

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

 X 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: Scott R. Niehaus, Village Manager
DATE: April 27, 2015 (B of T) Date: May 7, 2015
TITLE: PC 15-09; Conditional Use for and Outside Service Area – 800 E. Roosevelt Road, Unit C
SUBMITTED BY: Department of Community Development *Mo*

BACKGROUND/POLICY IMPLICATIONS:

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 for an outside service area (outdoor seating) for the subject property located within the B4A Roosevelt Road Corridor District. (DISTRICT #6)

The Plan Commission recommended approval of this petition by a vote of 6-0.

The petitioner requests a waiver of first reading of the Ordinance.


Fiscal Impact/Funding Source:

Review (as necessary):
Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

DATE: May 7, 2015

SUBJECT: **PC 15-09; Noon Whistle Brewing Co. – 800 E. Roosevelt Road**

Please find the following items for Village Board consideration as part of the May 7, 2015 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 15-08;
3. Completed Standards for a Conditional Use;
4. Plans associated with the petition; and
5. An Ordinance granting a conditional use, pursuant to Section 155.417 (G)(2)(a) to provide for an outside service area for an outdoor seating area within the B4A Roosevelt Road Corridor District.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the May 7, 2015 Board of Trustees agenda with a waiver of first reading, as requested by the petitioner.



VILLAGE OF LOMBARD

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

May 7, 2015

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill T. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"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."

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

Subject: PC 15-09; Conditional Use for and Outside Service Area – 800 E. Roosevelt Road, Unit C

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 for an outside service area (outdoor seating) 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 20, 2015. Sworn in to present the petition was William J. Heniff, AICP, and Director of Community Development, Matt Panfil, AICP, Senior Planner, and the Petitioner, Paul Kreiner of Noon Whistle Brewing Co. Also sworn in were Lombard residents Nestor Acosta, Pete Cismesia, Julie Tameling, Sam Vella, and Kimberly Wegrzyn.

Chairperson Ryan read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine, and, hearing none, he proceeded with the petition.

Mr. Kreiner presented the petition regarding outdoor seating for the tasting room that is associated with the Noon Whistle microbrewery. Mr. Kreiner stated that the outdoor seating area would be located on the sidewalk along the storefront and will be blocked off from the adjacent parking lot. The proposal is for five (5) tables that have three (3) seats at each table. The outdoor seating area will close one (1) hour prior to the close of business.

Mr. Kreiner continued by stating that Noon Whistle does not have the traditional hours associated with a bar. Wednesday and Thursday night the business closes at 10:00 PM. Friday and Saturday the business closes at 11:00 PM. Finally, on Sunday the business closes at 5:00 PM. The opening time is 12:00 PM Wednesday through Sunday.

An employee will monitor the outdoor seating area. Mr. Kreiner stated that the peak customer traffic hours for the tasting room are Fridays and Saturdays between 3:00 PM and 8:00 PM. Mr. Kreiner said that Noon Whistle did not at first intend on having an outdoor seating area, but many customers have asked for outdoor seating.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition.

Ms. Kimberly Wegrzyn stated that she lives at 1158 S. Michelle Lane, which is just three (3) houses from the back of the structure at 800 E. Roosevelt Road. Ms. Wegrzyn then asked why Mr. Kreiner stated that Noon Whistle has limited hours when the staff report listed later hours. Mr. Kreiner replied that he had no intention of changing the hours.

Ms. Wegrzyn asked if smoking will be allowed in the outdoor seating area to which Mr. Kreiner replied in the negative.

Ms. Wegrzyn concluded by stating that her block is a quiet dead-end street, but there is already a significant amount of traffic that goes through a fence that is not in good condition. Ms. Wegrzyn also stated that she frequently picks up garbage that is left in the area and that she already hears a lot of noise from the Whirlyball and other establishments within the shopping center. Ms. Wegrzyn reiterated her opposition to the petition because it is not family friendly.

Mr. Pete Cismesia stated that he lives at 1160 S. Michelle Lane, which is the second house from the back of the structure at 800 E. Roosevelt Road. Mr. Cismesia opposes the petition because of the excess noise that would be created.

Mr. Sam Vella stated that he lives at 1154 S. Michelle Lane, which is the fourth house from the back of the structure at 800 E. Roosevelt Road. Mr. Vella opposes the petition because he and his neighbors already hear a lot of noise from the Whirlyball establishment and the proposed outdoor seating area will increase the noise. Also, the park across the street is very dark and that a lot of activities occur in the dark in the park. Mr. Vella expressed concern that customers of Noon Whistle will urinate in front of his house.

Ms. Julie Tameling stated that just moved into the home at 1150 S. Michelle Lane, which is the fifth house from the back of the structure at 800 E. Roosevelt Road. Ms. Tameling opposes the petition because what attracted her to her new home was that it was on a quiet and kid-friendly dead-end street. Ms. Tameling continued that she also hears noise from the Whirlyball establishment and she is concerned about more noise at night when she is trying to put her children to bed. Ms. Tameling also expressed concern about the language that her children might hear from customers.

Mr. Nestor Acosta stated that he lives at 1162 S. Michelle Lane, which is the house closest to the back of the structure at 800 E. Roosevelt Road. Mr. Acosta stated that he heard a lot of noise during the construction of Noon Whistle. Mr. Acosta added that the existing fence is low, only three feet (3') to four feet (4') tall and he can see the back of the property. He is concerned about his children because there are often strange people and cars that he has never seen before in the

area. Mr. Acosta concluded he opposes the petition because it will attract more traffic and people to the back of the property.

In response to the questions, Mr. Kreiner stated that he acknowledges those who expressed their concerns as his neighbors and he wants to be a good neighbor. Mr. Kreiner stated that the tasting room is not a bar and Noon Whistle does not serve hard liquor or any brand of beer but their own produced on site. Customers generally have one (1) or two (2) drinks and then leave. Mr. Kreiner stated that Noon Whistle produces beers that are five-percent (5%) or less alcohol by volume and that the name Noon Whistle reflects the idea of being able to drink a mid-day beer with lower alcohol content.

Mr. Kreiner continued by stating that the only person he is aware of parking in the back is himself. There has been one instance when Mr. Kreiner saw someone smoking in the back of the building and he addressed the situation right away. The back door of the business is always kept shut. There is a garage door at the front of the building that is sometimes left open, but the noise would have to go carry over a fifteen foot (15') tall wall and the rest of the building. Mr. Kreiner emphasized that he is willing to work with the neighbors in any way he can and said that residents can contact him directly when they have concerns.

Matt Panfil, Senior Planner, presented the staff report, which was submitted to the public record in its entirety. Mr. Panfil began by addressing some of the public comments. First, Mr. Panfil stated that regardless of the recommendation vote for this case, residents with concerns regarding the existing fence on the subject property or noise complaints can contact him directly and he will forward the information on to the relevant parties.

Second, should the conditional use be approved, Mr. Panfil clarified that the petitioner is not proposing to extend his hours of operation, but it is staff that wrote the condition in the IDRC report that allows for the outdoor seating area to be open later than the current hours of operation. This was done to be consistent with the hours of operation approved for other outside service areas granted in the past and also to allow Noon Whistle greater flexibility should they wish to extend their hours in the future.

In regards to a comment about restrooms, Noon Whistle does meet the minimum Code requirements and the proposed outdoor seating area does not change this requirement.

Moving on to the IDRC report, Mr. Panfil reminded the Plan Commission of PC 14-08, which granted Noon Whistle a conditional use for a microbrewery with an ancillary tasting room. The current proposal is for an outdoor seating area with five (5) tables with three (3) chairs per table and requires its own conditional use as an outside service area.

There were a few comments from the IDRC, including the Building Division's request that 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. Also, 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 use as an accessible path, paint markings are required on the parking lot to indicate no parking is allowed. The required striped paint markings are to be forty-eight inches (48") in width and run parallel to the seating area.

Private Engineering Services noted that the existing drive aisle width is less than that required by Code. The Planning Services Division measured the current drive aisle width to be twenty-one feet (21'). While that is less than the required twenty-four feet (24'), the petitioner is not seeking to increase the degree of nonconformity of the width of the drive aisle and is not required to correct the existing nonconformity. In fact, the Planning Services Division believes the nonconforming drive aisle serves as justification for a barrier between the drive aisle and sidewalk.

Mr. Panfil stated that the B4A Roosevelt Road Corridor District is intended to provide a wide variety of retail sales activities and other uses to meet the demands of a developing local market. Staff finds that the proposal is consistent with the zoning and land use of surrounding properties. Mr. Panfil noted that there are other outdoor seating areas throughout the B4A District. The request for a conditional use for an outside service area is also consistent with the Village's Comprehensive Plan Community Commercial land use designation.

The additional seating will not negatively impact parking as there is currently a surplus of fifty-seven parking spaces on-site. There is no additional signage proposed with the request.

Mr. Panfil concluded that provided the petitioner can sufficiently address any and all concerns brought forward by the Building Division, the use does comply with the standards established by the Lombard Zoning Ordinance and staff recommends approval of the petition.

Chairperson Ryan asked if there were any questions of the staff report.

Ms. Wegrzyn stated that after meeting Mr. Kreiner and hearing his responses she would not want to impede upon his petition, but she wanted to know what would happen should Mr. Kreiner sell his business, in particular to a restaurant or bar.

Mr. Panfil replied that the existing conditional use is specific to a microbrewery with ancillary tasting room. If Mr. Kreiner sold it to another microbrewery, the conditional use would transfer. A different use would require a new zoning review, and a new conditional use, if necessary.

Commissioner Olbrysh questioned who was responsible for maintaining the fence. Mr. Panfil said that staff will have to find out additional information as to the exact fence the residents were referring to, but it is the property owner that is responsible. Mr. Heniff added that regardless of the outcome of the petition, staff will follow up on the item and open a property maintenance case, if necessary.

Commissioner Burke asked Mr. Heniff if the fence was required by the Zoning Ordinance. Mr. Heniff stated that a fence is not required and that this is a nonconforming situation as a landscape yard would be required. In this instance, the focus is on getting the fence compliant with Code.

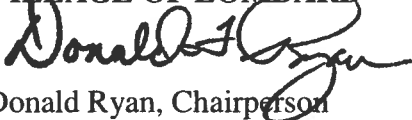
Commissioner Flint asked if a screen fence could be required. Mr. Heniff responded that staff will reach out to the property owner and express the concerns.

On a motion by Commission Burke and a second by Commissioner Cooper, the Plan Commission voted 6-0 that the Village Board approve the conditional use pursuant to Section 155.417 (G)(2)(a) of the Village of Lombard Zoning Ordinance, to allow for an outside service area for an outdoor seating area within the B4A Roosevelt Road Corridor District, associated with PC 15-09, subject to the following five (5) 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;
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.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

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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

	Zoning Districts	Land Use
North	R2 & CR	Single-family home and Old Grove Park
South	B4APD & B4A	The Tile Shop / KFC-A&W / Multi-Tenant Commercial
East	B4A	Sterling Autobody / Midas Total Car Care
West	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, 800 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, 800 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, 800 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

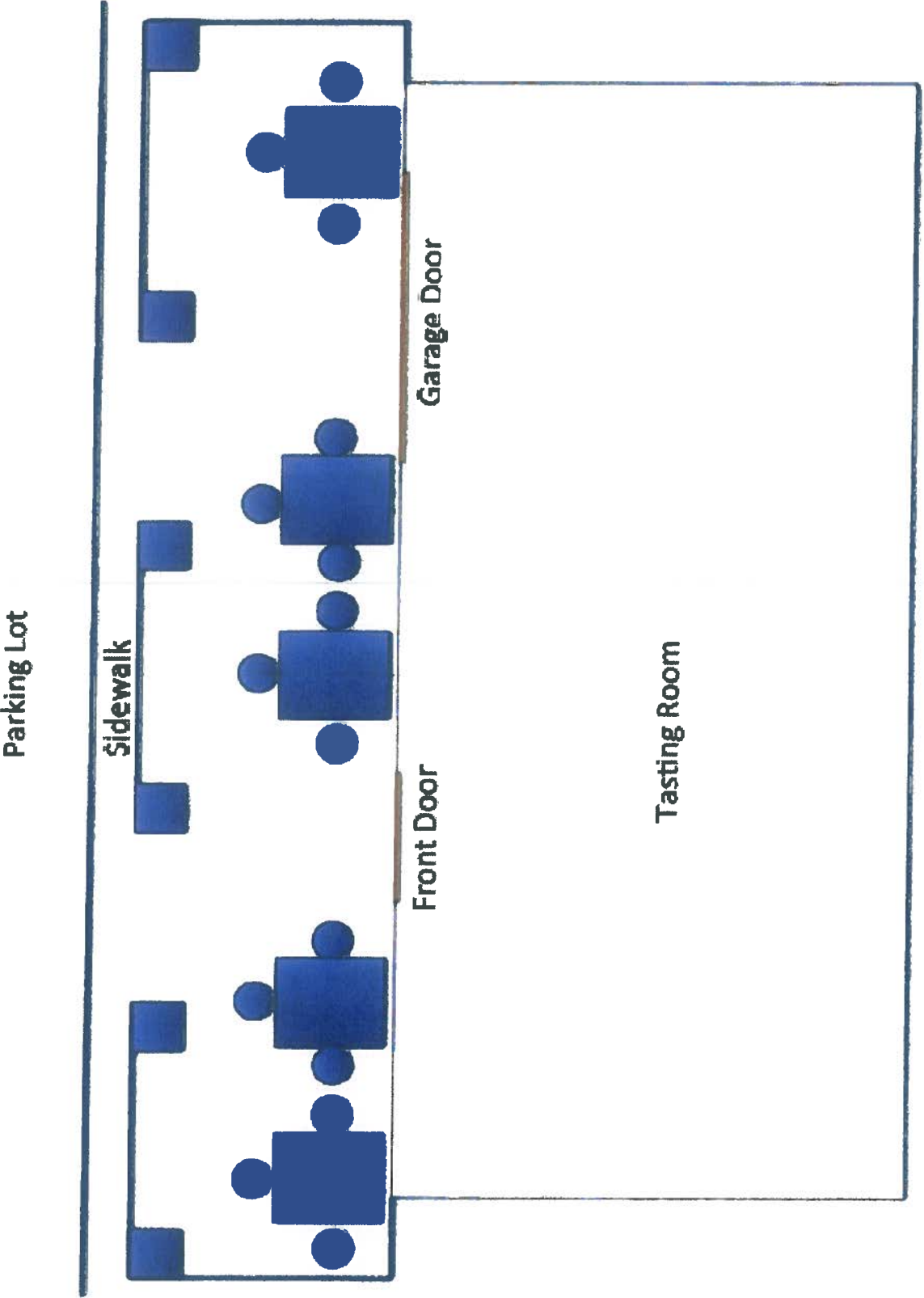


EXHIBIT B – RENDERING

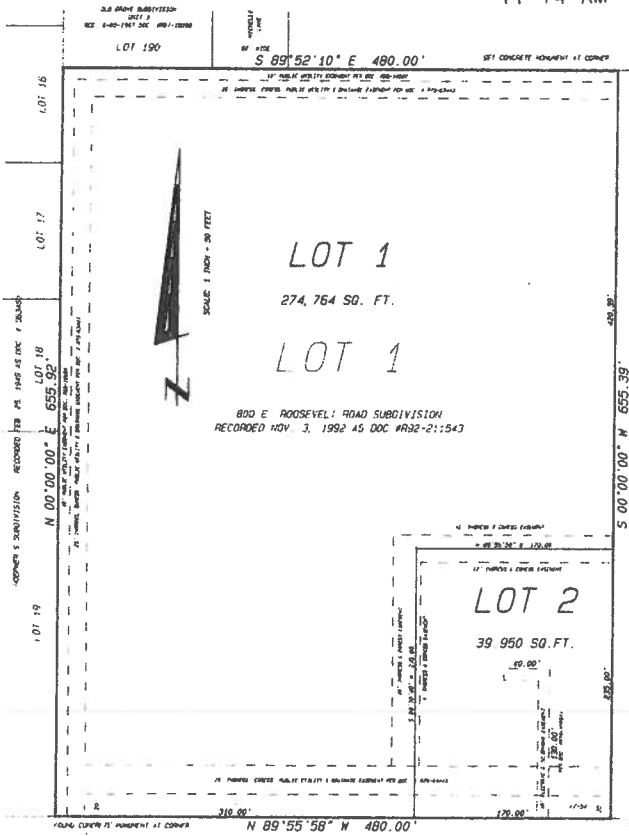


FINAL PLAT
LOMBARD SQUARE RESUBDIVISION

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.

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

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



STATE OF ILLINOIS)
 COUNTY OF DU PAGE)
 I, **FRANK J. OUDA, JR.**, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL ILLINOIS LAND SURVEYOR AND THAT I HAVE SURVEYED 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 802-211543, IN YORK TOWNSHIP, DU PAGE COUNTY, ILLINOIS THE PROPERTY HEREBY SUBDIVIDED CONTAINING 2.2048 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. ILLINOIS HAS ADOPTED A CITY PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 18 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE, AND THAT ACCORDING TO A FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 17019 0008 B, EFFECTIVE DATE, OCTOBER 11, 1978, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NO PART OF THE ABOVE DESCRIBED PROPERTY LIES WITHIN A FLOOD PLAIN OF SPECIAL FLOOD HAZARD AREA, AND THAT ALL REGULATIONS ENACTED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD RELATIVE TO PLATS AND SUBDIVISIONS, HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT, GIVEN UNDER MY HAND AND SEAL THIS 24th DAY OF SEPTEMBER, A.D. 2002.

STATE OF ILLINOIS)
 COUNTY OF DU PAGE)
 I, **FRANK J. OUDA, JR.**, A PROFESSIONAL ILLINOIS LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED 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 802-211543, IN YORK TOWNSHIP, DU PAGE COUNTY, ILLINOIS THE PROPERTY HEREBY SUBDIVIDED CONTAINING 2.2048 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. ILLINOIS HAS ADOPTED A CITY PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 18 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE, AND THAT ACCORDING TO A FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 17019 0008 B, EFFECTIVE DATE, OCTOBER 11, 1978, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NO PART OF THE ABOVE DESCRIBED PROPERTY LIES WITHIN A FLOOD PLAIN OF SPECIAL FLOOD HAZARD AREA, AND THAT ALL REGULATIONS ENACTED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD RELATIVE TO PLATS AND SUBDIVISIONS, HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT, GIVEN UNDER MY HAND AND SEAL THIS 24th DAY OF SEPTEMBER, A.D. 2002.

STATE OF ILLINOIS)
 COUNTY OF DU PAGE)
 I, **FRANK J. OUDA, JR.**, A PROFESSIONAL ILLINOIS LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED 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 802-211543, IN YORK TOWNSHIP, DU PAGE COUNTY, ILLINOIS THE PROPERTY HEREBY SUBDIVIDED CONTAINING 2.2048 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. ILLINOIS HAS ADOPTED A CITY PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 18 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE, AND THAT ACCORDING TO A FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 17019 0008 B, EFFECTIVE DATE, OCTOBER 11, 1978, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NO PART OF THE ABOVE DESCRIBED PROPERTY LIES WITHIN A FLOOD PLAIN OF SPECIAL FLOOD HAZARD AREA, AND THAT ALL REGULATIONS ENACTED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD RELATIVE TO PLATS AND SUBDIVISIONS, HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT, GIVEN UNDER MY HAND AND SEAL THIS 24th DAY OF SEPTEMBER, A.D. 2002.

NOTE: I, FRANK J. OUDA, 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 MAY, A.D. 2002.

Frank J. Ouda, Jr.
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2184

THIS IS TO CERTIFY THAT, THE UNDESIGNED, AS HOLDER OF RECORD TITLE OF THE PROPERTY DESCRIBED HEREOF, HAVE DETERMINED, TO THE BEST OF THEIR KNOWLEDGE, THAT THE SCHOOL DISTRICTS IN WHICH THIS SUBDIVISION LIES ARE AS FOLLOWS:
 ELEMENTARY SCHOOL: 6-54 HIGH SCHOOL: # 07

STATE OF ILLINOIS)
 COUNTY OF COOK)
 I, **AUDI AND ASSOCIATES, INC.**, UNDER PROVISIONS OF A TRUST AGREEMENT KNOWN AS THE AUDI TRUST DATED NOVEMBER 13, 1992, AND KNOWN AS TRUST NUMBER 80, DOES HEREBY CERTIFY THAT IT IS, AS SUCH TRUSTEE, THE OWNER OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AS SHOWN HEREOF, AND THAT IT HAS CAUSED THE SAID PROPERTY TO BE SURVEYED, RESUBDIVIDED AND PLATTED AS SHOWN HEREOF.

Audi and Associates, Inc.
 NOT INDIVIDUALLY, BUT AS TRUSTEE
 PRESIDENT
 SECRETARY

STATE OF ILLINOIS)
 COUNTY OF WINNEBAGO)
 I, **James J. King**, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID DO HEREBY CERTIFY THAT **James J. King**, PRESIDENT OF AUDI AND ASSOCIATES, INC. AND **James J. King**, 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, 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 THEREIN SET FORTH, AND THAT THE SAID SECRETARY DID ALSO THEN AND THERE ACKNOWLEDGE THAT HE IS CUSTODIAN 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 AFORESAID.

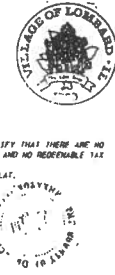
STATE OF ILLINOIS)
 COUNTY OF DU PAGE)
 APPROVED AND ACCEPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, ILLINOIS AT A MEETING HELD THEREON, DAY OF SEPTEMBER, A.D. 2002

BY: **William E. Johnson**
 PRESIDENT
 ATTEST: **William E. Johnson**
 VILLAGE CLERK

STATE OF ILLINOIS)
 COUNTY OF DU PAGE)
 THIS INSTRUMENT WAS 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 WAS RECORDED IN BOOK _____ OF PLATS ON PAGE _____

STATE OF ILLINOIS)
 COUNTY OF DU PAGE)
 I, **Leonard J. Flood**, COLLECTOR FOR THE VILLAGE OF LOMBARD, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS FOR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT DATED AT LOMBARD, ILLINOIS THIS 11th DAY OF SEPTEMBER, A.D. 2002

Leonard J. Flood
 LOMBARD VILLAGE COLLECTION
 PERMANENT INDEX NUMBER 00-17-000-047
 EXISTING ZONING VILLAGE OF LOMBARD - B-3
 COMMUNITY SHOPPING DISTRICT
 BY: **James J. King**
 PROFESSIONAL ILLINOIS DESIGN #170
 LICENSE NO. 184-000089
 307 VILLAGE DRIVE
 CAROL STREAM, ILLINOIS 60108-1628
 (630) 625-0001 FAX (630) 625-1125
 ORDER NO. 18939
 THIS PLAT SUBMITTED BY: **James J. King**
 401 AFAL LOMBARDWAY # 100
 LOMBARD, ILLINOIS 60148
 AGCO SERVICES
 171 BELMILL DRIVE
 BLOOMINGHURST, ILLINOIS 60130



Nowakowski, Tamara

From: Panfil, Matthew
Sent: Friday, April 24, 2015 3:58 PM
To: Nowakowski, Tamara
Subject: FW: Special Event at Noon Whistle Brewing

FYI

-----Original Message-----

From: Paul Kreiner [<mailto:paul@noonwhistlebrewing.com>]
Sent: Friday, April 24, 2015 3:26 PM
To: Panfil, Matthew
Subject: Re: Special Event at Noon Whistle Brewing

May I please have a waiver of first reading.

Cheers
Paul Kreiner
Noon Whistle Brewing
708-906-3625

Sent from my iPhone

> On Apr 24, 2015, at 2:03 PM, Panfil, Matthew <PanfilM@villageoflombard.org> wrote:

>

> Paul:

>

> In order to get your outdoor seating area approved by the Village Board as quickly as possible (May 7) please reply requesting "a waiver of first reading."

>

> - Matt

>

> -----Original Message-----

> **From:** Paul Kreiner [<mailto:paul@noonwhistlebrewing.com>]

> **Sent:** Monday, April 13, 2015 1:10 PM

> **To:** Panfil, Matthew

> **Subject:** Special Event at Noon Whistle Brewing

>

> Matt, hope all is well.

> Just checking in on the Special events license for the 2 day food truck event we had talked about. Any news?

>

> Cheers

> Paul Kreiner

> Noon Whistle Brewing

> 708-906-3625

>

>

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 15-09; 800 E. Roosevelt Road, Unit C)

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 seating; and

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on April 20, 2015 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 seating.

SECTION 2: That this Ordinance is limited and restricted to the property located at 800 E. Roosevelt Road, Unit C, Lombard, Illinois and legally described as follows:

LOT 1 IN LOMBARD SQUARE SUBDIVISION, BEING A RESUBDIVISION OF ALL OF LOT 1 IN 800 E. ROOSEVELT ROAD SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST ¼ OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 24, 2002 AS DOCUMENT NO. R2002-246080, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-17-406-049; (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 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 outside 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 outside service area is not established by said date, this relief shall be deemed null and void; and

Ordinance No. _____
Re: PC 15-09
Page 3

5. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.

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.

Passed on first reading this _____ day of _____, 2015.

First reading waived by action of the Board of Trustees this _____ day of _____, 2015.

Passed on second reading this _____ day of _____, 2015, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2015.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2015.

Sharon Kuderna, Village Clerk