

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


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

**TO :** PRESIDENT AND BOARD OF TRUSTEES

**FROM:** Scott R. Niehaus, Village Manager

**DATE :** December 28, 2021                      **(BOT) Date:** January 6, 2022

**SUBJECT:** PC 21-28: 359 E. Roosevelt Road – Panda Express

**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, Panda Express, INC., requests that the Village take the following actions on the subject property located within B4APD Roosevelt Road Corridor District, Planned Development:

1. Approve a major change to the Lombard Crossing Planned Development, as established by Ordinance 6211 and amended by Ordinances 6344, 6495, 6623 and 6685, with the following companion conditional use and variation:
  - a. Approve a conditional use, pursuant to Section 155.417(G)(2)(b)(v) of the Lombard Code of Ordinances to allow for a drive-through establishment (fast food restaurant); and
  - b. Approve a variation from Sections 155.706(C) and 155.709(B) of the Lombard Code of Ordinances to reduce the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') along the east property line; and
2. Site plan approval for the proposed development

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the January 6, 2022, Board of Trustees agenda with a waiver of first reading.

**Fiscal Impact/Funding Source:**

Review (as necessary):

Finance Director \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager \_\_\_\_\_ Date \_\_\_\_\_





## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

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

**MEETING DATE:** January 6, 2022

**SUBJECT:** **PC 21-28: 359 E. Roosevelt Road – Panda Express**

Please find the following items for Village Board consideration as part of the January 6, 2022, Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 21-28;
3. An Ordinance granting approval of planned development amendment with companion conditional use and variation for a property located at 359 E. Roosevelt Road

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the January 6, 2022, Board of Trustees agenda with a waiver of first reading.



## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
[www.villageoflombard.org](http://www.villageoflombard.org)

January 6, 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 21-28: 359 E. Roosevelt Road – Panda Express**

Dear President and Trustees:

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

The petitioner, Panda Express, INC., requests that the Village take the following actions on the subject property located within B4APD Roosevelt Road Corridor District, Planned Development:

1. Approve a major change to the Lombard Crossing Planned Development, as established by Ordinance 6211 and amended by Ordinances 6344, 6495, 6623 and 6685, with the following companion conditional use and variation:
  - a. Approve a conditional use, pursuant to Section 155.417(G)(2)(b)(v) of the Lombard Code of Ordinances to allow for a drive-through establishment (fast food restaurant); and
  - b. Approve a variation from Sections 155.706(C) and 155.709(B) of the Lombard Code of Ordinances to reduce the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') along the east property line; and
2. Site plan approval for the proposed development

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on December 20, 2021. Sworn in to present the petition was Anna Papke, Senior Planner, and Ryan Talbott of Klover Architects on behalf of the petitioners.

Acting-Chair Sweetser read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, she proceeded with the petition.

Mr. Talbott presented the petition. He provided a summary of the requested zoning entitlements. He showed the site location on an aerial photo, and a site plan. He pointed out the location of the requested landscaping variance on the site plan, and provided examples of other nearby developments that have perimeter landscaping similar to that proposed on the subject property. He noted that one option would have been to reduce parking on the site in order to provide more room for perimeter landscaping, but this would have resulted in fewer parking spaces than Panda Express requires for a site and the development would not have been feasible.

With respect to the conditional use for a drive-through, Mr. Talbott noted that there are several other drive-through businesses in the immediate neighborhood. He showed elevations of the proposed restaurant building and noted that they would use Panda Express's new branding scheme.

Acting-Chair Sweetser asked if the Plan Commissioners had any questions or comments for the petitioner.

Commissioner Johnston asked whether the main entrance to the site would be through the driveway off Roosevelt that also serves the Goodwill store. Mr. Talbott answered in the affirmative.

Commissioner Johnston suggested that most traffic leaving the drive-through would likely exit east through the cross-access drive into High Point Center, in order to reach the traffic light at Fairfield Avenue. Mr. Talbott confirmed this was the case, and noted that some traffic might also exit through the Goodwill driveway west of the Panda Express site.

Commissioner Invergo asked what would happen to the current Panda Express location in High Point Center. Mr. Talbott said the space would be leased by High Point Center to a new tenant in the future. He noted that the existing location does not have a drive-through, which is a crucial amenity for this type of restaurant.

Acting-Chair Sweetser asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, she asked for the staff report.

Ms. Papke presented the staff report, which was submitted to the public record in its entirety. Panda Express plans to build a new drive-through restaurant on the vacant outlot to the east of the Goodwill store on Roosevelt Road. The proposed development requires approval of a conditional use for a drive-through restaurant and a companion landscaping variation.

In analyzing the petition, staff finds that the proposed drive-through is consistent with surrounding development. The subject property is part of the Lombard Crossing Planned Development, which



is subject to an annexation agreement that was originally approved in 2008 and amended in 2011. The amended annexation agreement anticipated that the subject property would be developed with a drive-through restaurant or similar use.

With respect to the requested variation for a reduction in perimeter landscaping on the east side of the property, staff notes that the reduced landscaping will provide for better site design on the subject property and provide for cross access with High Point Center to the east. The subject property previously received a similar variance for the west property line to promote cross access and cohesiveness with the Goodwill store to the west.

Staff found the petition met the standards for conditional uses and variations as stated in the Village Code, and recommended approval of the petition subject to the conditions in the staff report.

Acting-Chair Sweetser asked if there were any questions or comments on the staff report. Hearing none, she opened the meeting for comments among the Commissioners.

On a motion by Commissioner Giuliano, and a second by Commissioner Johnston, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 21-28 subject to the three (3) conditions in the staff report:

1. That the petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Code;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
3. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

Respectfully,

**VILLAGE OF LOMBARD**

Ruth Sweetser, Acting Chairperson  
Lombard Plan Commission

# PLAN COMMISSION

## INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

### 359 E. ROOSEVELT ROAD — PANDA EXPRESS

December 20, 2021

#### Title

PC 21-28

#### Petitioner

Panda Express, INC  
8813 Penrose Lane Suite 400  
Lenexa, KS 66219

#### Property Owner

Goodwill Industries of  
Southeastern Wisconsin, Inc.  
5400 S. 60<sup>th</sup> Street  
Greendale, WI 53129

#### Property Location

359 E. Roosevelt Road

#### Zoning

B4APD Roosevelt Road Corridor  
District Planned Development

#### Existing Land Use

Vacant

#### Comprehensive Plan

Community Commercial

#### Approval Sought

Amend planned development,  
approve conditional use for a  
drive-through and a companion  
variation

#### Prepared By

Anna Papke, AICP  
Senior Planner



LOCATION MAP

#### DESCRIPTION

Panda Express plans to build a new drive-through restaurant on the vacant outlot to the east of the Goodwill store on Roosevelt Road. The proposed development requires approval of a conditional use for a drive-through restaurant and a companion landscaping variation.

The petitioner initially filed a petition in early 2021, which was considered by the Plan Commission at the July 19, 2021, Plan Commission hearing. Prior to consideration by the Village Board, the petitioner alerted staff that they were undertaking revisions to the site plan. Following a number of delays and continuances, the petitioner withdrew the initial petition from consideration. The petitioner has now refiled the petition with an amended, finalized site plan.

#### EXISTING CONDITIONS

The property is currently vacant. A driveway across the northern portion of the property provides cross access to adjacent properties.



**Project Details**

Parcel Size: 0.98 acres  
Building Area: 2,300 SF  
Parking: 47 spaces  
Building Height: One story  
(22'6")

**Submittals**

1. Petitions for public hearing, dated 11/15/21 and 11/17/21;
2. Response to standards for conditional uses and variations, dated 11/15/21;
3. ALTA/NSPS land title and topographic survey, prepared by V3, dated 3/1/19;
4. Preliminary engineering, architectural, and landscape plans, and architectural elevations, prepared by H C Klover Architect, dated 11/15/21; and
5. Sign plans, prepared by Priority, dated 9/13/21.

**APPROVAL(S) REQUIRED**

The petitioner requests that the Village take the following actions on the subject property located within B4APD Roosevelt Road Corridor District, Planned Development:

1. Approve a major change to the Lombard Crossing Planned Development, as established by Ordinance 6211 and amended by Ordinances 6344, 6495, 6623 and 6685, with the following companion conditional use and variation:
  - a. Approve a conditional use, pursuant to Section 155.417(G)(2)(b)(v) of the Lombard Code of Ordinances to allow for a drive-through establishment (fast food restaurant); and
  - b. Approve a variation from Sections 155.706(C) and 155.709(B) of the Lombard Code of Ordinances to reduce the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') along the east property line; and

2. Site plan approval for the proposed development

**INTER-DEPARTMENTAL REVIEW****Building Division:**

The Building Division has the following comments on this petition. Should the petition be approved, additional comments may be forthcoming during permit review.

1. Among other codes, the 2018 ICC and the 2017 NEC will apply to the building.
2. A fire sprinkler system is required for this building.
3. 5B construction is not allowed per local ordinance, 5A is minimum for under 50 people (not assembly) or 3A, 2A, etc. would be the minimum construction type.

**Fire Department:**

The Fire Department has the following comments on this petition. Should the petition be approved, additional comments may be forthcoming during permit review.

1. During permit process we would look at fire vehicle turning radius and location of FDC (Fire Department Connection) on building and its distance to a fire hydrant (within 75-100 feet).
2. A fire sprinkler system and fire alarm system are required for this building.

**Private Engineering Services (PES):**

Private Engineering Services has no comments on this petition. Should the petition be approved, additional comments may be forthcoming during permit review.

Stormwater detention was provided for the overall planned development when it was approved in 2011 and is located immediately south of the proposed restaurant.

**Public Works:**

The Department of Public Works has the following comments on this petition. Should the petition be approved, additional comments may be forthcoming during permit review.

1. The water service shall consist of one pipe entering the building and then splitting for fire suppression and domestic use per the Village's standard detail [WATER 13](#).
2. The water service shall connect to the existing 8-inch water main stub in the valve vault at the west edge of the property as shown on the as-built utility plan for the Goodwill Store.
3. Four parkway trees will be required along Roosevelt Road, either in the IDOT right-of-way or in an easement on private property.
4. Approval will be required from the Flagg Creek Water Reclamation District for the sanitary service connection.

**Planning Services Division:**

The Planning Services Division notes the following:

**1. Surrounding Zoning & Land Use Compatibility**

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	B4A/B4APD	Former restaurant/commercial strip center
<b>South</b>	B4APD	Stormwater detention outlot
<b>East</b>	B4APD	High Point shopping center
<b>West</b>	B4APD	Goodwill store

The area surrounding the subject property is developed with a mixture of retail, restaurants, and other commercial uses. The proposed drive-through restaurant is consistent with the zoning and land uses of surrounding properties.

**2. Comprehensive Plan Compatibility**

The Comprehensive Plan designates this property as suitable for community commercial development. A drive-through restaurant is consistent with this designation.



### 3. Zoning Ordinance Compatibility

The subject property is zoned B4APD, Roosevelt Road Corridor District, Planned Development. With the exception of the variation discussed below, the proposed development is consistent with the Lombard Zoning Ordinance. Staff notes the following with respect to this petition's consistency with the Zoning Ordinance:

- The subject property is one of three lots in the Lombard Crossing Planned Development. The other two lots in the Planned Development consist of the Goodwill store and a stormwater detention outlot that serves the Goodwill site and the subject property.
- The three lots in the Lombard Crossing PD were annexed into the Village in 2008. An annexation agreement was approved in 2008 and subsequently amended in 2011. The 2011 amendment calls for the subject property to be developed with a fast food restaurant, a sit-down restaurant, or a retail use.
- The proposed use, drive-through restaurant, is a conditional use in the B4APD District.
- The building height, at 22'6", meets the standards for the B4A District.
- Per the proposed site plan, 20% of the subject property will remain open space. Required open space in the underlying B4A District is 10%, and a previous amendment to the Lombard Crossings PD provided for a further reduction of required open space on the subject property if necessary (Ordinance 6685).
- The site will meet the requirements of the Zoning Ordinance with regard to parking spaces for a drive-through restaurant.
- The petitioner has submitted a landscape plan. Staff has reviewed this plan and finds it meets the landscaping requirements in Village Code, with the exception of the perimeter landscaping on the east side of the site. The petitioner has requested a variance for perimeter landscaping width, discussed below.
- As noted by the Public Works Department, the property is required to provide four parkway trees. As there appears to be insufficient room within the Roosevelt Road right-of-way for these trees, they will be planted on private property in an easement adjacent to the right-of-way. These trees are reflected in the proposed landscape plan.
- The petitioner has submitted sign plans which meet the signage standards for the B4A District. The following signs are proposed:

	Permitted by Village Code	Proposed
<b>Wall signs</b>	Maximum surface area: 100 square feet	Sign 1: 53.19 SF Sign 2: 25.00 SF <u>Sign 3: 20.25 SF</u> Total: 98.77 SF
<b>Freestanding sign</b>	Maximum surface area: 50 square feet Maximum height: 20 feet	Surface area: 50 SF Height: 20 feet

### 4. Request for Conditional Use Approval – Drive-through establishment

The petitioner proposes to construct a drive-through restaurant, which requires approval of a conditional use through the public hearing process with the Plan Commission and Village Board. In

analyzing the petition, staff finds a drive-through restaurant to be compatible with nearby development. As previously noted, the 2011 amendment to the annexation agreement for the subject property anticipated a fast food restaurant use on the site. Staff supports this request.

5. *Request for Variation – Reduction in required perimeter landscaping width along the east property line*

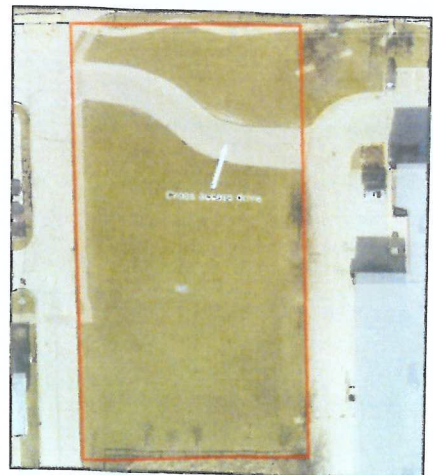
The petitioner requests a variation to reduce the required perimeter parking lot and perimeter lot landscaping on the east side of the subject property. Village Code requires five feet of perimeter landscaping. The petitioner proposes three feet of perimeter landscaping along most of the east property line. Plant materials in this area consist of a mixture of shrubs and decorative grasses. In areas where cross access with the adjacent property to the east is proposed, no perimeter landscaping is provided.

In the response to standards, the petitioner states this variation is necessary due to the narrow width of the lot and the need to accommodate a full bypass lane adjacent to the drive-through lane. Staff notes that a previous amendment to the Lombard Crossings PD approved a variation to remove perimeter landscaping requirements along internal property lines within the planned development in order to encourage cross access and better site design (Ordinance 6685). Staff finds the same considerations apply to the east property line on the subject property, where the petitioner plans to provide cross access to the abutting High Point shopping center. Finally, the east property line abuts a drive aisle to the rear of a retail building at High Point Center; reduced landscaping in this area will have limited aesthetic impact on adjacent development. Staff supports the requested variation.

6. *Cross Access with High Point Center*

There is presently a driveway on the subject property connecting the Goodwill property to the west with High Point shopping center to the east.

The plat of survey shows the existing driveway connects to High Point Center through a private cross access easement along the east side of the subject property, established between the two properties in 2006. The proposed site plan shows the point of connection between the subject property and High Point shifting slightly to the north. The realignment of this driveway will require an amendment to the geographical extent of the private cross access easement as well as pavement work on the High Point property. The petitioner has stated that they are in the process of negotiating these amendments with the owners of High Point Center.



There is currently no cross-access easement along the west side of the subject property where the driveway connects to the Goodwill store property. The subject property and the Goodwill store property are currently under the same ownership. Should the subject property be sold to Panda



Express or another entity other than the adjacent property owner, a cross-access easement along the west side of the subject property should be executed in order to preserve access to the site.

### **SITE HISTORY**

**PC 08-13:** Annexation of subject property, approval of annexation agreement, rezoning of property and approval of a planned development with companion conditional uses, deviations and variations.

**PC 11-25:** Amendment to the annexation agreement and amendment to the planned development.

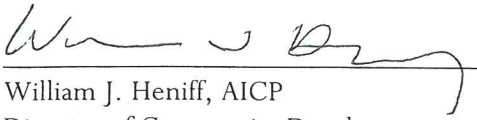
**PC 21-17:** Amendment to the planned development and request for conditional use to allow a drive-through restaurant with a variation. Petition was considered by the Plan Commission and then withdrawn by petitioner in order to revise the site plan.

### **FINDINGS & RECOMMENDATIONS**

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards for a conditional use and a variation, as established by the Lombard Village Code. As such, 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 testimony presented, the proposed site plan, with a conditional use and a variation, **complies** with the standards required by the Village of Lombard Village Code; 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 I recommend to the Corporate Authorities **approval** of PC 21-28, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Code;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
3. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

  
William J. Heniff, AICP  
Director of Community Development

c. Petitioner

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING A PLANNED DEVELOPMENT AMENDMENT TO  
ORDINANCE 6211 WITH COMPANION CONDITIONAL USE AND VARIATION**

(PC 21-28: 359 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 described in Section 2 below, is zoned B4APD Roosevelt Road Corridor District Planned Development; and,

WHEREAS, the Subject Property, as described in Section 2 below, is subject to the standards for the Lombard Crossing Planned Development, as adopted by the President and Board of Trustees of the Village of Lombard by Ordinance 6211 and subsequently amended by Ordinances 6344, 6495, 6623 and 6685; and,

WHEREAS, an application has heretofore been filed requesting approval of a planned development amendment along with a companion conditional use for a drive-through establishment and a variation to reduce required perimeter parking lot and perimeter lot landscaping along the east property line, pursuant to the Lombard Zoning Ordinance (Title 15, Chapter 155 of the Village Code); and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on December 20, 2021, 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 petition as described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein.

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

SECTION 1: That the following relief is hereby granted for the Subject Property, as described in Section 2 below, subject to the conditions set forth in Section 3 below:



1. Approve a major change to the Lombard Crossing Planned Development, as established by Ordinance 6211 and amended by Ordinances 6344, 6495, 6623 and 6685, with the following companion conditional use and variation:
  - a. Approve a conditional use, pursuant to Section 155.417(G)(2)(b)(v) of the Lombard Code of Ordinances to allow for a drive-through establishment (fast food restaurant);
  - b. Approve a variation from Sections 155.706(C) and 155.709(B) of the Lombard Code of Ordinances to reduce the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') along the east property line; and
2. Site plan approval for the proposed development

SECTION 2: That this Ordinance is limited and restricted to the property located at 359 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

LOT 2 IN HIGHLAND LANES 1<sup>ST</sup> RESUBDIVISION, RECORDED JULY 25, 2012 AS DOCUMENT NUMBER R2012-096679 IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-20-106-084 (the "Subject Property").

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Code;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and

Ordinance No. \_\_\_\_\_  
Re: PC 21-28  
Page 3

3. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022, pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Elizabeth Brezinski, Village Clerk

Published by me in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Elizabeth Brezinski, Village Clerk