

#040376

me
8/17/04

MEMORANDUM

TO: William T. Lichter, Village Manager

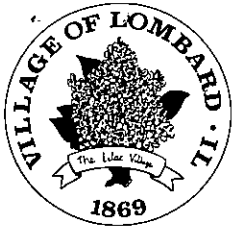
FROM: David A. Hulseberg, AICP, Director of Community Development *D&H*

DATE: August 19, 2004

SUBJECT: PC 04-27: 10-12 S. Park Avenue – Referral Letter & Draft Ordinance

Included within the August 19, 2004 Village Board packet was a staff report for PC 04-27. This petition requests amendments to the conditions of approval associated with Ordinance 5289 that granted approval of an outdoor dining establishment on a neighboring property of the Texan Restaurant (10-12 S. Park Avenue). At the August 16, 2004 Plan Commission meeting the Commissioners voted 5-0 to recommended approval of the petition, subject to amended conditions.

Attached is a copy of their referral letter as well as a copy of an Ordinance for Board consideration.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148
630/620-5700 FAX: 630/620-8222
TDD: 630/620-5812
www.villageoflombard.org

August 19, 2004

Village President
William J. Mueller

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

Trustees

Joan DeStephano, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

Subject: PC 04-27; 10-12 South Park Avenue

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Texan Restaurant, requests amendments to Ordinance 5289 which granted 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) for an outdoor dining area, located in the B5 Central Business District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on August 16, 2004.

Mr. James Madden, 105 W. St. Charles, Lombard, presented the petition for the Texan restaurant. They are requesting is an amendment to the Ordinance that was approved last year. The original ordinance allowed open outdoor seating from May 1 until September 30 and on Friday, Saturday and Sunday nights, and set hour restrictions. They want to increase the dates in which they can have outdoor dining from April 1 to October 31 and on Thursday nights. On Sunday and Thursday nights the dining will close at 9:00 p.m. and Friday and Saturdays it would close at 11:00 p.m. They have had a lot of requests for outdoor parties on these days, so they are seeking the amendment.

Chairperson Ryan asked if there were any questions of the petitioner. Hearing none he opened the meeting for public participation. There was no one to speak in favor or in opposition to the petition.

William Heniff, Senior Planner, prepared the staff report. He referred to page 3 of the staff report and referred to proposed day, date and time changes associated with the request. The outdoor dining was granted by the Village Board in 2003, finding that it will meet code and provides a positive effect for the downtown. He mentioned the outdoor sidewalk decoration permits process and other outdoor dining establishments and stated that the petitioner's request is not substantially different. Staff supports the request and finds that the activity is compatible with the downtown and the intent of the B5 district.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

August 19, 2004

PC 04-27

Page 2

He mentioned that the 105 West St. Charles Road property has condominium uses, so establishing regulations associated with the outdoor dining is appropriate. He referenced a proposed condition that would require customers to leave the outdoor area thirty minutes after closing hours. He also suggested a modification to the conditions of approval that adds federal holidays to the days in which the outdoor dining must close at 9:00 p.m.

Chairperson Ryan then opened the meeting to the Commissioners. Commissioner Burke would like to add an additional condition to have the trailer in the parking lot relocated to some place to store out of public view when not used on site. It takes up a parking stall and it is not appropriate for the downtown area.

Commissioner Sweeter asked if the original ordinance conditions would still be in effect. Mr. Heniff said yes.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition complies with the standards required by the Lombard Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5-0, recommended to the Corporate Authorities **approval** of the petition associated with PC 04-27 subject to the following conditions; as amended:

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, Sundays or federal holidays.
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. Associated with the outdoor dining area, the petitioner shall erect a removable wrought iron fence along the west side of the dining area. Said fence shall be in place during any outdoor dining periods.
5. That the commercial trailer currently parked in the 105 West St. Charles Road parking lot shall be relocated from its current location to another location not visible from public view.

Respectfully,

VILLAGE OF LOMBARD


Donald F. Ryan
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 5289 GRANTING
A CONDITIONAL USE PURSUANT TO
TITLE 15, CHAPTER 155, SECTION 155.416 (C)
AND VARIATION FOR REQUISITE PARKING TO THE
LOMBARD ZONING ORDINANCE**

(PC 04-27: 10-12 South Park Avenue)

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 B5PD Central Business District, Planned Development; and,

WHEREAS, the Corporate Authorities of the Village adopted Ordinance 5289 on May 15, 2003 which granted approval of a conditional use for an outside service area for a restaurant and for a variation from the parking requirements listed in Section 155.602, Table 6.3 of the Zoning Ordinance on the property described in Section 2 below; and,

WHEREAS, an application has been filed requesting an amendment to the conditions of approval associated with Ordinance 5289 on the property described in Section 2 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 16, 2004 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees recommending approval of the amendment as 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;

Ordinance No. _____

Re: PC 04-27

Page 2

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 Section 3 of Ordinance No 5289, adopted May 15, 2003 is hereby amended to read in its entirety as follows:

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, Sundays or federal holidays.
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. Associated with the outdoor dining area, the petitioner shall erect a removable wrought iron fence along the west side of the dining area. Said fence shall be in place during any outdoor dining periods.
5. That dumpsters shall not be physically located or visually seen from the dining area and this shall be overseen by the Director of Community Development.
6. That the commercial trailer currently parked in the 105 West St. Charles Road parking lot shall be relocated from its current location to another location not visible from public view.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 10-12 South Park Avenue, Lombard, Illinois and legally described as follows:

THAT PART OF LOT 1 IN BLOCK 19 IN TOWN OF "LOMBARD", DESCRIBED AS COMMENCING IN THE EAST LINE OF SAID LOT, 29.16 FEET NORTH OF THE SOUTHEAST CORNER THEREOF, THE SAME BEING THE CENTER OF A BRICK WALL, AS A POINT OF BEGINNING; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 1, 52.68 FEET TO THE JOINT IN THE BRICK WALL; THENCE WESTERLY ALONG A STRAIGHT LINE THROUGH SAID WALL, FOLLOWING THE LOT; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 54.88 FEET TO A POINT INTERSECTING A STRAIGHT LINE DRAWN WESTERLY FROM THE POINT OF BEGINNING THROUGH THE CENTER OF BRICK WALL TO THE WEST LINE OF SAID

Ordinance No. _____
Re: PC 04-27
Page 3

LOT; THENCE EASTERLY IN A STRAIGHT LINE 87.57 FEET TO A POINT OF BEGINNING, BEING A SUBDIVISION IN SECTIONS 5, 6, 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1868 AS DOCUMENT 9483 IN DU PAGE COUNTY, ILLINOIS.

PIN Number: 06-07-209-013

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 2004.

First reading waived by action of the Board of Trustees this _____ day of _____, 2004.

Passed on second reading this _____ day of _____, 2004.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk