

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

TO: Lombard Plan Commission HEARING DATE: November 17, 2008

FROM: Department of Community Development PREPARED BY: Michael S. Toth
Planner I

TITLE

PC 08-31; 801 E. Roosevelt Road: The petitioner requests conditional use approval to allow for a Restaurant, which includes entertainment, dancing, and/or amusement devices in the B4A Roosevelt Road Corridor District.

GENERAL INFORMATION

Petitioner: James F. Allman
801 E. Roosevelt
Lombard, IL 60148

Status of Petitioner: Tenant/Lessee

Property Owner: Dan Development Ltd
One Trans Am Plaza Dr., Suite 120
Oakbrook Terrace, IL 60181

PROPERTY INFORMATION

Existing Land Use: Retail commercial strip center

Size of Property: 1.8 acres

Comprehensive Plan: Community Commercial

Existing Zoning: B4A Roosevelt Road Corridor District

Surrounding Zoning and Land Use:

North: B4A Roosevelt Road Corridor District; developed as a fast-food restaurant (Popeye's) and an automobile service center (Midas).

South: Unincorporated property; developed as single family residences.

East: B4A Roosevelt Road Corridor District; undeveloped parcel of land.

West: B4A Roosevelt Road Corridor District; developed as a commercial retail business (Century Tile).

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development on October 16, 2008:

1. Petition for Public Hearing.
2. Letter of Intent with a response to standards, dated November 3, 2008.
3. Interior Floor Plan, prepared by the petitioner.
4. Site Plan, prepared by Dan Development Ltd.

DESCRIPTION

The petitioner currently operates a restaurant (J. Riley's American Café) in the B4A zoning district, which is a permitted use. The petitioner wishes to integrate live entertainment into the establishment. Pursuant to the B4A zoning district, restaurants, which include entertainment, dancing, and/or amusement devices, require conditional use approval.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Public Works Engineering has no comments at this time.

PRIVATE ENGINEERING

Private Engineering Services has no comments at this time.

FIRE AND BUILDING

Upon review of the above referenced request for conditional use for a restaurant with live entertainment, the Fire Department/Bureau of Inspectional Services has the following comments:

- 1) No pyrotechnics of any sort will be permitted.
- 2) Sufficient electrical receptacles will be required to carry the anticipated electrical loads from the musical instruments.
- 3) There will be no stage in the area designated for musicians. The area will be defined by a barrier, such as a low fence or roped off area.
- 4) We request that the 135 Maximum occupant load for this business be included in the Plan Commission approval. This is to ensure that no matter how the interior tables/chairs etc are configured, the occupant load never exceeds the exiting capacity.

POLICE

The Lombard Police Department has no comments at this time.

PLANNING

Compliance with the Zoning Ordinance

The subject business is located within a commercial strip center which consists of five restaurants, one courier service establishment, two beauty shops, one grocery store, and two vacant tenant spaces. Restaurants, not including entertainment and dancing are listed as a permitted use in the B4A zoning district; however, restaurants which include entertainment, dancing, and/or amusement devices are listed as a conditional use. Although the entertainment (i.e. live music) is intended to be a subordinate activity to the principal use (restaurant), as a conditional use they merit a more critical review.

When the petitioner applied for their business and liquor license in 2007, staff worked closely with them to ensure that the proposed use operates as a sit down restaurant (a permitted use) versus a tavern or bar, which is no longer listed as a conditional use (or permitted) in the B4A District. As a result, the petitioner made certain improvements to the menu offering "home cooked" meals and provided a partition wall between the dining area and the bar. Staff feels that the integration of live music into the existing establishment would intensify the existing restaurant use which could be construed as a change of use to a more appropriately labeled "tavern & cocktail lounge" use, which is neither permitted nor conditional in the B4A District.

The petitioner is proposing to designate forty-eight (48) square feet of floor area along the western wall of the interior of the building for live entertainment. The petitioner has indicated that there would be no new construction to the interior or exterior of the building. The petitioner has also indicated that live entertainment will occur only on Saturday nights with an occasional Friday performance. Any performances would take place from approximately 10:30 pm to 1:00 am.

As the surrounding businesses within the strip center (with the exception of the Mexican restaurant on the east end of the strip) will be closed during time of the live entertainment, a large quantity of parking will be available. Two (2) parking lots exist on the site – one in front of the building and one behind the building. The parking lot in front of the building, which contains forty-eight (48) parking spaces, provides adequate customer parking for the center (the required number of spaces for the entire center is sixty (60)). The lot behind the building is actually larger than the lot in front of the building and has spaces for seventy-four (74) cars, plus ample room by the building for loading and unloading. With a total of (122) parking spaces provided on-site and only sixty (60) required of the strip center, there is a surplus of sixty-two (62) parking spaces.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Community Commercial uses at this location. Compatibility with adjacent residential properties was also identified as a primary concern within the recently adopted Roosevelt Road Corridor Report, adopted in 2007 as a supplement to the Comprehensive Plan. The Roosevelt Road Corridor Report ranked 143 different land uses from “highly desirable” to “highly undesirable”. The report ranked restaurants (with no entertainment/dancing) as the most desirable use for the Corridor. As previously mentioned, the integration of live music into the existing establishment could constitute a change of use more appropriately labeled as a “tavern & cocktail lounge” use. According to the Roosevelt Road Corridor Report a “tavern & cocktail lounge” is a less-desirable use within the Roosevelt Road Corridor. The Report lists taverns and cocktail lounges as 109th out of 143 uses.

Impact on Neighboring Properties

As the use of the tenant space could possibly be intensified with the addition of live entertainment, there are two potential impacts that the proposal could have on neighboring properties. The live entertainment would be confined to the interior of the building; however, it may be possible that it could generate additional noises that could be audible from the exterior of the building. The petitioner has indicated that the live music would generate the same sound levels as the existing jukebox. Also, if the entertainment were to attract a larger crowd, the rear parking lot could generate additional noise from vehicle traffic. The required occupancy limit of the existing use will not be changed as a result of this conditional use.

The rear parking lot is not visible from Roosevelt Road due to the lot’s location behind the building. The lot is visible from the property to the east, but that property is presently vacant.

Under the authoritative rights of a conditional use, staff will usually require that certain site improvements be made as an adjunct to the subject property to ensure neighborhood compatibility. In this case, all site-related issues that could be tied to the subject business have already been fully addressed.

All dumpsters located on the subject property were fully enclosed and new landscape islands were constructed as conditions of approval for PC 08-04 (withdrawn).

The only side which is of primary concern is the rear (south) side as it abuts single-family residences. A six (6) foot solid wood fence with two (2) feet lattice on top and a row of large mature Evergreen Trees (some greater than twenty (20) feet in height) provides the residential properties with screening from the subject parking lot. One neighboring property to the south has also erected a wooden fence, which due to grading issues actually stands taller than the subject fence.

There is no screening of the parking lot from the property to the west (a chain link fence with no slats runs along the west property line), but screening along that side is not as critical. Two properties abut the parking lot on the west side – Century Tile, which does not have any windows facing the rear parking lot, and a lot which houses infrastructure for the Flagg Creek Sanitary District. There is also a significant grade change (+/- 3 feet) between the properties.

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. In this case, the petitioner has come forth to receive the right to integrate live music into the existing establishment as an ancillary function of their business, on the subject property. The properties surrounding the subject business consists of both commercial and residential uses. The surrounding businesses within the strip center (with the exception of the Mexican restaurant on the east end of the strip) will be closed during time of the live entertainment; however, there are residential properties directly to the south of the subject property. The integration of live music into the existing establishment would intensify the existing use and constitute a change of use from a restaurant to what could label more appropriately as a "tavern & cocktail lounge". The implications imposed by a change of use could place more of a burden on the health, safety, and general welfare than the previous restaurant use.

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 adjacent commercial uses will not be affected by the proposed conditional use as there is a surplus of parking and those businesses will be closed during the hours of live entertainment. However, the intensification of the existing use through the integration of live music could

adversely affect those residential properties in a negative manner by increasing noise and traffic volumes.

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;

The subject business is located within an existing commercial retail strip center, which is surrounded by existing single-family residences and existing commercial businesses. The lot to the east is the only vacant land adjacent to the subject property. There are currently no plans to develop the adjacent parcel, which due to flood plain issues, will be a difficult parcel to develop.

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

All necessary infrastructural improvements are already in existence.

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;

There are two existing drive aisles leading into the property at 801 E. Roosevelt. A twenty (20) foot drive aisle services the parking lot located to the rear of the building. No improvements to the existing ingress/egress are required.

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 Community Commercial uses at this location. As previously mentioned, compatibility with adjacent residential properties was also identified as a primary concern within the recently adopted Roosevelt Road Corridor Report. The integration of live music into the existing establishment constitutes a change of use, which could be more appropriately labeled as a “tavern & cocktail lounge” use. A “tavern & cocktail lounge” is a less-desirable use within the Roosevelt Road Corridor. The Roosevelt Road Corridor Report lists taverns and cocktail lounges as 109th out of 143 uses.

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.

This is an existing development with a surplus of sixty-two (62) parking 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.

Applicable departments of the Village have reviewed the petition and if it were to be approved, the applicable code issues would be addressed through the IDRC comments listed in this report. If approved, it is recommended that staff have the opportunity to draft conditions of approval.

The petitioner would also need to receive an updated Certificate of Occupancy/Zoning Certificate that would reflect the change of use from a “restaurant, not including entertainment and dancing” to a “restaurant, which includes entertainment, dancing, and/or amusement devices”.

FINDINGS AND RECOMMENDATIONS

Staff has reviewed the petition and finds that petition does not meet the standards set forth in the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **denial** of PC 08-31:

Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does not meet the standards set forth in the Zoning Ordinance and recommends that the Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission and recommend to the Corporate Authorities **denial** of PC 08-31.

Inter-Departmental Review Group Report Approved By:

William Heniff, AICP
Director of Community Development

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