

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

Resolution or Ordinance (Blue) X *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: September 12, 2006 (BOT) Date: September 21, 2006

TITLE: PC 06-17: 455 East Butterfield Road

SUBMITTED BY: Department of Community Development *DAK*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village approve the following actions for 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.
- (DISTRICT #3)

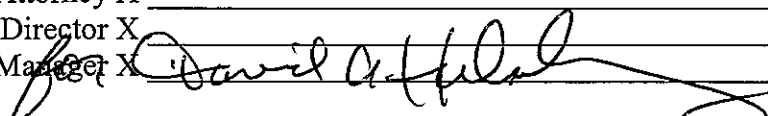
PC 06-17: 455 East Butterfield Road
September 12, 2006
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The Plan Commission recommended approval of this request with conditions..

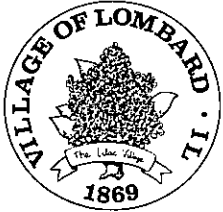
The petitioner is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X  _____	Date <u>9/13/06</u>

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 *Dalt*
Assistant Village Manager/Director of Community Development

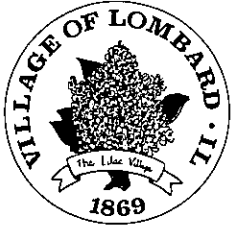
DATE: September 21, 2006

SUBJECT: **PC 06-17: 455 East Butterfield Road (Miller's Ale House Restaurant)**

Attached please find the following items for Village Board consideration as part of the September 21, 2006 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 06-17;
3. An Ordinance approving conditional uses for a site-down restaurant with outdoor dining and off-site parking and wall sign variations;
4. A cross-access parking agreement between the petitioner and NiCor (the property owner immediately south of the restaurant site);
5. Site plans associated with the petition. Please note that a minor change was made to the plans after the Plan Commission made their recommendation of approval to remove a slight building encroachment in the front yard that was not a part of the petition. As such, the Ordinance of approval has an updated plan date.

In order to allow the petition to proceed with the final drawings and building permit submittal, the petitioner has requested a waiver of the first reading of the Ordinance.



VILLAGE OF LOMBARD

255 E. Wilson Avenue
Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5812
www.villageoflombard.org

Village President
William J. Mueller

September 21, 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 06-17; 455 E. Butterfield Road

Dear President and Trustees:

Village Manager
William T. Lichter

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

"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."

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

- 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.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on July 17, 2006.

Greg Van Landingham, of In-site Real Estate, 1603 W. 16th Street, Oak Brook, presented the petition. He described the petition and the project location, noting several other restaurants located along the corridor. He indicated that they are also requesting to have an outdoor dining area, approximately 1,500 s.f. which is to be located on the north side of the building. Staff has stated their support for these requests due to the success of other establishments. As a result of staff support, additional off site parking to the rear of the property for the outdoor dining component is being secured through a lease agreement with NiCor. This parking area had been previously used by other property owners as additional parking and has since been repaved and re-stripped.

Continuing, he referenced the variation to reduce open space below 35% of the lot area. The previous use was also below the amount of open space and the proposed restaurant will have more open space than the previous use. He then referred to a display board and showed where the previous use contained parking spaces and where the three parking spaces encroach into 30 foot front yard setback. He stated that they proposed to utilize the existing parking lot with the existing encroachment leaving the parking area as is. Lastly, they were also requesting a variation to reduce the perimeter parking lot landscape requirement from 5' to 0'. This is due to using that area for additional parking and that there would be a drive aisle on both sides.

The petitioner then passed out colored elevations of the proposed signs. Truman Gee, Interplan, 933 Lee Road, Orlando Florida, who also has a local office within Lombard, presented the signage requests. He spoke of the unusual situation they were being faced with – that being the road the building faces is not the entry to the restaurant. Therefore they are requesting signage on two facades instead of one which is allowed by Village code. Referring to a display board he showed the location of the signs and explained the reasoning for having them there. Mr. Gee then indicated that the area of the sign according to staff is 125 square feet in size, however, they have not confirmed their sign is that large. The total square footage of the sign would depend on your calculations. Staff led them to believe that 2 or 3 rectangular signs totaling 100 square feet or under could be acceptable.

Mr. Gee continued and displayed the materials board and indicated what they had already proposed. He stated that for this project they have modified their plans from the standard ale house restaurant, which usually uses stucco, to incorporate staff's suggestions that they increase the amount of masonry. He mentioned that they did notice a few other stucco buildings in town.

On the two main facades they are using seventy percent masonry and thirty percent stucco. They have a stucco block building which is not EIFS. This current design has evolved with the cooperation of staff and they were able to add additional towers. He then referred to their submitted plans, 4 sets of 2 sheets. The materials are specified in the colored renderings. The plans proposed painted siding with a little stained wood and he explained where it would be located. The remainder of the façade would be masonry. He mentioned that their client was cooperative in working with staff and the ultimate design was a long way from their typical building. He stated that this building could be used for future stores in the area and would fit in well with the other existing restaurants due to the tall parapets, rooftop mechanicals screened behind parapet walls resulting in no visibility from any angle, walk in coolers and freezers are encased behind the concrete wall, and the dumpsters will be enclosed. Concluding, Mr. Gee stated they believed this project is compatible with the surrounding area.

Mark Henderson of Seton Engineering, 19 S. Bothwell Street, Palatine, explained the proposed site plan and stormwater detention. He mentioned that this site was previously used by Bally's. It was 80 percent impervious and will be 82 percent impervious. The site is being reconstructed, the back half will remain which has been sealcoated and restriped. The front is repaved and the new building will be in place. He stated that they will follow DuPage County ordinance and the stormwater detention will be held on the surface of the parking lot.

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 presented the staff report. He summarized the petition and the requested actions. The subject property at 455 East Butterfield Road was previously improved with a fitness center, which was razed earlier this year. 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.

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.

Sit-down restaurants require conditional use approval in the Office District. 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.

The petitioner's proposal includes a 1,500 square foot outdoor dining area located on the north side of the building. 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.

The abutting NiCor property is improved with an asphalt parking lot that has been used by the subject property owner for parking purposes. 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.

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.

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. He then discussed the three non-conforming parking lot landscape issues, noting that the relief can be supported in light of the existing conditions on the property.

The petitioner intends to provide the requisite landscaping plantings to meet the provisions established in the Lombard Zoning Ordinance.

The petitioner is proying 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.

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.

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. 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.

He then concluded his presentation by noting how the petition meets the standards for variations and conditional uses. He also clarified that no site plan approval authority is needed as this is not within a planned development. He also noted that the petitioner may come back to the Plan commission for additional signage approval, based on their latest sign concept. He wanted to know the Commissioners initial comments on this idea.

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

Commissioner Sweetser thought that the petitioner might be thinking that staff is asking more of them compared to other petitioners as it relates to the amount of masonry being requested in their building. Mr. Heniff indicated that Lombard is a unique market for restaurants. Restaurants are a destination location and there is a lot of competition as well as opportunity. That being said, an attractive building is an asset and in the context of their competition, they should be looking at these types of additional materials. There are some restaurants that do not include masonry but these met Village Code or were a previous developed. If you look at the corridor in which this proposed restaurant will be located it does present the opportunity to have a strong masonry element which staff has requested of them.

Commissioner Sweetser confirmed that the petitioner's signage request was based on the colored elevations and that they are requesting signs on two sides of the building plus the logos. Mr. Heniff indicated that at this point, staff advertised for the channel letter sign on the south and the north elevations, per the exhibit included in the plan packet.

Commissioner Sweetser asked if the petitioner took staff's suggestion by eliminating the word "restaurant". Mr. Heniff stated that they did make that modification which resulted in the reduction of the overall size of the sign.

Mr. Heniff indicated that if the Commissioners had any comments whether the corporate logo is appropriate that would be fine but the petitioner would have to come back to a later meeting in order for staff to readvertise for the logos.

Commission Olbrysh commented on the corporate logo. He referred to the brochure they distributed and mentioned that their location in Orlando, Florida does not have the logo and

He wondered if this was something new. Ray Holden, 612 N. Orange Avenue, Jupiter, Florida, indicated that to jazz up the proposed building and in order for them to relay that they are a family restaurant and not just an ale house this logo would be necessary as their name could be misleading. The logo is something new and they have another rendition which is a porthole. They are also open to that concept.

Commissioner Flint thought it was nice but stated they can vote on the submitted petition. Chairperson Ryan asked the Commissioners if they had any reservations relative to the petitioner returning for the logo. Commissioners Burke and Flint indicated they had no objection. Commissioner Olbrysh indicated that it makes the building look busy but others have a corporate logo. Commissioner Sweetser suggested that they wait and see what their other options are.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition complies with the standards required by the Lombard Zoning and Sign Ordinances. Therefore, the Plan Commission, by a roll call vote of 4-0, recommended to the Corporate Authorities **approval** of the petition associated with 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.

September 21, 2006

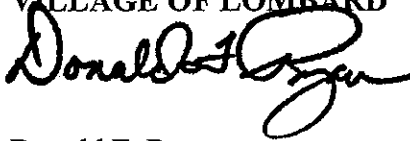
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4. Should the parking lot and/or drive aisle to the east of the parking lot be extended, the petitioner shall re-stripe the parking lot accordingly to accommodate the connection.
5. In the event that the 455 E. Butterfield property is unable to maintain a lease for parking rights on the Nicor property, the conditional use for outdoor dining shall immediately become null and void.

Respectfully,

VILLAGE OF LOMBARD



Donald F. Ryan
Lombard Plan Commission

c. Lombard Plan Commission

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:
(455 E. Butterfield Rd.)

Insite Real Estate LLC
1603 West 16th Street
Oak Brook, IL 60523

Property Owner:
(NiCor Property)

NiCor Gas Real Estate
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:

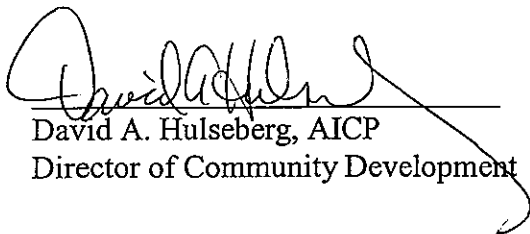
Based on the submitted petition and the testimony presented, the requested relief **complies** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan 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:



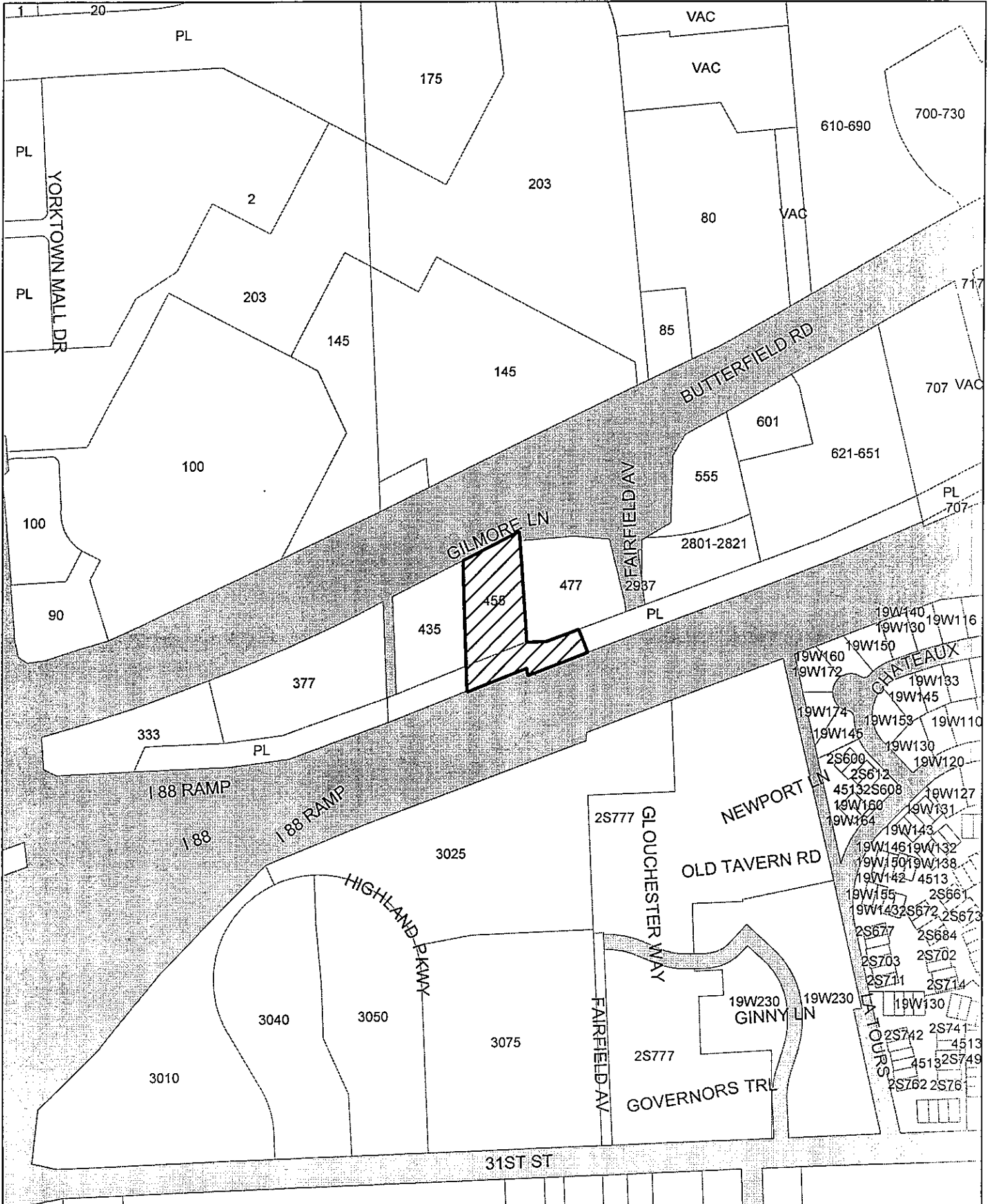
David A. Hulseberg, AICP
Director of Community Development

DAH/WJH
att-

c. Petitioner

Location Map

PC 06-17





**InSite Real Estate
Development, L.L.C.**

1603 West Sixteenth Street
Oak Brook, Illinois 60523-1303

main (630) 617-9100
fax (630) 617-9120

May 16, 2006

Planning Dept.
255 E. Wilson Ave.
Lombard, IL
630-620-2374

**Re: Standards For Conditional Uses
455 E. Butterfield Rd.
Lombard, IL**

- 1) The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare:**

The current zoning classification of the property is (O) Office District. The adjacent properties to the East & West are also zoned office. The property to the East is an office building and the property to the West is a banquet hall. The proposed development is a family oriented establishment and should have not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare of its neighboring properties. The proposed restaurant development will comply with all applicable codes and laws.

- 2) The conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located:**

The proposed restaurant development peak hours of business are at different times than the developments adjacent to the development. Attached within the application package are building elevations of the proposed development. The building will include a very attractive façade, all new landscaping and parking lots. The previous building has been demolished and will be replaced by the proposed restaurant development. The new development should have no impact on diminishing and impairing the property values within the neighborhood in which the proposed development is to be located.

- 3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district:**

The proposed development does not negatively impact or impede the normal and orderly development of surrounding properties. The proposed restaurant development fits in with the overall new development of Butterfield Road. The building will be an attractive and unique addition to the area.



**InSite Real Estate
Development, L.L.C.**

1603 West Sixteenth Street
Oak Brook, Illinois 60523-1303

main (630) 617-9100
fax (630) 617-9120

4) The adequate public utilities, access roads, drainage and /or necessary facilities have been or will be provided:

The proposed development meets the storm management drainage requirements of DuPage County as detailed in the attached plans. In addition, the previous use had sufficient public utilities ran to the property, which will be utilized by the new development. The site has an existing curb cut on Frontage Road, which will also be utilized.

5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets:

As mentioned above the proposed development has direct access to Frontage Road, peak business hours are at different times than adjacent properties, and has adequate parking for the proposed development

6) The proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard:

The proposed restaurant development is not contrary to the objectives of the current Comprehensive plan in that the overall design and use fits well with the new development of retail and restaurant facilities in the vicinity.

7) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission:

The proposed restaurant meets all applicable regulations for the (O) Office District as detailed & shown on the drawings attached herein and will comply with any recommendations made by the Plan Commission.

Mr. Donald P. Gadzala
NICOR Gas
1844 Ferry Road
Naperville, IL 60563-9600

Dear Mr. Gadzala:

I have reviewed your proposal for a ground lease of NICOR's parcel of land adjacent to our property located at 455 E. Butterfield Road, Lombard. The following is a recap of the terms and conditions you outlined with some modifications.

1. Leased premises to be approximately 36,000 square feet, more or less, indicated by yellow highlighting on the enclosed plan.
2. Use of premises to be for an asphalt automobile parking lot for patrons and employees, and for landscaping purposes (no trees allowed).
3. Term of the lease would be for a fifteen (15) year period, subject to earlier termination in the event of Lessee's default, or as provided for in the lease.
4. Four (4) options to extend the Lease Term for periods of five (5) years each, to be exercised not later than 12 months prior to the expiration of the Initial Term or the previous Extension Term, as the case may be.

5. Annual Rent:

Lease Year(s) 1 - 5: \$32,000.00
Lease Year(s) 6 - 10: \$33,600.00
Lease Year(s) 11 - 15: \$35,280.00

Tenant shall pay the 1st months' Base Rent upon Lease execution.

Extension Term Rent:

Option 1: \$37,044
Option 2: \$38,896
Option 3: 40,841

6. Any real estate property taxes or other ad valorem taxes or assessments resulting from Lessee's use of or improvements on the premises shall be the responsibility of Lessee, and be deemed additional rent.
7. Lessee shall be required to provide evidence of comprehensive general liability and property damage (current limits of \$3,000,000 per occurrence), together with workman's compensation insurance and employer's liability insurance (with statutory limits).
8. Lessee is and shall remain the owner of the adjoining property to the north of the leased premises for the duration of the lease, and provide documentation therefore.
9. Lessee will allow Lessor and its representatives, employees agent and contractors the right and permission to use all sidewalks, roadways, parking lots and other means of pedestrian and vehicular access in place from time to time on Lessee's adjoining property, in order that Lessor may have free, unrestricted ingress and egress to Lessor's facilities at all times, during any term or continued term of the lease.
10. Detailed plans for any improvements to, or work to be performed on the property are required and are subject to approval by the appropriate operating and engineering departments of Lessor
11. All construction work to be done on the premises shall be performed under the supervision of Lessor's representative, to ensure protection of our facilities at this location. The cost of such representative shall be Lessee's responsibility.
12. Should Lessor need to perform maintenance on existing facilities or install new facilities within the leased

area, Lessor's sole restoration requirement would be limited to backfilling its excavation.

13. No detention areas, stormwater drainage or electrical structures of any kind will be permitted on the premises.

14. Premises will be delivered, and Lessee will accept the Premises, in an as-is condition.

If NICOR is in agreement with the foregoing terms, please execute and date this proposal in the space provided below and return it to InSite Real Estate Development so that a draft lease agreement, incorporating these terms, can be prepared. It is understood that while this proposal expresses the present intent of both Lessor and Lessee, this proposal is not intended, nor shall be construed, to create any agreement or obligation between Lessor and Lessee unless and until a definitive lease agreement is executed and delivered by both Lessor and Lessee.

**INSITE REAL ESTATE DEVELOPMENT,
L.L.C.**, an Illinois limited liability company,
as Agent for Landlord

NICOR GAS

By: _____

By: _____

Its: _____

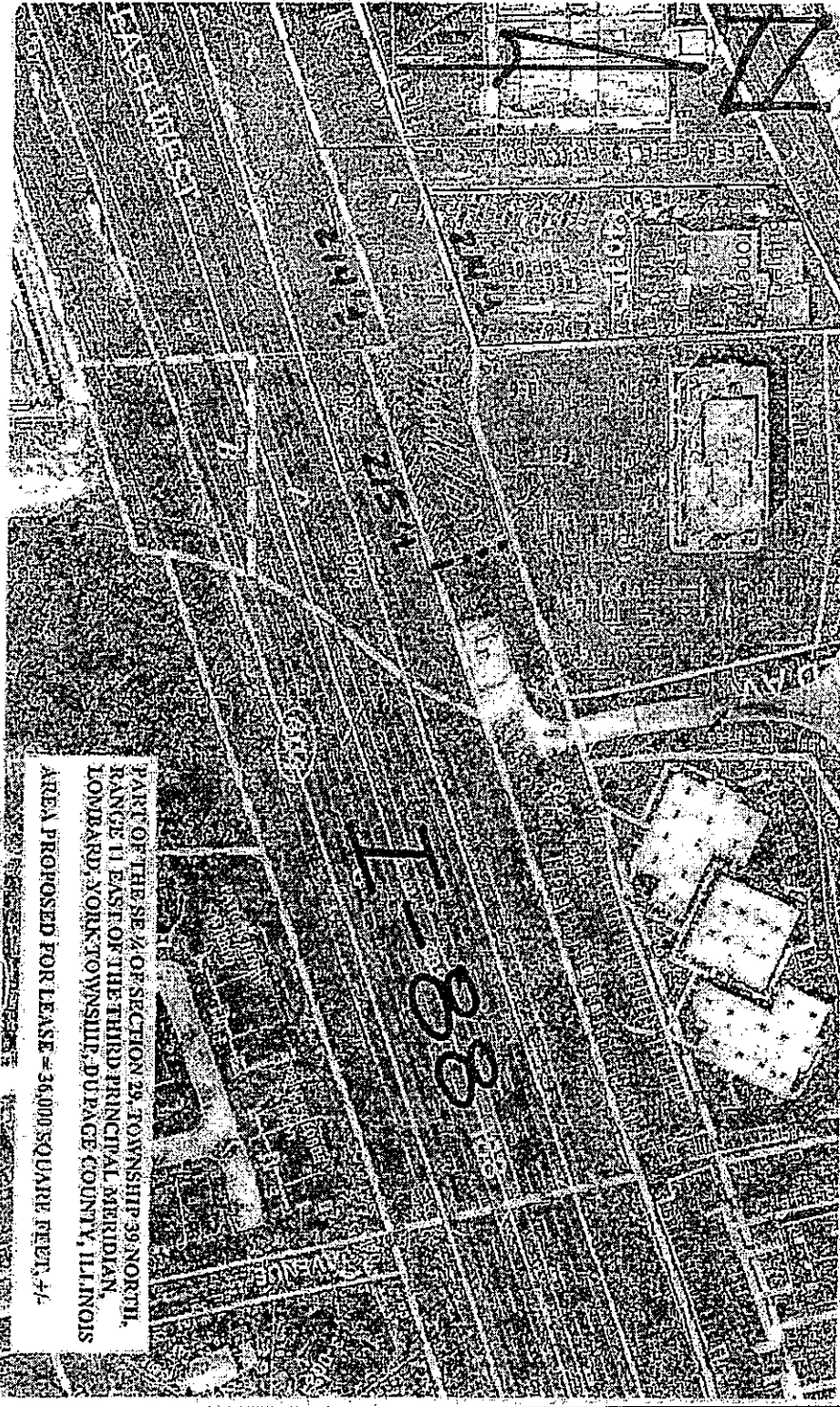
Its: _____

Date: _____

Date: _____

END OF PROPOSAL

PLAN OF PREMISES



ORDINANCE NO. _____

AN ORDINANCE GRANTING CONDITIONAL USES FOR A SIT-DOWN RESTAURANT, OUTDOOR DINING AND FOR OFF-SITE PARKING; AND LANDSCAPING AND WALL SIGN VARIATIONS IN THE O OFFICE DISTRICT

(PC 06-17; 455 E. Butterfield Road)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Sign Ordinance, otherwise known as Title 15, Chapter 153 of the Code of Lombard, Illinois; and,

WHEREAS, an application has heretofore been filed requesting approval of conditional uses, per Section 155.411 (C) (14), for a restaurant establishment; per Section 155.411 (C) (10), for outdoor dining associated with a restaurant establishment; and per Section 155.411 (C) (9), for off-site parking for property located within the O Office District; and

WHEREAS, said application also requests approval of variations from Section 155.411 (F) to reduce the required open space below the thirty-five percent (35%) requirement; Section 155.602 (A)(3)(d) to allow for parking spaces within the required front yard; and along the south property line, a variation 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'); all being requested to address existing nonconformities; and

WHEREAS, said application also requests approval of variations 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 and 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; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on July 17, 2006 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 conditional uses and variations 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 the following conditional uses and variations as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

- a. A conditional use, per Section 155.411 (C) (14) of the Zoning Ordinance for a restaurant establishment;
- b. A conditional use, per Section 155.411 (C) (10) of the Zoning Ordinance for outdoor dining associated with a restaurant establishment;
- c. A conditional use, per Section 155.411 (C) (9) of the Zoning Ordinance for off-site parking.
- d. A variation from Section 155.411 (F) of the Zoning Ordinance to reduce the required open space below the thirty-five percent (35%) requirement;
- e. A variation from Section 155.602 (A)(3)(d) of the Zoning Ordinance to allow for parking spaces within the required front yard;
- f. Along the south property line, variations from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance to eliminate the perimeter parking lot landscaping and to reduce the perimeter lot landscaping requirements from five feet (5') to zero feet (0');
- g. 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;
- h. 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.

SECTION 2: That the ordinance is limited and restricted to the properties generally located at 455 E. Butterfield Road, Lombard, Illinois, and legally described as follows:

The easterly 214.00 feet (as measured along the northerly line of the Northern Illinois Gas Company right-of-way) of that part of Lots "A", "B" and "C" (taken as a single tract) lying northerly of the Northern Illinois Gas Company right-of-way and southerly of the property condemned for the widening of F.A. Route 131 (Butterfield Road) by Case C68-852, in York Township Supervisor's Assessment Plat No. 3 (also known as Yorkshire Private Farms) in Section 29 and 32, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded as Document 457186, in DuPage County, Illinois, also

That part of Lot 6 in the Northern Illinois Gas Company York Township Assessment Plat located in the southeast quarter of Section 29, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded as R64-028042, in DuPage County, Illinois, legally described as follows:

The easterly 214.00 feet (as measured along the northerly line of the Northern Illinois Gas Company right-of-way) of that part of Lots "A", "B" and "C" (taken as a single tract) lying south of the northerly line of the Northern Illinois Gas Company right-of-way and north of the north line of the land conveyed to the Illinois State Toll Highway Commission by Warranty Deed dated July 2, 1957, recorded August 8, 1957, in DuPage County Records in Book 889 on Page 320 as Document #852205; also all of that part of Lot "D" in York Township Supervisor's Assessment Plat #3 (also known as Yorkshire Private Farms) bounded and described as follows: commencing at the point of intersection of the west line of said Lot "D" with the north line of the south 160.00 feet of said Lot "D"; thence northerly along said west line of Lot "D" a distance of 107.18 feet to the point of beginning of the parcel of land conveyed to the Illinois State Toll Highway Commission by Warranty Deed dated July 2, 1957, recorded August 8, 1957, in DuPage County Records in Book 889 on Page 320 as Document #852205; thence northeasterly along the northerly line of the tract of land conveyed by deed dated July 2, 1957, forming an angle of 71 degrees 59 minutes to the right with the last described course extended, a distance of 215.00 feet; thence northerly a distance of 86.75 feet thence southwesterly parallel with the tract of land conveyed by deed dated July 2, 1957, extended a distance of 140.00 feet more or less; thence westerly along a line forming an angle of 22 degrees 30 minutes to the right with the last course extended, a distance of 65.33 feet to the west line of said Lot "D"; thence southerly along the west line of Lot "D" forming an angle of 94 degrees 29 minutes to the left with the last described course extended, a distance of 113.04 feet to the point of beginning, in DuPage County, Illinois.

Parcel Numbers: 06-29-401-011 and 06-29-402-022 (part of)

Ordinance No. _____

Re: PC 06-17

Page 4

SECTION 3: The conditional uses and variations set forth in Section 1 above shall be granted subject to compliance with 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., dated September 9, 2006.
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.

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.

Ordinance No. _____
Re: PC 06-17
Page 5

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: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me this ____ day of _____, 2006.

Brigitte O'Brien, Village Clerk