

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

Resolution or Ordinance (Blue)   X   *Waiver of First Requested*  
  X   Recommendations of Boards, Commissions & Committees (Green)  
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES  
FROM: David A. Hulseberg, Village Manager  
DATE: April 23, 2013 (BOT) Date: May 2, 2013  
TITLE: PC 13-03: 801 E. Roosevelt Road  
SUBMITTED BY: Department of Community Development *b/A*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village grant a conditional use, pursuant to Section 155.417 (G) (2) (a) of the Lombard Zoning Ordinance, to allow outside service areas (outdoor dining) for the subject property located within the B4A Roosevelt Road Corridor District.

The Plan Commission recommended approval of this petition subject to conditions.

Staff is requesting a waiver of first reading.

Please place this on the May 2, 2013 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):


Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X \_\_\_\_\_ Date \_\_\_\_\_

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



## MEMORANDUM

**TO:** David A. Hulseberg, AICP, ICMA-CM, Village Manager

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

**DATE:** May 2, 2013

**SUBJECT:** PC 13-03: 801 E. Roosevelt Road (Overtime Bar & Grill)

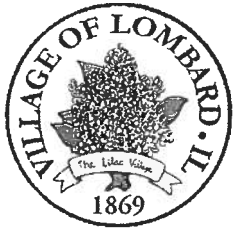
Attached are the following items for consideration as part of the May 2, 2013 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 13-03; and
3. An Ordinance granting conditional use approval for the outdoor seating/dining, subject to conditions.

The Plan Commission unanimously recommended approval of the petition.

In order for the petitioner to proceed with the project in a timely manner and to be open for the spring/summer seasons, a waiver of the first reading of the aforementioned ordinance is requested.

Please let me know if you have any questions on the aforementioned materials.



## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org

May 2, 2013

Mr. Keith Giagnorio,  
Village President, and  
Board of Trustees  
Village of Lombard

**Acting Village President**  
William "Bill" Ware

**Village Clerk**  
Brigitte O'Brien

### Trustees

Greg Alan Gron, Dist. 1  
Keith T. Giagnorio, Dist. 2  
Zachary C. Wilson, Dist. 3  
Peter Breen, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
David A. Hulseberg

*"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."*

**Subject: PC 13-03; 801 E. Roosevelt Road (Overtime Bar & Grill)**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant a conditional use, pursuant to Section 155.417 (G) (2) (a) of the Lombard Zoning Ordinance, to allow outside service areas (outdoor dining) for the subject property located within the B4A Roosevelt Road Corridor District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 15, 2013.

Mustafa Amin, Manager of Overtime Bar & Grill at 801 E. Roosevelt Road presented the petition requesting outdoor patio seating at the restaurant, located at 801 E. Roosevelt Rd. He then stated that they are looking to attract customers from surrounding communities to enjoy the outdoor dining experience.

Chairperson Ryan opened the meeting for public comment. There were no comments from the public. Chairperson Ryan then requested the staff report.

William Heniff, Director of Community Development, presented the staff report. Staff has drafted this IDRC report to submit to the public record in its entirety. The restaurant is located within a strip center at the far west side and it houses a total of six restaurants. The petitioner is proposing to construct a 485 square foot outdoor dining area on the northwest side of the existing building with a treated wood deck and half wall/guard rail that will provide seating for 26 people. The project also includes a pea gravel recreational area to the west. The entrance to the new space will be a reconfiguration of the existing door. The proposed deck will be enclosed with four foot (4') PVC fencing with gates. As a result, the petitioner requests that the Village grant a conditional use, pursuant to Section 155.417 (G) (2) of the Lombard Zoning Ordinance, to allow outside service areas (outdoor dining) for the subject property located within the B4A Roosevelt Road Corridor District.

As part of this petition, staff completed a review of the parking requirements for the business and it was found to be adequate. The petitioner is proposing to construct the outdoor dining area with potted plants to soften the separation from the parking lot and Roosevelt Road itself. Similar requests have been granted in the past for properties along Roosevelt Road. Staff does not object to this request as it allows for an alternate area for patrons to eat if desired. To the south is unincorporated properties developed as single family residences. As the outdoor area is located north of the property's building, it will have minimal impact. The petitioner has submitted responses to the standards for conditional use and staff finds that the standards have been met.

The Comprehensive Plan identifies the subject property for Community Commercial Uses. The Roosevelt Road Corridor plan, a supplement to the Comprehensive Plan, provides additional recommendations regarding the request.

- Restaurants are a preferred land use in the corridor. The existing restaurant use is being maintained and enhanced through this petition.
- Outdoor sales and service areas should be tied to the principal use of the property. The plan meets this goal. The petitioner is providing a fenced/enclosed area which ensures that the dining area does not encroach into the parking spaces.
- Ensuring that compatibility with adjacent residential properties is maintained. The proposed outdoor dining element is proposed on the north side of the building and will abut other commercial uses.

Staff finds that this petition is consistent with the Comprehensive Plan and the Roosevelt Road Corridor Plan.

The site is surrounded by other retail on the north, east and west sides. The property to the south residential and is approximately 150' away. The intent of the Roosevelt Road Corridor is to provide commercial retail business; therefore staff finds the proposed outdoor dining is consistent with the surrounding land uses and recommends approval of PC 13-03 subject to the four conditions in the staff report.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Mrofcza requested clarification on the fence enclosure. The petitioner stated that the wood deck would be level with the pea gravel for liability reasons and the wall of the building will function as part of the enclosure along with the fence.

Commissioner Burke asked if the recreational area is part of the outdoor dining approval. Mr. Heniff replied that the proposal is the total sum of the request for approval.

On a motion by Commissioner Sweetser and a second by Commissioner Burke, the Plan Commission voted 5 to 0 that the Village Board **approve** the conditional use associated with PC 13-03, subject to the four conditions outline in the Inter-Departmental Review Committee. Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance; and, therefore, the Plan Commission recommends **approval** to the Corporate Authorities of PC 13-03 subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan developed and submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for any improvements to be constructed on the subject property. The permit shall satisfactorily address any comments included within the Inter-departmental Review Report.
3. To meet Illinois Accessibility Code (IAC) requirements, an additional accessible space shall be placed along the south row of the north parking lot, with the space(s) meeting IAC requirements.
4. The outdoor dining activity shall not be operated after 11:00 p.m. on weeknights and 1:00 a.m. on Friday and Saturday nights. Wait staff shall be available for the outdoor dining area and shall monitor operations to ensure that the use is operated properly and legally.

Respectfully,

**VILLAGE OF LOMBARD**

A handwritten signature in black ink, appearing to read "Donald Ryan", written in a cursive style.

Donald Ryan, Chairperson  
Lombard Plan Commission

c. Lombard Plan Commission

**VILLAGE OF LOMBARD**  
**INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission

HEARING DATE: April 15, 2013

FROM: Department of  
Community Development

PREPARED BY: William Heniff, AICP  
Director

**TITLE**

**PC 13-03; 801 E. Roosevelt Road:** The petitioner requests that the Village grant a conditional use, pursuant to Section 155.417 (G) (2) (a) of the Lombard Zoning Ordinance, to allow outside service areas (outdoor dining) for the subject property located within the B4A Roosevelt Road Corridor District.

**GENERAL INFORMATION**

Petitioner: Platinum Bar & Grill  
dba Overtime Bar  
801 E. Roosevelt  
Lombard, IL 60148

Status of Petitioner: Tenant/Lessee

Property Owner: DDL Property, Ltd  
Agent for Goldfarb Properties, LLC  
One Trans Am Plaza Dr., Suite 120  
Oakbrook Terrace, IL 60181

**PROPERTY INFORMATION**

Existing Land Use: Retail commercial strip center

Size of Property: 1.8 acres

Comprehensive Plan: Roosevelt Road/Community Commercial District

Existing Zoning: B4A Roosevelt Road Corridor District

**Surrounding Zoning and Land Use:**

North: B4A Roosevelt Road Corridor District; developed as a fast-food restaurant (Popeye's) and an automobile service center (Midas).

South: Unincorporated property; developed as single family residences.

East: B4A Roosevelt Road Corridor District; undeveloped parcel of land.

West: B4A Roosevelt Road Corridor District; developed as a commercial retail business (Century Tile).

**ANALYSIS**

**SUBMITTALS**

This report is based on the following documents filed with the Department of Community Development on March 19, 2013:

1. Petition for Public Hearing with a response to standards.
2. Site Plan/Proposed Outdoor Seating Plan, prepared by BR Design and Architecture, dated 2009 and submitted with the petition.

**DESCRIPTION**

The petitioner currently operates a restaurant (Overtime Bar & Grill) in the B4A zoning district, which is a permitted use. The petitioner wishes to construct and operate an outdoor seating/dining area to be located in front of their existing restaurant facility, which requires conditional use approval.

**INTER-DEPARTMENTAL REVIEW COMMENTS**

**PUBLIC WORKS**

The Department of Public Works has no comment on the subject petition.

**PRIVATE ENGINEERING**

Private Engineering Services notes that the pea gravel area needs to have a landscape fabric to control weeds and not an impermeable membrane below the pea gravel.

## **FIRE DEPARTMENT**

The Fire Department does not have any comments on the petition.

## **BUILDING DIVISION**

The Building Division offers the following comments:

1. The proposed deck would have to have a ramp to meet the Illinois Accessibility Code at the emergency egress gate. A different configuration of fence panels and gate could allow for the deck without a ramp as long as the egress path did not contain a step or route people back through the restaurant.
2. Lighting would be needed both for general illumination, as well as emergency lighting to illuminate the path of egress.

## **PLANNING**

### **Compliance with the Zoning Ordinance**

The subject business is located within a commercial strip center which consists of six restaurants and four miscellaneous retail/service businesses. Restaurants are a permitted use in the B4A zoning district; however, restaurants which include outdoor seating/dining require conditional use approval for the outdoor component.

In order to supplement this use and activity, the petitioner's plan is to establish an outdoor seating area for restaurant patrons, should they desire to sit outdoors. The proposed dining area is similar to those provided for other dining establishments.

Per the submitted plans, the outdoor seating area is proposed to be (485 square feet) in area. It is proposed to have a four-foot high PVC fence around the perimeter of the wooden deck dining area. Access to the dining area itself would be through the establishment. An access gate to the parking lot will also be provided to meet emergency egress issues. They are also contemplating utilizing a small area adjacent to the outside seating area for possible bag tossing activities.

### **Parking**

The Ordinance requires parking for outdoor dining in a similar manner as indoor areas. With the addition of 485 square feet for outdoor dining, the outdoor dining element requires an additional two spaces. Two (2) parking lots exist on the site – one in front of the building and one behind the building. The parking lot in front of the building, which contains forty-eight (48) parking spaces, provides adequate customer parking for the center (the required number of spaces for the entire center is sixty (60)). The lot behind the building is actually larger than the lot in front of the building and has spaces for seventy-four (74) cars, plus ample room by the building for loading and unloading. With a total of (122) parking spaces provided on-site and only sixty (60) required of the strip center, there is a surplus of sixty-two (62) parking spaces, which will more than accommodate the loss of the spaces to the north of the restaurant.



The dining area will be located in an area with a current and requisite accessible parking space. Code compliance can be achieved by relocating the accessible space to the east of the outdoor spaces. This is a recommended condition of approval.

*Other Design Considerations*

The proposed seating area is intended to be complementary to the principal restaurant use. The petitioner is intending on softening the impact of Roosevelt Road and the adjacent parking lot by adding planters. Ambient music may also be included at a later date.

**Compatibility with the Comprehensive Plan**

The Comprehensive Plan recommends Community Commercial uses at this location. Compatibility with adjacent residential properties was also identified as a primary concern within the recently adopted Roosevelt Road Corridor Report, adopted in 2007 as a supplement to the Comprehensive Plan. The Roosevelt Road Corridor Report ranked 143 different land uses from “highly desirable” to “highly undesirable”. The report ranked restaurants among the most desirable uses for the Corridor.

**Impact on Neighboring Properties**

The Roosevelt Road Avenue corridor is a high volume corridor with commercial sites on both sides. The subject property is located within a corridor of strip commercial uses. The petitioner’s proposal will be compatible with the residential properties to the south, as the petitioner’s outdoor seating plan will consist of several tables located immediately adjacent to and in front of the building. The building itself will screen the dining area from residential properties.

**Standards for Conditional Uses**

For a conditional use to be approved, the standards for conditional uses must be met. The petitioner provided an initial response to the standards. Staff has reviewed the petitioner’s materials and offers the following additional comments regarding the requisite standards for conditional uses:

- 1. That 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 process allows staff the opportunity to review each applicable petition in context with the surrounding area in regards to health, safety, and general welfare. The petitioner’s siting of the outdoor dining element attempts to ensure that all matters pertaining to the operations of the activity do not negatively impact the subject properties or neighboring properties.

*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 adjacent commercial uses will not be affected by the proposed conditional use as the petitioner's outside seating will be placed in a location that would not create negative impacts on adjacent properties. It will only be visible from the north and is oriented away from the abutting business (which has a solid masonry wall adjacent to the proposed use) as well as the residential properties to the south.

The business is currently open from 11:00 a.m. to 1:00 a.m. Sunday through Thursday and 11:00 a.m. to 2:00 a.m. on Friday and Saturday. In discussions with the petitioner, he is willing to limit the outdoor dining hours to close outside no later than 11:00 p.m. on weeknights and 1:00 a.m. on Friday and Saturday nights. Moreover, existing wait staff will monitor operations to ensure that the use is operated properly and legally.

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

The subject business is located within an existing commercial retail strip center, which is surrounded by existing single-family residences and existing commercial businesses. The lot to the east is the only vacant land adjacent to the subject property. There are currently no plans to develop the adjacent parcel, which due to flood plain issues, will be a difficult parcel to develop. The nature of this improvement will not impact redevelopment activity on the subject property or on adjacent properties.

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

All necessary infrastructural improvements are already in existence. The loss of the parking spaces can be adsorbed within the development, as the site exceeds code. The adjacent accessible space can be modified accordingly.

*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;*

There are two existing drive aisles leading into the property at 801 E. Roosevelt. A twenty (20) foot drive aisle services the parking lot located to the rear of the building. No improvements to the existing ingress/egress are required.

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

The Comprehensive Plan recommends Community Commercial uses at this location. As previously mentioned, compatibility with adjacent residential properties was also identified as a primary concern within the recently adopted Roosevelt Road Corridor Report. The integration of the outdoor seating further enhances the commercial nature of the corridor and will strengthen the retail nature of the center.

*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.*

Applicable departments of the Village have reviewed the petition and if it were to be approved, the applicable code issues would be addressed through the IDRC comments listed and conditions of approval.

## **FINDINGS AND RECOMMENDATIONS**

Staff believes that the proposed use is compatible with the surrounding zoning and land uses, enhances the site and the existing restaurant business and that it meets the standards for conditional uses. Based on the above 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 proposal does comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission recommend approval to the Corporate Authorities **approval** of PC 13-03 subject to the following conditions:

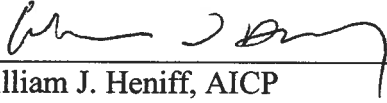
1. The property shall be developed in substantial compliance with the site plan developed and submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for any improvements to be constructed on the subject property. The permit shall satisfactorily address any comments included within the Inter-departmental Review Report.
3. To meet Illinois Accessibility Code (IAC) requirements, an additional accessible space shall be placed along the south row of the north parking lot, with the space(s) meeting IAC requirements.
4. The outdoor dining activity shall not be operated after 11:00 p.m. on weeknights and 1:00 a.m. on Friday and Saturday nights. Wait staff shall be available for the outdoor dining area and shall monitor operations to ensure that the use is operated properly and legally.

Lombard Plan Commission

Re: PC 13-03

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Inter-Departmental Review Group Report Approved By:



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William J. Heniff, AICP

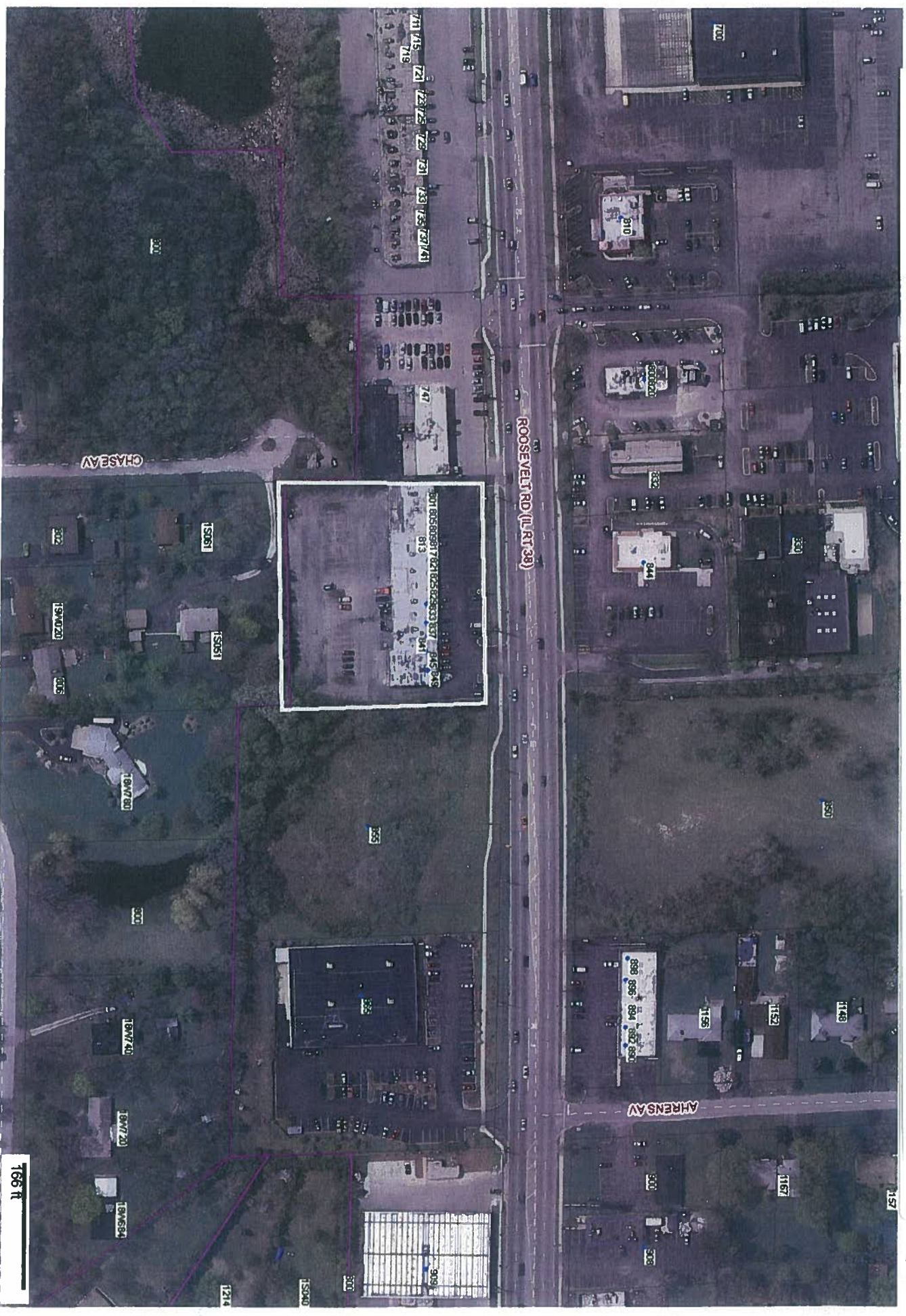
Director of Community Development

WJH:

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# PC 13-03: 801 E. Roosevelt



166 ft

To: Plan Commission

From: Platinum Bar and Grill Inc.

Re: Proposed Outside seating @ 801 E. Roosevelt Rd

The plan for the fenced in outside seating area will not endanger public health or safety. It is a fenced in secured area for Patrons to enjoy our food while enjoying the outdoors. It will attract more people to our location.

The patio brings value to the building because it will be tastefully done and it will be an asset to the neighborhood.

The Patio will not have any negative impact to our neighbors.

All Necessary requirements will be made required by the Village.

There will be an ingress/egress.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING A CONDITIONAL USE  
PURSUANT TO TITLE 15, CHAPTER 155, SECTION  
155.417(G)(2)(a) OF THE LOMBARD ZONING ORDINANCE**

(PC 13-03; 801 E. Roosevelt 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 B4A - Roosevelt Road Corridor District ; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Title 15, Chapter 155, Section 417(G)(2)(a) of the Lombard Village Code to provide for an outside service area for outdoor dining; and

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on April 15, 2013 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the conditional use described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations 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 a conditional use is hereby granted for the Subject Property, as described in Section 2 below, pursuant to Title 15, Chapter 155, Section 417(G)(2)(a) of the Lombard Village Code to provide for outside service area for outdoor dining.

SECTION 2: That this Ordinance is limited and restricted to the property located at 801 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

THAT PART OF THE EAST ½ OF THE NORTHEAST ¼ OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION , SAID POINT BEING 68.80 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE WEST 298.00 FEET TO A POINT, SAID POINT BEING 66.18 FEET SOUTH OF THE NORTH LINE OF SAID SECTION ; THENCE SOUTH ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID SECTION 169.42 FEET; THENCE WEST 2.00 FEET TO A POINT THAT IS 235.60 SOUTH OF THE NORTH LINE OF SAID SECTION; THENCE SOUTH ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID SECTION 104.98 FEET; THENCE EAST ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID SECTION 300.00 FEET OF THE EAST LINE THEREOF; THENCE NORTH ALONG SAID EAST LINE 271.78 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-20-204-008; (the “Subject Property”)

SECTION 3: The conditional use, as provided for in Section 1 of this Ordinance shall be granted subject to compliance with the following conditions:

1. The property shall be developed in substantial compliance with the site plan developed and submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for any improvements to be constructed on the subject property. The permit shall satisfactorily address any comments included within the Inter-departmental Review Report.
3. To meet Illinois Accessibility Code (IAC) requirements, an additional accessible space shall be placed along the south row of the north parking lot, with the space(s) meeting IAC requirements.
4. The outdoor dining activity shall not be operated after 11:00 p.m. on weeknights and 1:00 a.m. on Friday and Saturday nights. Wait staff shall be available for the outdoor dining area and shall monitor operations to ensure that the use is operated properly and legally.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.



Ordinance No. \_\_\_\_\_  
Re: PC 13-03  
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Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013, pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Keith Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk