

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

TO: Lombard Plan Commission

HEARING DATE: August 18, 2008

FROM: Department of Community
Development

PREPARED BY: Jennifer Henaghan, AICP
Planner II

TITLE

PC 08-24, 117 W. St. Charles Road (The Texan BBQ): The petitioner requests approval of a conditional use pursuant to Section 155.416 (C) for an outside service area and a variation from the parking requirements (Section 155.602, Table 6.3), located in the B5 Central Business District.

GENERAL INFORMATION

Petitioner: The Texan BBQ
105 W. St. Charles Road
Lombard, IL 60148

Property Owner: 117 Driveway Corp.
530 Main Street
West Chicago, IL 60185

Relationship of Petitioner to Property Owner: Owner

PROPERTY INFORMATION

Existing Zoning: B5 Central Business District

Existing Land Use: Parking lot and detached garage

Size of Property: 4,542 sq. ft.

Comprehensive Plan: Central Business District – Mixed Use Area

SURROUNDING ZONING AND LAND USE

North: B5 Central Business District; developed as various mixed uses
South: Union Pacific Railroad
East: B5PD Central Business District Planned Development; developed as first floor office uses and upper story condominiums
West: B5PD Central Business District Planned Development; developed as first floor office uses and upper story condominiums

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development:

1. Public Hearing Application.
2. Response to Standards for Conditional Uses.
3. Site plan, prepared by the petitioner.

DESCRIPTION

The Texan BBQ is seeking conditional use approval for an outdoor dining area and food sales tent and a variation from the parking standards that requires parking for outdoor dining establishments. The dining area will occupy two (2) parking spaces in the northeast corner of the parking lot.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The Private Engineering Services Division has no comment on the proposed outdoor dining plan; however, please note that the parking lot lights are connected to the Village's controller. These lights should be removed from the Village controller and connected to a new controller that is installed/constructed to Village specifications and requirements.

Public Works Engineering had concerns regarding the amount of parking taken up and how the seating area would be separated from parking lot traffic.

The Utilities Division of the Public Works Department has no comments. Cross connection certifications are up to date and village will begin tracking grease trap maintenance in the future.

FIRE AND BUILDING

The Building Department and Fire Prevention Bureau have the following comments:

- This petitioner must provide a plan that shows vehicle barriers, handicap access/seating, handicap parking.
- The proposed outdoor service area, barriers or tent can not impeded exiting for the outdoor seating, restaurant or building exits.
- This petition does not address the installation of any outdoor cooking, lighting or heaters.

PLANNING

In May, 2003, the petitioner applied for and received conditional use approval for outdoor dining associated with The Texan BBQ and a variation from the parking standards that requires parking for outdoor dining establishments. The request was made so that the Texan could provide outdoor dining on selected weekend nights during the summer. The location of the outdoor dining area was to the rear of the restaurant site on the abutting property at 10-12 S. Park Avenue. The restaurant no longer uses this area for dining purposes.

Over the past few years, the petitioner has noted that they have used the property at 117 W. St. Charles Road parking lot during the summer (and frequently done in conjunction with Cruise Nights activities) with seating and food serving purposes. Village Code provides such outdoor activities through the special event permit approval process (with a limitation of four annual events) or through the conditional use process. As they seek to have the event on a number of occasions, a conditional use is sought.

Compliance with the Comprehensive Plan

The Comprehensive Plan denotes this area as Central Business District Mixed Use Area. The outdoor dining concept is appropriate to a Central Business District and is considered an enhancement to downtown development, provided that it operates in compliance with Village Code.

Compatibility with Surrounding Land Uses

The subject property is bounded by commercial/condominium uses on all sides. To ensure compatibility with adjacent residential uses and in keeping with the time periods established for with other downtown events, staff recommends that the hours of operation be limited as proposed by the petitioner and as provided through their 2003 zoning approval. Staff also suggests a condition that all customers must be leave the outdoor dining area no later than thirty minutes after the outdoor dining area is scheduled to close. Furthermore, staff recommends that the outdoor dining area be segregated from parking lot traffic by a wrought iron-style fence, as was used in the former outdoor dining area behind 10-12 S. Park Avenue. (All of these conditions were included in the most recent outdoor dining conditional use approval for The Texan BBQ.)

One letter was submitted in opposition to the petition. This letter, from a resident at Parkview Pointe, stated concerns that the requested relief would allow the petitioner to avoid snow removal and parking lot resurfacing costs. However, these issues are not directly related to the requested relief because the outdoor area would be temporary and removable. At the time that the outdoor dining was not operating, the area shall be made available for parking purposes.

Compliance with the Zoning Ordinance

The outdoor dining activity will meet all code requirements during its limited hours of operation. It is expected to provide a positive effect on downtown revitalization as it creates a visual impact of life and vitality. The outdoor dining component is similar to other outdoor dining activities such as those at Praga. However, given that the petitioner's plan is immediately adjacent to and below residential units, additional conditions restricting the hours of operation are warranted.

Staff supports the requested parking variation as it is only for the three parking spaces that would be required for the outdoor dining area (at a ratio of one parking space per 125 sq. ft. of floor area) and not a variation for the larger Texan BBQ Restaurant. The limited hours and temporary nature of the outdoor dining and sales area should not generate a substantial amount of additional traffic or parking demand on the downtown area above and beyond existing conditions.

FINDINGS AND RECOMMENDATIONS

The Inter-Departmental Review Committee has reviewed the standards for variations for the requested variations and finds that the standards have been met, subject to one condition. As such, the Committee recommends that the Plan Commission make the following motion recommending approval of PC 08-24:

Based on the submitted petition, accompanying plans and the testimony presented, the proposed relief **complies** with the provisions set forth in the Zoning Ordinance and granting the relief 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 therefore recommend to the Corporate Authorities **approval** of PC 08-24, subject to the following conditions:

1. The outdoor dining activity shall be limited to Thursdays, Fridays, Saturdays, Sundays, or federal holidays between April 1 and October 31.
2. The outdoor dining activity shall not be open past 11:00 p.m. on Fridays and Saturdays and 9:00 p.m. on Thursdays and Sundays.
3. That all patrons shall leave the outdoor dining area no later than thirty minutes after the time in which the establishment is scheduled to close.

4. The petitioner shall erect a removable wrought iron-style fence along the south and west sides of the dining area. Said fence shall be in place during any outdoor dining periods.
5. The parking lot lights shall be removed from the Village controller and connected to a new controller that is installed and constructed to Village specifications and requirements. The disconnection of the lighting shall occur prior to the establishment of the outdoor dining activity.
6. Prior to the establishment of the outdoor dining activity, the petitioner shall provide the Building Department with a plan showing vehicle barriers and handicap access/seating.

Inter-Departmental Review Group Report approved by:

William J. Heniff, AICP
Acting Director of Community Development

c: Petitioner