

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

Usmania Prime – 855 E. Roosevelt Road

March 21, 2022

Title

PC 22-05

Petitioner

Safa Property LLC
2608 W Peterson Avenue, Suite 201
Chicago IL 60659

Property Owner

Same as petitioner

Property Location

855 E. Roosevelt Road
06-21-100-013
Trustee District 6

Zoning

B4A

Existing Land Use

Vacant land

Comprehensive Plan

Community Commercial

Approval Sought

Conditional uses and variances

Prepared By

Jennifer Ganser, AICP
Assistant Director



LOCATION MAP

PROJECT DESCRIPTION

The petitioner requests a zoning relief for a restaurant building with associated parking on vacant land.

APPROVAL(S) REQUIRED

The petitioner, SAFA ENTERPRISES, LLC, requests that the Village take the following actions on the subject property located within the B4A Roosevelt Road Corridor District, to provide for the construction of a new principal building:

1. A conditional use under Sections 155.103(F) and 155.417(G)(2)(a)(vii) of the Zoning Ordinance to allow a restaurant, including entertainment and dancing when conducted as part of the restaurant operations and secondary to the principal use;
2. A conditional use under Sections 155.103(F) and 155.417(G)(2)(c)(vii) of the Zoning Ordinance to allow a building containing a restaurant as a principal use that will exceed 40 feet in height;
3. A conditional use under Sections 155.103(F) and 155.417(G)(10)(b) of the Zoning Ordinance to allow outdoor display and sales on a seasonal or periodic basis in the row of parking along the south elevation of the building and in the rooftop area;

PROJECT STATS

Lot & Bulk

Parcel Size: 2.45 acres
Building Area: 13,929 sq. ft.

Submittals

Exhibit A

APPROVAL(S) REQUIRED continued

4. A variation under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Sections 155.417(G)(12) and 155.602(C)(Table 6.3) which require 112-132 parking spaces in order to allow 116 parking spaces to serve dining areas not to exceed those shown in the plans and to allow a reduction of eight (8) of these spaces for seasonal outdoor cultural events according to the conditional use noted in Item 3;
5. A variation under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Sections 155.417(G)(12) and 155.603(A) which does not require a loading space, but which requires a voluntary loading space to be constructed with a maneuvering apron (155.603(A)(2)(a)(ii)) in order to allow three (3) employee parking spaces at the entry to a loading zone (155.603(A)(6));
6. A variation under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Sections 155.417(G)(12), 155.417(G)(14) and 155.602(A)(10)(d) which requires parking lot lighting to be directed away from the lot lines and to fall below certain maximum intensities in order to avoid these requirements for lighting adjacent to the access easement serving the subject property and the easterly adjacent property;
7. A variation under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Sections 155.417(G)(12) and 155.706(B)(2)(c) in order to allow landscape islands on the west elevation of the building to host two rickshaws and have less than the number of required shade trees and ground cover;
8. A variation under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Section 155.417(G)(14) which requires lighting to shine down in order to permit evening lighting designed to articulate landscape features and the rickshaws as approved by the Director of Community Development and provided that no perimeter landscaping within 100 feet of the south lot line is articulated with such lighting;
9. A variation under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Section 155.707(B)(4)(d) which requires transition yard areas not planted with trees or shrubs to be maintained as lawn in order to permit the south lot line to be maintained with all trees and understory plant material to remain in the wetland, flood way and floodplain reflected in the plans (affects south transition yard except east +/-45 feet);
10. A variation under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Section 155.708 which requires a ten-foot foundation landscaping area on all sides of a building in order to allow development with a five-foot foundation landscaping area on the north and west sides and no foundation landscaping area on the east and south;
11. A variation under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Article XI which imposes several detailed landscaping requirements in Sections 155.701 through 155.710 in order to accomplish innovative landscaping shown in the two-sheet landscape plan on file with the Village for the benefit of natural areas on the site and to the south as well as residential neighbors to the south; and

APPROVAL(S) REQUIRED continued

12. Approval of a site plan and landscaping plan under Section 155.103(I) and Section 155.702 of the Zoning Ordinance.

EXISTING CONDITIONS

The subject property is vacant land. The property has not been before the Plan Commission for zoning relief in the past. A virtual neighborhood meeting was held on March 2nd. Neighbors raised questions and concerns that related to stormwater, building height, nature, lighting, and noise concerns.

INTER-DEPARTMENTAL REVIEW

Building Division:

- The building will be required to have fire sprinklers installed.
- The proposed distance to the property line will limit the openings allowed on the East wall.
- An elevator will be required in the building.
- Additional comments may be forthcoming during permit/occupancy review.

Fire Department:

- Ensure that a hydrant is within 75-100' of the Fire Department Connection on the building.
- Additional comments may be forthcoming during permit/occupancy review.

Public Works:

- The public sidewalk must be contained within a dedicated easement, and it shall run across the driveway rather than being marked with paint.
- A cleanout is required on the sanitary service at the property line.
- A valve in a valve vault is required on the water service at the property line.
- It is recommended to revise either the utility plan or the landscape plan so that the two proposed trees will not be placed over the water service on private property.
- A permit is required from IDOT for the proposed curb cut, or any improvements within the Roosevelt Road right-of-way.
- Additional comments may be forthcoming during permit/occupancy review.

Private Engineering Services (PES):

- The four parking spots at the south end of the lot should be marked as "Employee Only".
- The engineer should indicate all surface materials and thicknesses (the parking lot and loading dock pavements, for example).
- Applicable Village details should be included in the next review submittal (on a Details sheet).
- Additional comments may be forthcoming during permit/occupancy review.

Planning Services Division:

The Planning Services Division (PSD) notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	B4A	Public Storage (under construction)
South	DuPage County	Unincorporated single-family homes and York Center Park District owned undeveloped property
East	B4A	Pep Boys
West	B4A	Retail strip center

Staff notes the property is along a major commercial corridor, Roosevelt Road. The property abuts two commercial properties on Roosevelt Road. To the south is undeveloped passive open space owned by the York Center Park District. The property is located within a floodplain and serves as detention. There is a park, owned by the York Center Park District, on the south side of 13th Street. Staff finds the use of a restaurant is compatible with the surrounding zoning and land uses subject to the representations within the IDRC Report. A restaurant is a permitted use in the B4A zoning district, however, the building does require other zoning relief.

2. Comprehensive Plan Compatibility

The property has a Comprehensive Plan designation of Community Commercial. A restaurant use would be consistent with the Comprehensive Plan designation.

3. Zoning Compatibility – conditional uses

The property is zoned B4A, and a restaurant is a permitted use. Therefore, a restaurant can be built by-right. Banquet Halls are considered restaurants, therefore, also permitted by right. Outdoor dining is permitted by right for restaurants and banquet halls, per a 2020 text amendment. A public hearing before the Plan Commission is needed due to other zoning relief requested by the petitioner in part due to the stormwater management issues on the property.

Three conditional uses are requested for the property. Conditional uses are not prohibited uses, however, they require Plan Commission review and Village Board approval. Conditional uses are defined within the Zoning Ordinance (Section 155.801) as:

Use, conditional is a use—Either public or private—Which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such "conditional use" may or may not be granted, subject to the terms of this ordinance.

As a conditional use cannot be approved by staff, the Plan Commission is asked to hear the petition and give a recommendation to the Village Board through a public hearing process. The Village Board makes the final decision on a case by case basis. A conditional use is a use that can be permitted with certain conditions of approval after undergoing the process. Should the project be approved, conditions can be included in the final ordinance that is recorded against the property. Such conditions should have a legal nexus to the request being sought.

As noted, a restaurant and banquet hall are permitted uses. The applicant requested a conditional use for a restaurant that includes entertainment, dancing, or amusement, in lieu of applying for special event permits for entertainment. This will occur inside the restaurant and be ancillary to the operation of a restaurant. Staff is supportive of the request.

Building height is regulated in the Zoning Ordinance to be 40 feet in the B4A District. The applicant is seeking a conditional use to allow for 41 feet to the top of roof. The building measures 45 feet to the top of the parapet wall, however, the Zoning Code does not include the parapet wall as part of the height calculation. The parapet wall will be used to screen rooftop mechanicals. The building will be three stories. As a comparison, Public Storage (under construction at 850 E. Roosevelt Road) is also 3 stories and approximately 37 feet in height. Staff notes the building would meet other bulk requirements as all setbacks meet or exceed Code. This includes the rooftop patio which will have dining. During the neighborhood meeting the issue of noise was brought up. As such, staff included a condition limiting the hours of the rooftop patio. There will be no amplified sound on the rooftop per a condition of approval.

Per the project narrative, the homes to the south are more than 320 feet from the proposed building. Two single-family home properties abut 855 E. Roosevelt Road. The home at 1S051 Chase Avenue is approximately 90 feet from the property line at 855 E. Roosevelt Road and the home at 18W780 13th Street is approximately 100 feet from the property line at 855 E. Roosevelt Road. Staff is supportive of the request.

Last, the petitioner requests a conditional use for outside display and sales, in lieu of applying for special event permits for each outdoor sale. The applicant intends to host occasional outdoor cultural activities or bazaars in the 8 parking spaces along the south side of the building or on the rooftop patio. This would be ancillary to the operation of a restaurant. Staff has a history of approving requests for outside display and sales such as allowing gas stations or convenience stores to sell propane or firewood outside. Staff is supportive of the request.

4. Signage

Wall and freestanding signage are shown that meets the provisions of Chapter 153 of Village Code (the Sign Ordinance). No zoning relief is required.

5. Landscaping

A landscape plan was provided that incorporate parkway trees, perimeter landscaping, and detention basin landscaping. The petitioner is requesting landscaping variances in order to facilitate better design and provide for innovative and unique features. Two rickshaws on the west side of the building in parking lot islands (which will contain some landscaping). There will be a 30-foot transitional landscape yard, however, the area will remain in its natural condition. Foundation landscaping is shown, however, there is none to the south and the depth is less than Code requires due to a sidewalk around the building. There is landscaping south of the parking lot. The landscaping variances also allow the building to be placed at a suitable location, further away from the special management area.

During the neighborhood meeting questions were raised about additional trees. The neighbors requested a screen of trees between the parking lot and a portion of the wooded wetland. The petitioner is able to comply and add additional trees. Per updated plans, the petitioner will plant 10 Bald Cypress trees and 1 additional White Pine. However, such tree planting is under the review and approval of DuPage County. Staff recognizes that the County has the authority to request a different tree planting, and as such, the petitioner would be allowed to amend their plan.

The property contains special management area and wetlands which restrict development and plantings. The wetland will be preserved. Per the project narrative, "there is no intended adjustment to the creek or any other element of the wetland and floodplain area that will have an impact on the public or private properties to the south of the Subject Property."

As noted, the property contains special management area. Per Section 155.713 of Village Code, "In cases in which the provisions set forth within this Chapter conflict with landscape requirements of the DuPage County Stormwater and Floodplain Ordinance or other State of Illinois or federal regulations, the County, State or federal regulations shall apply." Lombard is a partial waiver community, therefore, DuPage County has review authority over some engineering and landscaping items.

The trash enclosure is located east of the building and will be screened per Code. It is located away from the park and residential area, close to Pep Boys to the east.

6. Parking and Circulation

The property is accessed from Roosevelt Road. Cross Access with the property to the east (Pep Boys) has been previously established and will continue.

KLOA has reviewed the plans and a memo is attached. The property contains special management area and wetlands which restrict development. As such a parking variance is requested.

The restaurant is shown with 116 parking spaces. The building is three floors and cellar. Each floor has a kitchen, which is a unique feature. This also takes up square footage, that would otherwise be used for dining. Below is a chart shows the square footage of dining are and the number of seats per floor.

Floor	Dining Area Square Feet	Number of Seats
1	1,530	92
2	2,140	156
3	1,600	72
Rooftop	770	28
Total	6,040	348

Village Code calculates restaurant parking per square feet; not by number of seats. The following is not counted in square footage, per Code:

- Floor area devoted primarily to storage purposes
- Floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space
- Mechanical or storage floor area

Banquet Halls have a parking requirement of one space per three seats, plus one space per employee. A Sit-Down Restaurant (less than 7,000 gross square feet) has a parking requirement of 16 spaces per 1,000 square feet of gross floor area. A Sit-Down Restaurant (7,000 gross square feet or over) has the following parking requirement:

Based upon the lesser of the two formulas:

- a) 18.5 spaces per one thousand (1000) square feet of gross floor area, or

b) gross floor area minus seven thousand (7,000) multiplied by 0.0025 plus 16=number of spaces per 1,000 square feet of gross floor area (spaces / 1000=(GFA-7,000)*0.0025+16)).

The petitioner is requesting a parking variance due to the stormwater management issues on the property which restrict where development can occur. The petitioner included information on parking from surrounding municipalities and the parking calculations vary. Some municipalities do compute parking by seats, rather than square footage. Staff notes that using seats does require less parking and may be more in line with what is needed. Bathrooms and lobbies are counted in the overall square footage, and therefore require parking, even though those areas are being used only by the staff and customers.

If only the seating portion was counted the building would need approximately 96 parking spaces. If viewed as a banquet hall only the building would need 116 seats for patrons plus 22 spaces for employees, for a total of 138 parking spaces. Using the total square footage of approximately 18,000 yields additional parking at 333 parking spaces.

As a comparison Signature Banquets on North Avenue has approximately 62 parking spaces and is 6,500 total square feet. Falak Banquets on Roosevelt Road has approximately 130 spaces and is approximately 10,300 total square feet. The Village has not received parking complaints on either business.

The petitioner also submitted a valet plan and narrative, should they choose to have the service available. In the area to the south approximately 13-15 vehicles can be parked as valet during high volume hours.

KLOA prepared a traffic memo, which is attached. They used parking calculations for the use of a banquet hall and have found the parking to be sufficient. KLOA does not believe the proposed restaurant will cause a traffic impact to the neighborhood to the south. As noted, the property takes access from Roosevelt Road only.

A variance is also requested for the loading zoning on the east side as it contains an apron to maneuver around the nearby parking spaces. This will be used during non-peak hours. The parking near the loading zone will be marked for employee use only.

7. Lighting

Lighting variances are requested for two areas: at the rickshaws for aesthetic up lighting and possibly for the cross-access area. Neither are near residential areas. The photometric plan does meet Code as developed on the preliminary submittal. Should the project be approved, this plan will be reviewed again during permit submittal.

Lighting was a concern brought up at the neighborhood meeting for the adjacent properties and the wildlife of the park. As a result, some lighting was eliminated on the south side of the building. The lights on the lower floor will be dimmed to allow for light while the restaurant is closed, however, it has been reduced. A revised rendering is included.

Also, as a result of the neighborhood meeting, the petitioner decided to move the light in the southeast corner of the property approximately 30 feet to the north.

8. Engineering and Stormwater

Preliminary engineering plans were provided. Stormwater is required to meet the provisions of the DuPage County Stormwater Ordinance and Village Code. The applicant's engineer has met with DuPage County for a pre-application meeting and adjusted the plan accordingly. Detention will be along the perimeter and

underground. Staff will review final engineering at time of permit submittal, should the project be approved. Approximately 1.2 of the 2.45 acres property is impacted by wetland, floodway, and flood plain. There are no adjustments to the creek, wetland, or floodplain on the property.

9. History

The property was annexed in 1995 as part of 851 E. Roosevelt Road and zoned B4 under the Village of Lombard. Pep Boys was the petitioner. The original plan was to develop Pep Boys on the property now referred to as 855 E. Roosevelt Road, and a different development was slated for the east. The development to east fell thru, and Pep Boys decided to develop the east parcel as theirs. This did require Pep Boys to reapply to the Plan Commission in 1996, which was ultimately approved and later constructed. The property was subdivided in 1997 and cross access between the two properties was recorded. As such, the property has been zoned for commercial purposes in Lombard since 1995.

FINDINGS & RECOMMENDATIONS

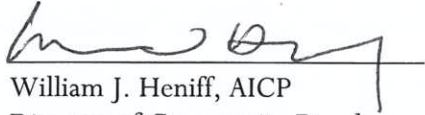
Staff finds that the proposed use is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance.

The Inter-Departmental Review Committee has reviewed the standards for the requested zoning relief and finds that the proposed use **complies** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 22-05:

Based on the submitted petition and the testimony presented, the proposed conditional uses and variances do comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional uses and variances is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Committee Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 22-05, subject to the following conditions:

1. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.
2. That the petitioner shall be required to apply for and receive building permits prior to construction.
3. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11) and 155.103(C)(10).
4. The outdoor display and sales shall occur in the row of parking along the south elevation of the building and in the rooftop area. Such activity in the parking spaces will only occur between noon and 7:00 PM on Saturdays and Sundays unless the Village issues a special event permit.
5. The rooftop patio shall close by 10:30 PM Monday through Thursday; 11:30 PM Friday and Saturday; and 9:30 PM on Sunday.
6. There shall be no amplified sound on the rooftop patio.
7. The petitioner shall include screening trees (bald cypress or a suitable alternative suggested by DuPage County) along the northeast portion of the wooded wetland or wetland buffer near the mid-elevation that divides the retention area from the wetland. Such trees shall meet DuPage County's design approval for the wetland area. The petitioner is allowed to amend this condition should DuPage County require a change (in the number, type, or location of the trees).
8. There shall be seven (7) spaces designated as employee only. Three (3) are near the loading area and four (4) are at the south end of the parking lot.

Inter-Departmental Review Committee Report approved by:

A handwritten signature in black ink, appearing to read 'William J. Heniff', written over a horizontal line.

William J. Heniff, AICP
Director of Community Development

c. Petitioner

EXHIBIT A Submittal List

1. Project Narrative;
2. B4A Table of Compliance;
3. Lines of Sight Dimensioned;
4. Parking Table;
5. Comparative Use Parking Table;
6. Comparative Zoning Parking Table;
7. Sign Table;
8. Most recent ALTA Topographic Survey prepared by Gentile & Associates, Inc.;
9. Civil Site Plan prepared by Watermark Engineering Resources (last revised February 3, 2022);
10. Preliminary Landscape Plan prepared by Watermark Engineering Resources (last revised February 3, 2022);
11. Tree Survey and Preservation Plan prepared by Watermark Engineering Resources (last revised February 3, 2022);
12. Preliminary Civil Engineering Plan prepared by Watermark Engineering Resources (last revised February 3, 2022);
13. Photometric Plan prepared by Watermark Engineering Resources (last revised February 3, 2022);
14. Freestanding Sign Plan prepared by Signs & Graphics, Inc.);
15. North Wall Sign Plan prepared by Signs & Graphics, Inc.);
16. West Wall Sign Plan prepared by Signs & Graphics, Inc.);
17. Proposed Cellar Plan prepared by All Design & Construction, LLC (last revised January 20, 2022);
18. Proposed First Floor Plan prepared by All Design & Construction, LLC (last revised January 20, 2022);
19. Proposed Second Floor Plan (large tables) prepared by All Design & Construction, LLC (last revised January 20, 2022);
20. Proposed Second Floor Plan (small tables) by All Design & Construction, LLC (last revised January 20, 2022);
21. Proposed Third Floor Plan prepared by All Design & Construction, LLC (last revised January 20, 2022);
22. Proposed Roof Plan prepared by All Design & Construction, LLC (last revised January 20, 2022);
23. Proposed Elevations Plan prepared by All Design & Construction, LLC (last revised January 20, 2022);
24. EcoCAT report dated November 18, 2021;
25. Application for Land Use Opinion (Kane-DuPage SWCD) dated February 7, 2022;
26. Land Use Opinion, (Kane-DuPage SWCD) dated March 11, 2022;
27. Traffic Memo, prepared by KLOA, dated March 8, 2022;
28. Updated Preliminary Landscape Plan prepared by Watermark Engineering Resources received March 7, 2022;
29. Rendering showing eliminated lighting;
30. Valet Plan;
31. Garbage Enclosure Elevations, submitted by George W Simoulis licensed architect, dated 2/28/22;
32. Updated Proposed Roof Plan, submitted by George W Simoulis licensed architect, dated 2/28/22;
33. Updated Proposed Third Floor Plan, submitted by George W Simoulis licensed architect, dated 2/28/22;
34. Updated Proposed Second Floor Plan, submitted by George W Simoulis licensed architect, dated 2/28/22;
35. Updated Proposed Second Floor Plan, submitted by George W Simoulis licensed architect, dated 2/28/22;
36. Updated Proposed First Floor Plan, submitted by George W Simoulis licensed architect, dated 2/28/22;
37. Updated Proposed Cellar Floor Plan, submitted by George W Simoulis licensed architect, dated 2/28/22;

38. Updated Proposed Elevations, submitted by George W Simoulis licensed architect, dated 2/28/22;
39. Updated Exterior Renderings; and
40. Public Comments.