

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

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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : June 6, 2022 **(BOT) Date:** June 16, 2022

SUBJECT: PC 22-05: 855 E. Roosevelt Road – Usmania Prime

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, SAFA ENTERPRISES, LLC, requests that the Village take actions on the subject property located within the B4A Roosevelt Road Corridor District, to provide for the construction of a new principal building.

The Plan Commission recommended approval of PC 22-05 by a vote of 7-0. Please place PC 22-05 on the June 16, 2022, Board of Trustees agenda for a first reading under items for separate action.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

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: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

MEETING DATE: June 16, 2022

SUBJECT: **PC 22-05; 855 E. Roosevelt Road**

Please find the following items for Village Board consideration as part of the June 16, 2022, Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 22-05 (March 22, 2022 PC meeting);
3. Addendum Report 1 (April 18, 2022 PC meeting);
4. Addendum Report 2 (May 16, 2022 PC meeting);
5. An ordinance granting the zoning relief;
6. Plans associated with the petition; and
7. Public comment, correspondences and an objectors presentation.

The Plan Commission recommended approval of PC 22-05 by a vote of 7-0. Please place PC 22-05 on the June 16, 2022, Board of Trustees agenda for a first reading under items for separate action.



VILLAGE OF LOMBARD

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June 16, 2022

Village President
Keith T. Giagnorio

Village Clerk
Liz Brezinski

Trustees
Brian LaVaque, Dist. 1
Anthony Puccio, Dist. 2
Bernie Dudek, Dist. 3
Andrew Honig, Dist. 4
Dan Militello, Dist. 5
Bob Bachner, Dist. 6

Village Manager
Scott R. Niehaus

*"Our shared **Vision** for Lombard is a community of excellence exemplified by its government working together with residents and businesses 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."*

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 22-05: 855 E. Roosevelt Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. 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;
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
12. Approval of a site plan and landscaping plan under Section 155.103(I) and Section 155.702 of the Zoning Ordinance.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 21, 2022.

March 21, 2022 Plan Commission Meeting

Sworn in to present the petition were Jennifer Ganser, Assistant Director of Community Development and the petitioner's team: Mark Daniel, attorney; Jeff Miller, Watermark Engineering; Joseph DaVito, J. DaVito Design; Mohammad Yaqoob, owner; and Rick Scali, RMJ Construction. Members of the public were also sworn in.

Acting Chairperson Sweetser read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine, and proceeded with the petition.

Mr. Daniel introduced himself and shared a power point presentation. He said his client looked at many properties until they found this one. They plan to open in December 2023. He reviewed the restaurant plan and operations. He discussed the conditional use for outside sales and the proposed condition of approval on the time. He showed a map of surrounding land uses, including many restaurants, and building heights in the area. He discussed the pond owned by York Center Park District to the south and drainage in the area. He showed a video of the site. He discussed building elevations the work done by a structural engineer. He said the height to the top of the parapet is 45' and the building will be below that.

Mr. DaVito discussed the landscape plan. He noted the wetlands and what trees will be preserved. He said it is heavily wooded and will create a buffer. He discussed the additional trees on the ridge line at the request of the residents. He discussed parking lot landscaping.

Mr. Daniel noted the trees to the south as an addition. He said the plan was discussed with the County and some parking was eliminated. He discussed the landscaping around the rickshaws. He said the lighting meets Code except at the cross access and by the rickshaws.

Mr. Miller said the property has many constraints. The cross access was approved in 1997 and there is floodway and a wetland. The compact building design was done to stay away from the special management area. They will be expanding the wetland area. He discussed water flow.

Mr. Daniel discussed stormwater. Mr. Miller discussed engineering requirements and noted they will be adding more capacity, or storage, then what's required.

Mr. Daniel discussed water flow and sheet drainage. He said the new drainage will go towards Roosevelt Road. He discussed the photometric code and said it was adjusted to have zero-foot candles at the residential lot line. He discussed the letter received from the York Center Park District and their failure maintenance of their property. He discussed neighbor comments on fencing and guard rails. He said his team met with IDNR regarding endangered species and was cleared thru the Eco Cat document. He discussed traffic flow and the primary routes of Meyers Road and Roosevelt Road. He discussed site lines and views from difference properties. He went thru the requested zoning relief. He discussed why the parking is sufficient and showed ITE data.

Mr. Miller discussed the lighting around the rickshaws and said it will be a small LED light that is up lit.

Mr. Daniel concluded by saying the project meets the standards for development.

Commissioner Johnston asked if the bald cypress tree is seasonal. Mr. DaVito said yes. Commissioner Johnston clarified that evergreen trees would not survive in the water and Mr. DaVito agreed. Mr. Daniel said those trees are there at the request of the neighbors. Commissioner Johnston asked if the new building would buffer the sound from Pep Boys. Mr. Daniel said not really, the sound may go up. Commissioner Johnston asked if any special construction materials would be used for sound and Mr. Daniel said no.

Commissioner Spreenberg asked about drainage. Mr. Miller said the property sheet drains now and discussed the permeable pavers and how that would help drainage and water storage.

Commissioner Spreenberg asked what the hours of the rooftop patio will be. Mr. Daniel reviewed that section of the presentation and noted it was an area for 28 people.

Commissioner Giuliano asked about light pollution from the patio. Mr. Daniel said they are in compliance for lighting and the landscaping may help buffer or screen. Commissioner Giuliano asked about additional trees and Mr. Daniel said 10 bald cypress trees were added. He has met with some neighbors to the east and may plant trees for them to assist with screening on their property.

Commissioner Johnston asked about parking. Mr. Daniel said they have parking on their property, next door, and the valet plan for a total of 149. Commissioner Johnston asked about parking at their current restaurants and Mr. Daniel said those restaurants are in the City and not comparable. They have paid attention to how people arrive and are noticing that people are arriving together and using Uber more.

Acting Chairperson Sweetser opened the cross-examination section of the meeting.

Ms. Terry Purkart asked if there will be catering trucks. Mr. Daniel said the catering is delivered or can be picked up. Ms. Purkart asked where the employees will park. Mr. Daniel said there are 15 spaces to the west and designated employee parking on site.

Mr. Joe Purkart asked if restaurant owners knew about the variances and restrictions and Mr. Daniel said yes. Mr. Purkart asked Mr. Daniel to show the profit numbers from the powerpoint and asked how much they would pay in taxes as he is concerned what Lombard will gain. Mr. Daniel said all the tax numbers have not been estimated yet.

Mr. Robert Fritz asked the height of the bald cypress tree planted and the maximum height. Mr. DaVito said it will be planted at approximately 6' tall and grow to be 50' at 8' to 10' per year. Mr. Fritz questioned Mr. Daniel on the York Center Park District meeting.

Mr. Tomas Novickas said the Code asks for shade trees and asked what type of trees are being planted. Mr. DaVito said ornamental trees with shade trees around the perimeter. Mr. Daniel said a variance is being sought for that. Mr. DaVito said the plan is conceptual and noted that the lights will impact the trees. Mr. Novickas asked if the windows were operable. Mr. Daniel said it was stated on the Zoom call that the doors cannot be propped open and that the windows are not intended to be open. Mr. Novickas asked about baffles on the lights and Mr. Daniel said the plan shows zero-foot candles at the south lot line.

Ms. Anne Toby-Garcia said she lives by Lumber Liquidators and their lights shine and reflect into her house. Mr. Daniel said that shouldn't happen. He said this building is not using wall packs to the south and can adjust the light if needed.

Ms. Doris Dornberger asked when the picture of her house was taken. Mr. Daniel said it is a picture from Google Street View. She stated that today the trees on her property do not have leaves due to the season and in the winter the neighbors will see the building. Mr. Daniel said the wetland trees are dense and will help block the building.

Mr. Adam Johnson asked if materials will be added to prevent sound from transmitting. Mr. Daniel said they are not planning on it and he does not believe it will be a problem. Mr. Johnson asked for clarification on the foundation landscaping. Mr. Daniel said it can't be provided on the east side due to the loading zone and he noted the 10' was for width. Mr. Johnson asked if this is tied to water retention and Mr. Daniel said no, it's part of landscaping. He said the gutters are tied into the system. Mr. Johnson asked about the two rickshaws and Mr. Daniel said there are two total and both have LED up lighting. Mr. Johnson asked the hours of the lighting and rating. Mr. Daniel said the lights will be on when the restaurant is open and dimmed when closed. He said the elevation is below the residential property and the lights are part of the zoning relief. Mr. Johnson asked if the plan was reviewed against the winter months. Mr. Daniel said he applied in February and did review the property in the winter. Mr. Johnson asked about the outdoor sales component and Mr. Daniel said that would be Saturday and Sunday from noon to 7pm. Mr. Johnson asked about the guard rails and what else can be done to shield head lights. Mr. Daniel said he is not proposing a fence above the guard rails as that would cause sound to be reflected and it's not possible to plant evergreens. He said the restaurant wants to enjoy the wetland as well.

Mr. John Severance said he lives to the south and is concerned about stormwater. Mr. Daniel said he can't change the volume. Mr. Severance asked how is that monitored. Mr. Miller said the ordinance regulates the release rate and flow rate. A restrictor will be installed and control run off. Mr. Miller discussed the natural creek, waterway, and native plantings. Mr. Severance said he has discussed the issue with IDOT and asked if this development was trenching. Mr. Miller said no and that they will remove dead trees and review the outlets. He said they may have an easement for DuPage County or the Village to access the wetland. Mr. Severance referred to a previous slide and asked who to contact on stormwater and Mr. Miller said the County and York Center Park District.

Ms. Patricia Sanborn asked if climbing plants would be used and Mr. Daniel said no. Ms. Sanborn asked what's the method of wetland restoration. Mr. Daniel said they are enlarging the area and using certain plantings. Mr. DaVito said they are adding wetland grasses. Ms. Sanborn asked how it will be maintained and Mr. Daniel said the permit involves a three year look back and letter of credit as well as the ordinance referencing the plans. Ms. Sanborn asked why other property couldn't be purchased and Mr. Daniel discussed the other property they looked at.

A resident said he is concerned about fire suppression.

Ms. Pat Shapera said the snow may impede runoff and asked if dead trees will be removed. Mr. Miller said dead trees will be cleaned up and discussed snow. Ms. Shapera asked about the culvert under Roosevelt. Mr. Miller said it's a 36" concrete pipe. Ms. Shapera questioned the years of flood and engineering data and said the pond has been rising every year.

Ms. Lila Gourveia asked if there would amplified sound for weekend outside events. Mr. Daniel said no and that it could be a condition of approval.

On a motion by Commissioner Guiliano, and a second by Commissioner Johnston, the Plan Commission voted 7-0 to continue the petition associated with PC 22-05 to the April 18, 2022 Plan Commission meeting.

April 18, 2022 Plan Commission Meeting

Acting Chairperson Sweetser asked if any additional person would like to speak in favor or against this petition, or for public comment.

Ms. Purkart suggested a 6' partition around the dining area so the dining doesn't look at the homes, suggested 1 permit for a festival instead of a permanent permit, suggested that the banquet rooms are sound proofed, and is concerned that the off-site parking will go away after a year.

Mr. Purkart noted a research project by Texas Tech on Chernobyl and wildlife. He said you can hear Roosevelt Road on the other side of the park and with the increase of cars the sound will go up. He is concerned about light pollution, and said the lumen test doesn't consider the tree line. He asked why change so many rules for 1 business. He said Lombard is an expensive city and employees will need to be paid over \$21 dollar an hour to afford to live here.

Mr. Richard Thomas said he has concerns that were brought up like flooding. He said he lives on the north side of Roosevelt Road and had issues with Public Storage and this water will feed into Public Storage. He said there are plenty of spaces on Roosevelt Road and around that are vacant. He is concerned about traffic and a building and near a residential area.

Mr. Fritz said he taught in District 45 and is a York Center Park District Commissioner. He said we are under an oath to tell the truth and said the meeting by the York Center Park District was not invalid. He said the park was not neglected and last year they spent \$13,000 on prairie plants and 3-years' worth of maintenance. He said he is fine with the restaurant but not the variances.

Mr. Novickas said he has a PowerPoint. He said the neighborhood was designed as an intentional community and always had a plan included open space, shelterbelts, curving roadways, etc. He said the park is intentional space, not unmaintained, and contributes to quality of life. He has concerns on development and noted it's a difficult site to development. He referred to section 155.103 on conditional uses and Section 155.417. He said the B4A district was passed to improve Roosevelt Road. He doesn't agree with noise plan, noted the noises are different throughout the day and suggested noise barriers and increased landscaping. He has concerns with outside bazaars, and said they could be moved to the north side of the lot instead of the south side that is closer to residential. He believes there could be more than the 22 employees due to the size and scope of the restaurant. He has concerns about parking in the neighborhood and sees parking on Chase Avenue and people walk to the bacon bar. He questioned where the valet employees park and where the catering trucks would park. He feels the trash area is small for a large restaurant and said he can hear garage trucks at High Point Center and recommended to flip the alleyway to the north side. He said the parking lot doesn't have shade trees and suggested removing the south rickshaw and replace with a shade tree. He said there is an impact on night skies, and proposes

dark skies. He said the reduction of foundation landscaping has an impact on wildlife and aesthetics and asked for heavy landscaping around the property. He discussed landscaping layers of bald cypress trees with arborvitae. He said the petitioner should provide landscaping to the York Center Park District. He said the parking lot is higher due to grading and car lights will shine through and discussed glare of lights, the wall sconces on the building, and LED parking lot lights.

Ms. Dornberger said she appreciates what neighbors said. She said the community developed in the late 40s. She is concerned that the neighborhood was misrepresented such as the conditions of the road. She said the neighborhood was always concerned about water flow, more of an issue now as new development occurred. She referenced the three-story Public Storage building and the water issues got worse. She doesn't believe there is adequate parking. She said they will be awakened by the garage trucks and when the trees have no leaves neighbors will see the building and lights. She believes the building will take away the wildlife and is concerned about privacy and noise for her neighbors.

Ms. Sanborn said she walks by the park many days and even on gray days the park has value. She is concerned about architecture and landscaping. She agrees with Doris that it will alter the community. She believes the developer has solutions to some stated problems. She is concerned about the neighborhood feel. She mentioned Tomas's PowerPoint and pictures from other suburbs. She said Code is there for a reason and wants development to enhance the quality of life.

Mr. Johnson said he lives 150' from proposed development. He referenced the comments from PC 22-07 and families living near O'Neill's and noted we have similar issues. He requested delaying approval until they use sound damping materials, require a year-round permanent screen of landscaping or fencing, improve the water flow in the area, and improve the lighting to require timers and use buffers.

Ms. Pederson said the building is too big. She is a wildlife photographer and said we have amazing wildlife in our community. She said the height makes the lighting more impactful. She mentioned migrating birds and other wildlife that the lights can impact. She said the area could be sprayed with pesticides which would be harmful to wildlife. She said she is glad they are including native plantings.

Mr. Michael Kanarek said he has notes about what others already said which were many important issues. He said he was on a Plan Commission in the past. He asked about the validity of the establishment and how it will benefit Lombard. He said there are over 40 establishments that offer prepared food along Roosevelt Road. He asked if the contractors are from Lombard and are they union. He asked if Lombard vendors be used for materials and supplies. He said Lombard should benefit if this goes forward.

Ms. Wasserman said she wanted to echo what other neighbors said about the neighborhood. She said the wildlife is great. She said she is always shocked by the height of the storage center and don't want another three-story building nearby.

Mr. Daniel was given the opportunity to rebut. He said he had a neighborhood zoom meeting and made changes to the plan over time at the neighbor's request. He noted had a recent meeting with

the County on the plantings and that the County will enforce the permit and will allow for spot trees, not a line of trees. They will screen the area with a fence if the trees are not allowed. He addressed sound that travels in a cone, and is concerned that additional trees will amplify the sound from Pep Boys. He said additional parking was removed due to County and Village meetings and the stormwater management area. He said some lighting was eliminated, the buffer strip is being planted and meets Code. He said the trash dumpster was moved further away from residents. He said they are cleaning up the property. He noted there is no amplified sound outside. The cultural events are limited to 2 per month. They are in parking spaces to the south of the building and prefer the location to the south due to the shade and it's easier for staff to maintain. He said most restaurants have a small lobby and waiting area while the dining room occupies the footprint. In restaurants dining is usually 60% and this restaurant is at 30%. He said the three seats per parking space is a standard benchmark for commercial occupancies for food service. He said the Institute of Traffic Engineers supports 3 seats per parking spaces. There are 116 parking spaces within the lot lines. He is not asking for a conditional use for offsite parking. He said 116 times 3, per ITE data, meets the commercial standards and they are comfortable with 384 seats or a three to one ratio. He said 22 employees is the max peak shift. After application they provided a letter that they have access to 15 parking spaces to the west if needed. The also talked with Pep Boys about the cross easement and discussed shared parking. He asked for the application to be reviewed on its merits within the lot lines. He said he doesn't want to have the loading zone exiting on Roosevelt Road, which could create a poor appearance on a busy street. He said other communities that touch Lombard will approve the parking by right without a public hearing. They did think about a text amendment; however, they are impacted by the wetland and that is the justification for the parking variance. The original plan had 12 extra spaces, however, the County and Village Engineer said that is an excessive use of the floodway. He reviewed the floor plans and how they relate to the variance. He said there is no cross connection to the neighborhood to the south. He said they are preserving the wetland on property and even without the leaves the trees offer screening. He said lights will comply with the ordinance and not be directed towards the neighbors. He mentioned the light pole at the shared access with Pep Boys. He discussed the LED lighting at the sidewalks that points up and is a low level of lighting. He said the rickshaws are cultural features and popular at the existing restaurant. He believes it's better to light the rickshaw from below then above, leading to less light. He said more than 1/3 of property is a wetland that will be maintained and there is additional landscaping in the wetland. He said there are many utilities in Roosevelt Road which prevents large trees along the street. The outside sales are more like bazaars and if done outside a conditional use is needed. This is a cultural aspect and could be an author reading or look at quilts which is a benefit for Lombard. There is no amplified sound and the rooftop will be closed before the restaurant per the conditions of approval. There are no speakers. The building lights will be on timers, some lights will be on at a lower level for security.

Mr. Miller said there are zero-foot candles at the property line and it meets the ordinance. He said lights will be seen but not spill over the property line. He said the buffer is 35' instead of the required 30'. He mentioned the massive area of mature trees that is existing and staying native. The natural wetland is staying. He said they met with DuPage County on the extra bald cypress screening. He said they met with Lombard and DuPage county's requirements on volume control and is providing extra area. The permeable pavers are part of the required water quality element.

Mr. DaVito said the buffer to the south has been discussed. There is a lot of area that is being preserved as trees and only the scrub material will be removed. He noted the bald cypress will lose their leaves in the winter. He referenced the arborvitae and said that area is very narrow and the road salt may damage it. He said the plan originally had shade trees, and changed that due to the lighting plan. He feels the south buffer will create the same screen effect. He said they don't have room for foundation plantings instead added more landscaping around the islands.

Mr. Daniel noted the east side has 100% landscaping. He said the foot candles are zero also in the wetland area. He said the height is 40' by Code, the parapet will be 45' and wraps part of the glass enclosure on the third floor. Only a part of the building rises above Code, and they will need a structural engineer to review. A conditional use is requested and is allowed unless there is a special circumstance that would not allow it. He said there is no outside amplified sound. He believes Lombard will benefit from this project in ways beyond tax revenue. He noted the parking hardship due to the wetlands and the ITE tables.

Mr. Kanarek asked how much is expert law versus opinion. He said the petitioner showed views from the north only. He asked how will this benefit Lombard and other businesses.

Mr. Daniel discussed his background and noted he showed many pictures last month for different angles and the neighborhood to the south. He said this property is zoned commercial and could be many other things. He said they will add jobs.

Acting Chairperson Sweetser asked for the staff report.

Ms. Ganser presented the IDRC report for PC 22-05, which was entered into the public record in its entirety. The petitioner proposes to build a restaurant and banquet hall, which are permitted uses. The property is currently vacant. 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. Per the project narrative, the homes to the south are more than 320 feet from the proposed building.

A restaurant is a permitted use, meaning a restaurant can be built by right without a Plan Commission meeting and without neighbor notification. Outside seating at a restaurant, such as the rooftop patio, is also a permitted use. Therefore, a restaurant can have outside seating by right without a Plan Commission meeting and without neighbor notification. The property has been zoned for commercial development since it was annexed into Lombard in the late 1990s.

The petitioner noted the restaurant would not be seeking a liquor license. For the record, liquor licenses are reviewed by the Village Board, not the Plan Commission. Should the owner or a future owner request a liquor license that request would go thru the Village Board at that time.

Staff reviewed the requests for entertainment, building height, and outdoor sales conditional uses and are supportive of the relief. The staff report provides for a condition of approval limiting the days, Saturday and Sunday, and the hours for the outside sales. There is also a condition of approval for the hours of rooftop patio and a condition for no amplified sound on the rooftop patio.

The petitioner noted on the March 21st meeting that he would be agreeable to a condition stating there shall be no amplified sound for the outside sales. If the Plan Commission makes a motion to approve they can add such a condition. The requested entertainment conditional use is for inside the building and ancillary to the restaurant use. Building height is regulated in the Zoning Ordinance to be 40 feet in the B4A District. Therefore, a building can be built up to 40' in height by right without a Plan Commission meeting and without neighbor notification. The petitioner is asking for relief for a taller building that will be less than 45' tall, as the parapet wall is at approximately 45' in height.

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. During the neighborhood meeting questions were raised about additional trees. The petitioner submitted updated plans and plans to add 11 trees. 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. Lombard is a partial waiver community, therefore, DuPage County has review authority over some engineering and landscaping items. The petitioner met with DuPage County again on April 14th to discuss landscaping. Per a memo given to the Plan Commission the petitioner noted an additional condition of approval can be on the project for a fence in lieu of trees per an attached drawing.

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 traffic report also covered the parking variance and finds that sufficient parking is being provided.

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 provided does meet Code as developed on the preliminary submittal. Should the project be approved, this plan will be reviewed again during permit submittal.

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. The Village does not have the authority to review wetlands, as such, DuPage County will also review the engineering plans. As stormwater was brought up at the virtual meeting, Village staff emailed County engineering staff to alert them to the issue in case residents of York Center contacted the County with questions about their individual properties.

As noted in the staff report, the IDRC committee reviewed the preliminary plans submitted and gave comments which are also noted in the staff report. The comments, such as fire or building code items, are not under the purview of the Plan Commission. These items are addressed preliminarily in this report and such the project be approved, they will be addressed as a staff issue during building permit review. Fire Code, Building Code, and stormwater regulations are not under the purview of the Plan Commission.

Staff supports the requests for the petitioned zoning relief based on the submitted materials and the standards.

Mr. Javier Millan said he worked for KLOA and is retained by the Village. He looked at survey data by ITE and KLOA surveys of banquet facilities throughout Chicagoland. ITE is preferred and relied upon by many. He said ITE says the number of seats is a more reliable variable than square footage for restaurant parking. 115 to 118 parking spaces is suggested per ITE data. He reviewed KLOA surveys, and based on that 2.5 passengers per vehicles is reasonable. He also considered uber and taxis. That shows a 125 peak parking demand.

Mr. Heniff spoke on the current parking Code. He said when Fountain Square were constructed in 1999 and 2000 there was a lot of excitement over the restaurants. The parking standard was lower. The thought was that the demand for the restaurants was so great that the parking standard was amended from 16 to 18.5. He said now we are finding that parking demand is not as high. He reminded the Plan Commission that parking standard review is on the work program for staff and discussed past review of hotel and library parking standards. He noted the petitioner discussed their unique businesses model and discussed other communities. He said valet parking is a business regulation, and not in the Zoning Code. It is an administrative process done by staff, per Section 127. He said staff can offer additional conditions on parking if desired.

Acting Chair Sweetser opened the meeting to discussion by the Plan Commissioners.

Commissioner Johnston said a lot of information was presented. Commissioner Guilano said there is a lot to absorb and others agreed.

On a motion by Commissioner Johnston, and a second by Commissioner Invergo, the Plan Commission voted 7-0 to continue the petition associated with PC 22-05 to the May 16, 2022 Plan Commission meeting.

Mr. Heniff clarified that the next meeting will start with Commissioner comments.

May 16, 2022 Plan Commission Meeting

Mr. Heniff reviewed the past two meetings on PC 22-05. He said the meeting will be opened for discussion and questions by the Plan Commissioners. He referred to the addendum report 2 which lists possible conditions of approval that could be added to a motion.

Acting Chair Sweetser opened the meeting to discussion by the Plan Commissioners.

Commissioner Invergo asked if the weight of building and parking will cause a need for pylons and asked how the underground sewer system will be managed. Mr. Miller said geotechnical work has been done and the soils are quite good. Commissioner Invergo asked if there is a drop off on the property towards the wetlands. Mr. Miller said the site is higher than Roosevelt Road and drainage goes towards the wetlands. He said the retaining wall will be added. Mr. Heniff said should the petition be approved the geotechnical report would be required for building permit review by staff.

Commissioner Johnston asked about the bald cypress trees versus a fence. He asked if the fence could be taller for more screening. Mr. Daniel said that height will get to an elevation above most car headlights but allow for the view to be enjoyed as well. He said the fence will be on top of a curb.

Commissioner Spreenberg said the additional conditions are acceptable to him. He asked about lighting and suggested an additional condition of no lighting on the second floor of the building. Mr. Daniel said there would be one light on the second floor exterior. Mr. Daniel gave Mr. Heniff a list of previously discussed conditions of approval. Mr. Heniff admitted the exhibit into the public record and read it. Mr. Daniel noted conditions such as the hours of operation of the rooftop and sound. Mr. Daniel said they can live with the parking condition.

Commissioner Invergo asked if the numerous conditions set a precedence for the future. Mr. Heniff said some of the conditions of approval are to address neighborhood compatibility. Some conditions are more housekeeping and are to get the building built. Conditions also helps staff by noting property regulations. He said conditions are also site specific.

Acting Chairperson Sweetser asked if there were any additional comments. Hearing none, she asked for a motion from the Commissioners.

On a motion by Commissioner Guilano, and a second by Commissioner Johnston, the Plan Commission voted 7-0 to recommend that the Village Board approve the petition associated with PC 22-05, subject to the following twelve (12) 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. The three (3) parking spaces near the loading zone shall be signed for employee use only.
9. The outside bazaars shall not contain amplified sound.

10. If DuPage County eliminates the bald cypress trees for screening, the petitioner shall place a 4' (four foot) tall fence for screening in conformance with the plan prepared by the petitioner.

11. The petitioner shall limit the available patron seating associated with the facility to not exceed 282 seats due to the amount of parking provided. Should the petitioner apply for a conditional use for off-site parking at a later date, the petitioner may petition for an increase in the numbers of seats at a ratio of 1 parking space for 3 seats.

12. There shall be no outside lighting above the second floor. There shall only be one light on the second floor facing south. There shall be one light on the south side on the southwestern corner.

Respectfully,

VILLAGE OF LOMBARD

Ruth Sweetser, Acting Chairperson
Lombard Plan Commission

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:

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.



VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT
ADDENDUM REPORT

TO: Ruth Sweetser, Acting Chair
Plan Commission members

FROM: Jennifer Ganser, AICP, Assistant Director of Community Development

MEETING DATE: April 18, 2022

SUBJECT: PC 22-05; 855 E. Roosevelt Road

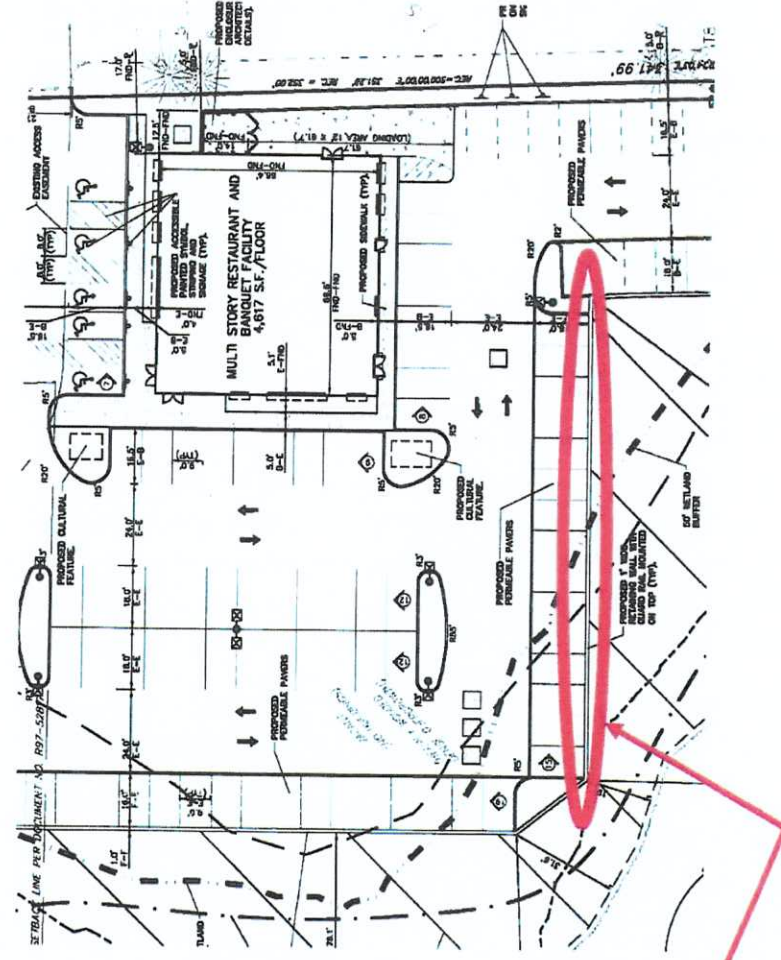
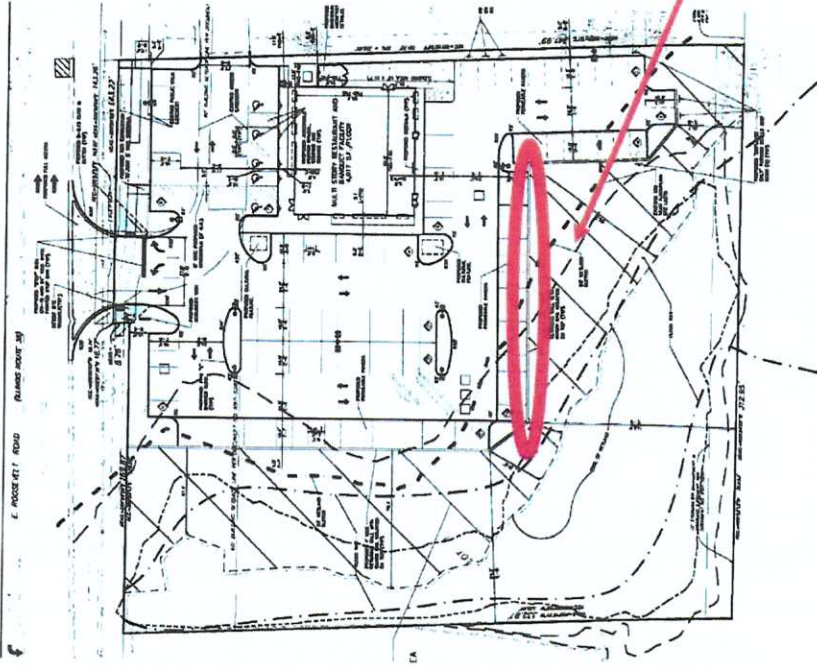
Since the March 21, 2022 Plan Commission meeting, the petitioner for PC 22-05 has spoken with the Illinois Department of Natural Resources (IDNR). IDNR confirmed that while there is floodway on the property they would defer regulatory approval to DuPage County. As noted in the landscape plan, the petitioner is proposing bald cypress trees to be planted as a screen at the request of the neighbors to the south. DuPage County has not reviewed final engineering or landscaping, only preliminary plans. The petitioner notes that DuPage County may reduce the number of bald cypress trees or eliminate them due to the floodway. The Plan Commission may remember a text amendment to the Landscape Chapter that provides for such a situation. Should the petition be approved by the Village Board, and DuPage County reduce or eliminate the bald cypress trees, the petitioner will not need to request additional zoning entitlements. The County regulations shall apply.

§ 155.713 - Conflict with other regulations.

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.

The petitioner also noted that the Plan Commission may place an additional condition of approval for a fence in lieu of the trees. Attached is an exhibit, provided by the petitioner, showing where a fence would go in lieu of the trees. A proposed condition of approval could read as follows, and would be made when making a motion of approval, should the Plan Commission proceed in that direction.

If DuPage County eliminates the bald cypress trees for screening, the petitioner shall place a 4' (four foot) tall fence for screening in conformance with the plan prepared by the petitioner.



LOCATION OF POSSIBLE 48-IN MINIMUM FENCE
(MEASURED ABOVE TOP OF CURB, IF NO CYPRESS)



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

TO: Ruth Sweetser, Acting Chair
Plan Commission members

FROM: Jennifer Ganser, AICP, Assistant Director of Community Development

MEETING DATE: May 16, 2022 

SUBJECT: PC 22-05; 855 E. Roosevelt Road

PC 22-05 has been continued to the May 16, 2022 Plan Commission meeting. We are at the portion of the meeting for questions and discussion by the Plan Commission. Further testimony or questions from the petitioner, or the public will only be allowed at the discretion of the Plan Commissioners. After your questions and discussions, the Chairperson will request a motion. As a reminder, a motion could be:

- Recommendation to approve
- Recommendation to approve with conditions (in whole or in part)
- Recommendation to deny
- Continuance of the petition

At the April 18, 2022 Plan Commission meeting staff noted three conditions that could be added to a recommendation for approval with conditions. If the Plan Commission desires to add any or all of these they should be verbally read during the motion. The Plan Commission may add other conditions if they so choose.

1. The outside bazaars shall not contain amplified sound.
2. If DuPage County eliminates the bald cypress trees for screening, the petitioner shall place a 4' (four foot) tall fence for screening in conformance with the plan prepared by the petitioner.
3. The petitioner shall limit the available patron seating associated with the facility to not exceed 282 seats due to the amount of parking provided. Should the petitioner apply for a conditional use for off-site parking at a later date, the petitioner may petition for an increase in the numbers of seats at a ratio of 1 parking space for 3 seats.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING CONDITIONAL USES AND
VARIANCES FOR A NEW RESTAURANT BUILDING
PURSUANT TO TITLE 15, CHAPTER 155 OF THE LOMBARD
ZONING ORDINANCE**

PC 22-05; 855 E. Roosevelt 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 Subject Property as defined below is zoned B4A Roosevelt Road Corridor District; and,

WHEREAS, an application has been filed requesting approval for conditional uses and variances pursuant to Chapter 155 of the Lombard Zoning Ordinance to allow for a new restaurant building; and,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on March 21, 2022, April 18, 2022, and May 16, 2022, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of the conditional uses and variances, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard have determined that it is in the best interest of the Village of Lombard to approve the requested zoning actions 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 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 is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 2: That the following 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 is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 3: That the following 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 is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 4: That the following 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 is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 5: That the following variance 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)) is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 6: That the following variance 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 is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 7: That the following variance 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 is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 8: That the following variance 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 is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 9: That the following variance 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) is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 10: That the following variance 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 is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 11: That the following variances 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 is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 12: That the approval of a site plan and landscaping plan under Section 155.103(I) and Section 155.702 of the Zoning Ordinance is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 13: That this Ordinance is limited and restricted to the property located at 855 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

LOT 1 (EXCEPT THE NORTH 10 FEET OF THE EAST 143 FEET THEREOF) IN
CHRISTOFARO AND DIFEO SUBDIVISION, BEING A SUBDIVISION IN THE

NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 16, 1997 AS DOCUMENT R97-052817, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number(s): 06-21-100-013; (the "Subject Property").

SECTION 14: This ordinance shall be granted subject to compliance with 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. The three (3) parking spaces near the loading zone shall be signed for employee use only.
9. The outside bazaars shall not contain amplified sound.
10. If DuPage County eliminates the bald cypress trees for screening, the petitioner shall place a 4' (four foot) tall fence for screening in conformance with the plan prepared by the petitioner.
11. The petitioner shall limit the available patron seating associated with the facility to not exceed 282 seats due to the amount of parking provided. Should the petitioner apply for a conditional use for off-site parking at a later date, the petitioner may petition for an increase in the numbers of seats at a ratio of 1 parking space for 3 seats.

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12. There shall be no outside lighting above the second floor. There shall only be one light on the second floor facing south. There shall be one light on the south side on the southwestern corner.

SECTION 15: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 2022.

First reading waived by action of the Board of Trustees this _____ day of _____, 2022.

Passed on second reading this _____ day of _____, 2022.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2022.

Keith Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this _____ day of _____, 2022.

Elizabeth Brezinski, Village Clerk