

August 20, 2009

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

Subject: PC 09-16: Text Amendments to the Lombard Zoning Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing text amendments to Section 155.223, Section 155.412 through Section 155.420 and Section 155.802 (and any other relevant sections for clarity) pertaining to live entertainment. Affidavit

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on June 15, 2009.

Chairperson Ryan asked if this petition will be presented by the Village. William Heniff, Director of Community Development replied, yes.

Chairperson Ryan then requested the staff report.

William Heniff presented the staff report indicating that it is being submitted to the public record in its entirety. This petition is a follow up from a previous workshop session relative to live entertainment. There has been an increased demand for the integration of live entertainment into new and existing businesses. There has also been an increased demand to address live entertainment in downtown Lombard, as suggested during the recent Downtown Visioning workshops.

The Zoning Ordinance presently permits live entertainment as a conditional use in the O, B3, B4 and B4A Districts, but only as part of a restaurant. As such, a restaurant establishment wishing to integrate a live entertainment component (karaoke, live music, etc.) is required to obtain conditional use approval through the public hearing process. Banquet halls, a type of restaurant, are already permitted to include live entertainment as an accessory use.

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The proposed text amendments would allow live entertainment for applicable uses so long as the standards are met. Staff is proposing to add standards to live entertainment uses, which would regulate each live entertainment activity. Mainly, live entertainment would only be permitted as an accessory use to a permitted use or approved conditional use and would be required to meet all requirements of Village Code, including the liquor provisions.

He mentioned that the Zoning Ordinance does not currently include a definition for “live entertainment” which resulted in a subjective interpretation based upon a staff review. This text amendment will also provide better information to the public outlining the provisions which need to be met if desiring live entertainment associated with a business establishment.

Staff shared their text amendment comments with the Chamber of Commerce and Lombard Town Centre requesting their input. Staff also conducted a survey of neighborhood municipalities, most of which allow live entertainment as conditional use or permitted use.

What staff is proposing as part of the text amendment would allow for live entertainment as an accessory function. Mr. Heniff then noted Page #5 of the staff report and referred to the seven provisions. He explained that live entertainment would be permitted as long as these standards are met, clearly as an accessory use. If you had a business activity with live entertainment as a principal use, it would not have to meet the provisions, but rather it would fall back to a theater use or some other use. There is a provision relative to the 25% gross floor area, which is consistent with the accessory use and activity. Mr. Heniff then went over the other provisions.

Staff would require a live entertainment application process for review and approval which would need to be achieved before the activity is started. He clarified that a permit would not be required but the process would be handled similarly to the valet parking text amendments whereby an application would be submitted outlining their plan and program. If they operate within the confines of the permit then it would use an accessory use.

Concluding, Mr. Heniff noted the live entertainment definition and mentioned for clarity that it does not include adult uses. Based upon comments received from the Plan Commission, staff is recommending approval.

Chairperson Ryan asked if anyone had any questions from the staff report.

Commissioner Nelson asked if the Taste of Lombard falls into this. Mr. Heniff stated that the Taste of Lombard would be considered a special event because it is not associated with the principal function of the property.

Chairperson Ryan then opened the meeting for public comment. There was no one to speak in favor or in opposition to the petition.

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

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Commissioner Sweetser asked if any other of the Villages that staff looked at referred to animals. She asked if it was intentional that animals were omitted or maybe didn't come across it. Mr. Heniff stated that they didn't come across it. He stated that if it is an ancillary function, such as a seafood restaurant with an aquarium, we would consider those decorative elements. Mr. Heniff stated that staff may look at Health Department provisions for any animal issues. He also added that staff did not run across any uses whereby animals were the principal function.

Commissioner Olbrysh asked if adult uses are defined some place else in the Code. Mr. Heniff replied, yes.

Commissioner Cooper asked if there is any reference to days of the week or hours that this is allowed. Mr. Heniff responded by stating that because the uses are completely indoors, we do not require specific hours or days. If associated with a liquor license there will be sunset provisions as to how late you could serve liquor. Again, being indoors staff didn't see any special reason to place a limit on days or hours.

Commissioner Olbrysh referred again to the Taste of Lombard and asked if a special event permit would require that they follow certain standards. Mr. Heniff replied, yes. There is a special process with regulations pertaining to life safety which are more detailed than what the Code would have with regard to this proposal.

Commissioner Burke referred to provision #2 on page 4. He questioned if that meant that if there is a band, could they can only take up 25 percent of the restaurant or could the audience take up only 25 percent. Mr. Heniff replied that it would be the band or stage area associated with the activity. Commissioner Burke asked if they wanted to clarify that. Mr. Heniff asked if adding the word "performance" would help clarify. Commissioner Burke replied, yes.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposal complies with the standards required by the Lombard Zoning Ordinance and therefore moved that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore by a roll call vote of 6 to 0 recommends to the Corporate Authorities approval of **PC 09-16**.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposal complies with the standards required by the Lombard Zoning Ordinance; and, therefore, moved that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, by a roll call vote of 6 to 0, recommends to the Corporate Authorities approval of the zoning actions associated with **PC 09-16**.

Respectfully,

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VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

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