

September 4, 2008

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

**Subject: PC 08-24; 117 W. St. Charles Road (The Texan BBQ)**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests 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), located in the B5 Central Business District.

James Madden, Jr. presented the petition. Mr. Madden stated that the restaurant had previously obtained a conditional use for an outdoor service area in the rear of the building, which they now propose to move to the front of the property where it will be more visible.

Commissioner Nelson asked how many tables would be in the service area. Mr. Madden stated that there would be seven tables.

Chairperson Ryan then opened the meeting for public comment.

Matt Helm, 105 W. St. Charles Road, stated that he is vice president of the Park West Homeowners Association. He stated that he is concerned that the conditional use will exacerbate current parking disputes between the parking lot owner and the association. He is also concerned about the use of a portable fence because an existing fence has fallen on cars during high winds. He would support the petition if the outdoor area were to be used Friday and Saturday nights only, and if owner provides the association with a written commitment that Park West residents will not be towed from the lot.

Kevin Kelley, 123 W. St. Charles Road, stated that he wants to make sure there is a plan in place for the removal of additional garbage on the site.

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Mr. Madden stated that the fence is now weighed down with concrete block rather than with sandbags. With regard to the towing of cars, the restaurant is allowed a certain number of spaces in the lot and the condominiums have an easement for parking. The outdoor service area will occupy three spaces. The area would operate Thursday through Sunday, as the rear area had done. He stated that we would take care of any garbage in the lot.

Chairperson Ryan asked about the issue of a parking lease. Mr. Madden stated that the condominiums have a lease for the garage, but not for the parking lot. Mr. Helm stated that the condominiums have an irrevocable lease, but there is no documentation as to a certain number of spaces.

Sean Kelley, 105 W. St. Charles Road, asked if the fence would be removed each night and put up the following day. Mr. Madden stated that it would, with the fence going up around 4:00 p.m. or 5:00 p.m. on Thursdays and Fridays, all day on Saturday, then down Saturday night and back up Sunday night. Mr. Kelley asked if there would be bands playing outdoors. Mr. Madden stated that there would not be bands, only food. Mr. Kelley asked about the transfer of the light control. Mr. Madden stated that the two parking lot lights in the island are controlled off the Village's power because the Village originally planned to take over the parking lot. Mr. Kelly asked if the lights would be transferred to the homeowner's association's power. William Heniff, Acting Director of Community Development, stated that if the parking lot is not transferred to the Village, the lights should have a private connection. Mr. Kelley asked about a timeline. Mr. Heniff stated that staff is currently working on and addressing the issue. Mr. Kelley stated that he is all for the beautification of the downtown but doesn't want parking to become an issue. He stated concerns regarding noise, especially on Thursday nights. Chairperson Ryan stated that the operations will be limited to no later than 9:00 p.m. on Thursdays. Mr. Kelley stated that was fine.

Chairperson Ryan then requested the staff report.

Jennifer Henaghan, Planner II, presented the staff report, which was submitted to the public record in its entirety. The Texan BBQ is seeking conditional use approval for an outdoor dining area and food sales tent and a variation from the parking standards that requires parking for outdoor dining establishments. The dining area will occupy three parking spaces in the northeast corner of the parking lot.

The Private Engineering Services Division has no comment on the proposed outdoor dining plan; however, the parking lot lights should be removed from the Village's controller and connected to a new controller that is installed/constructed to Village specifications and requirements. Public Works Engineering had concerns regarding the amount of parking taken up and how the seating area would be separated from parking lot traffic. The Building Department and Fire Prevention Bureau had comments regarding vehicle barriers, handicap access/seating, and handicap parking.

In May, 2003, the petitioner applied for and received conditional use approval for outdoor dining associated with The Texan BBQ and a variation from the parking standards that requires parking for outdoor dining establishments. The request was made so that the Texan could provide outdoor dining on selected weekend nights during the summer. The location of the outdoor dining area was to the rear of the restaurant site on the abutting property at 10-12 S. Park Avenue. The restaurant no longer uses this area for dining purposes. Over the past few years, the petitioner has noted that they have used the property at 117 W. St. Charles Road parking lot during the summer with seating and food serving purposes. Village Code provides such outdoor activities through the special event permit approval process or through the conditional use process. As they seek to have the event on a number of occasions, a conditional use is sought.

The Comprehensive Plan denotes this area as Central Business District Mixed Use Area. The outdoor dining concept is appropriate to a Central Business District and is considered an enhancement to downtown development, provided that it operates in compliance with Village Code. 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 and as provided through their 2003 zoning approval. Staff also suggests 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. Furthermore, staff recommends that the outdoor dining area be segregated from parking lot traffic by a wrought iron-style fence, as was used in the former outdoor dining area behind 10-12 S. Park Avenue. (All of these conditions were included in the most recent outdoor dining conditional use approval for The Texan BBQ.)

One letter was submitted in opposition to the petition. This letter, from a resident at Parkview Pointe, stated concerns that the requested relief would allow the petitioner to avoid snow removal and parking lot resurfacing costs. However, these issues are not directly related to the requested relief because the outdoor area would be temporary and removable. At the time that the outdoor dining was not operating, the area shall be made available for parking purposes.

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. The outdoor dining component is similar to other outdoor dining activities such as those at Praga. However, given that the petitioner's plan is immediately adjacent to and below residential units, additional conditions restricting the hours of operation are warranted.

Staff supports the requested parking variation as it is only for the four parking spaces that would be required for the outdoor dining area (at a ratio of one parking space per 125 sq. ft. of floor area) and not a variation for the larger Texan BBQ Restaurant. The limited hours and temporary nature of the outdoor dining and sales area should not generate a substantial amount of additional traffic or parking demand on the downtown area above and beyond existing conditions.

Chairperson Ryan then opened the meeting for comment among the Commissioners.

Commissioner Burke stated that discussion of who has what rights in the parking lot is not within the purview of the Plan Commission. He then clarified the language in condition no. 2 and condition no. 3 to remove an apparent conflict.

George Wagner stated that the Plan Commission can discuss parking if it is a concern. Commissioner Burke stated that there is conflicting information on the existence of a lease. Mr. Heniff stated that the lease agreements are a private, civil matter.

Commissioner Nelson asked if the former outdoor dining area would be used for parking. Mr. Madden stated that the spaces will be available for parking whenever the outdoor dining area is not set up.

Commissioner Sweetser asked if the commissioners wished to require the removal of the fence during the day on Friday and Saturday.

Commissioner Olbrysh asked if the fence could be secured using the hardware from the French Market tents. Mr. Madden stated that those locations are in the middle of the drive aisle, but new sleeves for the fence could be inserted where necessary. Commissioner Burke stated that sandbags and concrete blocks are not a reasonable solution. Mr. Madden stated that the concrete blocks are not unattractive.

Commissioner Burke made the following motion for approval, which was seconded by Commissioner Flint:

Based on the submitted petition, accompanying plans and the testimony presented, the proposed relief complies with the provisions set forth in the Zoning Ordinance, and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission, and therefore recommend to the Corporate Authorities approval of PC 08-24, subject to the following conditions:

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 service 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 outdoor dining service is scheduled to close.

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4. The petitioner shall erect a removable wrought iron-style fence along the south and west sides of the dining area. Said fence shall be in place during any outdoor dining periods.
5. The parking lot lights shall be removed from the Village controller and connected to a new controller that is installed and constructed to Village specifications and requirements. The disconnection of the lighting shall occur prior to the establishment of the outdoor dining activity.
6. Prior to the establishment of the outdoor dining activity, the petitioner shall provide the Building Department with a plan showing vehicle barriers and handicap access/seating.

Respectfully,

**VILLAGE OF LOMBARD**

Donald F. Ryan  
Lombard Plan Commission

c. Petitioner  
Lombard Plan Commission

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