

# PLAN COMMISSION

## INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

### NOON WHISTLE BREWING CO. – 800 E. ROOSEVELT ROAD

APRIL 20, 2015

#### Title

PC 15-09

#### Petitioner

Jim Cagle  
Noon Whistle Brewing Co.  
800 E. Roosevelt Road, Unit C  
Lombard, IL 60148

#### Property Owner

800 Roosevelt, LLC  
c/o Farhad Niranjam  
2015 Hidden Ridge Lane  
Highland Park, IL 60035

#### Property Location

800 E. Roosevelt Road, Unit C  
(06-17-406-049)  
Trustee District #6

#### Zoning

B4APD – Roosevelt Road  
Corridor District Planned  
Development

#### Existing Land Use

Multi-tenant commercial building

#### Comprehensive Plan

Community Commercial

#### Approval Sought

Conditional use to allow for an outside service area (outdoor seating) within the B4APD Roosevelt Road Corridor District Planned Development zoning district.

#### Prepared By

Matt Panfil, AICP  
Senior Planner



LOCATION MAP

#### DESCRIPTION

The petitioner currently operates a microbrewery (Noon Whistle Brewing Co.) with ancillary tasting room, which received conditional use approval in 2014 (PC 14-08). Due to popular demand, the petitioner is proposing to construct and operate an outdoor service area for the purposes of outdoor seating for customers of the tasting room. The outdoor seating area proposal includes five (5) tables with three (3) chairs each. The outdoor seating area would be separated by a combination of a wooden fence and planter boxes.

#### APPROVAL(S) REQUIRED

Per Section 155.417 (G) (2) (a) of the Zoning Ordinance, the use is considered an Outdoor Service Area and thus requires a conditional use permit within the B4APD Roosevelt Road Corridor Planned Development District.

#### EXISTING CONDITIONS

The subject property is currently improved with two (2) principal structures. The petitioner currently occupies approximately 6,250 square feet of an existing approximately 39,700 square foot one-story brick and concrete block multi-tenant structure. The other structure is an approximately 21,150 square foot standalone retail building occupied by The Tile Shop.

## PROJECT STATS

### Lot & Bulk

Parcel Size:	6.35 acres
Building Area:	39,700 sq. ft.
Tenant Area:	6,250 sq. ft.
Outside Area:	Approx. 210 sq. ft.
Lot Coverage:	Approx. 86.5%

### Reqd Setbacks & Lot Dimensions – Existing (Proposed)

Front:	30' (478')
Side: (East)	10' (116')
Side: (West)	10' (38')
Rear:	30' (55')
Lot Width:	150' (313')

### Parking Spaces

Demand:	245 spaces (7 ADA)
Supply:	303 spaces (8 ADA)

### Submittals

1. Petition for a public hearing, submitted April 1, 2015;
2. Response to Standards for a Conditional Use;
3. Plat of Resubdivision, prepared by Duda Surveying, dated July 8, 2002 and submitted April 1, 2015;
4. Floor Plans prepared by the petitioner, undated and submitted April 1, 2015; and
5. Graphic rendering prepared by the petitioner, undated and submitted April 1, 2015.

The existing site has three-hundred and three (303) parking spaces, eight (8) of which are accessible. Access to the site is limited to one point at the signalized intersection Roosevelt Road and the private drive serving 700-810 E. Roosevelt Road.

## INTER-DEPARTMENTAL REVIEW

### Building Division:

The Building Division notes the following:

1. The entrance/exit doors for Noon Whistle should line up directly with the opening between the planters in order to avoid having tables and/or chairs in the required pathway for exiting. The floor plans and door do not depict a straight pathway from the entrance/exit doors; and
2. Because the exit path from the front doors to the parking lot and the parking lot in front of the tables is required to be clear for an accessible path paint markings are required on the parking lot to indicate no parking is allowed. Also, the required striped paint markings are to be forty-eight inches (48") in width and run parallel to the seating area.

### Fire Department:

The Fire Department has no issues or concerns regarding the project.

### Private Engineering Services (PES):

PES notes the following:

1. The aerial shows the existing parking lot has only approximately twenty foot (20') wide two-way drive aisles. However, the Zoning Ordinance requires a twenty-four foot (24') wide drive aisle for parking lots with two-way drive aisles and a ninety degree (90°) parking spaces. Placing a tall planter box or fence to enclose the sidewalk area would reduce existing open area that the end of vehicles may need in order to back out of parking spaces on the south side of the drive aisle; and
2. The sidewalk scaled at approximately seven feet (7'). PES then estimated dimensions of the outside furniture to be a three foot (3') wide table, one and one-half foot (1.5') wide chair, and a one and one-half foot (1.5') planter box. PES expresses concern that in order to serve the tables there is not enough space for staff to get to all the tables without having to walk into the substandard drive aisle.

In regards to the two-way drive aisle, staff has measured the width to be twenty-one feet (21'). While the width is less than the minimum required twenty-four feet (24') currently required, the petitioner is not proposing to increase the degree of nonconformity. Furthermore, planning staff believes that the nonconforming drive aisle width is further justification for a protective barrier between the parking lot and outside service area.

**Public Works:**

The Department of Public Works has no issues or concerns regarding the project at this time.

**Planning Services Division (PSD):**

The Planning Services Division notes the following:

*1. Surrounding Zoning & Land Use Compatibility*

	<b>Zoning Districts</b>	<b>Land Use</b>
<b>North</b>	R2 & CR	Single-family home and Old Grove Park
<b>South</b>	B4APD & B4A	The Tile Shop / KFC-A&W / Multi-Tenant Commercial
<b>East</b>	B4A	Sterling Autobody / Midas Total Car Care
<b>West</b>	R2 & B4A	Single-family homes & Dental Office

In consideration that the B4A Roosevelt Road Corridor District is intended to provide a wide variety of retail sales activity required to meet the demands of a developing local market and the fact that the proposed use expands upon an existing retail component of the business, staff finds the project is consistent with the zoning and land use of the surrounding properties.

*2. Comprehensive Plan Compatibility*

The proposed outdoor service area is consistent with the Comprehensive Plan’s recommendation of community commercial uses which references, “providing services extending beyond daily living needs.”

*3. Zoning Ordinance & Planned Development Compatibility*

The subject property is part of a planned development established via Ordinance No. 5171 (PC 02-24). However, the planned development is silent on matters pertaining to land use and therefore the underlying B4A permitted and conditional uses apply to the site. Thus a conditional use is required, but an amendment to the planned development is not.

The existing structure meets all lot, bulk, and setback standards for the B4A Roosevelt Road Corridor District; however, the parking lot does not meet the minimum drive aisle width requirement for two-way ninety-degree (90°) parking spaces.

The Zoning Ordinance requires parking for outdoor service areas in a similar manner as indoor areas. With the addition of approximately 210 square feet for outdoor seating, one (1) additional parking space is required. As is, the existing parking lot has a surplus of fifty-seven (57) parking spaces. Therefore, the outdoor seating area will not have a detrimental impact upon parking within the planned development.

#### 4. *Sign Ordinance Compatibility*

No additional signage is proposed for review at this time. Any future signage applications will be reviewed by staff for their consistency with the Village's Sign Ordinance. If any future signage is determined to be non-compliant the Village will have the option to request a variation from the Plan Commission and Village Board of Trustees.

#### **SITE HISTORY**

The existing multi-tenant building was constructed in 1975 and renovated in 2006. Since 2000, the site has appeared before the Plan Commission for the following:

##### **PC 02-24**

The establishment of a planned development and a conditional use for a drive-through establishment (KFC / A&W) with deviations for wall signage and parking lot perimeter landscaping were recommended for approval by the Plan Commission and received final approval from the Village Board of Trustees on July 18, 2002.

##### **PC 05-27**

A conditional use for an indoor amusement establishment (teen club) was recommended for denial by the Plan Commission, but was ultimately approved by the Village Board of Trustees on October 6, 2005. However, the use was never established.

##### **PC 14-08**

A conditional use for a microbrewery was recommended for approval by the Plan Commission and received final approval from the Village Board of Trustees on June 20, 2014.

#### **FINDINGS & RECOMMENDATIONS**

The Inter-Department Review Committee has reviewed the standards for the requested conditional use permit for an outside service area (outdoor seating) and finds that, provided the petitioner can sufficiently address any and all concerns regarding parking maneuverability and accessible ingress/egress aisles, the 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 15-09:

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 Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 15-09, subject to the following conditions:

1. The conditional use permit for an outside service area (outdoor seating) is exclusively for the tenant space (Unit C) at 800 E. Roosevelt Road;
2. The property shall be developed in substantial compliance with the floor plans developed and submitted as part of this petition;

3. The outdoor seating area shall not be operated or occupied after 11:00 PM on weeknights and 1:00 AM on Friday and Saturday nights. The petitioner shall monitor operations to ensure that the use is operated properly and legally;

*While the petitioner currently has limited hours of operation (Closed Monday-Wednesday, 12:00 PM – 10:00 PM on Thursday, 12:00 PM – 11:00 PM on Friday and Saturday, and 12:00 PM – 5:00 PM on Sundays), planning staff recommends granting hours of operation consistent with other conditional use permits for outdoor service areas in order to allow for greater flexibility for the petitioner as their business grows.*

4. This relief shall be valid for a period of one (1) year from the date of approval of the ordinance. If the outdoor service area is not established by said date, this relief shall be deemed null and void; and
5. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

c. Petitioner

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## RESPONSE TO STANDARDS FOR A CONDITIONAL USE

### Noon Whistle – Outdoor Seating - Standards for Conditional Uses

In response to the terms of Section 155.103(F)(8):

*1. The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.*

The conditional use will not endanger the public health, safety, morals, comfort, or general welfare – as evidenced by outdoor seating existing throughout Lombard. In fact, allowing customers the opportunity to enjoy the warm weather and fresh air can only benefit them as well as make the premises seem more hospitable and less industrial.

The proposed site, 600 Roosevelt Road, is a high commercial area with the existing infrastructure and utilities to support this business – adding a small amount of outdoor seating will not impact the surrounding area. Further, as evidenced by our existing operations, the brewery operates limited retail hours thereby minimizing industrial traffic and any potential impact to the local community all while driving commercial traffic and business in the area.

*2. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located.*

The enjoyment of other property in the immediate vicinity will be improved by this conditional use for a variety of reasons. First, the proposed site, 600 Roosevelt Road, is a high commercial area with the existing infrastructure and utilities to support this business. Such use will soften the industrial feel of the center, making it more welcoming and friendly – a more familiar part of the neighborhood – much more than simply an industrial building. Many of our customers are from the adjacent neighborhood and this use is application is in response to our customer requests. Finally, the proposed use will be on a reduced hours basis when compared to other thriving local businesses.

*3. That the establishment of the conditional use will not impeded the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

On the contrary, granting this conditional use should support the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Development and improvement should be accelerated in this case for a variety of reasons. First, the site, 600 Roosevelt Road, is a high commercial area with the existing infrastructure and utilities to support this business – allowing outdoor seating will improve the appeal of the development as more approachable. Such improvements and growth will only increase the business tax base. Finally, the business model of the applicants specifically includes partnering with local eateries and restaurants. This hybrid approach will drive the commercial activity as requested while also creating benefits for the established and up-and-coming business provided high-quality food.

The brewery will improve development in the surrounding properties and increase Lombard as a destination from residents in surrounding towns. Breweries are a destination location where people seek out the business and are in tune with the product and community – outdoor seating simply makes the destination more attractive.

*4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided.*

The operation is a small scale business that is easily established within the existing utilities, access roads, and facilities. Specifically, the proposed site, 800 Roosevelt Road, is a high commercial area with the existing infrastructure and utilities sufficient to support this business and adding small number of outdoor seating will have no impact. From water to electric, and all others, no specific new utility is required in addition to what is already provided to the site. All in all, the existing commercial footprint is more than adequate as all utilities are designed for commercial space and are sufficient and well suited for this use.

*5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

Again, the operation is a small scale business that is easily established within the existing ingress and egress, as evidenced by our current establishment, and small amounts of outdoor seating should have no impact on traffic congestion. Currently, over 20,000 vehicles pass this site daily and the applicant's restricted hours and deliveries will be a tiny drop in the bucket of existing traffic patterns. This development will have no impact on the current traffic pattern and congestion.

*6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard.*

The proposed use is consistent with the Village's economic development objectives such as the redevelopment of an existing vacant site along a key commercial corridor, which Roosevelt Road certainly is. Granting this conditional use should support the normal and orderly development and improvement of the surrounding property for uses permitted in the district. In addition, this conditional use will improve make the development seem less industrial and more friendly.

Also, the proposed use is similar in nature to other permitted uses such as other micro-breweries and restaurants. Again, the operation of a craft brewery is a small scale business that drives and supports local commercial business environment, but does not detract from the day-to-day life of residents or visitors. All in all, the existing commercial footprint is more than adequate as all utilities are designed for commercial space and are sufficient and well suited for this use.

Finally, the proposed use is anticipated to have little to no adverse impact on surrounding properties. Many of our customers are from the adjacent neighborhood and this use is application is in response to our customer requests. The proposed site, 800

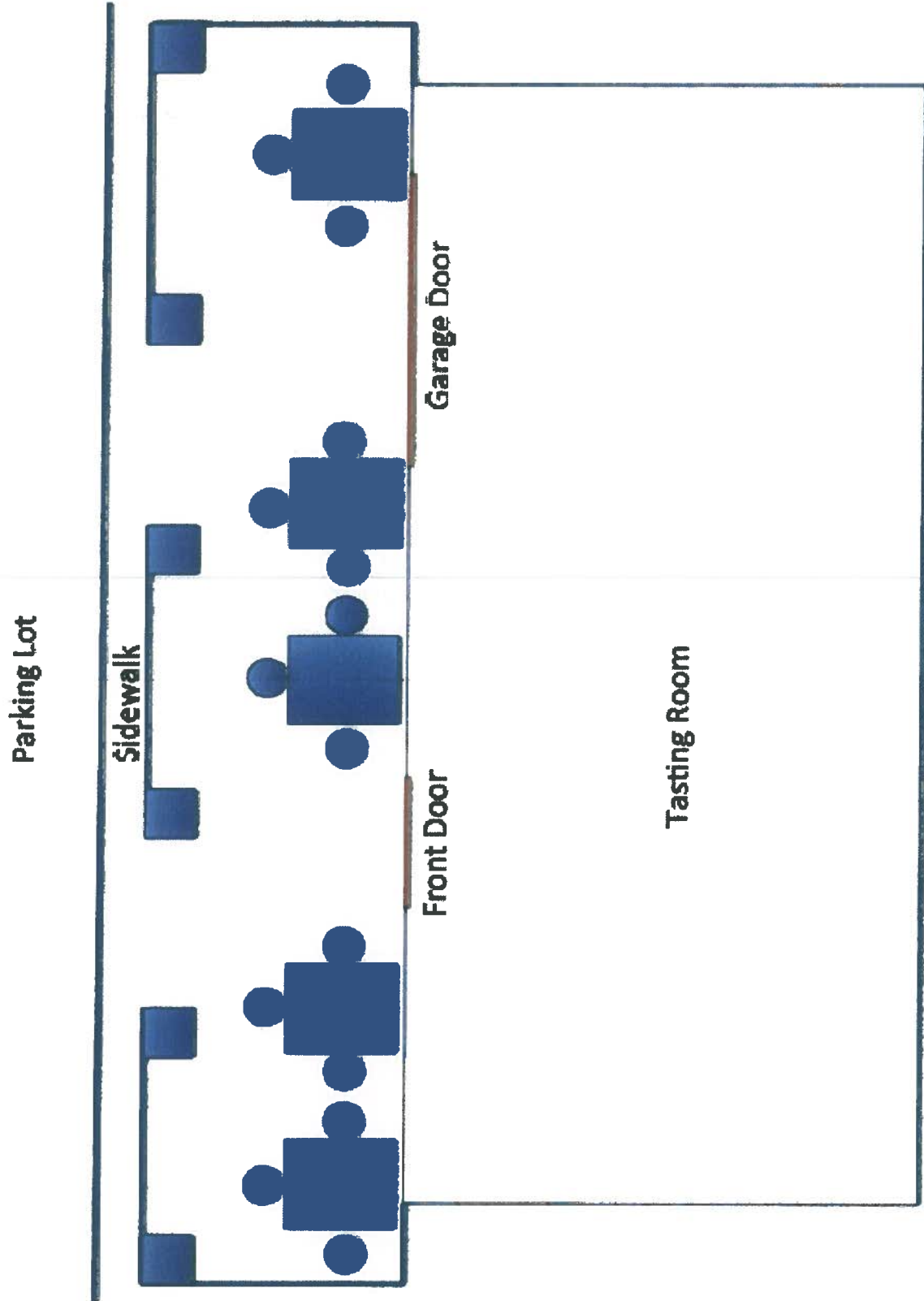
**Roosevelt Road, is a high commercial area with the existing infrastructure and utilities to support this business and this conditional use will make the development deem closer to the neighborhood – not more industrial.**

*7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

**- Yes.**



**EXHIBIT A – FLOOR PLANS**



**EXHIBIT B – RENDERING**

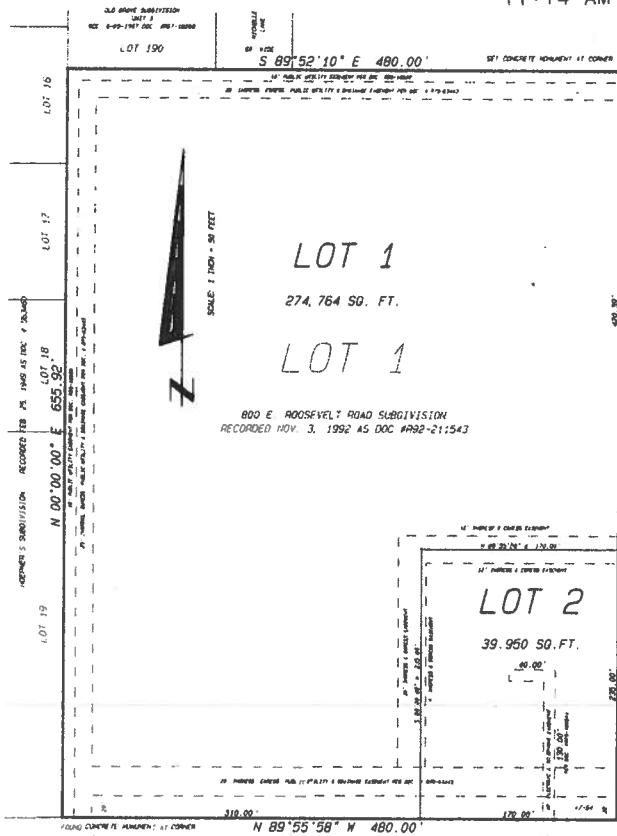


Submitted By: Return To: Village of Lombard 255 E. Wilson Ave. Lombard, IL 60148

LOMBARD SQUARE RESUBDIVISION

BEING A RESUBDIVISION OF ALL OF LOT 1 IN 800 E. ROOSEVELT ROAD SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN YORK TOWNSHIP, DU PAGE COUNTY, ILLINOIS.

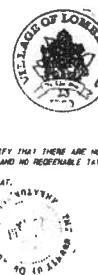
PLAT R2002-246080 SEP. 24. 2002 11:14 AM



AGREEMENT FOR SPLITTING THE RESUBDIVISION AND OTHER PROPERTIES... THESE RESUBDIVISIONS AND ACCESSION... THE VILLAGE OF LOMBARD... THE VILLAGE OF LOMBARD... THE VILLAGE OF LOMBARD...

UTILITY AND SERVICE FACILITY PROVISION... EASEMENTS ARE REQUIRED FOR THE VILLAGE OF LOMBARD... THE VILLAGE OF LOMBARD... THE VILLAGE OF LOMBARD...

STATE OF ILLINOIS 18.5 COUNTY OF DU PAGE APPROVED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT OF THE VILLAGE OF LOMBARD, ILLINOIS THIS 24th DAY OF SEPTEMBER A.D. 2002 BY: [Signature] DIRECTOR OF COMMUNITY DEVELOPMENT



STATE OF ILLINOIS 18.5 COUNTY OF DU PAGE I, [Signature] COUNTY CLERK OF DU PAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS... STEVEN UNDER MY HAND AND SEAL OF THE COUNTY COURT AT ILLINOIS THIS 24th DAY OF SEPTEMBER, A.D. 2002 [Signature] COUNTY CLERK



STATE OF ILLINOIS 18.5 COUNTY OF DU PAGE I, FRANK J. OUEL JR., A PROFESSIONAL ILLINOIS LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED SUBDIVIDED AND PLATTED THE PROPERTY DESCRIBED AS FOLLOWS: ALL OF LOT 1 IN 800 E. ROOSEVELT ROAD SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 3, 1992 AS DOCUMENT NUMBER R20-211543, IN YORK TOWNSHIP, DU PAGE COUNTY, ILLINOIS. THE PROPERTY HEREBY SUBDIVIDED CONTAINS 7.2248 ACRES.

I DO HEREBY FURTHER CERTIFY THAT THE LAND INCLUDED IN THE ANNEXED PLAT IS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, WHICH HAS ADOPTED A CITY PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 38 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE... I, FRANK J. OUEL JR., A PROFESSIONAL ILLINOIS LAND SURVEYOR NO. 2124 LICENSE EXPIRES NOVEMBER 30, 2002 VALID ONLY WITH EMBOSSED SEAL [Signature] ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2124 LICENSE EXPIRES NOVEMBER 30, 2002 VALID ONLY WITH EMBOSSED SEAL



STATE OF ILLINOIS 18.5 COUNTY OF DU PAGE APPROVED AND ACCEPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, ILLINOIS AT A MEETING HELD THIS 24th DAY OF SEPTEMBER, A.D. 2002 BY: [Signature] PRESIDENT ATTEST: [Signature] VILLAGE CLERK



STATE OF ILLINOIS 18.5 COUNTY OF DU PAGE THIS INSTRUMENT AND PLAT HAS BEEN FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF DU PAGE COUNTY, ILLINOIS ON THE 24th DAY OF SEPTEMBER, A.D. 2002 AT 11:14 A.M. AND HAS BEEN RECORDED IN BOOK \_\_\_\_\_ OF PLATS OF DU PAGE [Signature] RECORDER

STATE OF ILLINOIS 18.5 COUNTY OF DU PAGE I, [Signature] COLLECTOR FOR THE VILLAGE OF LOMBARD, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS... DATED AT LOMBARD, ILLINOIS THIS 24th DAY OF SEPTEMBER, A.D. 2002 [Signature] LOMBARD VILLAGE COLLECTOR



NOTE: I, FRANK J. OUEL JR., DO HEREBY AUTHORIZE THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, ITS STAFF OR AUTHORIZED AGENT, PERMISSION TO RECORD THE ATTACHED PLAT OF SUBDIVISION, DATED AT CAROL STREAM, DU PAGE COUNTY, ILLINOIS THIS 8th DAY OF JULY, A.D. 2002.

[Signature] ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2124

THIS IS TO CERTIFY THAT THE UNDETERMINED AS HOLDER OF RECORD TITLE OF THE PROPERTY DESCRIBED HEREON, HAVE DETERMINED, TO THE BEST OF THEIR KNOWLEDGE, THAT THE SCHOOL DISTRICTS IN WHICH THIS SUBDIVISION LIES ARE AS FOLLOWS: ELEMENTARY SCHOOL # 84 HIGH SCHOOL # 81

[Signature] ALUET AND ASSOCIATES, INC. NOT PROFESSIONALLY-BUILT AS TRUSTEE

STATE OF ILLINOIS 18.5 COUNTY OF COOK

ALUET AND ASSOCIATES, INC. UNDER PROVISIONS OF A TRUST AGREEMENT KNOWN AS THE ALUET TRUST DATED NOVEMBER 15, 1998, AND KNOWN AS TRUST NUMBER 08, DOES HEREBY CERTIFY THAT IT IS, AS SUCH TRUSTEE, THE OWNER OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AS SHOWN HEREON, AND THAT IT HAS CARRIED THE SAID PROPERTY TO BE SUBDIVIDED, RESUBDIVIDED AND PLATTED AS SHOWN HEREON.

22nd DU PAGE AVENUE A.D. 2002 [Signature] ALUET AND ASSOCIATES, INC. NOT PROFESSIONALLY-BUILT AS TRUSTEE

[Signature] PRESIDENT ATTEST: [Signature] SECRETARY

STATE OF ILLINOIS 18.5 COUNTY OF WINNEBAGO

I, [Signature] A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE OF ILLINOIS DO HEREBY CERTIFY THAT [Signature] PRESIDENT OF ALUET AND ASSOCIATES, INC. AND [Signature] SECRETARY OF SAID CORPORATION, WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH PRESIDENT AND SECRETARY, RESPECTIVELY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION FOR THE USES AND PURPOSES HEREIN SET FORTH, AND THAT THE SAID SECRETARY DID ALSO THEN AND THERE ACKNOWLEDGE THAT HE IS AN OFFICER OF THE CORPORATE SEAL OF SAID CORPORATION, DID AFFIX THE SAID SEAL TO SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, AS OWNER, AS TRUSTEE, AS APPOINTED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS 24th DAY OF SEPTEMBER, A.D. 2002. [Signature] NOTARY PUBLIC

PERMANENT INDEX NUMBER 02-17-400-047 EXISTING ZONING VILLAGE OF LOMBARD-6-3 COMMUNITY SHOPPING DISTRICT 287 VILLAGE DUES THIS PLAT SUBMITTED BY 460 APFAL LOMBARDIAN# FOR APED SERVICES 171 REBELL DRIVE GLENDALE HEIGHTS ILLINOIS 60130