

**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 Niehaus, Village Manager

**DATE :** March 26, 2019,                      **(BOT) Date:** April 4, 2019

**SUBJECT:** PC 19-05, 800 E. Roosevelt Road, Noon Whistle Brewery

**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 zoning petition. The petitioner requests that the Village grant approval of an expansion of existing conditional uses per Ordinances 6951 and 7069, pursuant to Section 155.417 (G)(2)(a) of the Lombard Village Code for a microbrewery/craft alcohol production facility and outside service area (outdoor seating) within the B4APD Roosevelt Road Corridor District, Planned Development.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the April 4, 2019, Board of Trustees agenda with a waiver of first reading requested by the petitioner.

**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:** April 4, 2019

**SUBJECT:** **PC 19-05, Expansion of a conditional use for Noon Whistle, 800 E. Roosevelt Road**

Please find the following items for Village Board consideration as part of the April 4, 2019, Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 19-05; and
3. An Ordinance granting approval of an expansion of existing conditional uses per Ordinances 6951 and 7069, pursuant to Section 155.417 (G)(2)(a) of the Village of Lombard Zoning Ordinance, of a microbrewery/craft alcohol production facility and outside service area (outdoor seating) within the B4APD Roosevelt Road Corridor District Planned Development.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the April 4, 2019, Board of Trustees agenda with a waiver of first reading requested by the petitioner.





## VILLAGE OF LOMBARD

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

April 4, 2019

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

### Trustees

Dan Whittington, Dist. 1  
Michael A. Fugiel, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Bill T. Johnston, Dist. 4  
Robyn Pike, 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 19-05, 800 E. Roosevelt Road, Noon Whistle Brewery**

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 an expansion of existing conditional uses per Ordinances 6951 and 7069, pursuant to Section 155.417 (G)(2)(a) of the Village of Lombard Zoning Ordinance, of a microbrewery/craft alcohol production facility and outside service area (outdoor seating) within the B4APD Roosevelt Road Corridor District Planned Development.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 18, 2019. Sworn in to present the petition were Mike Conlon the petitioner, and Jennifer Ganser, Assistant Director.

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

Mr. Conlon presented the petition. He said he is one of the owners and Noon Whistle is looking to expand due to Whirly Ball leaving. The expansion would be approximately 14,000 square feet and have an expanded tasting room, a private meeting room, banquet space, a small kitchen, and more outdoor seating. Noon Whistle is opening a second facility outside of Lombard for more production. The Lombard location will be a place to enjoy the product. Truck traffic and waste will be reduced.

Vice Chairperson Flint asked if any person would like to speak in favor or against this petition, or for public comment. Ms. Kelly Walters said she lives behind Noon Whistle and attended the meeting to obtain more information. She said she is in support of the petition.



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

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. The petitioner, Noon Whistle, is proposing to enlarge their business into existing tenant space and add a small kitchen. The land use of a microbrewery and the outdoor seating was a conditional use; therefore the expansion will need to go before the Plan Commission and Village Board. Noon Whistle has operated in Lombard for approximately four (4) years. The expansion will also allow for special events and meetings. The petitioner has reviewed the IDRC comments and can meet them during permit review.

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

Commissioner Burke said the petition looked acceptable.

On a motion by Commissioner Burke, and a second by Commissioner Mrofcza, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 19-05, subject to the following six (6) conditions:

1. That this relief is limited to the operation of a microbrewery/craft alcohol production facility and outside service area (outdoor seating) only and any physical site improvement or alterations require approval through the Village;
2. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
3. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
4. The conditional use permit for an outside service area (outdoor seating) is exclusively for the tenant space for Noon Whistle at 800 E. Roosevelt Road;
5. The outdoor seating area shall not be operated or occupied after 11:00 PM on weeknights and 1:00 AM on Friday and Saturday nights. The petitioner shall monitor operations to ensure that the use is operated properly and legally;
6. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the microbrewery/craft alcohol production facility and outside service area (outdoor seating) expansion is not established by said date, this relief shall be deemed null and void.

Respectfully,

**VILLAGE OF LOMBARD**

Vice Chairperson Flint  
Lombard Plan Commission

c. Lombard Plan Commission





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

**AN ORDINANCE GRANTING AN EXPANSION OF EXISTING CONDITIONAL USES PER ORDINANCES 6951 AND 7069 OF A MICROBREWERY/CRAFT ALCOHOL PRODUCTION FACILITY AND OUTSIDE SERVICE AREA (OUTDOOR SEATING) WITHIN THE B4APD ROOSEVELT ROAD CORRIDOR DISTRICT PLANNED DEVELOPMENT**

PC 19-05, 800 E. Roosevelt Road, Noon Whistle Brewery

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 as defined below is zoned B4APD Roosevelt Road Corridor District Planned Development ; and,

WHEREAS, an application has been filed requesting approval of an expansion of existing conditional uses per Ordinances 6951 and 7069, pursuant to Section 155.417 (G)(2)(a) of the Village of Lombard Zoning Ordinance, of a microbrewery/craft alcohol production facility and outside service area (outdoor seating) within the B4APD Roosevelt Road Corridor District Planned Development.,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on March 18, 2019 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of the conditional uses, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard have determined that it is in the best interest of the Village of Lombard to approve the requested zoning actions 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 the following expansion of a conditional use for a microbrewery/craft alcohol production facility and outside service area (outdoor seating) is hereby granted for the Subject Property legally described in Section 2 and subject to the conditions set forth in Section 3.

SECTION 2: That this Ordinance is limited and restricted to 800 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

LOT 1 IN LOMBARD SQUARE SUBDIVISION, BEING A RESUBDIVISION OF ALL OF LOT 1 IN 800 E. ROOSEVELT ROAD SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST ¼ OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 24, 2002 AS DOCUMENT NO. R2002-246080, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-17-406-049; (the “Subject Property”).

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

1. That this relief is limited to the operation of a microbrewery/craft alcohol production facility and outside service area (outdoor seating) only and any physical site improvement or alterations require approval through the Village;
2. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
3. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
4. The conditional use permit for an outside service area (outdoor seating) is exclusively for the tenant space for Noon Whistle at 800 E. Roosevelt Road;
5. The outdoor seating area shall not be operated or occupied after 11:00 PM on weeknights and 1:00 AM on Friday and Saturday nights. The petitioner shall monitor operations to ensure that the use is operated properly and legally;
6. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the microbrewery/craft alcohol production facility and outside service



Ordinance No. \_\_\_\_\_  
Re: PC 19-05  
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area (outdoor seating) expansion is not established by said date, this relief shall be deemed null and void.

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

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Keith Giagnorio, Village President

ATTEST:

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

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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



## Ganser, Jennifer

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**From:** Michael Condon <mike@noonwhistlebrewing.com>  
**Sent:** Tuesday, March 19, 2019 1:04 PM  
**To:** Ganser, Jennifer  
**Subject:** RE: Plan Commission

Ok, thank you for the explanation. I would like to request a waiver, is there a formal request form to fill out or is this email sufficient?

As you can imagine, we are financing a good portion of this project. The bank has an initial close date of April 17<sup>th</sup>. The closing is contingent on numerous things and one item is approval from the Village. I would not be able to guarantee we would close on the 17<sup>th</sup> if we were granted a waiver but I could guarantee we would not be able to if we were not. We would request the waiver in order to have the opportunity to close on the proposed date of the 17<sup>th</sup>. It is vital we have access to these funds ASAP as we have equipment with long lead times that require deposits. We hope the Village can understand that timing is vital for many moving parts we have taking place and expedite this process as much as possible.

Thank you

Mike Condon  
**Noon Whistle Brewing**  
Lombard | Illinois  
224-500-0861

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**From:** Ganser, Jennifer <[GanserJ@villageoflombard.org](mailto:GanserJ@villageoflombard.org)>  
**Sent:** Tuesday, March 19, 2019 12:11 PM  
**To:** Michael Condon <[mike@noonwhistlebrewing.com](mailto:mike@noonwhistlebrewing.com)>  
**Subject:** RE: Plan Commission

The wavier of first reading allows the 2<sup>nd</sup> and final reading to occur on April 4<sup>th</sup>. Otherwise the first reading is April 4<sup>th</sup> and the second reading is April 18<sup>th</sup>.

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**From:** Michael Condon [<mailto:mike@noonwhistlebrewing.com>]  
**Sent:** Tuesday, March 19, 2019 11:02 AM  
**To:** Ganser, Jennifer  
**Subject:** RE: Plan Commission

Thanks Jennifer

I am a little confused, if we do not request first reading are you saying it may not be reviewed on the 4<sup>th</sup> and at a later time? If so when would the second board meeting be?

Thank you

Mike Condon  
**Noon Whistle Brewing**  
Lombard | Illinois  
224-500-0861

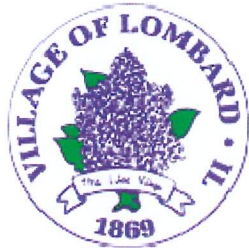




**From:** Ganser, Jennifer <[GanserJ@villageoflombard.org](mailto:GanserJ@villageoflombard.org)>  
**Sent:** Tuesday, March 19, 2019 10:59 AM  
**To:** Michael Condon <[mike@noonwhistlebrewing.com](mailto:mike@noonwhistlebrewing.com)>  
**Subject:** Plan Commission

Mike,

Your petition is scheduled for the April 4<sup>th</sup> Board meeting. If you would like a waiver of first reading, please email me your request with your reasoning. Otherwise, items are read at two Board meetings instead of one.



**Jennifer Ganser, AICP**  
Assistant Director of Community Development  
Village of Lombard  
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