

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: August 10, 2004 (B of T) Date: August 19, 2004

TITLE: PC 04-27: 10-12 S. Park

SUBMITTED BY: Department of Community Development *DJ/GH*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a petition requesting 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. (DISTRICT #1)

The petitioner is requesting waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_

Finance Director X \_\_\_\_\_ Date \_\_\_\_\_

Village Manager X *W. T. Lichter* \_\_\_\_\_ Date 8/10/04

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:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP, Director of Community Development DH/WH

**DATE:** August 19, 2004

**SUBJECT:** PC 04-27: 10-12 S. Park Avenue

Attached please find the following items for Village Board consideration as part of the August 19, 2004 Village Board meeting:

1. IDRC report for PC 04-27; and
2. Site plans associated the petition.

Simply stated, the petitioner, the Texan Restaurant, is requesting amendments to the conditions of approval associated with Ordinance 5289 that granted approval of an outdoor dining establishment on a neighboring property (10-12 S. Park Avenue).

This item is on the Plan Commission agenda for their August 16, 2004 meeting. Given the uniqueness of the petition and the time sensitive nature of the petition, staff is placing this item on the August 19, 2004 Village Board agenda for consideration, along with a waiver of first reading by the petitioner. Staff will provide the Board with the Plan Commission's recommendation with the revised Village Board packet.



## ANALYSIS

### SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development on July 29, 2004.

1. Petition for Public Hearing with letter requesting an amendment to the conditions of approval.
2. Plat of Survey, prepared by MBS & Company, dated November 3, 2001.
3. Site Layout Plan, prepared by petitioner, hand stamped March 28, 2003.

### DESCRIPTION

In May, 2003, the petitioner applied for and received conditional use approval for outdoor dining associated with the Texan Restaurant and a variation from the parking standards that requires parking for outdoor dining establishments. The request was made so that the Texan Restaurant can provide outdoor dining for his establishment on selected weekend nights during the summer. The location of the outdoor dining area is to the rear of the restaurant site on the abutting property at 10-12 S. Park Avenue.

The petitioner is now seeking amendments to the approved Ordinance as it relates to the days, hours and dates associated with the approval. Ordinance 5289 is attached for your reference.

### INTER-DEPARTMENTAL REVIEW COMMENTS

#### ENGINEERING

##### Private Engineering Services

Private Engineering has no comments on the petition.

#### FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services offers no comments on the petition.

## PLANNING

The petitioner is now proceeding with the outdoor dining approval, which was granted by the Board in 2003. However, he proposes the following changes to the conditions of approval, as follows:

1. The outdoor dining activity shall be limited to Thursdays, Fridays, Saturdays, Sundays, or federal holidays between May 1 and September 30 April 1 through 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.

The intent of the outdoor dining is to take advantage of special events currently occurring in Lombard during the summer (i.e., French Market, Cruise Nights, etc.) by providing additional dining opportunities. The petitioner is requesting modifications to the approved Ordinance to offer additional outdoor dining options throughout the week. They also request an extension in the dates for which they can have the outdoor dining, in the event that weather conditions make it desirable to do so.

### Compliance with the Zoning Ordinance

As noted in the original approval, 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. Staff feels that the outdoor dining component is similar to other outdoor dining activities such as Praga (which received conditional use approval for outdoor dining by a previous owner) and the sidewalk decorations' permits. As a practical matter staff does not see a substantial difference from those outdoor activities that are permitted without substantial restrictions in the downtown area and the petitioner's proposal. However, given that the petitioner's plan is immediately adjacent to and below residential units, additional conditions restricting the hours of operation are warranted.

The petitioner's amended hours should not create additional traffic or parking impacts on the downtown area above existing conditions. As the outdoor dining will only operate during limited hours in the summer months, it is not anticipated that there will be any conflicts with Metra parking.

### Compliance with the Comprehensive Plan

The Comprehensive Plan denotes this area as Central Business District Mixed Use Area. The outdoor dining concept is clearly appropriate to a Central Business District and is considered as an enhancement to downtown development.

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. Moreover, staff also offers 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.

**FINDINGS AND RECOMMENDATIONS**

Staff supports the amendment to the Ordinance. Based on the findings of the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance, and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Committee as the findings of the Plan Commission and therefore I recommend to the Corporate Authorities **approval** of PC 04-27, subject to the following conditions:

1. The outdoor dining activity shall be limited to Thursdays, Fridays, Saturdays, Sundays, or federal holidays between April 1 through 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. 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.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP  
Director of Community Development

c. Petitioner

**ORDINANCE NO. 5289**

**AN ORDINANCE 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 03-12: 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 B5 Central Business District; and,

WHEREAS, an application has been filed requesting approval of a conditional use to provide for an outside service area for a restaurant on the property described in Section 2 below; and,

WHEREAS, the petitioner also requests approval of a variation from Section the parking requirements (Section 155.602, Table 6.3) for an outdoor dining area, and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on April 21, 2003 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of the conditional use, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard hereby adopt the findings and recommendations of the Plan Commission as set forth herein, and make same part hereof, subject to certain revisions as more fully set forth below.

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 416 (C) of the Village of Lombard Zoning Ordinance so as to allow said property to provide for an outside service area for a restaurant.

SECTION 2: That a variation from the parking requirements (Section 155.602, Table 6.3) for an outdoor dining area hereby granted for the property described in Section 3 below.

SECTION 3: 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 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 granted subject to compliance with the following conditions:

1. The outdoor dining activity shall be limited to Fridays, Saturdays, Sundays, or federal holidays between May 1 and September 30.



2. The outdoor dining activity shall not be open past 11:00 p.m.
3. 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.
4. That prior to opening the outdoor dining area, the petitioner shall receive a final Certificate of Occupancy for the Texan Restaurant. The Village can issue a certificate of occupancy at such time that the petitioner has satisfactorily installed a sanitary cleanout on the repaired sanitary service line for the 105 W. St. Charles Road building.
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

SECTION 4: 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 1st day of May, 2003.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Passed on second reading this 15th day of May, 2003.

Ayes: Trustees DeStephano, Koenig, Sebby, Florey, Soderstrom

Nayes: None

Absent: Trustee Tross

Approved this 15th day of May, 2003.

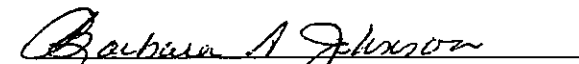
Ordinance No. 5289

Re: PC 03-12

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William J. Mueller, Village President

ATTEST:

  
Barbara A. Johnson, Deputy Village Clerk

# The Texan Bar B Q

105 WEST ST. CHARLES ROAD  
LOMBARD, ILLINOIS 60148

TELEPHONE (630) 629-8800  
FACSIMILE (630) 629-8004

July 29, 2004

Bill Heniff  
Village of Lombard  
255 E. Wilson Avenue  
Lombard, Illinois 60148

Dear Bill,

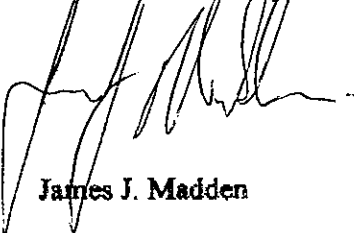
I will be requesting at the August 16, 2004 Plan Commission Meeting that there be a change to the outdoor dining recommendation.

1. I would like to add Thursday until 9:00 P.M. to the outdoor dining area variance.
2. If needed I would close earlier on Sunday at 9:00 P.M. instead of the existing 11:00 P.M.
3. I would also like to extend the season from April 1 through October 31 instead of the existing May 1 through September 30.

If you have any questions or need additional information please do not hesitate to call.

Sincerely,

The Texan Bar B Q



James J. Madden

JJM/rpp

cc: file

# ***The Texan Bar B Q***

105 WEST ST. CHARLES ROAD  
LOMBARD, ILLINOIS 60148

TELEPHONE (630) 629-8800  
FACSIMILE (630) 629-8004

July 29, 2004

Bill Hulseberg  
Village of Lombard  
255 E. Wilson Avenue  
Lombard, Illinois 60148

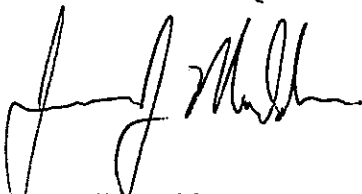
Dear Bill,

At this time, I am requesting to be put on the agenda for the August 16, 2004 Plan Commission Meeting and on the August 19, 2004 Village Board Meeting. I will be attending both meetings with my exhibits and will be available to answer any questions that may be asked by the Board.

If you have any questions or need additional information please do not hesitate to call.

Sincerely,

The Texan Bar B.Q.



James J. Madden

JJM/rpp

cc: file