

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

  X   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: Scott R. Niehaus, Village Manager  
DATE: November 20, 2014 (B of T) Date: December 4, 2014  
TITLE: PC 14-36: 14 W. St. Charles Road  
SUBMITTED BY: Department of Community Development *WN*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, requests that the Village grant approval of a conditional use, pursuant to Section 155.418 (C) of the Village of Lombard Zoning Ordinance to allow for outside display and sales of products, the sale of which is a permitted or conditional use within the B5 Central Business District. (DISTRICT #1)

The Plan Commission recommended approval of this petition by a vote of 5-0.

Please place this item under separate action with a waiver of first reading, as requested by staff, so that the conditional use and grant requests can be heard and voted on at the same meeting.

Fiscal Impact/Funding Source:

Review (as necessary):  
Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X \_\_\_\_\_ Date \_\_\_\_\_



## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

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

**DATE:** December 4, 2014

**SUBJECT:** PC 14-36: 14 W. St. Charles Road

Please find the following items for Village Board consideration as part of the December 4, 2014 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 14-36;
3. Plans associated with the petition; and
4. An Ordinance granting a conditional use, pursuant to Section 155.418 (C) of the Lombard Zoning Ordinance, to allow for outside display and sales of products the sale of which is a permitted or conditional use in this district within the B5 Central Business District.

The Plan Commission recommended approval of this petition on November 17, 2014 by a vote of 5-0. Please place this petition on the December 4, 2014 Board of Trustees agenda with a waiver of first reading, as requested by staff, so that the conditional use and grant requests can be heard and voted on at the same meeting.



## VILLAGE OF LOMBARD

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

December 4, 2014

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Michael A. Fugiel, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Peter Breen, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
William "Bill" Ware, 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 14-36; 14 W. St. Charles Rd – Conditional Use for outside display and sales of products, the sale of which is a permitted or conditional use within the B5 Central Business District**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, requests that the Village grant approval of a conditional use, pursuant to Section 155.418 (C) of the Village of Lombard Zoning Ordinance to allow for outside display and sales of products, the sale of which is a permitted or conditional use within the B5 Central Business District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on November 17, 2014. Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development, the petitioner's, Dragica Mitic and Giana Commiso, of 14 W. St. Charles Rd, and George Garifalis.

Chairperson Ryan read the Commissions Procedures and asked if anyone other than the petitioner intends to cross examine, and, hearing none, he proceeded with the petition.

Ms. Commiso began by stating that they are very excited about presenting their bakery and their request for outdoor seating. She said they chose Lombard because the downtown had a great feel. They liked the surrounding businesses, traffic flow and the nearby train station. They also selected Lombard because of the Village events, car shows, and the support of Village staff. Their bakery is new and

refreshing and will feature European pastries as well as American favorites. It will also have custom cakes and specialty drinks. Their hours of operation are seven days a week from 6am to 6pm. The hours of operation could fluctuate depending on the seasons. Ms. Commiso said their request today is for outside seating. It will provide a fun atmosphere and give the bakery a welcome feel. It will also provide the bakery more room and capacity. The outdoor seating will appeal to walkers, joggers, and to those who enjoy the outdoors. There will be Wi-Fi for those who want to stay connected and for business workers on lunch. In addition, the outside seating option will be welcoming to families. This will allow the parents and children to relax. Ms. Commiso concluded that by fixing up the open area, it will make their business well thought out and complete.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment.

Mr. George Garifalis said he owned the unit next door and that he had some questions relative to the petition. He said he is concerned with the deck because there are residences and offices next door. He questioned if the noise has been taken into consideration and the impact it will have on the surrounding area. He was concerned with the noise at 6am on a Sunday or 9pm on Friday. He said the idea of families is great but was concerned with noise. Next, he questioned the egress in the back and how the deck is going to be built. He said there have been issues with people crossing over from the lot next door. He doesn't want it to become a problem for those parking in the back. He is also concerned with the hours of operation starting at 6am on a weekend.

Chairperson Ryan asked if any other person would like to speak in favor or against this petition, or for public comment. He asked Ms. Commiso to respond to the three questions.

In response to the questions, Ms. Commiso said the 6am opening wouldn't be a noise disturbance. It is a bakery and there won't be loud music. She said that because there will be children it will be a family friendly area, but that doesn't mean they will be outside causing a disturbance. It will be a place of business, and keeping this in mind, they will look out for noise disturbances. Next, she said they have their own parking spaces and can enter from the front or the back. Lastly, Ms. Commiso clarified the deck can only be accessed from the restaurant.

Chairperson Ryan asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. She began by stating the petition is for a conditional use request for outdoor seating. The petitioners propose to build a deck on the vacant property to the east of the building. The deck is proposed to hold seven tables with four chairs each. A new sliding glass door will be constructed to connect the deck to the restaurant. The subject property is currently improved with a two story building. The first floor is commercial and currently vacant while the second floor is residential.

Ms. Ganser said the Inter-Departmental Review committee had a couple of concerns from the Fire Department. Comments were forwarded to the petitioner, building owners, and architect for review.

Ms. Ganser said that in regard to the question concerning the egress issue, the access to the deck will be through the restaurant from the new sliding glass door. The plans for the deck are currently under review with the Building Department. They will ensure the deck is built according to code should the petition be approved.

The Comprehensive Plan recommends Community Commercial (commercial areas which provide services extending beyond daily living needs and includes comparison shopping goods) and the subject property is consistent with the Comprehensive Plan's recommendation of community commercial uses for the site.

Ms. Ganser said staff would like to note many restaurants in downtown Lombard have outdoor seating. Praga/Bonton received conditional use approval for outdoor dining with PC 10-06. Numerous other restaurants receive a permit for outdoor seating in the Village's right-of-way each year.

The Lombard Downtown Revitalization Project Guidebook also supports outdoor seating and this petition. The Lombard Downtown Revitalization Project Guidebook speaks to projects that staff wanted to happen in the future. This project is consistent with the Guidebook and will help in downtown revitalization efforts.

Staff also would like to address Mr. Garifalis's question regarding the hours of operation as noted in the conditions. The hours of operation in condition number six are later than those previously mentioned by the petitioner, to be consistent with Capone's and Praga hours which both received a conditional use for outdoor seating. It also gives the petitioner some flexibility during the summer months, for example on cruise nights, to be open a little later.

She concluded that staff recommends approval of this petition.

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Sweetser referred to the plan for downtown indicating there are two proposed glass enclosed outdoor dining areas. She thought the seating area was not glass enclosed but an outdoor deck. Ms. Ganser explained that it is just a deck. It is similar to the guidebook but not an exact match.

Commissioner Olbrysh he had no problem with outdoor seating but was concerned about the noise. He asked the petitioner if there was going to be music. Ms. Commiso responded there wasn't going to be any music. Commissioner Olbrysh asked what is the indoor seating capacity. Ms. Commiso said there are eight (8) seats inside the bakery.

On a motion by Commissioner Sweetser, and a second by Commissioner Olbrysh, the Plan Commission voted 5-0 that the Village Board approve the petition associated with PC 14-36, subject to the following eight (8) conditions:

1. That this relief is limited to the outside display and sales of products, the sale of which is a permitted or conditional use in the B5 Central Business District only (which consists exclusively as an outdoor dining area), and any physical site improvements or alterations require approval through the Village;
2. That the petitioner shall be required to apply for and receive a building permit for any improvements;
3. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
4. That the petitioner shall develop the site in accordance with plans and submitted as part of this request;
5. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the outside dining activity, is not established by said date, this relief shall be deemed null and void;
6. The outdoor dining activity shall not be open past 11:00 p.m. on Friday and Saturdays and 9:00 p.m. Sunday through Thursday;
7. That all patrons shall leave the outdoor dining area no later than thirty minutes after the time in which the outdoor seating area is scheduled to close; and
8. All tables, chairs and umbrellas shall be removed from the outdoor seating area during the cold weather months (generally the end of October to March).

Respectfully,

**VILLAGE OF LOMBARD**



Donald Ryan, Chairperson  
Lombard Plan Commission

c. Lombard Plan Commission



# PLAN COMMISSION

## INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

### BALKAN BAKERY AND COFFEE- 14 W. ST. CHARLES ROAD

November 17, 2014

#### Title

PC 14-36

#### Petitioner

Balkan Bakery and Coffee Shop  
Dragica Mitic  
84 W. Nevada Avenue  
Glendale Heights, IL 60139

#### Property Owner

Garrick Nielson & Ed O'Neil  
236 E. St. Charles Road  
Lombard, IL 60148

#### Property Location

14 W. St. Charles Road  
(06-07-206-020)

#### Zoning

B5

#### Existing Land Use

Two story commercial building

#### Comprehensive Plan

Community Commercial

#### Approval Sought

Conditional use to allow for outside display and sales of products, the sale of which is a permitted or conditional use in the B5 Central Business District.

#### Prepared By

Jennifer Ganser  
Assistant Director



#### PROJECT DESCRIPTION

The petitioner, referred to as Balkan Bakery and Coffee Shop is proposing to open a restaurant with outdoor seating. They propose to build a deck on the vacant property to the east of the building. The deck is proposed to hold seven tables with four chairs each. A new sliding glass door will connect the deck to the restaurant. The hours are currently proposed from 6am to 6pm.

#### APPROVAL(S) REQUIRED

The petitioner is requesting approval of a conditional use pursuant to Section 155.418 (C) of the Village of Lombard Zoning Ordinance, to allow for outside display and sales of products the sale of which is a permitted or conditional use in this district within the B5 Central Business District.

#### EXISTING CONDITIONS

The subject property is currently improved with two story building. The first floor is commercial and currently vacant while the second floor is residential. The property to the east is vacant land. Access is from St. Charles Road.

**PROJECT STATS**

**Lot & Bulk**

Parcel Size: 0.09 acres

Year Built: c. 1920s

**Submittals**

1. Petition for Public Hearing;
2. Response to Standards for a Conditional Use;
3. Architectural drawing, dated August 22, 2014; and
4. Plat of Survey, dated January 26, 2005.

**INTER-DEPARTMENTAL REVIEW**

**Building Division:**

The Building Division has no comments regarding the project that have not already been addressed through the permit review process.

**Fire Department:**

The Fire Department had concerns regarding the kitchen exhaust location, second floor means of egress, and the second floor smoke detection and fire alarm notification devices. Comments were forwarded to the petitioner, building owners, and architect for review.

**Private Engineering Services:**

Private Engineering Services (PES) will track the dimensions of the deck for any future improvements and impacts.

**Public Works:**

The Department of Public Works has no comments regarding the project.

**Planning Services Division:**

*1. Comprehensive Plan Compatibility*

The Comprehensive Plan recommends Community Commercial (commercial areas which provide services extending beyond daily living needs and includes comparison shopping goods). The subject property is consistent with the Comprehensive Plan's recommendation of community commercial uses for the site.

*2. Surrounding Zoning & Land Use Compatibility*

	<b>Zoning Districts</b>	<b>Land Use</b>
<b>North</b>	B5	Parking
<b>South</b>	B5	Commercial buildings
<b>East</b>	B5	Office building
<b>West</b>	B5	Hair salon

The proposed use is compatible with the surrounding commercial and downtown uses. This business may appeal to residents and Metra commuters with its location. Many restaurants in downtown Lombard have outdoor seating. Praga/Bonton received conditional use approval for outdoor dining with PC 10-06. Numerous other restaurants receive a permit for outdoor seating in the Village's right-of-way each year. The hours are proposed from 6am to 6pm. At this time, Balkan Bakery and Coffee has not applied for a liquor license.



**3. Zoning and Sign Ordinance Compatibility**

Outdoor dining is a conditional use within the B5 Zoning District, and the restaurant use is permitted by right. The deck is proposed to hold seven tables with four chairs each.

Outdoor cafes are a permitted use in the B5 Zoning District, but that would limit the deck to no more than six tables. Furthermore the public hearing process and potential approval allow the petitioner to have more than six tables, as requested and more flexibility on the project.

Staff finds that the proposed use meets all of the Standards for Conditional Uses.

Parking is available in the back to meet the parking requirement of the Zoning Ordinance.

**4. Downtown Revitalization Guidebook**

The Lombard Downtown Revitalization Project Guidebook focuses on aesthetic standards in Section 4. Page 12 (attached) of the Guidebook highlights the building at 14 W. St. Charles Road and calls for a cafe with outdoor dining. This project is consistent with the Guidebook and will help in downtown revitalization efforts.

**SITE HISTORY**

14 W. St. Charles Road has not appeared before the Plan Commission or Zoning Board of Appeals in recent history.

**FINDINGS & RECOMMENDATIONS**

As the petitioner has indicated their intention to operate outdoor dining and that the site is designed for such use, staff finds that allowing for outdoor dining is consistent with the surrounding context, the Village of Lombard Comprehensive Plan and Zoning Ordinance, and is in the best interest of the Village.

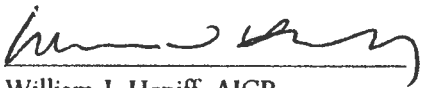
The Inter-Department Review Committee has reviewed the standards for the requested conditional use permit for a conditional use to allow for outside display and sales of products, the sale of which is a permitted or conditional use in the B5 Central Business District and finds that the proposed use **complies** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 14-36:

Based on the submitted petition and the testimony presented, the proposed conditional use does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional use permit is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Committee Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 14-36, subject to the following conditions:

1. That this relief is limited to the outside display and sales of products, the sale of which is a permitted or conditional use in the B5 Central Business District only (which consists exclusively as an outdoor dining area), and any physical site improvements or alterations require approval through the Village;
2. That the petitioner shall be required to apply for and receive a building permit for any improvements;

3. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
4. That the petitioner shall develop the site in accordance with plans and submitted as part of this request;
5. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the outside dining activity, is not established by said date, this relief shall be deemed null and void;
6. The outdoor dining activity shall not be open past 11:00 p.m. on Friday and Saturdays and 9:00 p.m. Sunday through Thursday;
7. That all patrons shall leave the outdoor dining area no later than thirty minutes after the time in which the outdoor seating area is scheduled to close; and
8. All tables, chairs and umbrellas shall be removed from the outdoor seating area during the cold weather months (generally the end of October to March).

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

c. Petitioner

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## **Standards for Conditional Use**

- 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 outdoor dining will be an enhancement for the downtown area. The petitioner will be required to maintain the property so as not to be a nuisance to the surrounding area. Many other downtown restaurants have outdoor dining on both private property and the Village owned right-of-way. The use will not endanger the public health, safety, morals, comfort, or general welfare.

- 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, nor substantially diminish and impair property values within the neighborhood in which it is to be located.*

The outdoor seating area will be a benefit to the downtown area. The outdoor dining follows the vision of the Downtown Revitalization Guidebook. Outdoor dining will not be injurious to other properties or negatively affect property values. Many other downtown restaurants have outdoor dining on both private property and the Village owned right-of-way.

- 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 outdoor dining will not impact development or redevelopment activity along St. Charles Road. The use may be an asset to the corridor and encourage more residents to dine in downtown Lombard. Many other downtown restaurants have outdoor dining on both private property and the Village owned right-of-way.

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

Utilities, roads, and drainage are already provided for. The outdoor seating will not negatively impact the existing structures.

- 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;*

Adequate measures of ingress and egress are provided. No new points will be created.

- 6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and*

The use serves as an enhancement to the downtown as it is an attraction for visitors to the area. The Comprehensive Plan shows Community Commercial for the area and outdoor seating would be help progress the vision of the Comprehensive Plan. Many other downtown restaurants have outdoor dining on both private property and the Village owned right-of-way.

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.*

The use will be consistent with Village Codes. Should the use become a nuisance, the Village will have the opportunity to enforce those Ordinances to ensure minimal impact.

**FIGURE 17**  
**Site 4: 10-14W St. Charles Rd Site**

**Development Approach**

The concept for this site proposes retaining the buildings and the open space provided by the current vacant lots to accommodate garden cafes and the potential for a glass-enclosed, all-season expansion to the adjacent buildings, which would allow for a year-round glass-enclosed "outdoor" dining experience. Existing buildings will benefit from improved facades and site enhancements to enhance the pedestrian accessibility of the site, a sidewalk or pedestrian access path should be provided from St. Charles Road to the rear parking area.

**Site Data**

Site Area	7,754 sqft (0.18 acres)
Parcels	2 parcels
Site Improvements	<ul style="list-style-type: none"> <li>Facade and site enhancements with garden cafes to support outdoor dining</li> </ul>
Existing Uses	<ul style="list-style-type: none"> <li>Vacant commercial building</li> <li>Law office</li> <li>Undeveloped open space on each parcel</li> </ul>
Notes	<ul style="list-style-type: none"> <li>Potential for a consolidated parking area serving Site 4 and adjacent businesses (refer to Figures 3.1 and 3.2 in Section 3 for details)</li> </ul>









**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING A CONDITIONAL USE  
PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.418  
(C)(12) OF THE LOMBARD VILLAGE CODE**

PC 14-36: 14 W. St. Charles 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 Lombard Village Code; and,

WHEREAS, the Subject Property, as described in Section 2 below, is zoned B5 Central Business District; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Title 15, Chapter 155, Section 155.418(C)(12) of the Lombard Village Code to provide for outside display and sales of products the sale of which is a permitted or conditional use in this district within the B5 Central Business District; and

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on November 17, 2014 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 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 Subject Property, as described in Section 2 below, pursuant to Title 15, Chapter 155, Section 155.418(C)(12) of the Lombard Village Code to provide for motor vehicle sales.

Ordinance No. \_\_\_\_\_

Re: PC 14-36

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SECTION 2: That this Ordinance is limited and restricted to the property located at 14 W. St. Charles Road, Lombard, Illinois and legally described as follows:

THAT PART OF LOTS 4 AND 5 IN BLOCK 11 IN THE TOWN OF LOMBARD IN THE NORTHEAST ¼ OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF ST. CHARLES ROAD (FORMALLY LAKE STREET) AND THE WEST LINE OF THE EAST 93.12 FEET OF LOT 6 (SAID LINE BEING THE EAST LINE OF PARK AVENUE); THENCE NORTHERLY ALONG THE EAST LINE OF PARK AVENUE 206.83 FEET TO A POINT ON THE NORTHERLY LINE OF A 33.0 FOOT PUBLIC ALLEY HERETOFORE VACATED PER DOCUMENT NUMBER 26476; THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID VACATED ALLEY 199.58 FEET TO A POINT ON THE EASTERLY LINE AND ITS NORTHERLY EXTENSION THEREOF, OF THE WEST 100.0 FEET OF LOT 5 THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF THE WEST 100 FEET OF LOT 5 AND ITS NORTHERLY EXTENSION A DISTANCE OF 93.56 FEET TO THE POINT OF BEGINNINGS; THENCE CONTINUING SOUTHERLY ALONG THE LAST DESCRIBED LINE A DISTANCE OF 24.54 FEET; THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTH 70.0 FEET (AS MEASURED ALONG THE EAST AND WEST LINES THEREOF) A DISTANCE OF 24.94 FEET; THENCE SOUTHERLY ALONG A LINE 5 FEET EAST OF THE WEST LINE OF LOT 4, 70.0 FEET TO A POINT OF THE NORTHERLY LINE OF ST. CHARLES ROAD; THENCE WESTERLY ALONG SAID NORTHERLY LINE OF ST. CHARLES ROAD, 50.06 FEET; THENCE NORTHERLY A DISTANCE OF 97.55 FEET TO A POINT 25.04 FEET WESTERLY OF THE POINT OF BEGINNING; THENCE EASTERLY 25.045 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-07-206-020; (the "Subject Property").

SECTION 3: The conditional use, as provided for in Section 1 of this Ordinance, shall be granted subject to compliance with the following conditions:

- A. That this relief is limited to the outside display and sales of products, the sale of which is a permitted or conditional use in the B5 Central Business District only (which consists exclusively as an outdoor dining area), and any physical site improvements or alterations require approval through the Village;

Ordinance No. \_\_\_\_\_

Re: PC 14-36

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- B. That the petitioner shall be required to apply for and receive a building permit for any improvements;
- C. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
- D. That the petitioner shall develop the site in accordance with plans and submitted as part of this request;
- E. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the outside dining activity, is not established by said date, this relief shall be deemed null and void;
- F. The outdoor dining activity shall not be open past 11:00 p.m. on Friday and Saturdays and 9:00 p.m. Sunday through Thursday;
- G. That all patrons shall leave the outdoor dining area no later than thirty minutes after the time in which the outdoor seating area is scheduled to close; and
- H. All tables, chairs and umbrellas shall be removed from the outdoor seating area during the cold weather months (generally the end of October to March).

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 \_\_\_\_\_, 2014.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2014.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2014, pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2014.



Ordinance No. \_\_\_\_\_

Re: PC 14-36

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\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk