

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. 60th 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

	Zoning	Land Use
North	B4A/B4APD	Former restaurant/commercial strip center
South	B4APD	Stormwater detention outlot
East	B4APD	High Point shopping center
West	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
Wall signs	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
Freestanding sign	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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