

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


\_\_\_\_\_ Resolution or Ordinance (Blue) \_\_\_\_\_ *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: March 28, 2011 (BOT) Date: April 7, 2011

TITLE: PC 11-07: 939 S. Main St. (LaFrance Café)

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

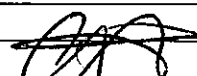
Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The petition requests that the Village grant a conditional use, pursuant to Section 155.413(C) of the Zoning Ordinance to allow 'Outside service areas for other permitted or conditional uses in this district' on the subject property in the B1 - Limited Neighborhood Shopping District.

The Plan Commission recommended approval of this petition with amended conditions.

Please place this item on the April 7, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X  \_\_\_\_\_ Date 3/28/11

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, Village Manager

**FROM:** William Heniff, AICP  
Director of Community Development *WH*

**DATE:** April 7, 2011

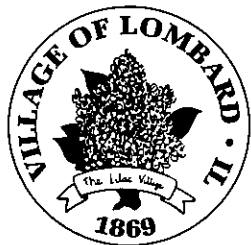
**SUBJECT:** PC 11-07; 939 S. Main St. (LaFrance Café):

Attached please find the following items for Village Board consideration as part of the April 7, 2011 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 11-07;
3. An ordinance granting a conditional use, pursuant to 155.413(C) of the Lombard Zoning Ordinance, to allow outside service areas (outdoor dining) for the subject property located within the B1 – Limited Neighborhood Shopping District;
4. Plans associated with the petition.

The Plan Commission recommended approval of the zoning actions associated with the petition.





## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3931  
(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org

April 7, 2011

**Village President**  
William J. Mueller

**Village Clerk**  
Brigitte O'Brien

### Trustees

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

**Village Manager**  
David A. Hulseberg

Mr. William J. Mueller,  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: PC 11-07; 939 S. Main St. (LaFrance Café):**

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 155.413(C) of the Zoning Ordinance to allow 'Outside service areas for other permitted or conditional uses in this district' on the subject property in the B1 – Limited Neighborhood Shopping District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 21, 2011.

*"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses create a distinctive sense of spirit and an outstanding quality of life."*

Ben Mchabcheb, 1015 S. Leslie Lane, Villa Park presented the petition. He stated that his request was to like to have more space. He stated that he does not have a big outdoor café and wants a European look. His plan is to include approximately two tables and four chairs. He is a small business and he is requesting this in order for a few people to be able to sit outside.

Chairperson Ryan opened the meeting for public comment.

*"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

There were no comments or questions from the public.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. LaFrance Café is requesting a conditional use for an 'Outside service areas for other permitted or conditional uses in this district' in the B1 – Limited Neighborhood Shopping District. The petitioner is requesting such approval to be able to provide outdoor dining at their location. If approved, the petitioner would place two tables, with two chairs each, directly in front of their business. This petition assumes approval of PC 11-06, which would establish 'Outside service areas for other permitted or conditional uses in this district' as a conditional use in the B1 – Limited Neighborhood Shopping District. If PC 11-06 is not approved, this petition cannot be considered, as presented.

### Existing Site conditions

#### *Parking*

The site currently provides a total of 19 parking spaces. The Zoning Ordinance requires a specific amount of handicap accessible parking spaces based on the number of required parking spaces. As 10 regular parking spaces are required on the subject property - one accessible parking space is required per Code. According to the proposed plans, two regular parking spaces would be reconfigured into one accessible space, which would fulfill the required amount of handicap accessible parking on site. A total of 18 parking spaces would then be provided, which would equate to a surplus of eight spaces.

#### *Refuse Area*

There are currently three dumpsters located in the southeast portion of subject property, which is the rear parking lot. Section 155.710 of the Zoning Ordinance requires that all dumpsters be screened by solid wood fence (or equivalent) to a height of not less than six (6) feet, but not more than eight (8) feet. As the subject business utilizes at least one of the unscreened dumpsters, the requirements of Section 155.710 of the Zoning Ordinance shall be applied as a condition of approval.

### Proposed Improvements

The petitioner is proposing to place two tables (with two chairs each) directly in front of their business. The tables would be placed on the five (5) foot wide curb, directly adjacent to the building (between the building and west parking lot). The curb itself, which is four (4) inches in height, is currently the only barrier that exists between the adjacent parking spaces and the proposed outdoor dining area. To provide another barrier between the adjacent parking spaces and the proposed outdoor dining area, a condition of approval will require that two parking stops be placed on the two adjacent parking spaces.

### Compatibility with Surrounding Land Uses

Office uses abut the subject property to the north and south while single-family residences abut the subject property to the east and west. LaFrance Café is located in a multi-tenant building, which is shared with one other restaurant use, Zak's Pizza. As part of a separate petition, staff is proposing to include 'Outside service areas for other permitted or conditional uses in this district' as a conditional use in the B1 – Limited Neighborhood Shopping District. If that petition is approved, staff believes that such use is consistent with the intent of the B1 District. The amount of tables and chairs is minimal and will have little impact on adjacent properties.

### Hours of Operation

LaFrance Café is currently open for breakfast, lunch and dinner. The hours of operation are currently as follows: (Tuesday through Saturday 9am - 2pm & 5pm – 9pm, Sunday 9am – 2pm). Staff notes that climate would also be a factor in the usage of the outdoor dining area. Staff did notice that the parking area adjacent to Main Street is typically full. Staff did recommend that additional signage be placed on the property, which informs patrons of additional parking in the rear of the building. Staff notes that this is a recommendation only and will not be considered a condition of approval.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Office at this location. The current use of the property (restaurant), as well as the proposed use, are both listed as a compatible use to office uses. As such, the proposed use is compatible with the Comprehensive Plan.

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

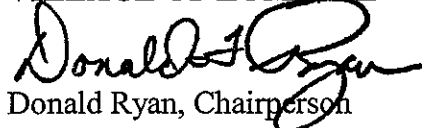
Commissioner Burke stated that clarification should be made, which limits the property to two tables and two chairs for enforcement purposes. He added that is what the submitted drawing shows.

On a motion by Commissioner Burke and a second by Commissioner Sweetser, the Plan Commission voted 4 to 0 that the Village Board **approve** the text amendments associated with PC 11-07, subject to the following conditions:

1. The subject property shall be developed in substantial compliance with Site Plan, dated February 25, 2011, which shall be limited to two tables with two chairs each.
2. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.
3. All dumpsters located on the subject property shall be screened pursuant to Section 155.710 of the Zoning Ordinance.
4. The petitioner shall secure a building permit from the Village for all required improvements.
5. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the conditional use.

Respectfully,

**VILLAGE OF LOMBARD**



Donald Ryan, Chairperson  
Lombard Plan Commission

c. Petitioner  
Lombard Plan Commission





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

TO: Lombard Plan Commission                      HEARING DATE: March 21, 2011  
FROM: Department of                                      PREPARED BY: Michael S. Toth  
          Community Development                                      Planner I

**TITLE**

**PC 11-07; 939 S. Main St. (LaFrance Café )**: The petitioner requests that the Village grant a conditional use, pursuant to Section 155.413(C) of the Zoning Ordinance to allow 'Outside service areas for other permitted or conditional uses in this district' on the subject property in the B1 – Limited Neighborhood Shopping District.

**GENERAL INFORMATION**

Petitioner:                                      Ben Mchabcheb  
  1015 S. Leslie Ln.  
  Villa Park, IL 60181

Property Owner:                                Susan Lee  
  81 San Marino  
  Irvine, CA 92614

**PROPERTY INFORMATION**

Existing Zoning:                                B1 – Limited Neighborhood Shopping District

Existing Land Use:                              Commercial Tenant Building

Size of Property:                                Approximately 12,877 square feet

Comprehensive Plan:                            Office

**SURROUNDING ZONING AND LAND USE**

North:            B1 – Limited Neighborhood Shopping District Planned Development; developed as general office

South:           B1 – Limited Neighborhood Shopping District; developed as an outpatient dental office

East:             R2 – Single-Family Residential District; developed as single-family residential

West: R2 – Single-Family Residential District; developed as single-family residential

## ANALYSIS

### SUBMITTALS

This report is based on the following documents filed with the Department of Community Development on March 9, 2011:

1. Public Hearing Application.
2. Site Plan, dated February 25, 2011, prepared by staff and the petitioner.
3. Plat of Survey, prepared by Lambert and Associates, dated May 22, 1972.

### DESCRIPTION

LaFrance Café is requesting a conditional use for an 'Outside service areas for other permitted or conditional uses in this district' in the B1 – Limited Neighborhood Shopping District. The petitioner is requesting such approval to be able to provide outdoor dining at their location. If approved, the petitioner would place two tables, with two chairs each, directly in front of their business. This petition assumes approval of PC 11-06, which would establish 'Outside service areas for other permitted or conditional uses in this district' as a conditional use in the B1 – Limited Neighborhood Shopping District. If PC 11-06 is not approved, this petition cannot be considered, as presented.

### INTER-DEPARTMENTAL REVIEW COMMENTS

#### PUBLIC WORKS

Public Works has no comments at this time.

#### PRIVATE ENGINEERING SERVICES

The Private Engineering Services Division of Community Development has no comments.

#### BUILDING

The Building Division of Community Development has no comments.

#### FIRE

The Fire Department has no comments.

#### PLANNING

##### Existing Site conditions

##### *Parking*

The site currently provides a total of 19 parking spaces. The Zoning Ordinance requires a specific amount of handicap accessible parking spaces based on the number of required parking spaces. As 10 regular parking spaces are required on the subject property - one accessible parking space is

required per Code. According to the proposed plans, two regular parking spaces would be reconfigured into one accessible space, which would fulfill the required amount of handicap accessible parking on site. A total of 18 parking spaces would then be provided, which would equate to a surplus of eight spaces.

#### *Refuge Area*

There are currently three dumpsters located in the southeast portion of subject property, which is the rear parking lot. Section 155.710 of the Zoning Ordinance requires that all dumpsters be screened by solid wood fence (or equivalent) to a height of not less than six (6) feet, but not more than eight (8) feet. As the subject business utilizes at least one of the unscreened dumpsters, the requirements of Section 155.710 of the Zoning Ordinance shall be applied as a condition of approval.

#### Proposed Improvements

The petitioner is proposing to place two tables (with two chairs each) directly in front of their business. The tables would be placed on the five (5) foot wide curb, directly adjacent to the building (between the building and right of way). The curb itself, which is four (4) inches in height, is currently the only barrier that exists between the adjacent parking spaces and the proposed outdoor dining area. To provide another barrier between the adjacent parking spaces and the proposed outdoor dining area, a condition of approval will require that two parking stops be placed on the two adjacent parking spaces.

#### Compatibility with Surrounding Land Uses

Office uses abut the subject property to the north and south while single-family residences abut the subject property to the east and west. LaFrance Café is located in a multi-tenant building, which is shared with one other restaurant use, Zak's Pizza. As part of a separate petition, staff is proposing to include 'Outside service areas for other permitted or conditional uses in this district' as a conditional use in the B1 – Limited Neighborhood Shopping District. If that petition is approved, staff believes that such use is consistent with the intent of the B1 District. The amount of tables and chairs is minimal and will have little impact on adjacent properties.

#### Hours of Operation

LaFrance Café is currently open for breakfast, lunch and dinner. The hours of operation are currently as follows: (Tuesday through Saturday 9am - 2pm & 5pm – 9pm, Sunday 9am – 2pm). Staff notes that climate would also be a factor in the usage of the outdoor dining area. Staff did notice that the parking area adjacent to Main Street is typically full. Staff did recommend that additional signage be placed on the property, which informs patrons of additional parking in the rear of the building. Staff notes that this is a recommendation only and will not be considered a condition of approval.

#### Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Office at this location. The current use of the property (restaurant), as well as the proposed use, are both listed as a compatible use to office uses. As such, the proposed use is compatible with the Comprehensive Plan.

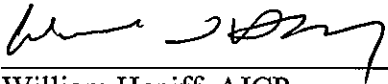
## FINDINGS AND RECOMMENDATIONS

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 requested text amendments and conditional uses **comply** 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 11-07; subject to the following conditions:

1. The subject property shall be developed in substantial compliance with Site Plan, dated February 25, 2011.
2. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.
3. All dumpsters located on the subject property shall be screened pursuant to Section 155.710 of the Zoning Ordinance.
4. The petitioner shall secure a building permit from the Village for all required improvements.
5. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the conditional use.

Inter-Departmental Review Group Report Approved By:



William Heniff, AICP  
Director of Community Development

### **Exhibit A - Standards for Conditional Uses**

For a conditional use to be approved, the standards for conditional uses must be met. Staff has reviewed the petitioner's plan and the standards and offers the following comments:

*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 is proposing to place two tables (with two chairs each) directly in front of their business, which would be in use only during the warmer months of the year. Staff believes that such use would not interfere with the surrounding area in regards to health, safety, and general welfare.

*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 proposed use would only be used as an ancillary function of an existing use. The placement of two tables (with two chairs each) would not interfere will or not be injurious to the uses and enjoyment of other property in the immediate vicinity.

*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;*

Staff has reviewed the proposed improvements in accordance with the existing site conditions. From a land use perspective, the type of use being proposed is compatible with the surrounding properties; as such, the normal and orderly development and improvement of the surrounding properties would not be adversely affected.

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

As the proposed plans pertain to an existing business, any necessary infrastructural improvements are already in existence. Should any infrastructural improvements be deemed necessary, the IDRC comments provided within this report shall address such improvements.

*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;*

The existing drive aisle leading into the subject property is twenty-two (22) feet wide, where a minimum of twenty-four (24) feet is required for a two-way drive aisle. As the drive aisle already exists it is considered legal non-conforming.

*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 Office at this location. Staff notes that the current use of the property, as well as the proposed use, are both conditional uses in the O – Office District. As such, the proposed use is compatible with the Comprehensive Plan.

*Encourage property owners to maintain and enhance the overall condition of existing industrial, business and office developments.*

This policy refers to the development in a property maintenance context. Not only would the petitioner need to demonstrate proper property stewardship, future property maintenance must also be carried on through the life of the business.

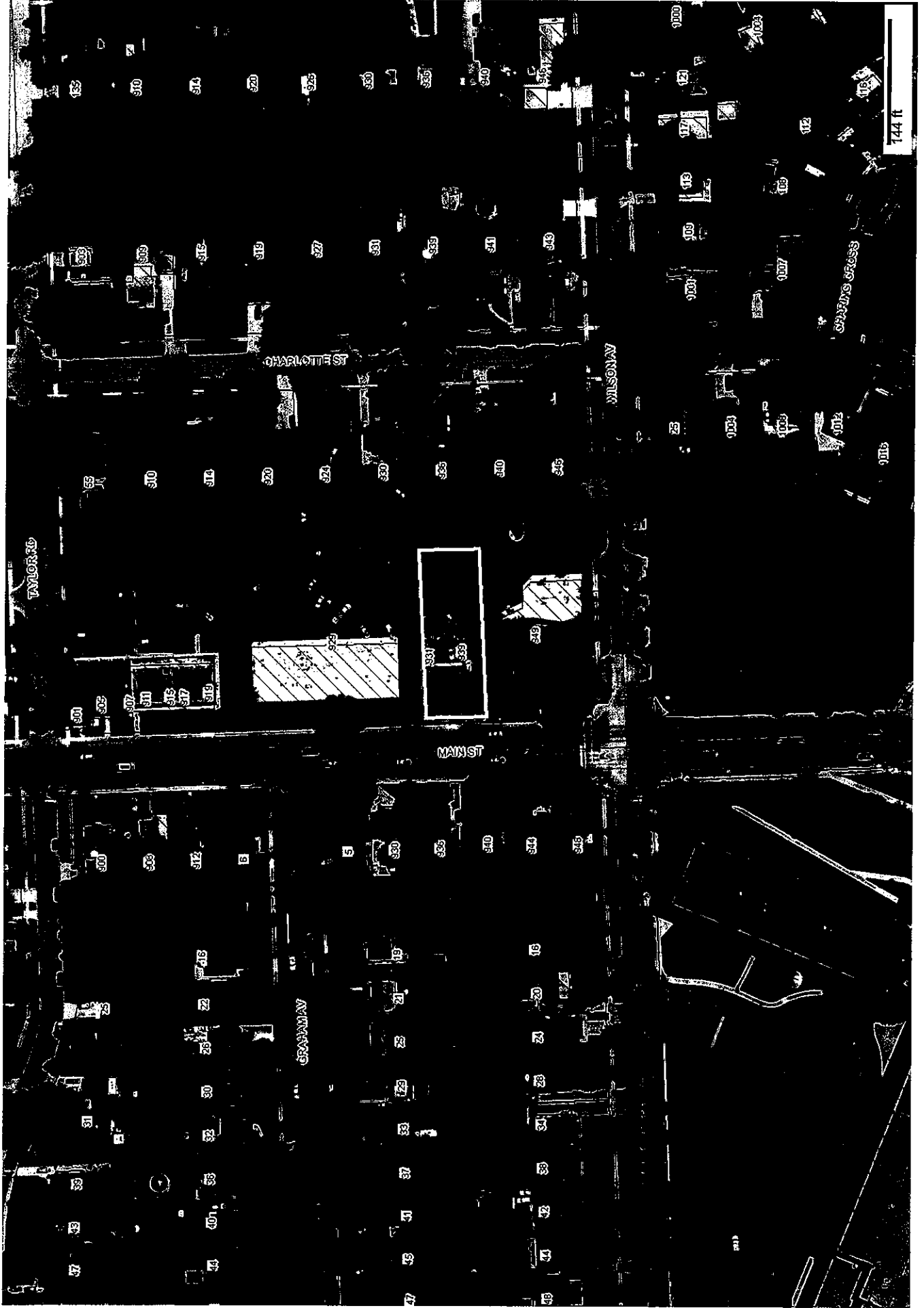
*New development shall have adequate off-street parking and loading facilities.*

The site currently provides a total of 19 parking spaces where 10 regular parking spaces are required. Two regular parking spaces would be reconfigured into one accessible space, which would fulfill the required amount of handicap accessible parking on site. Therefore, a total of 18 parking spaces would be provided on the subject property, which would equate to a surplus of eight spaces.

*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.*

Staff has reviewed the petition and if it were to be approved, the applicable code issues and/or conditions of approval would be addressed during the permit review process. As is, the site conforms to all requirements set forth in the Zoning Ordinance, with respect to the use. The petitioner would need to receive an updated Certificate of Occupancy/Zoning Certificate that permitted the proposed conditional use.

# PC 11-07: 939 S. Main St. (LaFrance Cafe)







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

**AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO  
TITLE 15, CHAPTER 155, SECTION 155.413(C)  
OF THE LOMBARD ZONING ORDINANCE**

**(PC 11-07: 939 S. Main St.)**

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 is zoned B1 – Limited Neighborhood Shopping District,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for an outside service area on the subject property located within the B1 – Limited Neighborhood Shopping District; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on March 21, 2011 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, subject to conditions; 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 property described in Section 3 below and pursuant to Title 15, Chapter 155, Section 155.413(C) of the Zoning Ordinance so as to allow an outside service area.

**SECTION 2:** That the Ordinance is limited and restricted to the property generally located at 939 S. Main St., Lombard, Illinois, and legally described as follows:

Ordinance No. \_\_\_\_\_

Re: PC 11-07

Page 2

LOT 12 IN BLOCK 12 IN ARTHUR T MCINTOSH AND COMPANY'S LOMBARD GARDENS SUBDIVISION, IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17 TOWNSHIP 39, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON FEBRUARY 8, 1924 AS DOCUMENT 174113, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-17-118-007

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

1. The subject property shall be developed in substantial compliance with Site Plan, dated February 25, 2011.
2. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.
3. All dumpsters located on the subject property shall be screened pursuant to Section 155.710 of the Zoning Ordinance.
4. The petitioner shall secure a building permit from the Village for all required improvements.
5. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the conditional use.

**SECTION 4:** This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder

**SECTION 5:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2011.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2011.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2011.

Ordinance No. \_\_\_\_\_  
Re: PC 11-07  
Page 3

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

Nayes: \_\_\_\_\_

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk