

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: William T. Lichter, Village Manager
DATE: April 27, 2004 (B of T) Date: May 6, 2004
TITLE: PC 04-11: 340 E. Roosevelt Road
SUBMITTED BY: Department of Community Development *W T Lichter*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration a petition requesting approval of a conditional use for an outdoor seating area for the subject property located within the B4 Corridor Commercial Zoning District. (DISTRICT #6)

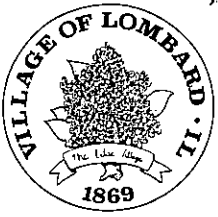
The Plan Commission recommended approval of this petition with amended conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *William T. Lichter* _____ Date 4/28/04

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

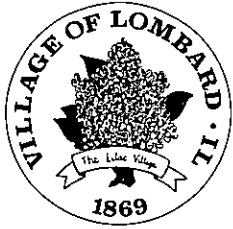
FROM: David A. Hulseberg, AICP, Director of Community Development *DH*

DATE: May 6, 2004

SUBJECT: PC 04-11: 340 E. Roosevelt Road

Attached please find the following items for Village Board consideration as part of the May 6, 2004 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 04-11;
3. An Ordinance granting approval of a conditional use for a outdoor seating, subject to conditions.
4. Plans associated with the petition.



VILLAGE OF LOMBARD

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Lombard, Illinois 60148
630/620-5700 FAX: 630/620-8222
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May 6, 2004

Village President
William J. Mueller

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

Trustees

Joan DeStephano, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

Subject: PC 04-11; 340 E. Roosevelt Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village approve a conditional use for an outdoor seating area for the subject property located within the B4 Corridor Commercial Zoning District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 19, 2004.

Kamel Tbakhi, property owner of 340 E. Roosevelt Road, stated the request. He stated that he would like to affix the existing patio tables to the ground.

Chairperson Ryan opened the meeting for public comment. No one spoke for or against the petition. He then requested the staff report.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

Angela Clark, Planner I, presented the staff report. She stated that the petitioner applied for a building permit last fall to secure umbrellas and tables to the outdoor patio area. She noted that Building Inspectional Services would require that the umbrella structures be constructed of fire resistant materials. Ms. Clark stated that the existing structure was constructed in 1975 as a fast food restaurant with a concrete area and perimeter railing where the current outdoor dining area exists. The site has been occupied by a variety of uses including a computer software sales store and a realtor's office. In 2000, the site was re-established as a fast food restaurant (Pita House).

Ms. Clark stated that the zoning ordinance lists outdoor seating as a conditional use and the proposed expansion requires conditional use approval at this time. She noted several site improvements that staff recommended be brought into compliance. She stated that the site has the requisite parking required, however the parking lot must be restriped to reflect an additional handicap parking space with the appropriate signage

denoting two spaces. She stated that the northern portion of the parking lot must be patched or resurfaced and a solid wood trash enclosure of six to eight feet must be constructed for the dumpster. Ms. Clark also noted that there is trash at the rear end of property that must be removed. She stated that the proposed use is compatible with surrounding land uses and staff recommends approval with the conditions noted in the staff report.

Chairperson Ryan then opened the meeting for discussion among the commissioners.

Commissioner Flint asked if the petitioner understood the conditions of approval.

The petitioner replied that he did.

Commissioner Sweetser stated that the conditions should reflect the required additional handicap parking space.

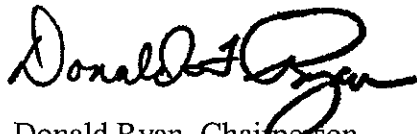
After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed conditional use complies with the standards of the Zoning Ordinances. Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities, **approval** of the conditional use for an outdoor seating area; with the approval subject to the following conditions:

1. The petitioner shall construct a trash enclosure for the restaurant dumpster(s) and grease containers on the subject property. The enclosure shall be designed consistent with the Zoning Ordinance provisions with the exterior enclosure walls being between six (6) and eight (8) feet in height and constructed of wood or a solid screening material.
2. The northern section of the parking lot must be patched or resurfaced, pursuant to Village Code.
3. That the petitioner shall supply the requisite number of accessible parking spaces on the subject property by adding an additional accessible parking space, with said space meeting the Illinois Accessibility Code provisions.
4. The petitioner shall obtain building permits for the construction of the outdoor seating area, parking lot repair and restriping, and trash enclosure.
5. That the discarded signage, sign structure and all other additional trash and debris shall be removed from the subject property.

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Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink, appearing to read "Donald Ryan". The signature is fluid and cursive, with a large initial "D" and "R".

Donald Ryan, Chairperson
Lombard Plan Commission

att-

c. Petitioner
Lombard Plan Commission

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ANALYSIS

SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development:

1. Petition for Public Hearing, received March 15, 2004
2. Plat of Survey, dated July 20, 1998, prepared by L.S.C.I. Land Surveyors
3. Response to Standards for Variations
4. Undated elevations and plans for outdoor seating

DESCRIPTION

The subject property is operated as a fast-food restaurant with an outdoor patio located in front of the building. The patio is approximately 160 square feet in area. The petitioner applied for a building permit to affix eight tables with umbrellas to the outdoor patio area at which time staff informed the petitioner that outdoor seating is a conditional use. The petitioner requests the conditional use at this time.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

From a construction or engineering perspective, Private Engineering Services has no comments.

PUBLIC WORKS

The Department of Public Works, Engineering Division has no comments regarding the petition.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has the following comments:

The umbrella like structures are to be built to present Village codes and any wood used in the construction of the umbrellas is to be of heavy timber construction or of factory fire retardant lumber.

PLANNING

Compliance with the Zoning Ordinance

Outside eating and service areas are conditional uses within the B4 Corridor Commercial Zoning District. The site currently has thirty-two (32) parking spaces with the requisite number of parking spaces being twenty-four (24) after accounting for the outdoor seating area. No

additional parking spaces will be required. However, there is only one handicap space where two are required.

The Village has not granted a conditional use for outdoor seating for the subject property to date. The existing principal building was erected on the subject property in 1975 and was established with a fast food restaurant. A concrete pad area with a perimeter railing was constructed where the current outdoor dining area exists. The site has been occupied by a variety of uses including a computer software sales store and a realtor's office. In 2000, the site was re-established as a fast food restaurant (Pita House).

The Zoning Ordinance lists outdoor dining as a conditional use. Since the Village previously approved the outdoor dining component, it would have legal non-conforming status on the property. The proposed umbrella tables would constitute an expansion of a non-conforming use – therefore, an approval of a conditional use application would be needed.

Since the intent of the restaurant expansion is to provide for greater seating, and hence increase business, staff notes that the site components associated with the restaurant expansion should also be addressed at this time.

While the subject property has sufficient parking spaces, the parking lot must be restriped to reflect the necessary additional handicap accessible parking space as well as the required signage per the Illinois Accessibility Code. In addition to the restriping, there are several sections on the northern side of the parking lot that are in need of patching or resurfacing. Staff recommends that this be completed at this time. Also, per Section 155.710 of the Lombard Zoning Ordinance, all refuse disposal and recycling bin areas shall be screened on all sides by a solid wood fence or an equivalent material to a height of not less than six feet (6') but not more than eight feet (8').

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends retail or service and the proposed use is therefore compatible with the Comprehensive Plan.

Compatibility with Surrounding Land Uses

The proposed use is compatible with the surrounding commercial uses.

FINDINGS AND RECOMMENDATIONS

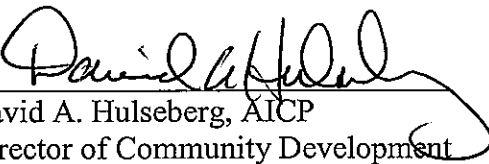
Staff believes that the proposed structures are appropriate at the subject location and are compatible with surrounding uses.

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion:

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 recommend to the Corporate Authorities **approval** of the conditional use for outdoor seating associated with PC 04-11, subject to the following conditions:

1. The petitioner shall construct a trash enclosure for the restaurant dumpster(s) and grease containers on the subject property. The enclosure shall be designed consistent with the Zoning Ordinance provisions with the exterior enclosure walls being between six (6) and eight (8) feet in height and constructed of wood or a solid screening material.
2. The northern section of the parking lot must be patched or resurfaced, pursuant to Village Code.
3. The petitioner shall obtain building permits for the construction of the outdoor seating area, parking lot repair and restriping, and trash enclosure.
4. That the discarded signage, sign structure and all other additional trash and debris shall be removed from the subject property.

Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Director of Community Development

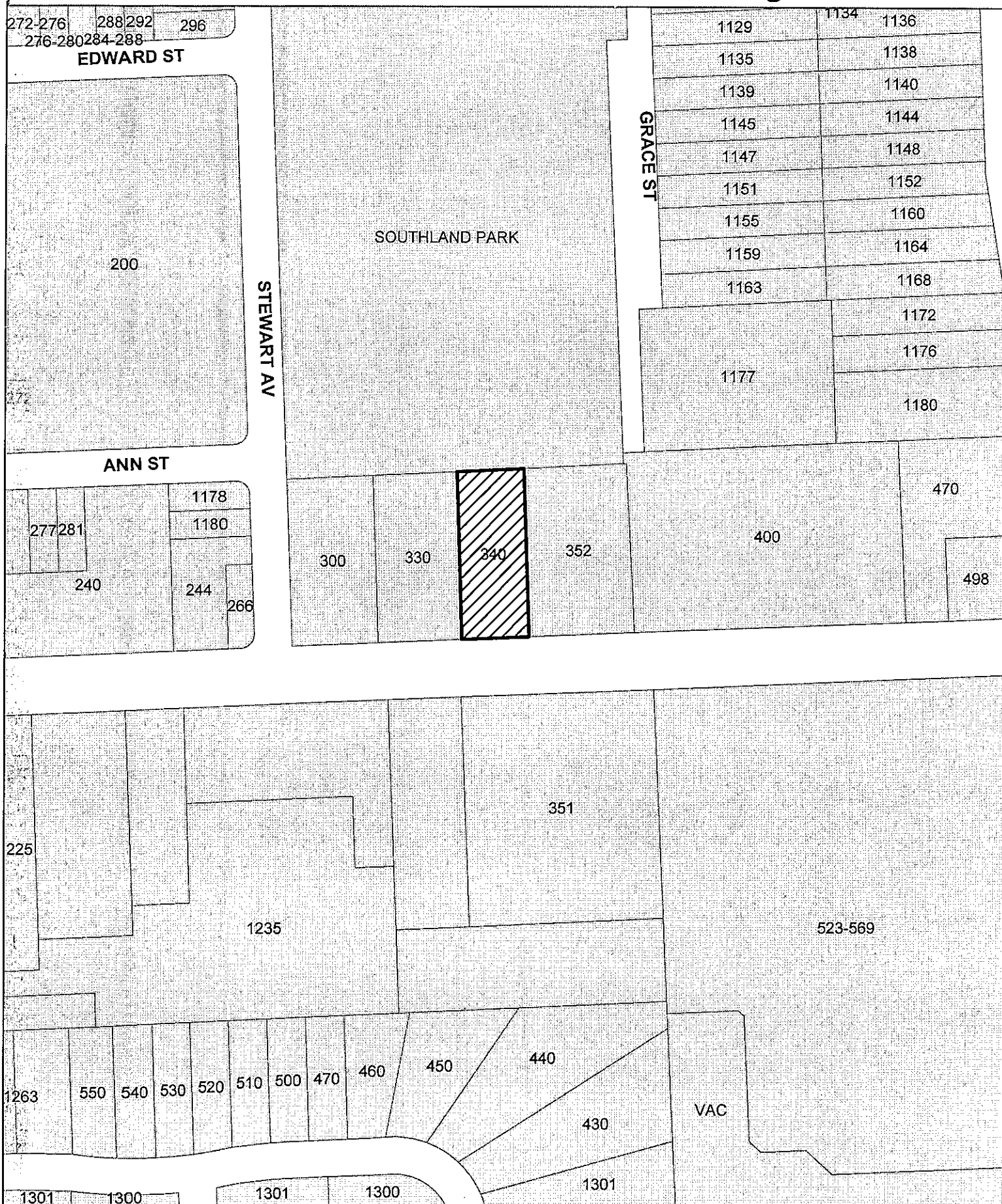
DAH/ADC:

att

c. Petitioner

Location Map

PC 04-11: 340 E. Roosevelt Road (Pita House) Conditional Use for Outdoor Dining



Standard for Conditional Uses.

1. This establishment, I am going to do will not be danger to the public health. it will be comfort for my customers, and I will provide safety for them.
2. I will make sure this project will not be injurious to the uses of other properties of my neighborhood in which be located.
3. I will make sure this establishment will not be impede the other property or other surrounded properties in the district.
4. This establishment is nothing to do with public utilities, or access road, or drainage.
5. This establishment will not increase or decrease any traffic congestion in the public streets.
6. This establishment is not contrary to the objective of the current Comprehensive plan for the Village of Lombard.
7. I will make sure to follow all the applicable regulations of the district in which located, and I highly appreciate for all the job you do with all my respect to every one who work on.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE
FOR AN OUTDOOR SEATING AREA
PURSUANT TO TITLE 15, CHAPTER 155, SECTION 414 OF THE
LOMBARD ZONING ORDINANCE**

(PC 04-11: 340 E. Roosevelt Road)

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 B4 Corridor Commercial Zoning District; and,

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

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on April 19, 2004 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees recommending approval of the conditional use 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 a Conditional Use is hereby granted for the property described in Section 2 below and pursuant to Title 15, Chapter 155, Section 414 (C) 17 of

Ordinance No. _____
Re: PC 04-11
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the Village of Lombard Zoning Ordinance so as to allow said property to provide an outdoor service area;

SECTION 2: That this ordinance is limited and restricted to the property generally located at 340 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

THE WEST 123.54 FEET OF THE EAST 343.54 FEET OF THE SOUTH 350.00 FEET OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Parcel No. 06-17-316-006

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall construct a trash enclosure for the restaurant dumpster(s) and grease containers on the subject property. The enclosure shall be designed consistent with the Zoning Ordinance provisions with the exterior enclosure walls being between six (6) and eight (8) feet in height and constructed of wood or a solid screening material.
2. The northern section of the parking lot must be patched or resurfaced, pursuant to Village Code.
3. That the petitioner shall supply the requisite number of accessible parking spaces on the subject property by adding an additional accessible parking space, with said space meeting the Illinois Accessibility Code provisions.
4. The petitioner shall obtain building permits for the construction of the outdoor seating area, parking lot repair and restriping, and trash enclosure.
5. That the discarded signage, sign structure and all other additional trash and debris shall be removed from the subject property.

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SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2004.

First reading waived by action of the Board of Trustees this ____ day of _____, 2004.

Passed on second reading this ____ day of _____, 2004.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____, day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk