

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


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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : November 22, 2021 **(BOT) Date:** December 2, 2021

SUBJECT: PC 21-24; Text Amendment to the Zoning Ordinance – Catering

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, is requesting text amendments regarding catering:

1. Amend Section 155.415(C), Section 155.418(C), and Section 155.419(C) to remove catering as a conditional use;
2. Amend Section 155.413(B), Section 155.414(B), Section 155.415(B), Section 155.416(B), Section 155.417(G)(1)(b), Section 155.418(B), and Section 155.419(B) to make catering a permitted use;
3. Amend Section 155.412(C) to make catering a conditional use; and
4. Amend Section 155.802 to add a definition for catering.

The Plan Commission recommended approval of this petition by a vote of 7-0. Please place this petition on the December 2, 2021 Board of Trustees consent agenda.

Fiscal Impact/Funding Source:

Review (as necessary):


Finance Director _____ Date _____
Village Manager _____ Date _____

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: Scott R. Niehaus, Village Manager

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

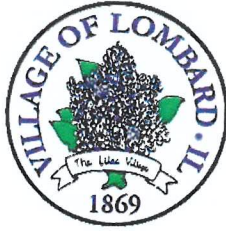
MEETING DATE: December 2, 2021

SUBJECT: **PC 21-24; Text Amendment to the Zoning Ordinance**

Please find the following items for Village Board consideration as part of the December 2, 2021 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 21-24; and
3. An Ordinance granting approval of the text amendments of the Lombard Zoning Ordinance.

The Plan Commission recommended approval of this petition by a vote of 7-0. Please place this petition on the December 2, 2021 Board of Trustees consent agenda.



VILLAGE OF LOMBARD

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

December 2, 2021

Village President
Keith T. Giagnorio

Village Clerk
Liz Brezinski

Trustees

Brian LaVaque, Dist. 1
Anthony Puccio, Dist. 2
Bernie Dudek, Dist. 3
Andrew Honig, Dist. 4
Dan Militello, Dist. 5
Bob Bachner, 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 21-24; Text Amendment to the Zoning Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, is requesting text amendments regarding catering:

1. Amend Section 155.415(C), Section 155.418(C), and Section 155.419(C) to remove catering as a conditional use;
2. Amend Section 155.413(B), Section 155.414(B), Section 155.415(B), Section 155.416(B), Section 155.417(G)(1)(b), Section 155.418(B), and Section 155.419(B) to make catering a permitted use;
3. Amend Section 155.412(C) to make catering a conditional use; and
4. Amend Section 155.802 to add a definition for catering.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on November 15, 2021. Sworn in to present the petition was Jennifer Ganser, Assistant Director.

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

Acting Chairperson Sweetser asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, she asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. Staff is proposing to make catering consistent with

restaurant zoning. Currently catering is a conditional use in the following zoning districts: B3, B5, B5A, and I. Staff notes that catering is very similar to a take-out restaurant, therefore proposing text amendments to make the zoning consistent. With the Covid-19 pandemic many restaurants shifted to take-out and an emerging trend is a ghost kitchen or a virtual kitchen. These text amendments should make it easier for a new catering concept to open in Lombard.

Acting Chairperson Sweetser asked if there were any questions or comments on the staff report. Hearing none, she opened the meeting for comments among the Commissioners.

On a motion by Commissioner Walker, and a second by Commissioner Invergo, the Plan Commission voted 7-0 to recommend that the Village Board approve the petition associated with PC 21-24.

Respectfully,

VILLAGE OF LOMBARD

Ruth Sweetser, Acting Chairperson
Lombard Plan Commission

October 18, 2021

Title

PC 21-24

Petitioner

Village of Lombard

Property Location

Zoning Districts: O, B1, B2, B3, B4, B4A, B5 and B5A

Approval Sought

Text amendment

Prepared By

Jennifer Ganser, AICP
Assistant Director

DESCRIPTION

The petitioner, the Village of Lombard, is requesting text amendments regarding catering:

1. Amend Section 155.415(C), Section 155.418(C), and Section 155.419(C) to remove catering as a conditional use;
2. Amend Section 155.413(B), Section 155.414(B), Section 155.415(B), Section 155.416(B), Section 155.417(G)(1)(b), Section 155.418(B), and Section 155.419(B) to make catering a permitted use;
3. Amend Section 155.412(C) to make catering a conditional use; and
4. Amend Section 155.802 to add a definition for catering.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the proposed text amendment to the Zoning Ordinance.

Fire Department:

The Fire Department has no comments regarding the proposed text amendment to the Zoning Ordinance.

Public Works:

The Department of Public Works has no comments regarding the proposed text amendment to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendment to the Zoning Ordinance.

Planning Services Division:

From time to time, staff reviews the zoning ordinance for text amendments. Staff is proposing to make catering consistent with restaurant zoning, as noted in the below chart. Currently catering is a conditional use in the following zoning districts: B3, B5, B5A, and I. Staff notes that catering is very similar to a take-out restaurant, therefore proposing text amendments to make the zoning consistent. With the Covid-19 pandemic many restaurants have shifted to take-out and an emerging trend is a ghost kitchen or a virtual kitchen. These text amendments should make it easier for a new catering concept to open in Lombard.

This text amendment is also consistent with the preliminary direction offered by the Village Board as part of its draft Strategic Plan effort, which supports code amendments to facilitate business activity.

Caterers may have business vehicles. Business vehicles are regulated in the Zoning Code, Section 155.601 as noted below.

“Business vehicle parking spaces. All business vehicles shall be parked in designated business vehicle parking spaces. The Director of Community Development shall review and approve the proposed location of business vehicle parking spaces. When site considerations allow, business vehicle parking spaces shall be visually separated from public streets and residential areas.”

Staff talked to the DuPage County Health about commercial kitchens and ghost kitchens, where a separate business/chef may utilize another restaurant or commercial kitchen for a new concept or special concept. The Health Department was aware of the concepts and issues. They noted that each individual chef or business would be required to obtain their own license with the Health Department for purposes of inspections.

Proposed definition – **Catering: the professional preparation of meals and food for delivery and pickup, with no dine in option. This is including but not limited to virtual kitchens, ghost kitchens and the like.**

Zoning District	Restaurant, current zoning	Catering, current zoning	<u>Catering, proposed zoning</u>
O	C		<u>C</u>
B1	P		<u>P</u>
B2	P		<u>P</u>
B3	P	C	<u>P</u>
B4	P		<u>P</u>
B4A	P		<u>P</u>
B5	P	C	<u>P</u>
B5A	P	C	<u>P</u>
I	C	C (no change proposed)	

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed.

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*
The text amendment is generally applicable to commercial property zoned Office or Business in the Village.
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*
The proposed text amendment is consistent with the objectives of the Zoning Ordinance.
3. *The degree to which the proposed amendment would create nonconformity;*
Staff does not believe any nonconformity would be created.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendment will allow more flexibility for new catering establishments.

5. *The consistency of the proposed amendment with the Comprehensive Plan; and*
Staff finds that the proposed amendments would be consistent with the Comprehensive Plan.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*
The Village has a history of amending the Zoning Ordinance to address edits for clarity and for new business sectors.

FINDING & RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, 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 requested text amendments **comply** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 21-24.

Inter-Departmental Review Committee Report approved by:

William J. Heniff, AICP
Director of Community Development

ORDINANCE _____

AN ORDINANCE APPROVING A TEXT AMENDMENT
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155
OF THE LOMBARD VILLAGE CODE

PC 21-24: Text Amendments to the Zoning Ordinance: Catering

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Lombard Code; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and,

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on November 15, 2021, 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 text amendments 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 Title 15, Chapter 155, Section 155.415(C) of the Lombard Zoning Ordinance is amended by deleting Subsection (3), renumbering current Subsection (4) to become Subsection (3), and renumbering all Subsections thereafter sequentially.

SECTION 2: That Title 15, Chapter 155, Section 155.418(C) of the Lombard Zoning Ordinance is amended by deleting Subsection (4), renumbering current Subsection (5) to become Subsection (4), and renumbering all Subsections thereafter sequentially.

SECTION 3: That Title 15, Chapter 155, Section 155.419(C) of the Lombard Zoning Ordinance is amended by deleting Subsection (3), renumbering current Subsection (4) to become Subsection (3), and renumbering all Subsections thereafter sequentially.

SECTION 4: That Title 15, Chapter 155, Section 155.413(B) of the Lombard Zoning Ordinance shall be amended to read as follows:

(41)Catering

~~(41)~~Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with § 155.210.

SECTION 5: That Title 15, Chapter 155, Section 155.414(B) of the Lombard Zoning Ordinance shall be amended to include the addition as follows:

(35) Catering

SECTION 6: That Title 15, Chapter 155, Section 155.415(B) of the Lombard Zoning Ordinance shall be amended to read as follows:

(38)Catering

~~(38)~~Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with § 155.210.

SECTION 7: That Title 15, Chapter 155, Section 155.416(B) of the Lombard Zoning Ordinance shall be amended to read as follows:

(13)Catering

~~(13)~~Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with § 155.210 of this Chapter.

SECTION 8: That Title 15, Chapter 155, Section 155.417(G)(1)(b) of the Lombard Zoning Ordinance shall be amended to include the addition as follows:

(xxvi)Catering

SECTION 9: That Title 15, Chapter 155, Section 155.418(B) of the Lombard Zoning Ordinance shall be amended to include the addition as follows:

(5)Catering

SECTION 10: That Title 15, Chapter 155, Section 155.412(C) of the Lombard Zoning Ordinance shall be amended to read as follows:

(21)Catering

~~(21)~~Accessory uses and buildings, incidental to and on the same zoning lot as the principal use, which are constructed and operated in conformance with § 155.210 of this Chapter.

SECTION 11: That Title 15, Chapter 155, Section 155.802 of the Lombard Zoning Ordinance shall be amended to include the addition as follows:

Catering: the professional preparation of meals and food for delivery and pickup, with no dine in option. This is including but not limited to virtual kitchens, ghost kitchens and the like.

SECTION 12: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Ordinance No. _____
Re: PC 21-24
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Passed on first reading this ____ day of _____, 2021.

First reading waived by action of the Board of Trustees this ____ day of _____, 2021.

Passed on second reading this ____ day of _____, 2021.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2021.

Keith T. Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this ____ day of _____, 2021.

Elizabeth Brezinski, Village Clerk