




MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: May 5, 2022

SUBJECT: **PC 22-07, 236 E. St. Charles Road**

Please find the following items for Village Board consideration as part of the May 5, 2022, Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 22-07; and
3. An ordinance granting a conditional use for outside seating.

The Plan Commission recommended approval of PC 22-07 by a vote of 7-0. Please place PC 22-07 on the May 5, 2022, Board of Trustees agenda with a waiver of first reading.



VILLAGE OF LOMBARD

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www.villageoflombard.org

May 5, 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 22-07, 236 E. St. Charles Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests a conditional use pursuant to Section 155.414(C)(19) of the Lombard Village Code to allow for outside service areas for other permitted or conditional uses in this district (outdoor dining) to operate on the subject property located within the B2 General Neighborhood Shopping District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 18, 2022. Sworn in to present the petition were: Maryann O'Neill, petitioner and Jennifer Ganser, Assistant Director of Community Development.

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.

Ms. O'Neill stated that her family has owned O'Neill's since 1987. She thanked the Village for allowing outside dining during Covid. She said they have a good relationship with their neighbors and no problems last year with the outside dining. She said she is coming forward to continue the outside dining. She referenced the neighbor letter and noted the neighbor prefers the outside dining to parking. She said they would provide occasional piped in music or acoustic guitar.

Commissioner Johnston said he is concerned with noise and music, and asked if the back door will remain closed. Ms. O'Neill said the door can stay closed. It's a steel door and is sound proof.

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

Ms. Ganser presented the IDRC report for PC 22-07, which was entered into the public record in its entirety. The petitioner proposes to have outside seating. A conditional use is required as the principal use is a tavern, not a restaurant, where outside seating is a permitted use. No other exterior alterations are planned at this time. One email was received and is included in the staff report. Staff notes that the proposed conditions of approval limit the time on the outdoor seating. This is only for the outdoor area. O'Neill's may stay open later, inside, per their liquor license Class D-VG.. Staff has reviewed the petition and finds it meets the standards for conditional uses.

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

The Commissioners discussed condition 2 on the closing timing of the outside dining, however, no changes were made.

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 Johnston, and a second by Commissioner Walker, the Plan Commission voted 7-0 to recommend that the Village Board approve the petition associated with PC 22-07, subject to the following three (3) conditions:

1. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.
2. The outdoor seating shall close by 10:30 PM Monday through Thursday; 11:30 PM Friday and Saturday; and 9:30 PM on Sunday.
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

236 E. St. Charles Road

April 18, 2022

Title

PC 22-07

Petitioner

Eva M Marski
434 E North Broadway
Lombard IL 60148

Property Owner

Edward A O'Neill
532 Hannah Avenue
Forest Park, IL 60130

Property Location

236 E. St. Charles Road
06-08-106-006

Zoning

B2 Community Commercial

Existing Land Use

Tavern

Comprehensive Plan

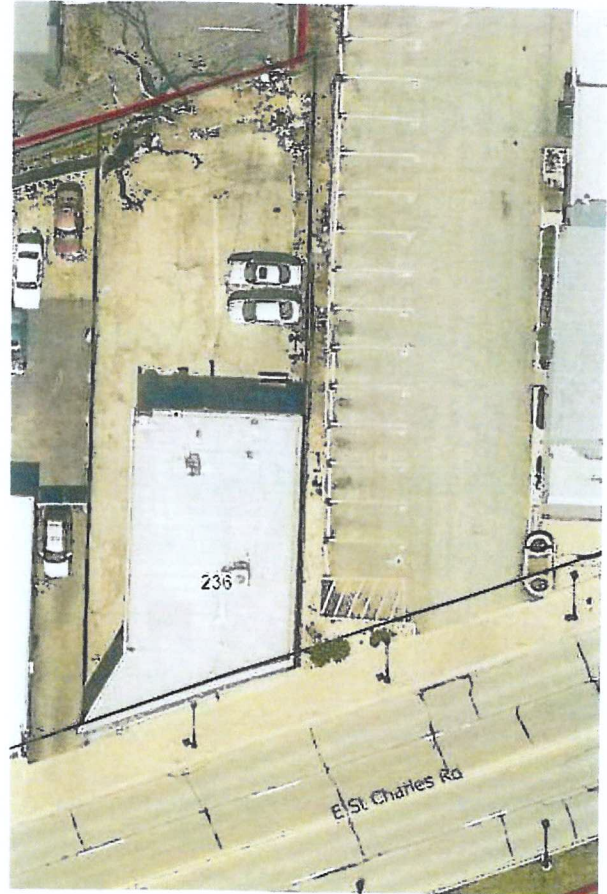
Community Commercial

Approval Sought

Conditional use for outside seating

Prepared By

Jennifer Ganser, AICP
Assistant Director

**PROJECT DESCRIPTION**

The petitioner proposes to have outside seating. A conditional use is required as the principal use is a tavern, not a restaurant (where outside seating is a permitted use). No other exterior alterations are planned at this time.

APPROVAL(S) REQUIRED

The petitioner requests a conditional use pursuant to Section 155.414(C)(19) of the Lombard Village Code to allow for outside service areas for other permitted or conditional uses in this district (outdoor dining) to operate on the subject property located within the B2 General Neighborhood Shopping District.

EXISTING CONDITIONS

The subject property is developed as an existing tavern, O'Neill's Pub. Parking is located to the west at 230 E. St. Charles Road.

PROJECT STATS

Lot & Bulk

Parcel Size: 0.15 acres

Building Size: ~2,385 SF

Submittals

1. Petition for a public hearing;
2. Response to Standards for a Conditional Use, prepared by the petitioner;
3. Plat of Survey, prepared by Gentile and Associates, Inc., dated October 1, 2020;
4. Site Plan, prepared by petitioner; and
5. Resident email.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has the following comments:

1. There shall be an accessible route to and from the outdoor seating on a hard surface with no steps.
2. No more than 20 seats outside are allowed without further evaluation of the number of bathroom fixtures inside that will serve this area as well as all the customers inside.
3. General illumination (exterior lights) is required for this area so that it provides at least one-foot candle in all areas. This lighting must shine into the area, without shining into surrounding neighbors' properties or creating light that is considered a nuisance to neighboring properties.
4. Emergency lighting is required for this in the form of a cold weather emergency lighting pack on the exterior of the building. This lighting unit will turn on if the power goes out to provide minimal lighting for customers to exit the area.
5. The gate shown shall be designed such that customers can easily exit the area in the event of an emergency. This can come in the form of two smaller gate doors with one spring loaded to close, but available to open easily in the event customers need to exit. Per code, customers cannot be forced to exit back through the building in an emergency. An exit sign shall be placed such that customers know to exit at the gate in an emergency.
6. Dumpsters, grease drums, etc. are to be fenced separate from the customer area.
7. Additional comments may be forthcoming during permit review.

Fire Department:

The Fire Department concurs with the Building Division. Additional comments may be forthcoming during permit review.

Private Engineering Services:

Private Engineering Services has no comments. Additional comments may be forthcoming during permit review.

Public Works:

The Department of Public Works has no comments. Additional comments may be forthcoming during permit review.

Planning Services Division:

The Planning Services Division (PSD) notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2	Multi-Family housing
South	-	Union Pacific railroad
East	B2	Lombard Vet Hospital
West	B2	Auto repair

The subject property is located in an established commercial corridor that contains a mixture of businesses. The proposed outdoor seating is compatible with surrounding uses.

2. Comprehensive Plan Compatibility

The Comprehensive Plan recommends community commercial uses in this area. The proposed outside seating is consistent with this designation.

3. Zoning Compatibility

As shown on the petitioner’s plans, they are proposing outdoor dining area to be located north of the building. It will be accessible from inside the building. The petitioner has installed a fence to the north and east. Staff recommends 10’ of landscaping added to the north (serving as a transitional landscape yard).

O’Neill’s had temporary outside seating in 2021 due to Covid-19 business restrictions. As the State is in Phase 5, there are no longer provisions for businesses to have outdoor seating due to Covid. O’Neill’s is classified as a tavern per their liquor license (Class D-VG). Outdoor dining was made a permitted use in 2020 (PC 20-04), however, only for restaurants and grocery stores. The Board has approved outside seating for numerous restaurants before 2020, in addition to Noon Whistle and Afterthought Brewery (which are not considered restaurants).

Staff has added a condition of approval limiting the hours of the outdoor seating, which is similar to past petitions for Praga and Noon Whistle.

4. Site Plan: Access & Circulation

In the past the area was used for parking for staff at the end of the night. Customers park at the parking lot to the west at 230 E. St. Charles Road. That parking lot is owned by O’Neill’s.

FINDINGS & RECOMMENDATIONS

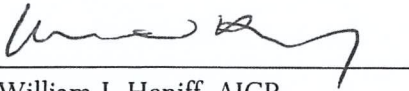
Staff finds that the proposed use is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance.

The Inter-Departmental Review Committee has reviewed the standards for the requested conditional use for outside seating in the B2 District 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 22-07:

Based on the submitted petition and the testimony presented, the proposed conditional use does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional use permit 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 22-07, subject to the following three (3) conditions:

1. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.
2. The outdoor seating shall close by 10:30 PM Monday through Thursday; 11:30 PM Friday and Saturday; and 9:30 PM on Sunday.
3. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

Ganser, Jennifer

From: Rick Pflederer [REDACTED]
Sent: Saturday, April 09, 2022 10:07 AM
To: Community Development
Subject: Comments for Case No. PC22-07

Please be cautious

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I received notice of a public hearing on April 18, about a neighboring property. Because I will be out of town, I wanted to send my comments via email.

I own an apartment building at 17 N. Craig Place which is adjacent to the property at 236 E St. Charles Road which is requesting a conditional use permit for outside dining service.

While I support the request to allow outdoor dining, I would like to see some noise restrictions added for the benefit of the residential neighborhood abutting the property. The apartments at 17 N. Craig Place have bedrooms located a mere 25' from the lot. As a result I would propose the following restrictions:

1. There will be no live music or loud music of any kind.
2. Outdoor dining will not go beyond 10:00 PM.

As you consider this request, please be mindful that families with small children are sleeping in a resident zoned neighborhood as close as 25 feet from the requested lot.

Thank you for your consideration.

--

Rick Pflederer

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR
OUTSIDE SERVICE AREAS PURSUANT TO TITLE 15,
CHAPTER 155, SECTION 155.414(C)(19) OF THE LOMBARD
ZONING ORDINANCE**

PC 22-07; 236 E. St. Charles 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 B2 Community Commercial District; and,

WHEREAS, an application has been filed requesting approval for a conditional use pursuant to Section 155.414(C)(19) of the Lombard Zoning Ordinance to allow for outside service areas (outdoor dining); and,

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

WHEREAS, the Plan Commission has recommended the granting of the conditional use, 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 for outside service areas (outside dining) is hereby granted for the Subject Property legally described in Section 2 and subject to the conditions set forth in Section 3.

SECTION 2: That this Ordinance is limited and restricted to the property located at 236 E. St. Charles Road, Lombard, Illinois and legally described as follows:

LOT 10 IN BLOCK 14 IN H.O. STONE AND CO'S. ADDITION TO LOMBARD, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 5 AND PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT 179463, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number(s): 06-08-106-006

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

1. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.
2. The outdoor seating shall close by 10:30 PM Monday through Thursday; 11:30 PM Friday and Saturday; and 9:30 PM on Sunday.
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 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.

Ordinance No. _____
Re: PC 22-07
Page 3

Keith Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

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

Elizabeth Brezinski, Village Clerk

Ganser, Jennifer

From: Ed O'Neill <eaoneill2000@yahoo.com>
Sent: Tuesday, April 19, 2022 8:59 AM
To: Ganser, Jennifer
Cc: Michael Marski; Maryann O'Neill
Subject: PC 22-07

Please be cautious

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Jennifer - We would like to respectfully request to waive our first reading of the ordinance thereby making May 5th the only reading. We would like to waive the first reading in an effort to get the patio opened as soon as possible.

If there are any additional steps, questions we can answer or anything we can be doing to assist with this please let us know.

Thank you again,

Ed

Ed O'Neill
M. 708-415-5830