19, 2006. Steve Rubin of Midwest Real Estate Equities, 2901 Butterfield Road, Oak Brook, presented the petition. Midwest owns the subject property under the Northgate Lombard LLC. He noted that they acquired the Northgate Shopping Center last July knowing that it has been vacant and had drawbacks with its marketability. They hoped to improve it in a number of areas and that is why they are before the Plan Commission. It was 80 percent vacant when they acquired it - now it is 90 percent vacant and they want to remedy that situation. The site has been 80 to 90 percent vacant for three years.

He then gave the history of North Avenue, noting that retailers tend to go to other locations. This location is a "tweener" location - in between two other major markets. They like the site due to its location, but need to attract a certain type of user. The property suffered from poor management and maintenance. There was a lot of debris on the property, overgrown landscaping, garbage overflowing dumpsters, the front of center unkempt, and the building was not painted. In addition, it also has poor visibility. If people can't see the center, the location does not help. The site impediments are the shrubs and trees on the west and east sides. Some are on their property and some are on Harlem Furniture's property. They want to remove vegetation on the west side and reduce some trees and prune trees on the east side. A drawback to the site is that the center layout is perpendicular to North Avenue. There is no visibility on I-355. There also is limited access along North Avenue. There was a teen club in the center that was not well run and it has since closed. In April, 2005, they hired a high quality leasing agent, CB Richard Ellis, who made several deals but none materialized. This site will attract local or regional tenants.

He then noted the positive things they did to improve the site including sealing and striping the parking lot and Harlem Furniture did a major renovation. Harlem owns their own building but have a cross access/parking agreement. They cleaned up debris on the property, replaced landscaping, got parking lot lights working, terminated the teen club lease, donated space to the Jaycees for their Halloween Haunted House, and facilitated a regional disaster drill on their site. They are painting the magenta stripe in front of the property. They are here to ask assistance to help them attract tenants and would like to improve the visibility, modify the signage, add a new large highly visible pylon sign on the tollway, and replace the two signs on North Avenue and Rowhling Road.

They are also asking for a zoning amendment to allow a portion of the property for self storage. They have been approached by a storage company but they did not want to be involved in a zoning reclassification but wanted to ensure that the site could be developed in that fashion.

The petitioner has received staff's comments regarding their proposal and they have prepared alternative plans as recent as this morning. It appears that staff is in agreement with their landscape requests. Regarding the signage, they have made concessions for colors, size and

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number of signs and agreed to change the name of center from Northgate Plaza to the Landings of Lombard. They agree to the sidewalk repairs along Route 53.

He then distributed a modified sign plan for the I-355 freestanding sign. The tollway sign is 45' x 17'3" wide. The name has been changed and the font has been changed to enhance its readability. The rendering shows beige columns but they will change the color to match the brick. They also change the cornice from white to grey.

They propose a similar sign but a smaller version on North Avenue. They came up with a mutual plan to have it 35 feet high and do away with an automatic changeable copy sign in lieu of more square footage. He mentioned that they agreed to do away with the ACC sign on North Avenue for greater sign area.

He then discussed the landscape plan, referring to a display board. A four-acre detention area for the tollway exists to the southwest of their site. They wanted to remove the trees but as it is a wetland area those plantings will remain. They propose to remove almost all trees and shrubbery by the Harlem Furniture building. They will remain in compliance with the Zoning Ordinance by planting or keeping one tree every 75 linear feet. On the east side of the property, they propose to remove some trees but keep the vast majority and prune them as needed. They will only prune the trees in the parking lot. They will also remove some trees along North Avenue, some of which are already dead.

Regarding the signage, he mentioned the Sydney/Rohlwing sign and showed where the pylon sign would be located. The North Avenue sign would be at the entrance and the Rowhling Road sign will be at the same location as the existing sign.

Bob Clark of Harlem Furniture, 1046 Rohlwing Road, stated on Harlem's behalf they are pleased with their concepts for reducing landscaping and increasing visibility and they support the petition. They did invest a great deal of money in the center to make the store look great. Anything else to increase its visibility they wholeheartedly support.

Edward Welsh of Dommermuth, Brestal, Cobine and West, 123 Water Street, Naperville, attorney for the petitioner, provided more detail regarding the petition. He noted that the ACC sign requirements limit its height to two feet - they are asking three feet. Staff agrees to this request based upon the prevailing speed of traffic along I-355. Staff's addendum report concurs with most of their request.

The other item included in their request is for a use exception. They do not know exactly how large the proposed storage center would be, but they do not think it would be incompatible with the center.

Chairperson Ryan then opened the meeting for comments among the Commissioners. No one spoke in favor or against the petition. He then requested the staff report.

William Heniff noted that two reports were created. The original report outlined the petitioner's request and the addendum report incorporates additional findings and recommendations based upon the petitioner's comments to the initial staff report.

He noted that the current property owners/petitioners are seeking approval of a number of actions to enhance the ability to make the center attractive to businesses. These actions include an amendment to the landscape plan as well as signage relief to provide for additional freestanding signs and wall signs on the property. To achieve this goal, the petitioner is also seeking approval of a conditional use for a planned development. This will allow for additional flexibility in site design and development standards in consideration of the unique site-specific constraints associated with the property.

Referencing the IDRC comments, Private Engineering Services Division notes that all of the landscaping along the west and south sides of the building, with exception of the northernmost 250 feet along I-355 and the easternmost 100 feet along North Avenue, is in a special management area, which is regulated by DuPage County. Total avoidance of that area is recommended.

He then discussed the history of the site. The subject property was annexed into the Village in 1990 associated with the approval of the Northgate Shopping Center development. A companion annexation agreement set forth the terms and conditions of the annexation. The agreement also tied the annexation to a specific set of plans and specifications for the subject property – including a site plan, signage plan and a landscape plan. The property owner that developed the subject property followed these specifications within their development.

Since the 1990 approval and construction of the site with a shopping center, the subject property has been sold on two separate occasions. In the late 1990s, the Northgate Theatres ceased operations. In 2003, an anchor tenant of the shopping center, Menard's, closed their operations within the center. Since then, the Menard's space has remained vacant. The theatre site received conditional use approvals for a teen club and a religious institution, but as of June 2006, both of these uses have since left the center. The property is currently occupied by the Harlem Furniture store (which was recently renovated) as well as smaller tenants occupying space at the southern end of the center.

The Comprehensive Plan recommends that the subject property be developed as a Community Commercial use. The petitioner's request to undertake activities on the property to enhance the use of the property as a retail center is consistent with the Comprehensive Plan. Establishing the site within a planned development would also be consistent with the Plan's objectives. However, staff finds that other aspects of the request are not consistent with the Plan objectives.

The shopping center is a permitted use within the B3 District. No expansions to the shopping center are proposed as part of this petition. However, within the planned development, the

petitioner is requesting approval of a landscape plan amendment, signage deviations and a use exception as part of the planned development approval.

He noted that the subject property is bound by the provisions of an Annexation Agreement. The petitioner proposes to substantially modify the landscape plan approved by the agreement. While the agreement provides that such an amendment could conceptually be reviewed and approved by staff, provided that the revised planting met code. However, Counsel noted that to incorporate the amended plan into the annexation agreement, an amendment should be undertaken.

The petitioner notes that the primary purpose of this request was to clear overgrowth or excessive vegetation surrounding the subject property in order to provide greater exposure of the shopping center. The amended landscape plan proposes to remove selected plant materials from the property and adjacent public rights-of-way. The revised plan consists of removing of almost all existing vegetation within the tollway property itself and thinning and/or removal of plantings along the west property line and on the ISTHA property located east of the northbound entrance ramp to I-355.

Staff would like to see at a minimum, the perimeter lot landscaping provisions met along the west property line, per the Zoning Ordinance regulations. The petitioner proposes to clear most of the mature trees north of the docks, and leave the requisite number of trees needed to meet the minimum requirements expressed in the Zoning Ordinance (i.e., 1 tree every 75 feet around the detention area/property line, with the ability to cluster the trees). This can be accomplished through the preservation of selected existing trees and/or removing existing trees and planting new lower growing parkway tree species. The final selection of trees to be removed will be determined by a final site inspection of the trees and approval of the removal by staff.

Along Rohlwing Road and North Avenue, the petitioner would like to thin the plant materials to provide better visibility of the shopping center itself. Since the center is at a significantly lower elevation than Route 53 itself, the ability to see the center is more difficult. It also appears that the plant materials installed as part of the initial approval were never thinned or trimmed in recent years. As such, the site appears to be overgrown in many areas. Staff has field inspected the landscape plan prepared by the petitioner and made several comments regarding the materials to be removed. Staff also attempted to provide at least one tree every 40 feet, consistent with code. The tree removal also focuses upon those view corridors necessary to see the building and/or associated signage. The petitioner has agrees to incorporate staff's comments into its final plan. In consideration of the removal of plant materials, staff noted that a small segment of the sidewalk within the Route 53 right-of-way is in disrepair. Staff recommends that with the removal of these plantings that the sidewalk be repaired accordingly.

He noted within the petition is a request for conditional use approval for a planned development. As the subject property meets the minimum lot width and area requirements and since the intent of planned developments is to address the unique attributes surrounding the existing and proposed land uses, staff recommends the establishment of a planned development for this site.

Moreover, the planned development process will provide greater flexibility to consider unique parking and signage elements associated with the shopping center. Staff also notes that most other comparable shopping centers in the Village are within planned developments.

The petitioner is proposing a modified sign package for the center with the following signage characteristics. The freestanding sign along I-355 is proposed to be located at the far northwest corner of the Harlem Furniture property in order to maximize visibility to traffic along the tollway. Such signage has been commonly used for retail destination centers such as regional outlet malls. The petitioner is proposing a total sign height of 45 feet in order to allow for signage visibility over the adjacent noise barrier walls and overpass grade changes. The petitioner is also proposing the overall sign area to be about 360 square feet in sign surface area. The large sign size is intended to include primary tenants in the center at a size that would be readable to motorists traveling at higher speeds. Lastly, the proposed sign includes an automatic changeable sign, intended to provide changeable text at a size that is readable to motorists.

Staff notes that the Village Sign Ordinance does not have any special signage regulations for signage along limited-access expressways. As such, any increase in sign size and height must seek signage relief. The proposed sign is unique in the Village as the subject property is the only B-district property in the Village that abuts a tollway. From an economic development perspective, the proposed sign could also serve as a catalyst to secure a regional destination retailer to the property. Moreover, the larger sign provides the opportunity for the southbound motorist to see the sign prior to the North Avenue intersection and make necessary traffic movements safely. As such, staff is supportive of the sign along I-355, provided that the ACC sign is monochromatic, advertises business establishments located on the subject property only and is operated in compliance with Village Code.

The petitioner is also requesting an identical sign for the North Avenue frontage as is proposed along I-355. From staff's perspective, such signage raises a number of concerns, including sign size, consistency with signage on other like properties and past Plan Commission actions. The petitioner's revised sign plan along Route 53 will be in compliance with Village Code.

The petitioner is seeking relief to allow for up to four wall signs to be placed along the Harlem Furniture west wall. They are seeking approval to allow for such signage of up to 275 square feet in area. The petitioner is requesting this relief to allow various future tenants the opportunity to have more visible signage along the west building elevation. From staff's perspective, the total square footage of all signage of 1,100 square feet would be significant and could present a billboard appearance. As such, staff does not support the wall sign relief.

The petitioner is seeking a use exception to allow for a storage center to be located on the subject property. If approved, it would allow for such an establishment to be located within part of or all of the vacant tenant space. At this point in time, the petitioner does not have a site plan or tenant space plan to accommodate such a tenant. From staff's perspective, granting a use exception for the subject property to allow for a storage center would not be appropriate, as it

would be inconsistent with the Comprehensive Plan, the intent of planned development designation other zoning approvals and the industrial nature of the storage center use.

He then discussed the addendum report. Staff met with the petitioner relative to the recommendations staff is offering to the Plan Commission. Specifically, the petitioner reiterated their need and desire to have additional square footage for free-standing signage along North Avenue. As part of this discussion with staff, the petitioner is proposing an alternative sign proposal for the North Avenue sign that would provide for additional square footage but would address other concerns raised within the IDRC report.

The petitioner's revised request would allow for greater square footage for the North Avenue freestanding sign. However, as a trade off for this request, they are willing to withdraw their proposed ACC sign request. Moreover, they are also willing to "trade" their rights to install a two foot ACC sign component within their sign in consideration of the additional sign area.

In consideration of this alternative proposal, staff believes that the petitioner's amended request can be supported. Staff denoted in the initial report that 230 square feet would be the maximum desired signage for freestanding signs. While the North Avenue sign does not meet the description for an expressway, during periods of low street traffic, vehicles can move by at a higher rate of speed, which could serve as the basis for signage relief. However, given that the petitioner is willing to remove any ACC signage rights along North Avenue (which as not been deemed desirable by the Village in the past), the additional square footage can be seen as a reasonable accommodation. Moreover, the petitioner is also willing to cap the overall square footage on the Route 53 sign to 120 square feet to ensure that the site does not have excessive freestanding signage.

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

Commissioner Olbrysh stated that this property is significant as it is a gateway to Lombard. When traveling north, you have to be looking for the shopping center to find it and he agrees that the landscaping is overgrown. For marketing purposes, they need better signage and better pruning. He thanked the petitioner for trying to resurrect the center. Regarding the electronic message board, he is glad not to have it on North Avenue. With respect to the I-355 sign, his concern is that the ACC sign be operated so that flashing messages are not used. He agrees with staff in not having a storage center as it is not consistent with a retail commercial use.

Regarding the electronic sign, Mr. Rubin stated that they do not want to create a safety issue. The code requires certain types of message and they would work with that requirement to make it static. The message might last one minute and then change to another message.

Commissioners Burke and Flint concurred with Commissioner Olbrysh's comments.

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning and Sign Ordinances, only in part, 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 that granting a planned development would be in the public interest, and therefore recommends to the Corporate Authorities **approval** of only the following actions associated with PC 06-18:

1. An amendment to an annexation agreement (Ordinance 3336) approving an alternate landscape plan.
2. A conditional use for a planned development, with the following deviations to the Lombard Sign Ordinance:
 - a. A deviation from Section 153.234 to allow one shopping center identification sign of 360 square feet in sign area (to be located along I-355), where a maximum of one-hundred fifty (150) square feet is permitted;
 - b. A deviation from Section 153.234 to allow for one free-standing sign of forty-five feet (45') in overall height (to be located along I-355), where a maximum of thirty-five feet (35') is permitted; and
 - c. A deviation from Section 153.210 (D) to allow for an increase of an electronic message board from two feet (2') to three feet (3') in height with a display screen greater than eighteen inches in height (for a sign to be located along I-355).
 - d. A deviation from Section 153.234 to allow one shopping center identification sign of 230 square feet in sign area (to be located along North Avenue), where a maximum of one-hundred fifty (150) square feet is permitted.

Furthermore, the Plan Commission recommends denial of all other zoning actions requested as part of this petition.

The relief recommended for approval above shall be subject to the following conditions:

1. The petitioner shall follow the approved alternate landscape plan prepared by Rolf C. Campbell & Associates, dated June 20, 2005; with annotations provided by the petitioner denoting the materials to be removed or replaced. Any deviations from the plan must be reviewed and approved by the Village Director of Community Development.
2. The proposed sign along I-355 shall be developed in accordance with the submitted sign plan prepared by Olympic Signs, dated June 9, 2006 and made a part of this petition, except as amended by this Ordinance of approval.
3. The proposed automatic changeable copy sign element included within the free-standing sign along I-355 shall be of a monochrome LED design, shall only advertise

business establishment located on the subject property and shall operate in compliance with the Lombard Sign Ordinance.

4. The petitioner shall apply for and receive a building permit for the proposed improvements. Said permit shall include and shall satisfactorily address those issues identified as part of the Inter-departmental review comments noted within the staff report.
5. Associated with the removal of the vegetation along Route 53, the petitioner shall repair and/or replace those segments of the adjacent sidewalk in disrepair located immediately south of the Sidney Avenue intersection within the Route 53 right-of-way.
6. The proposed shopping center identification sign along North Avenue shall not have an automatic changeable sign (ACC) component.
7. The proposed shopping center sign proposed to be located along Route 53 shall not exceed one-hundred twenty (120) square feet in sign surface area.

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Lombard Plan Commission

c. Lombard Plan Commission