

October 18, 2021

Title

PC 21-24

Petitioner

Village of Lombard

Property Location

Zoning Districts: O, B1, B2, B3, B4, B4A, B5 and B5A

Approval Sought

Text amendment

Prepared By

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Assistant Director

DESCRIPTION

The petitioner, the Village of Lombard, is requesting text amendments regarding catering:

1. Amend Section 155.415(C), Section 155.418(C), and Section 155.419(C) to remove catering as a conditional use;
2. Amend Section 155.413(B), Section 155.414(B), Section 155.415(B), Section 155.416(B), Section 155.417(G)(1)(b), Section 155.418(B), and Section 155.419(B) to make catering a permitted use;
3. Amend Section 155.412(C) to make catering a conditional use; and
4. Amend Section 155.802 to add a definition for catering.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the proposed text amendment to the Zoning Ordinance.

Fire Department:

The Fire Department has no comments regarding the proposed text amendment to the Zoning Ordinance.

Public Works:

The Department of Public Works has no comments regarding the proposed text amendment to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendment to the Zoning Ordinance.

Planning Services Division:

From time to time, staff reviews the zoning ordinance for text amendments. Staff is proposing to make catering consistent with restaurant zoning, as noted in the below chart. Currently catering is a conditional use in the following zoning districts: B3, B5, B5A, and I. Staff notes that catering is very similar to a take-out restaurant, therefore proposing text amendments to make the zoning consistent. With the Covid-19 pandemic many restaurants have shifted to take-out and an emerging trend is a ghost kitchen or a virtual kitchen. These text amendments should make it easier for a new catering concept to open in Lombard.

This text amendment is also consistent with the preliminary direction offered by the Village Board as part of its draft Strategic Plan effort, which supports code amendments to facilitate business activity.

Caterers may have business vehicles. Business vehicles are regulated in the Zoning Code, Section 155.601 as noted below.

“Business vehicle parking spaces. All business vehicles shall be parked in designated business vehicle parking spaces. The Director of Community Development shall review and approve the proposed location of business vehicle parking spaces. When site considerations allow, business vehicle parking spaces shall be visually separated from public streets and residential areas.”

Staff talked to the DuPage County Health about commercial kitchens and ghost kitchens, where a separate business/chef may utilize another restaurant or commercial kitchen for a new concept or special concept. The Health Department was aware of the concepts and issues. They noted that each individual chef or business would be required to obtain their own license with the Health Department for purposes of inspections.

Proposed definition – **Catering: the professional preparation of meals and food for delivery and pickup, with no dine in option. This is including but not limited to virtual kitchens, ghost kitchens and the like.**

| Zoning District | Restaurant, current zoning | Catering, current zoning | <u>Catering, proposed zoning</u> |
|-----------------|----------------------------|--------------------------|----------------------------------|
| O | C | | <u>C</u> |
| B1 | P | | <u>P</u> |
| B2 | P | | <u>P</u> |
| B3 | P | C | <u>P</u> |
| B4 | P | | <u>P</u> |
| B4A | P | | <u>P</u> |
| B5 | P | C | <u>P</u> |
| B5A | P | C | <u>P</u> |
| I | C | C (no change proposed) | |

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed.

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*
The text amendment is generally applicable to commercial property zoned Office or Business in the Village.
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*
The proposed text amendment is consistent with the objectives of the Zoning Ordinance.
3. *The degree to which the proposed amendment would create nonconformity;*
Staff does not believe any nonconformity would be created.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendment will allow more flexibility for new catering establishments.

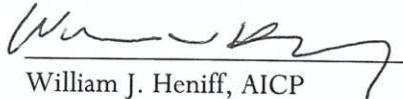
5. *The consistency of the proposed amendment with the Comprehensive Plan; and*
Staff finds that the proposed amendments would be consistent with the Comprehensive Plan.
6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*
The Village has a history of amending the Zoning Ordinance to address edits for clarity and for new business sectors.

FINDING & RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. 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 the testimony presented, the requested text amendments **comply** with the standards required by the Village of Lombard Zoning Ordinance; 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 21-24.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development