

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

 X

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: October 25, 2004 (B of T) Date: November 4, 2004

TITLE: PC 04-34: 309 & 315 W. St. Charles Road

SUBMITTED BY: Department of Community Development *Deft*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration a petition requesting that the Village approve the following amendments to the Walgreens Planned Development in the B5A Downtown Perimeter District:

1. An exception from Section 155.205 (A) (3) (c) of the Lombard Zoning Ordinance to allow an 8-foot high wall within a front yard; and
2. An exception from Section 155.205 (A) (3) (e) of the Lombard Zoning Ordinance to allow an 8-foot high wall within a clear line of sight area.

(DISTRICT #1)

The petitioner is requesting a waiver of first reading.

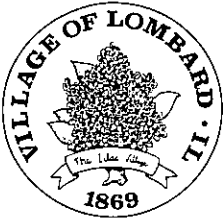
The Plan Commission recommended approval of this petition.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <u>W. T. Lichter</u>	Date <u>10/27/04</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, Director of Community Development *DAH*

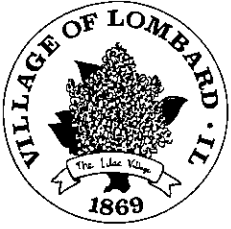
DATE: November 4, 2004

SUBJECT: **PC 04-34: 309 & 315 W. St. Charles Road (Walgreens Planned Development)**

Attached please find the following items for Village Board consideration as part of the November 4, 2004 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 04-34; and
3. An Ordinance approving exceptions from the Zoning Ordinance to provide for an eight-foot high fence in a front yard and within a clear line of sight area.

As this petition came at the request of the abutting property owner and the Village Board, staff requests a waiver of first reading of the aforementioned Ordinance.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148
630/620-5700 FAX: 630/620-8222
TDD: 630/620-5812
www.villageoflombard.org

November 4, 2004

Village President
William J. Mueller

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

Trustees

Joan DeStephano, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

Subject: PC 04-34: 309 & 315 W. St. Charles Road (Walgreens Planned Development)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. This petition was heard at the October 18, 2004 Plan Commission meeting. The petitioner requests approval of the following amendments to the Walgreens Planned Development in the B5A Downtown Perimeter District:

1. An exception from Section 155.205 (A) (3) (c) of the Lombard Zoning Ordinance to allow an 8-foot high wall within a front yard; and
2. An exception from Section 155.205 (A) (3) (e) of the Lombard Zoning Ordinance to allow an 8-foot high wall within a clear line of sight area.

Representing the petitioner was James R. Griffin, attorney for Bradford Real Estate. He described the location of the subject property and gave a brief overview of the approved planned development. He explained the requested exceptions to the Zoning Ordinance and noted that this petition was brought forward to satisfy the adjacent property owner and the Village of Lombard. He noted that these exceptions are not necessarily for the benefit of the petitioner's development, but they are willing to comply with the request for additional buffering.

Chairperson Ryan then opened the meeting for public comment. No one was present to speak for or against the petition.

Chairperson Ryan then requested the staff report. Jennifer Backensto, Planner I, stated that the original planned development approval was approved subject to the installation of a solid masonry wall along the western property line. Although the wall that was approved as part of the original planned development met all Code requirements, the modification requested by the abutting property owner requires two variations. The Zoning Ordinance requires that fences and walls within a

"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."

front yard be no more than four feet high. Code also requires fences and walls within the clear line of sight area to be of open construction or no more than two feet tall.

Staff is supportive of this request for two main reasons. First, the wall will not have a great visual impact on the area. The building will be set back 20 feet from the front property line, so the wall would be in line with the building and not will appear as an additional encroachment.

Furthermore, staff does not see that this request would create a safety hazard. Clear line of sight areas are intended to preserve clear visibility. However, the drive-through immediately adjacent to the fence is a one-way drive that operates in a counter-clockwise direction, so there will not be any vehicles pulling out onto St. Charles Road. Vehicles turning into the drive-through would still have an unimpeded view of the sidewalk on either side of the driveway. Also, the wall will not interfere with the abutting property owner's clear line of sight area because the clear line of sight area for residential driveways is only 20 feet.

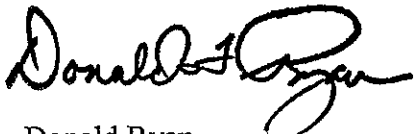
Chairperson Ryan then opened the meeting for discussion among the Plan Commission members.

Commissioner Burke stated that this request seems to be in line with the intent of the planned development and made a motion to approve the petition. The motion was seconded by Commissioner Flint.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed requests complied with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 4 to 0, recommended to the Corporate Authorities approval of PC 04-34.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan
Chairperson
Lombard Plan Commission

DR:JB

attachments

c. Petitioner
Lombard Plan Commission

**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission

HEARING DATE: October 18, 2004

FROM: Department of
Community Development

PREPARED BY: Jennifer Backensto
Planner I

TITLE

PC 04-34; 309 & 315 W. St. Charles Road: The petitioner, Bradford Real Estate, requests that the Village approve the following amendments to the Walgreens Planned Development in the B5A Downtown Perimeter District:

1. An exception from Section 155.205 (A) (3) (c) of the Lombard Zoning Ordinance to allow an 8-foot high wall within a front yard; and
2. An exception from Section 155.205 (A) (3) (e) of the Lombard Zoning Ordinance to allow an 8-foot high wall within a clear line of sight area.

GENERAL INFORMATION

Petitioner: Bradford Real Estate
1 N. Franklin
Chicago, IL 60606

Property Owner: MacIntyre & Kehoe
309-315 W. St. Charles Road
Lombard, IL 60148

Relationship of Petitioner: Contract Purchaser

PROPERTY INFORMATION

Existing Land Use: Gas station; office building

Size of Property: Approximately 1.06 acres

Comprehensive Plan: Recommends Central Business District – Mixed Use Area

Existing Zoning: B2 General Neighborhood Shopping District

Surrounding Zoning and Land Use:

North: R4 Limited General Residence District – multi-family and single-family homes

South: Union Pacific Railroad Tracks; R2 Single-Family Residence District – Sacred Heart

East: B5 Central Business District – strip shopping center

West: R4 Limited General Residence District – single-family home

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to Standards.
3. Site Plan Overlay Sketch Plan.

DESCRIPTION

The Walgreens Planned Development was approved by the Board of Trustees at the September 16, 2004 meeting. At that meeting, the abutting property owner requested that the proposed eight-foot high wall on the western edge of the development be extended further toward St. Charles Road to a point at least in line with the Walgreens building. The petitioner is bringing this petition forward to meet the abutting property owner's request. As the building is set back 20 feet from the property line (and, therefore, so is the fence), this will require variations from the Zoning Ordinance fence regulations.

INTER-DEPARTMENTAL REVIEW COMMENTS

Public Works

Public Works has no comments at this time.

Private Engineering Services

From an engineering or construction perspective, PES has no comments.

Building and Fire

The Fire Department/Bureau of Inspectional Services has no objection to this request.

Planning

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends that the subject property be developed as part of the Central Business District – Mixed Use Area. The Walgreens Planned Development is consistent with the land use recommendations and appearance criteria of the Comprehensive Plan.

Compatibility with the Surrounding Land Uses

This petition is being brought forth specifically to improve compatibility with the adjacent residential property. The residential property owner has stated that he would prefer having the wall extended closer to St. Charles Road so that it is at least in line with the approved Walgreens building.

Compatibility with the Zoning Ordinance

The original planned development approval was approved subject to the following condition:

The petitioner shall pay for and install a solid masonry wall along the western property line of eight (8) feet in height. Design and material type of the wall is subject to the approvals of the Director of Community Development and the property owners at 321 W. St. Charles Road. In the event the neighboring property owner is unwilling to grant a construction easement, a board-on-board fence shall be constructed.

Although the wall that was approved as part of the original planned development met all Code requirements, the modification requested by the abutting property owner requires two variations. The Zoning Ordinance requires that fences and walls within a front yard be no more than four feet high. Code also requires fences and walls within the clear line of sight area to be of open construction or no more than two feet tall.

Staff is supportive of this request for two main reasons. First, the wall will not have a great visual impact on the area. The building will be set back 20 feet from the front property line, so the wall would be in line with the building and not will appear as an additional encroachment.

Furthermore, staff does not see that this request would create a safety hazard. Clear line of sight areas are intended to preserve clear visibility. However, the drive-through immediately adjacent to the fence is a one-way drive that operates in a counter-clockwise direction, so there will not be any vehicles pulling out onto St. Charles Road. Vehicles turning into the drive-through would still have an unimpeded view of the sidewalk on either side of the driveway. Also, the wall will not interfere with the abutting property owner's clear line of sight area because the clear line of sight area for residential driveways is only 20 feet.

FINDINGS AND RECOMMENDATIONS

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,

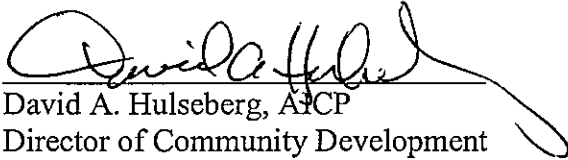
Lombard Plan Commission

Re: PC 04-34

Page 4

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 04-34.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Director of Community Development

DAH:JB:jd

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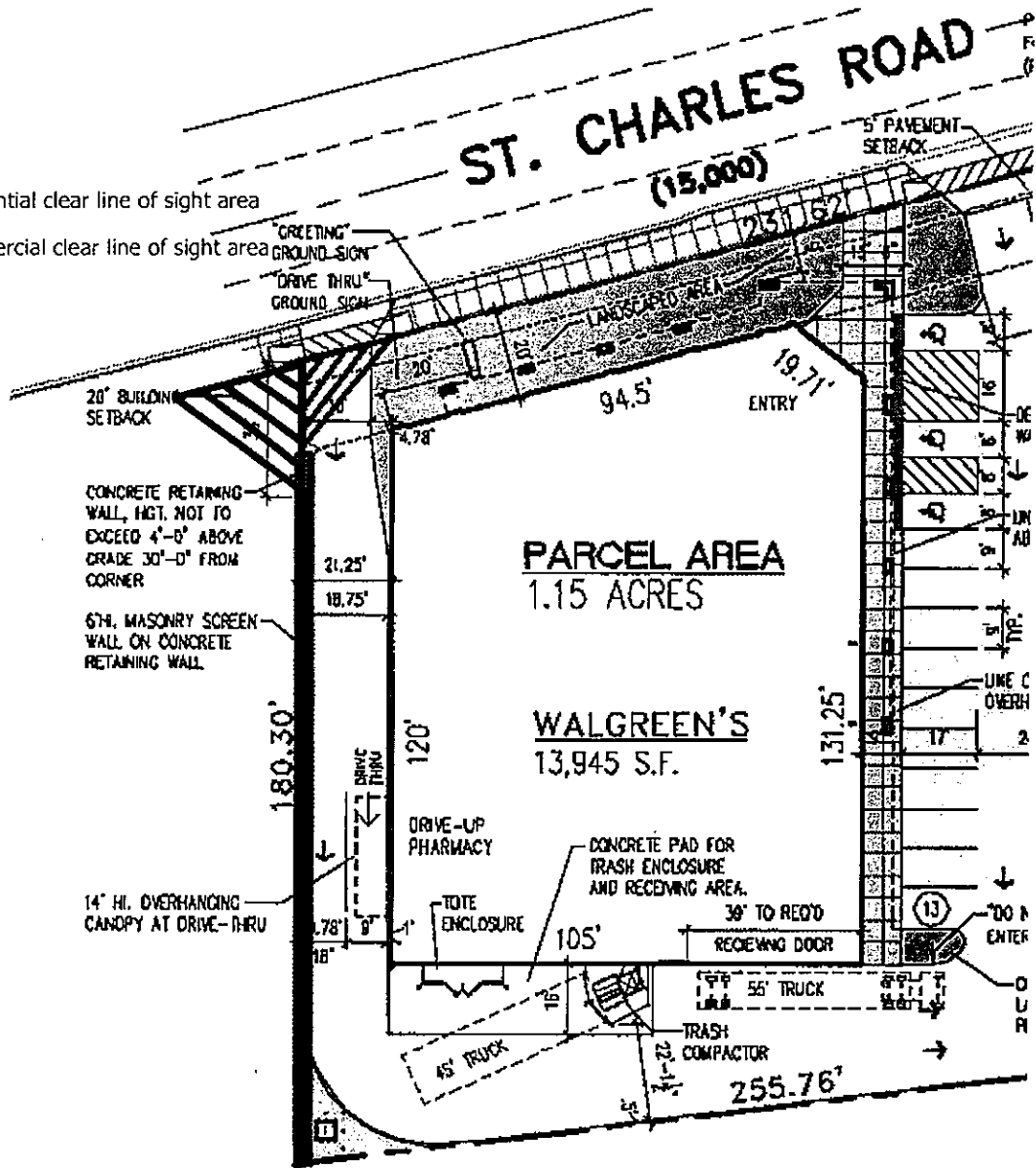
PC 04-34

Proposed 8' wall along western property line

Residential clear line of sight area

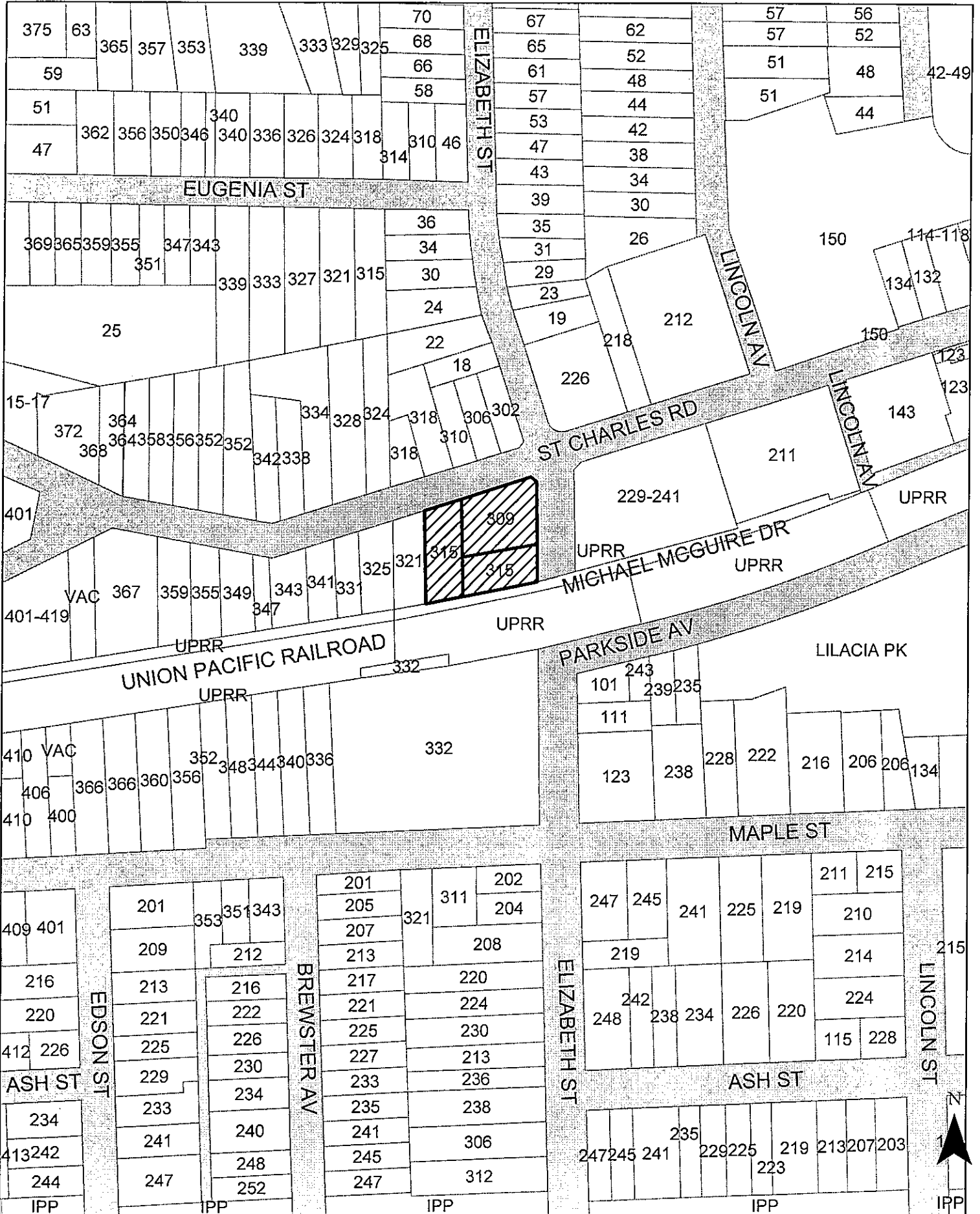
Commercial clear line of sight area

8' wall



Location Map

PC 04-34: 309-315 W. St. Charles Road (Walgreens)



Variation: 309 & 315 W. St. Charles Road, Lombard, IL 60148

Description of Request:

Pursuant to Section 155.103(c)(2)(b), this application is submitted by Bradford Real Estate Services at the request and initiative of Village Staff to make a minor change to the recently-approved conditional use planned development to accommodate the adjacent property owner to the west of the subject property, by extending a proposed wall or fence located along the west property line further towards the north towards St. Charles Road such that the wall or fence will be located in the line-of-sight area at a height greater than otherwise permitted; therefore a deviation or departure from Sections 155.205(A)(2)(b), 155.205(A)(2)(c)(ii), and 155.205(A)(2)(e), and related sections is requested.

Variation: 309 & 315 W. St. Charles Road, Lombard, IL 60148

Village of Lombard Zoning Ordinance
Section 105.103(C)(7): Standards for Variations

Standards for Variations The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirm each of the following standards:

(a) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied;

RESPONSE: In keeping with the intent of the B5A Zoning District, the already-approved planned development as a conditional use, the unique transitional use nature of this western property line of the subject property between commercial retail and residential, because of the sharp topographical changes between properties, the proposed variation for a slight alteration to the fencing/wall will remedy an existing and particular hardship to the owner/applicant and to the adjacent property owner. Specifically, the change will provide for additional screening and separation between the two different but adjacent uses.

(b) The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification;

RESPONSE: The conditions upon which this application is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification. Because of the transition zoning along this location of the subject property, because this application is initiated at the request of and in full agreement by Village Staff, because both interested parties on either side of the fence agree to the change in the fence at this area, the application is unique. The property itself is unique because the considerable elevation differences between the two properties; the height change sought will better shield the residential property from any retail traffic, however unintrusive it will be.

Variation: 309 & 315 W. St. Charles Road, Lombard, IL 60148

(c) The purpose of the variation is not based primarily upon a desire to increase financial gain;

RESPONSE: The purpose of the variation is not based primarily upon a desire to increase financial gain. This application is initiated at the request of and in full agreement by Village Staff. Both interested parties on either side of the fence agree to the change in the fence at this area. The application is based at all on material gain; in fact, it will cost the applicant more money to build the fence in this proposed fashion. The benefit is to the adjacent property owner.

(d) The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property;

RESPONSE: The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property. This minor change would have been addressed at an earlier phase in the planned unit development approval process but for the requirements of a public hearing.

(e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

RESPONSE: The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. Although sight lines may be slightly altered for the residential property owner to the west of the subject property, it is at his interest and request that this is being done. Village Staff believes that this will also be a benefit to the area and that it will not have a negative effect as described hereinabove.

(f) The granting of the variation will not alter the essential character of the neighborhood; and

RESPONSE: The granting of the variation will not alter the essential character of the neighborhood. This variation will further protect the neighborhood character by establishing a stronger separation between two types of uses in this transition area.

Variation: 309 & 315 W. St. Charles Road, Lombard, IL 60148

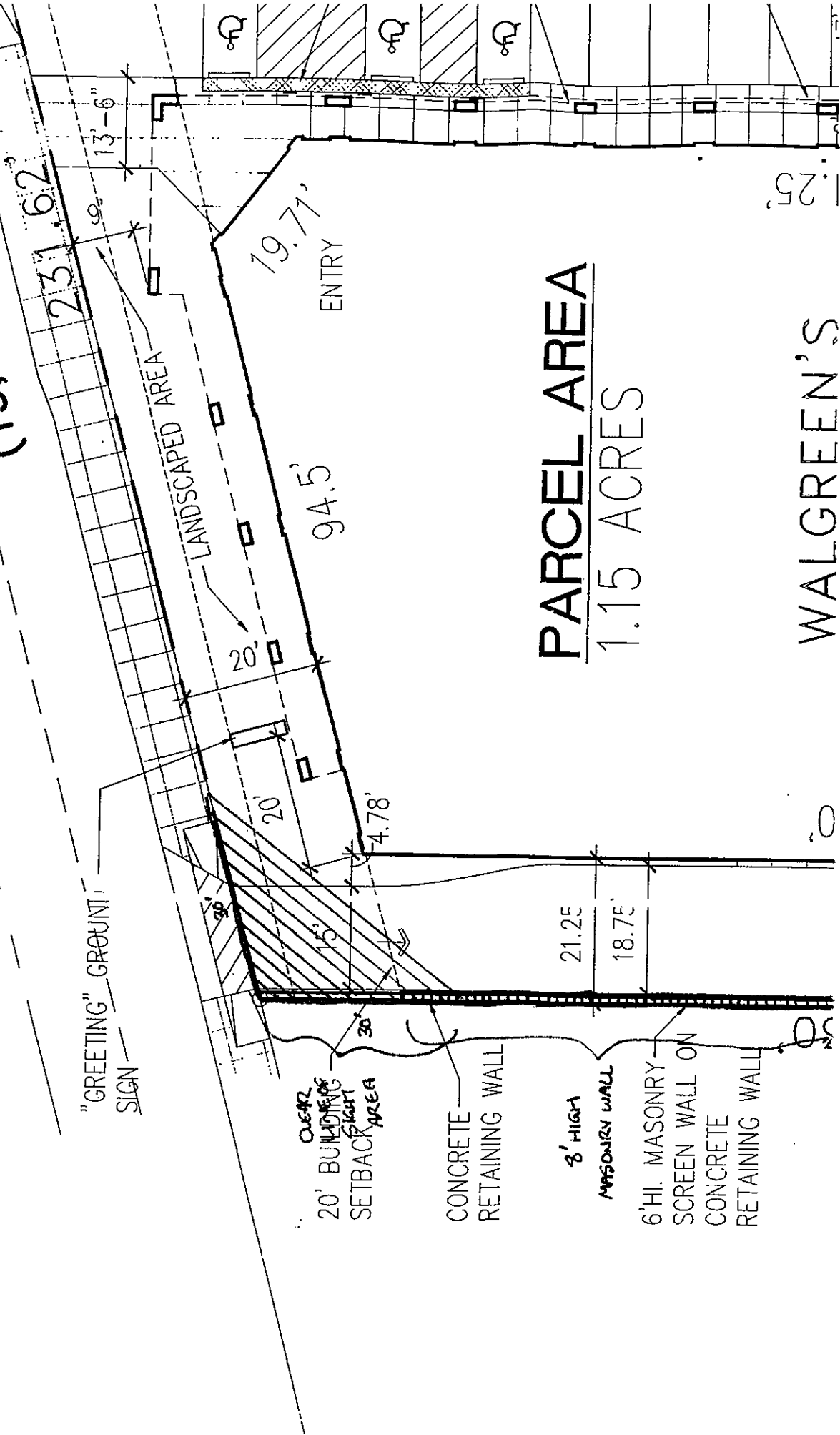
(g) The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

RESPONSE: The proposed variation will not impair an adequate supply of light or air to the adjacent property; it will not increase congestion of the public streets at all; it will not increase the danger of fire or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood, in any way different than the existing-already-approved fencing. Any impact on the drainage, light or air, would be minimal; any nominal changes in water drainage are being accounted for by already-approved runoff control on the subject property.

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ST. CHARLES ROAD

5' PAVEMENT SETBACK
(15,000)



PARCEL AREA
1.15 ACRES

WALGREEN'S

1:25

**SCHAIN, BURNEY,
ROSS & CITRON, LTD.**

LAW OFFICES

JAMES R. GRIFFIN
Direct: (312) 422-7653
E-Mail: jgriffin@schainlaw.com

Suite 1910
222 North LaSalle Street
Chicago, Illinois 60601-1102
312-332-0200
Fax 312-332-4514

October 27, 2004

Via Facsimile No. (630) 629-2374

Ms. Jennifer Backensto
Village of Lombard
255 East Wilson Ave.
Lombard, IL 60148-3926

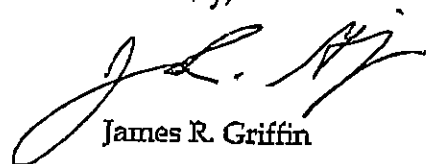
**Re: Plan Commission Case No. 04-34
Bradford Real Estate**

Dear Ms. Backensto:

This firm represents Bradford Real Estate, the applicant for the above-referenced variation. We request a waiver of the first reading for PC 04-34.

Please contact me if you need any additional information.

Sincerely,


James R. Griffin

JRG/djm

cc: Eric Dams (Via Facsimile)

jrg/letters/letters/2004/Backensto-ltr

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NUMBER 5555
(ADOPTED SEPTEMBER 16, 2004) GRANTING A CONDITIONAL USE
FOR A PLANNED DEVELOPMENT WITH DEVIATIONS**

**(PC 04-34: 309 & 315 W. St. Charles Road)
(Walgreens Planned Development)**

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, on September 16, 2004, the President and Board of Trustees adopted Ordinance 5555, granting a conditional use for a planned development with deviations for the property legally described herein pursuant to Title 15, Chapter 155, Section 155.501 *et seq.* of the Code of Lombard (hereinafter the "Subject Property"); and

WHEREAS, Title 15, Chapter 155, Section 155.504 allows for amendment of an ordinance granting a conditional use for a Planned Development after a public hearing before the Village's Plan Commission; and

WHEREAS, pursuant to an application to amend Ordinance 5555 to provide for an exception from Section 155.205 (A) (3) (c) of the Lombard Zoning Ordinance to allow an 8-foot high wall within a front yard and an exception from Section 155.205 (A) (3) (e) of the Lombard Zoning Ordinance to allow an 8-foot high wall within a clear line of sight area, proper and legal notice was provided and a public hearing was held before the Lombard Plan Commission on October 18, 2004; and

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the amendment 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: The following amendments to Ordinance 5555 are hereby approved, as follows:

1. An exception is hereby granted from Section 155.205 (A) (3) (c) of the Lombard Zoning Ordinance to allow an 8-foot high wall within a front yard; and
2. An exception is hereby granted from Section 155.205 (A) (3) (e) of the Lombard Zoning Ordinance to allow an 8-foot high wall within a clear line of sight area.

SECTION 2: The aforementioned planned development amendments are limited and restricted to the property legally described as follows:

LOT 1, 2, AND 3 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393 AND CORRECTED BY CERTIFICATE RECORDED JUNE 13, 1967 AS DOCUMENT R67-19517, IN DUPAGE COUNTY, ILLINOIS.

EXCEPT:

PLAT OF DEDICATION OF RIGHT OF WAY ON FEBRUARY 23, 1998: THAT PART OF LOT 1 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 AND HEADING SOUTH ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 12.95 FEET TO A POINT; THENCE NORTH 51 DEGREES 15 MINUTES 50 SECONDS WEST, A DISTANCE OF 15.32 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ST. CHARLES ROAD; THENCE NORTH 74 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 12.41 FEET TO THE POINT OF BEGINNING, CONTAINING 77.3681 SQUARE FEET OR 0.0018 ACRES MORE OR LESS, IN DUPAGE COUNTY, ILLINOIS.

Parcel Identification Numbers: 06-07-208-016, -021, -022

Ordinance No. _____
Re: PC 04-34
Page 3

SECTION 3: That all other provisions of Ordinances 5553, 5554, 5555 and 5556 and Resolution R51-05 approved by the Corporate Authorities not amended by the this Ordinance shall remain in full force and effect.

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 _____, 2004.

First reading waived by action of the Board of Trustees this ____ day of _____, 2004.

Passed on second reading this ____ day of _____, 2004.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____, day of _____, 2004.

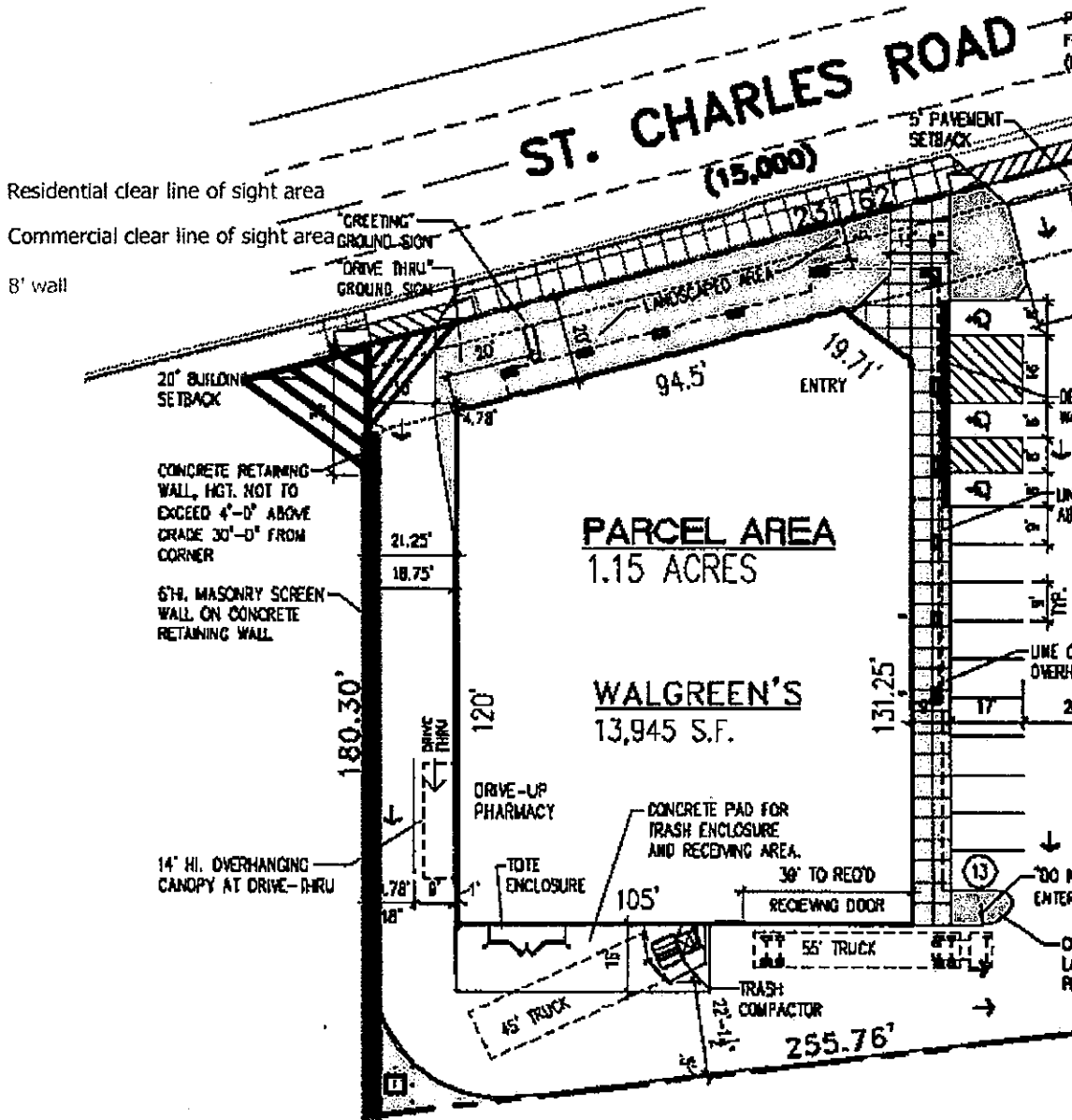
William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

PC 04-34

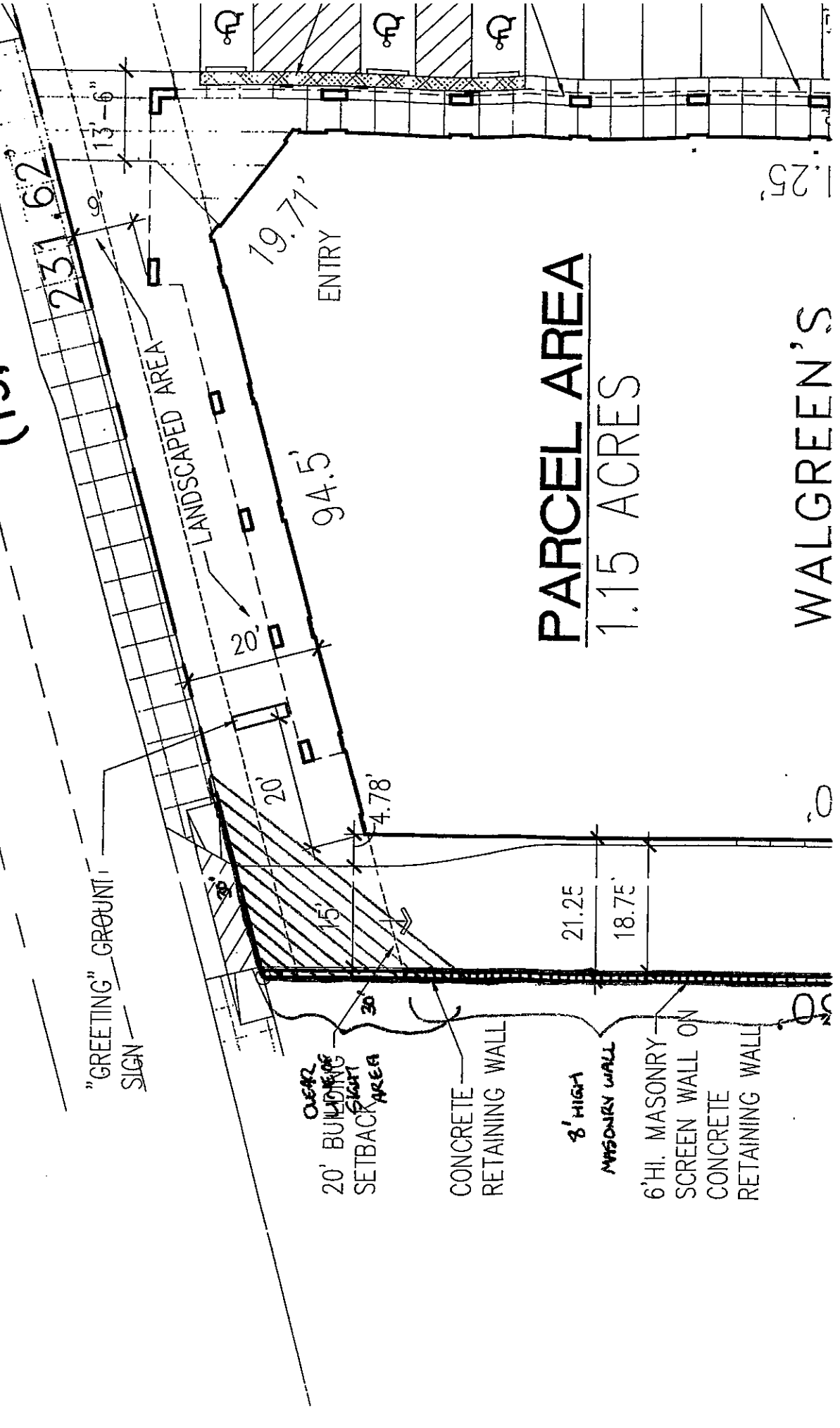
Proposed 8' wall along western property line



ST. CHARLES ROAD

(15,000)

5' PAVEMENT SETBACK



PARCEL AREA
1.15 ACRES

WALGREEN'S

1:25

"GREETING" SIGN

LANDSCAPED AREA

20' BUILDING SETBACK AREA

CONCRETE RETAINING WALL

8' HIGH MASONRY WALL

6' HI. MASONRY SCREEN WALL ON CONCRETE RETAINING WALL

19.77, ENTRY

94.5

20'

20'

15'

4.78'

21.25

18.75'

231.62

13'-6"