

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

Resolution or Ordinance (Blue) _____
 Recommendations of Boards, Commissions & Committees (Green) _____
 Other Business (Pink) _____

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: March 26, 2008 (BOT) Date: April 3, 2008

TITLE: PC 08-06: 455 East Butterfield Road

SUBMITTED BY: Department of Community Development *John*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village approve a further variation from Section 153.503(B)(12)(b) of the Sign Ordinance to allow for a third wall sign per street front exposure, where a maximum of two wall signs are permitted pursuant to Ordinance 5917, for the subject property located within the O Office District. (DISTRICT #3)

The Plan Commission recommended approval of this petition with conditions.

Please place this item on the April 3, 2008 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
 Finance Director X _____
 Village Manager *John* _____
 Date _____
 Date *3/25/08* _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development *dh*

DATE: April 3, 2008

SUBJECT: PC 08-06: 455 E. Butterfield Road

Attached please find the following items for Village Board consideration as part of the April 3, 2008 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 08-06;
3. An Ordinance granting a variation from Section 153.503(B)(12)(B) of the Sign Ordinance to allow for a third wall sign; and
4. Plans associated with the petition.

The Plan Commission recommended approval of the actions associated with the petition with conditions.

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VILLAGE OF LOMBARD

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April 3, 2008

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

Subject: PC 08-06; 455 East Butterfield Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village approve a further variation from Section 153.503(B)(12)(b) of the Sign Ordinance to allow for a third wall sign per street front exposure, where a maximum of two wall signs are permitted pursuant to Ordinance 5917, for the subject property located within the O Office District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 24, 2008.

David Lobinsky (regional manager of Miller's Ale House), 2720 S. Highland Ave. # 760, Lombard, IL 60148 presented the petition. Mr. Lobinsky began by stating that Miller's Ale House is planning to come to Lombard and currently has forty (40) units in Florida. He stated the average unit does more than \$4 million a year in sales and that they were very excited to come to Lombard. He stated that the purpose of the petition was to expand the signage on the south side of the building facing Interstate 88. He expressed concern that those driving on I-88 could not tell what the new building is. Therefore, they would like to put up an additional sign measuring approximately fifty (50) square feet. Lastly, Mr. Lobinsky stated the proposed sign would help Miller's Ale House connect with the community.

Chairperson Ryan then opened the meeting for public comment. No one spoke in favor or in opposition to the petition. Chairperson Ryan then requested the staff report.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

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

William Heniff, Senior Planner, presented the staff report. The subject property is currently under development as a sit down restaurant establishment. Ordinance 5917 granted approval of the companion zoning relief required by this development. The ordinance provided relief for two wall signs on the building (on the north and west elevations), where only one wall sign is allowed by the underlying Office District provisions. The petitioner now is seeking approval for a third wall sign on the south elevation of 66 square feet in area, which would face Interstate 88. Mr. Heniff stated that the petitioner's plan showed the sign as fifty (50) square feet but the total signage area would be 66 square feet per the measurement provision in the Village of Lombard Sign Ordinance. Still, the sign meets Village code provisions.

At the time of considering the 2006 petition, staff noted to the petitioner that the south elevation would have direct visibility to Interstate 88 and inquired if they were considering signage along the south elevation. The issue of additional signage was also discussed at the subsequent Plan Commission meeting. The petitioner noted that if they would want to make subsequent revisions to the proposed sign plan, they would file for approvals at a later date. The petitioner's submitted plans attempt to replicate the previously approved wall sign design approved for the other elevations, consisting of red block and script channel letters.

Staff also notes that the subject property abuts a NiCor tract of land to the south. If this area was under ownership of the petitioner and NiCor only had utility easement rights to this area, the wall sign would be permitted by right. But as this is not the case for this property, the petitioner technically does not have frontage along Interstate 88. But in consideration of the topography and adjacent uses for the area, there is no visual difference between the two scenarios and as such the relief can be supported.

The properties to the east and west of the subject property are also zoned in the Office District. As noted in the 2006 petition, the proposed use is compatible with the adjacent land uses. The abutting property to the west is the Carlisle banquet facility. That facility already has a wall sign along its south elevation. Therefore, granting relief for the petitioner's sign would not be inconsistent with the neighboring properties. Therefore, staff recommends approval of the petition, subject to the conditions of approval noted in the staff report.

Chairperson Ryan then opened the meeting for comment among the Commissioners.

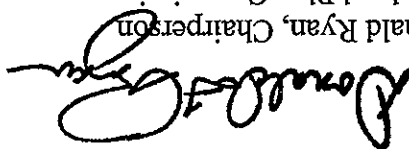
Commissioner Sweetser made the recommendation to approve the petition with a second by Commissioner Olbrish.

After due consideration of the petition and the testimony presented, the Plan Commission accepted the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and found that the petition complies with the standards required by the Lombard Zoning and Sign Ordinances. Therefore, the Plan Commission, by a roll call vote of 4-0, recommended to the Corporate Authorities approval of the petition associated with PC 08-06 subject to the following conditions:

1. Condition 1 (e) of Ordinance 5917 shall be amended to provide for the rights for a wall sign to be placed on the south elevation of the existing building on the subject property. Said sign shall be designed in accordance with the submitted plans prepared by Interplan LLC, dated February 20, 2008 a part of the petition. The wall sign shall be compatible with the wall signs on the north and west elevations.
2. The petitioner shall apply for and receive a sign permit for the proposed wall sign prior to installation of the new sign. All signage on the subject property shall be installed in compliance with the Sign Ordinance provisions.
3. All other conditions approved by Ordinance 5917 not amended by this petition shall remain in full force and effect.

Respectfully,

VILLAGE OF LOMBARD


Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission
FROM: Department of Community Development
PREPARED BY: William Heniff, AICP Senior Planner
HEARING DATE: March 24, 2008

TITLE

PC 08-06; 455 East Butterfield Road: The petitioner requests that the Village approve a further variation from Section 153.503(B)(12)(b) of the Sign Ordinance to allow for a third wall sign per street front exposure, where a maximum of two wall signs are permitted pursuant to Ordinance 5917, for the subject property located within the O Office District.

GENERAL INFORMATION

Petitioner: Foremark, Ltd
8235 Douglas Av., Suite 945
Dallas, TX 75225
Property Owner: Insite Real Estate LLC
1603 West 16th Street
Oak Brook, IL 60523
Relationship to Property Owner: Construction management entity for lessee (Miller's Ale)
Construction management entity for lessee (Miller's Ale)

PROPERTY INFORMATION

Existing Zoning: O Office District
Existing Land Use: Sit down restaurant under construction
Size of Property: Approximately 1.58 acres
Comprehensive Plan: Recommends Office

Surrounding Zoning and Land Use:

North:	B3 Community Shopping District; developed as Yorktown Mall
South:	Interstate 88 - Reagan Tollway
East:	O Office District; developed as an office building
West:	O Office District; developed as the Carlisle banquet hall

ANALYSIS

SUBMITTALS

This report is based on the following documents that were submitted to the Department of Community Development on February 21, 2008:

1. Petition for Public Hearing with response to standards.
2. Approved site plan, prepared by Seton Engineering, dated June 30, 2006. This plan also shows adjacent the NiCor property parking area as well as the approved outdoor dining area that are not being constructed at this time.
3. Proposed building elevations (depicting existing and proposed wall signs), prepared by Interplan LLC, dated February 20, 2008.

DESCRIPTION

The subject property at 455 East Butterfield Road is currently under development with a sit-down restaurant establishment. Ordinance 5917 (PC 06-17) granted approval of the companion zoning relief required by this development. The ordinance provided relief for two wall signs on the building (on the north and west elevations), where only one wall sign is allowed by the underlying O Office District provisions. The petitioner now is seeking approval for a third wall sign on the south elevation of 66 square feet in area, which would face Interstate 88.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

The Engineering and Utilities Divisions of the Public Works Department has reviewed the proposal and does not have any comments on the petition.

PRIVATE ENGINEERING

The Private Engineering Services Division of the Department of Community Development has reviewed the petition and does not have any comments on the petition.

BUILDING AND FIRE

The Fire Department has no comment on the petition at this time.

PLANNING

Compatibility with the Zoning Ordinance

As noted earlier, the petitioner received zoning approval for a number of zoning actions in order to allow a sit-down restaurant on the subject property. The petitioner has been following the provisions set forth within the ordinance of approval and anticipates that the restaurant will be open for business shortly. Therefore, no additional zoning relief is needed for the building itself. However, additional signage relief is being requested as part of this petition.

As the Plan Commission previously approved zoning actions on the property, this signage request would also be under the purview of the Plan Commission, per the provisions of Section 155.103(C)(2)(b).

Compatibility with the Sign Ordinance

Section 153.503(B) (12)(b) of the Sign Ordinance limits the number of wall signs to one per street frontage in the Office District and caps the overall sign area at a maximum of 100 square feet. The 2006 approval provided for two nearly identical wall signs on the proposed building, with an increase in the overall sign area. The signs on the north and west sides of the building state the name of the establishment.

At the time of considering the 2006 petition, staff noted to the petitioner that the south elevation would have direct visibility to Interstate 88 and inquired if they were considering signage along the south elevation. The issue of additional signage was also discussed at the subsequent Plan Commission meeting. The petitioner noted that if they would want to make subsequent revisions to the proposed sign plan, they would file for approvals at a later date.

With their project nearly completed, they are now revisiting their signage needs along the south side of their property. While staff noted to the petitioner that the Sign Ordinance would not allow by right freestanding signs for Interstate 88 visibility and staff would not find such signs desirable, an additional wall sign along the south elevation could be conceptually supported by staff. The petitioner's submitted plans attempt to replicate the previously approved wall sign design approved for the other elevations, consisting of red block and script channel letters.

Staff also notes that the subject property abuts a NiCor tract of land to the south. If this area was under ownership of the petitioner and NiCor only had utility easement rights to this area, the wall sign would be permitted by right. But as this is not the case for this property, the petitioner technically does not have frontage along Interstate 88. But in consideration of the topography and adjacent uses for the area, staff notes that there is no visual difference between the two scenarios and as such the relief can be supported.

Compatibility with Surrounding Land Uses

The properties to the east and west of the subject property are also zoned in the Office District. As noted in the 2006 petition, the proposed use is compatible with the adjacent land uses. The abutting property to the west is the Carlisle banquet facility. That facility already has a wall sign along its south elevation. Therefore, granting relief for the petitioner's sign would not be inconsistent with the neighboring properties.

Compliance with the Comprehensive Plan

The Long-Range Plan Map of the Comprehensive Plan recommends that the property be designated for office uses. As noted in 2006, the proposed use, while not specifically office in nature, complements and is compatible with the surrounding office and restaurant uses. The additional wall sign would be compatible with the previously approved restaurant use and the Comprehensive Plan.

FINDINGS AND RECOMMENDATIONS

Staff has reviewed the response to standards included as part of the petition and concurs that the petition meets the standards set forth in the Zoning and Sign Ordinances. Staff believes that the proposed use is appropriate at the subject location and is compatible with surrounding uses and the Comprehensive Plan. Staff has also reviewed their submitted standards for variations and finds that the petition meets the standards. Based on the above findings, the Inter-Departmental

Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested relief **complies** with the standards required by the Lombard Zoning and Sign Ordinances; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 08-06, subject to the following conditions:

1. Condition 1 (e) of Ordinance 5917 shall be amended to provide for the rights for a wall sign to be placed on the south elevation of the existing building on the subject property. Said sign shall be designed in accordance with the submitted plans prepared by Interplan LLC, dated February 20, 2008 a part of the petition. The wall sign shall be compatible with the wall signs on the north and west elevations.
2. The petitioner shall apply for and receive a sign permit for the proposed wall sign prior to installation of the new sign. All signage on the subject property shall be installed in compliance with the Sign Ordinance provisions.
3. All other conditions approved by Ordinance 5917 not amended by this petition shall remain in full force and effect.

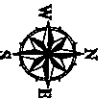
Inter-Departmental Review Report Approved By:

David A. Hulseberg AICP
Assistant Village Manager/Director of Community Development

DAH/WJH

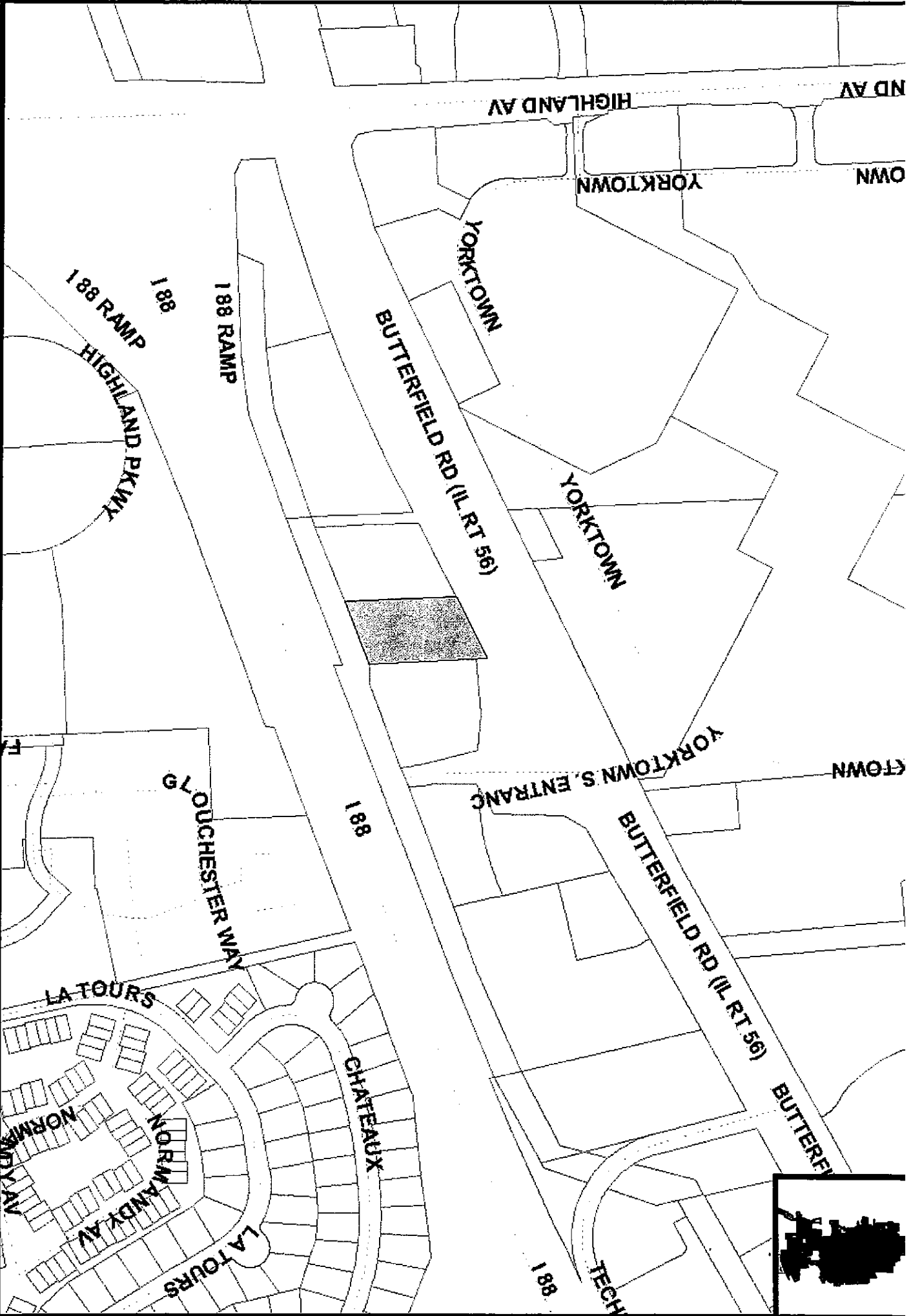
att-

c. Petitioner



PC 08-06: 455 E. Butterfield Road

1 in. = 400.0 feet



February 20, 2008

William J. Heniff, AICP

Village of Lombard Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148

RE: Miller's Ale House - 455 E. Butterfield Road, Village of Lombard
Response to Standards For Variations

Dear Mr. Heniff,

Below is a response to the "Standards For Variations" I have written on behalf of Miller's Ale House:



1. Many of the potential customers for Miller's Ale House will be traveling west along I-88. The ordinance does not allow for an additional building sign due to our lack of street frontage. Although Highway 88 is not technically considered "Street Frontage", the building is visible from the highway. Unfortunately, the building is not able to be identified. A wall sign on the south elevation will eliminate traffic confusion and allow for patrons to recognize Ale House and take the Highland Ave exit.

2. Other businesses located along E. Butterfield road have received a variance for signage along their south elevation. Most businesses that have visibility from a road have "street frontage". Due to the elevation of the highway, Ale House does not have this luxury. Ale House specifically designed the south facade of their building to be attractive and appealing to I-88. Signage along the south elevation will allow us to utilize our extensive design. Our neighbor, Carlsle Banquet Hall, has also obtained signage on their south elevation for the same reasons.

3. The primary purpose of signage along the south elevation is to eliminate any traffic confusion.

4. The hardship was not created by Miller's Ale House. The hardship comes from an elevated highway which Ale House is exposed to, but is not allowed to consider "Street frontage".

5. The addition of a wall sign will help to direct traffic, rather than confuse. South elevation signage will make Ale House more identifiable. It will help the public to more quickly identify their target location while driving.

6. The addition of the signage will not alter the neighborhood in any way.

7. The addition of signage will not have any effect on lighting, fire hazards, or drainage. It will improve the safety of drivers traveling along I-88. Its minimal impact will not create any issues with traffic congestion.

Please feel free to contact me at 214.561.6515 with any questions or comments you may have.

Sincerely,


Brendon Holler
Foremark, Ltd.
8235 Douglas Ave. Suite 945
Dallas, TX 75225

Office - 214.561.6515
Fax - 214.561.6565

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**AN ORDINANCE GRANTING A VARIATION FROM SECTION
153.503(B)(12)(B) OF THE SIGN ORDINANCE TO ALLOW FOR
A THIRD WALL SIGN**

(PC 08-06: 455 East Butterfield Road)

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

WHEREAS, the Subject Property as defined below is zoned O Office District,

WHEREAS, an application has been filed requesting that the Village grant a variation from section 153.503(b)(12)(b) of the Sign Ordinance to allow for a third wall sign; and

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on March 24, 2008 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the requested variation described herein, subject to conditions; and,

WHEREAS, the President and Board of Trustees do concur with the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation from Section 153.503(B)(12)(b) of the Sign Ordinance to allow for a third wall sign per street front exposure, where a maximum of two wall signs are permitted pursuant to Ordinance 5917, is hereby granted for the Property, as described in Section 2 below and subject to the conditions set forth in Section 3 below.

SECTION 2: That this Ordinance is limited and restricted to the property located at 455 East Butterfield Road, Lombard, Illinois and legally described as follows:

THE EASTERLY 214.00 FEET (AS MEASURED ALONG THE NORTHERLY LINE OF THE NORTHERN ILLINOIS GAS COMPANY RIGHT-OF-WAY) OF THAT PART OF LOTS "A", "B" AND "C" (TAKEN AS A SINGLE TRACT) LYING NORTHERLY OF THE NORTHERN ILLINOIS GAS COMPANY RIGHT-OF-WAY AND SOUTHERLY OF THE PROPERTY CONDEMNED FOR THE WIDENING OF F.A. ROUTE 131 (BUTTERFIELD ROAD) BY CASE C68-852, IN YORK TOWNSHIP SUPERVISOR'S ASSESSMENT PLAT NO. 3 (ALSO KNOWN AS YORKSHIRE PRIVATE FARMS) IN SECTION 29 AND 32, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 457186, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-29-401-011

SECTION 3: The variation, as provided for in Section 1 of this Ordinance shall be granted subject to compliance with the following conditions:

1. Condition 1 (e) of Ordinance 5917 shall be amended to provide for the rights for a wall sign to be placed on the south elevation of the existing building on the subject property. Said sign shall be designed in accordance with the submitted plans prepared by Interplan LLC, dated February 20, 2008 a part of the petition. The wall sign shall be compatible with the wall signs on the north and west elevations.
2. The petitioner shall apply for and receive a sign permit for the proposed wall sign prior to installation of the new sign. All signage on the subject property shall be installed in compliance with the Sign Ordinance provisions.
3. All other conditions approved by Ordinance 5917 not amended by this petition shall remain in full force and effect.

SECTION 4: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2008.

First reading waived by action of the Board of Trustees this _____ day of _____, 2008.

Passed on second reading this _____ day of _____, 2008, pursuant to a roll call vote as follows:

Ayes: _____

Nayes: _____

Absent: _____

Approved by me this _____ day of _____, 2008.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet from this _____ day of _____, 2008.

Brigitte O'Brien, Village Clerk