

SURROUNDING ZONING AND LAND USE

North: B4A Roosevelt Road Corridor District, developed as Jiffy Lube automotive service facility (abutting the subject property); and B4APD Community Shopping District, Planned Development, developed as the Lombard Pines Shopping Center.

South: B3 Community Shopping District; developed as a Village owned/operated pump station); and unincorporated property zoned R4 Single Family District (DuPage County), developed as single family residences.

East: B4A Roosevelt Road Corridor District, developed as a commercial strip retail center; and R3 Attached Single Family Residence District, developed as townhouses.

West: B4A Roosevelt Road Corridor District, developed as a bank, offices and a strip commercial center.

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development on May 28, 2009:

1. Public Hearing Application.
2. Response to Standards for Conditional Uses.

DESCRIPTION

The petitioner has been utilizing an interior tenant space within the Oxford Corners shopping center located on the subject property as a hookah lounge. Such a use is currently not permissible as a permitted or conditional use in the B4A – Roosevelt Road Corridor District; however, the companion text amendment filed in association with this petition (PC 09-17) would allow the aforementioned use to be subject to conditional use approval. Therefore, the petitioner is requesting conditional use approval to allow a “Smoking Establishments” in the B4A – Roosevelt Road Corridor District. As such, granting the conditional use for a Smoking Establishments for the subject property would allow the petitioner to continue to operate their hookah lounge business.

Special Note: This petition assumes approval of PC 09-17. If PC 09-17 is not approved, this petition cannot be considered as it is currently proposed.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Public Works Engineering has no comments at this time.

PRIVATE ENGINEERING SERVICES

Private Engineering has no comments at this time.

BUILDING & FIRE

Upon review of the request for text amendment to allow for a conditional use, smoking establishment (hookah lounge) at Oxford Corners Retail Strip, the Fire Department/Bureau of Inspectional Services has the following comments:

1. In review of the Illinois Smoke Free Act, secondhand smoke cannot be eliminated through “indoor air cleaning units” that are usually suspended from ceilings. These units only eliminate particulate matters and odors, but do not eliminate carcinogens and other toxins. One possible method of total secondhand smoke elimination would be to install a 100% ventilation system and make up air system that would take the smoke directly outside and introduce fresh air back into the premises, thus avoiding any negative air pressure. This would also aid in keeping the smoke odors from possibly migrating into adjacent tenant spaces of the retail strip.

PLANNING

As noted in PC 09-17, the petitioner is seeking approval of zoning actions to allow for his existing establishment to be legally permissible at its existing location. The petitioner’s use is primarily a gathering place for people at least 18 years of age to enjoy the hookah experience. Based upon a visual inspection of the property and in review of the most recent building plans for the site, the business operation and floor plan consists of several tables and chairs arranged in a manner similar to a coffee house or restaurant. Hookah pipes are placed in the center of the table. According to the proprietor, individuals wishing to partake in hookah would pay a service fee to sit at one of the tables and consume the product on the premises. Patrons could also consume other tobacco products as well. Individuals may visit with other patrons, watch television, listen to music or other like activities. The proprietor’s hours have typically been in the evening and night time (i.e., 6:00 p.m. to 2:00 a.m.). The use will be operated completely within the confines of the existing building’s tenant space. Staff notes that the use will be similar in function to other types of gathering uses.

The Smoke Free Illinois Act prohibits the establishment or operation of smoking establishments within strip centers. This provision was established to minimize impacts of second-hand smoke on

employees and patrons of other establishments. However, in this case, an argument can be made that as the petitioner's establishment was operating on the premises prior to January 1, 2008 (albeit not legally established). Therefore, if the text amendment and the conditional use are approved, staff would be able to sign off on the Zoning Certificate.

Compatibility with the Comprehensive Plan

The 2007 Comprehensive Plan identified the subject property as part of the Roosevelt Road corridor. Uses are intended to be primary intended to serve the retail shopping needs and automotive related uses of the community. The petitioner's use as it has been operated and as is proposed is compatible with and similar to other types of permissible uses within the B4A District. Based upon the above information, staff finds that the proposed use meets the objectives of the Comprehensive Plan.

Compatibility with Surrounding Land Uses

The property is surrounded by commercial uses to the north, west and northeast. Residential uses are located to the southeast and south. The building is oriented toward the commercial properties to the west. The use operates completely within the confines of the existing strip-center building. The past operation of the use finds that the use has not presented a negative impact on adjacent properties, in the following respects:

1. The use operates outside the hours of many other uses within the retail center.
2. The use does not generate noise beyond levels associated with other types of retail establishments.
3. The use will not generate traffic levels at levels greater than other types of like uses.
4. The use will not generate excessive waste or deliveries.

Standards for Conditional Uses

For a conditional use to be approved, the standards for conditional uses must be met. The petitioner has provided a response to the standards for conditional uses and staff states that the use as proposed would meet the standards for conditional uses.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does meet the standards set forth in the Zoning Ordinance and recommends that Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the conditional use complies with the standards required by the 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 09-18; subject to the following conditions:

1. The petitioner shall apply for and receive a Certificate of Occupancy/Zoning Certificate for the proposed business establishment.
2. The conditional use approval is solely and exclusively for the tenant space located at 1221 S. Main Street within the Oxford Corners Shopping Center.
3. The business shall operate pursuant to the provisions set forth within Smoke Free Illinois Act and applicable Village, County and state statutes.

Inter-Departmental Review Group Report Approved By:

William J. Heniff, AICP
Director of Community Development