

October 6, 2005

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

Subject: PC 05-27: 800 E. Roosevelt Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. This petition was heard at the September 19, 2005 Plan Commission meeting.

The petitioner requests that the Village approve a conditional use for an indoor amusement establishment (teen club) within the former Frank's Nursery and Crafts building in the 800-810 E. Roosevelt B3 Community Shopping District Planned Development.

The petitioner, Gabriel Enwiya, presented the request. He stated that the proposed teen club would be a very secure environment with police providing security. People assume that teen clubs will be negative, but this club would not attract a rough crowd and they will control things. He stated that his background shows that he will be able to run a successful club.

Andrew Werth, attorney for the petitioner, stated that he would be available to answer any questions.

Chairperson Ryan then opened the meeting for public comment.

Dr. David Slinkman, 1158 Michelle Lane, asked if the Village will monitor what type of music is played. He stated that he is concerned with the north end of the property because the existing fence has been knocked down repeatedly. He is concerned about kids causing problems in the wooded area where they would not be visible. He added that a kid in Carol Stream recently drowned in a detention pond and that 10 years ago a body was dumped in the park. He stated that the park was not being taken care of.

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Pat Koepp, 1142 Michelle Lane, stated that she is also concerned about the fence. She urged the Plan Commission to deny the petition and stated that even good kids can sometimes make inappropriate decisions.

Joanne Straz, 1140 Michelle Lane, stated that she has called the police numerous times over the past 22 years about activities that go on at the park. She is concerned about the opportunity for bad things to go on. She stated that the Village should not invite trouble and this would be a huge detriment to the Old Grove community.

Celeste Gasper, 1138 Michelle Lane, stated that she did not receive a notice of public hearing but she also lives across from the park and is always calling the police.

Julie King, 1125 Michelle Lane, stated that there are better choices to fill this space and the proximity to a residential area is a huge concern.

The petitioner then responded to the public comments. He stated that you would be able to drive by to see what type of music is playing. He stated that the kids at the Zero Gravity teen club in Naperville are orderly. He would be providing kids a place to dance and meet each other, and that is not a bad thing. He offered to repair the fence along the northern property line. Kids would not be allowed to hang around outside the club and there will be police inside and outside the building.

Chairperson Ryan asked if the petitioner had any response to the comments regarding the park or the lake.

Mr. Werth stated that it sounds like there is an issue with the park, but that is outside of the property that is being considered in this case. The petitioner would be providing something recreational for teens that would be a secured, positive thing. He stated that there is another teen club that is even closer to residential uses and you don't hear about problems at any of the other teen clubs in DuPage County.

The petitioner stated that he has a track record of running a successful business.

Chairperson Ryan then requested the staff report. Jennifer Backensto, Planner I, first responded to comments that had been made earlier in the evening. She stated that the Village cannot regulate what types of music are played. Also, all properties within 250 feet of the subject property were sent a notice of public hearing and there is no teen club within the Village that is in closer proximity to residences than the subject property.

Ms. Backensto then presented the staff report. Although the submitted business plan includes an outdoor patio, this area has subsequently been removed and converted into additional on-site parking.

The Fire Department and Bureau of Inspectional Services listed 15 changes and considerations that will need to be made prior to changing the use of this building to a club, which is a public assembly use. The Public Works Department noted that a site plan must be submitted and a building permit issued for any parking lot renovations.

The Comprehensive Plan calls for this area to be developed with Community Commercial uses. With the approval of the requested conditional use, the property would be in compliance with the recommendations of the Comprehensive Plan.

The subject property is bordered on two sides by properties within the R2 Single-Family Residence District, and there are homes within 300 feet of the building where the teen club would be located. Staff has serious concerns about the negative impact the proposed use could have on the adjacent residences. Since the teen club would be operating primarily in the late evening hours, the additional noise and traffic generated by this type of use could be substantial and much greater than that generated by the current and previous retail uses.

There are no transitional landscaping improvements currently on the subject property, which can be considered legal non-conforming. However, the petitioner's proposed improvements would increase the impact on adjacent residents because it will be adding parking spaces along the western and northern property lines. If the proposed improvements were constructed, they would remove the minimal buffer zone that currently exists between the subject property and the surrounding residences.

By definition, a conditional use is a land use that may or not be appropriate within a given zoning district depending on the impact the use would have on neighboring land. In 2002, staff identified a location where the granting of a conditional use for a teen club would be appropriate at Northgate Shopping Center. That property abuts two major arterial roads as well as I-355 and there are commercial and industrial uses north of the shopping center. In that case, staff stated that the proposed location within an established shopping center and the lack of surrounding residential uses suggested that an indoor amusement establishment might be an appropriate use on that property.

In this case, the subject property's proximity to residences makes it an inappropriate location for the proposed teen club and, as such, this petition has not met the Standards for Conditional Uses. The proposed conditional use and associated site improvements could have a substantial impact on the adjacent residences. Furthermore, the teen club as proposed (with seating for 1,700 people plus a 10,000 sq. ft. dance floor) would monopolize the entirety of the parking areas for the shopping center. This would leave no parking available for any of the other businesses on the property, thereby substantially reducing the desirability of those locations for both the existing owners and any potential future owners. The teen club as proposed could also impede the potential redevelopment or reuse of the existing shopping center by eliminating the available on-site parking for other businesses. The lack of transitional landscape yard improvements would

become much more evident with the intensified use of the areas along the perimeter of the property.

Although the petitioner's business plan states that they will provide parking for over 800 vehicles, there has been no indication as to where these parking spaces will be located. According to the submitted plans, there are currently 218 parking spaces on-site. The proposed improvements would add an additional 113 spaces once the required parking lot landscaping has been accounted for, for a total of 331 on-site parking spaces. Of these, 178 spaces are already required for the retail center in the rear of the property, leaving 153 parking spaces available for the teen club.

A separate conditional use request could be considered to allow the teen club to have off-site parking on the property to the east. Village Code allows for off-site parking in cases where surplus parking available is on neighboring properties. The adjacent property has 270 parking spaces and, of those spaces, 258 spaces are required to serve Wendy's, Midas, Popeye's, Glass Court, and Sterling Auto Body. Without a parking variation, a conditional use for off-site parking at this location would only add an additional 12 parking spaces for the teen club. Therefore, there is little surplus parking available on the adjacent property to make up the difference in the overall parking demand.

At the amusement establishment parking standard of one space per every three persons, the 153 remaining parking spaces will allow for a maximum of 458 guests. This means that, in order to satisfy both parking and life safety requirements, the building will need to be substantially reduced below its current 21,292 sq. ft. The staff report contains examples of several possible allocations of floor space. Depending on the specific floor plan and/or seating arrangements, the usable space of the building could be reduced to as little as 1,374 sq. ft. or as much as 6,870 sq. ft. An internal floor plan would need to be submitted that is designed for an occupancy load not to exceed the allowable square footage. The remainder of the building would need to be converted into a separate tenant space that, due to the lack of parking, could not be occupied by any type of establishment without the need for a parking variation. If a conditional use is granted, the available parking supply for the teen club would result in a building occupancy that is substantially less than that proposed in the petitioner's business plan.

Ms. Backensto then summarized the content of the traffic study performed by KLOA, which was based upon the submitted business plan with seating for 1,700 guests and a 10,000 sq. ft. dance floor. Under the proposed scenario, an additional 647 parking spaces would have to be provided. KLOA conducted a survey at the Zero Gravity nightclub in Woodridge and, based upon their observations there, the subject property would need approximately 230 parking spaces on an average day. The site would have a deficiency of 72 parking spaces. The study concluded that there is inadequate parking to support this type of land use and the proposed parking north of the strip center would be inefficient. Also, there could be additional impacts in the event that any of

the existing shopping center tenants change to uses that would be in operation at the same time as the teen club.

Although staff does not believe that this petition has met the Standards for Conditional Uses, certain conditions should be considered in the event that the Plan Commission or Board of Trustees vote in favor of this petition. These conditions are intended to ensure that the proposed teen club would meet code in all aspects and minimize its negative impacts on the surrounding businesses and residences. These conditions are noted in the staff report and are similar to those added to the approval of the teen club at Northgate Shopping Center.

William Heniff, Senior Planner, added that the parking and traffic study had been conducted by the Village's independent traffic consultant, Kenig, Lindgren, O'Hara, Aboona, Inc. The principal authors of the report were Donald O'Hara and Javier Millan.

Chairperson Ryan then asked if there was anyone in the audience who had any questions regarding the staff report. Hearing none, he opened the meeting for discussion among the Plan Commission members.

Commissioner Sweetser asked who was responsible for the maintenance of the fence. Mr. Heniff stated that the fence was the responsibility of the property owner.

Commissioner Burke asked who owned the wooded area. Mr. Heniff stated that Old Grove Park was owned by the Lombard Park District and that staff could contact them regarding the comments given by the public.

Commissioner Sweetser stated that the petitioner's numbers do not appear to work. If the parking is inadequate and the business plan is based upon that number of people, the business plan isn't going to work. The neighborhood has some legitimate concerns. Although it is easy to anticipate the worst in cases like these, in this case the Village needs further assurances that this proposal can work. She noted that in previous cases where residences were being impacted the Plan Commission has asked for acoustical engineering studies to be conducted.

Commissioner Burke stated that the business plan calls for a nightly attendance of 1,500 to 2,000 people. With that kind of attendance, the impact on the adjacent residences appears to be too great.

Commissioner Flint stated that he concurs that the subject property is not an appropriate location for this particular use. He noted that the case at Northgate Shopping Center had a very different set of circumstances.

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Commissioner Olbrysh stated that the parking is a problem as well as the lack of a buffer. The previously approved teen club was nowhere near residences. He noted that the business plan was very interesting.

Commissioner Zorn agreed that this is not the right place for a teen club. It would not work well with the existing mix of businesses in the shopping center and it is too close to the neighboring residences.

Chairperson Ryan stated that there were too many unanswered questions and the Plan Commission did not have enough information to consider a recommendation for approval.

Commissioner Sweetser stated that it should be clear that the Plan Commission is not opposed to teen clubs in general, but the particular circumstances worked against the petitioner in this case.

Commissioner Burke moved to recommend denial of the petition. The motion was seconded by Commissioner Flint.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed request does not comply with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities **denial** of PC 05-27.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan
Chairperson
Lombard Plan Commission

DR:JB

attachments

c. Petitioner
Lombard Plan Commission