

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: David A. Huliseberg, Village Manager *dash*

DATE: November 24, 2008 (BOT) Date: December 4, 2008

TITLE: PC 08-31: 801 E. Roosevelt Road

SUBMITTED BY: Department of Community Development *W*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The petition requests conditional use approval to allow for a Restaurant, which includes entertainment, dancing, and/or amusement devices in the B4A Roosevelt Road Corridor District. (DISTRICT #6)

The Plan Commission recommended approval of this petition with conditions.

Please place this item on the December 4, 2008 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Date _____
Finance Director X _____
Date _____
Village Manager X *David A. Huliseberg*
Date *11/25/08*

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: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP
Director of Community Development *WH*

DATE: December 4, 2008

SUBJECT: PC 08-31: 801 E. Roosevelt Road

Attached please find the following items for Village Board consideration as part of the December 4, 2008 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 08-31;
3. An Ordinance granting approval of a Restaurant, which includes entertainment, dancing, and/or amusement devices; and
4. Plans associated with the petition.

The Plan Commission recommended approval of the zoning actions associated with the petition.

VILLAGE OF LOMBARD
255 E. Wilson Ave.
Lombard, Illinois 60148-3931
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org



Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

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

Subject: PC 08-31: 801 E. Roosevelt Road (Riley's American Cafe)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner is requesting a conditional use to allow a restaurant, which includes entertainment, dancing, and/or amusement devices for the subject properties located in the B4A – Roosevelt Road Corridor District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on November 17, 2008. Chairperson Ryan asked if there was anyone to cross-examine the witnesses. Hearing none, he requested that the petitioner begin their presentation.

Katie Wasserman, 801 E. Roosevelt, J. Riley, thanked the Plan Commission for consideration of a conditional use entertainment license. She stated that she reviewed the IDRC report and appreciates the efforts of the report, but one assumption being made is that granting the license will make J. Riley's become a tavern or cocktail lounge. Ms. Wasserman added that J. Riley's is a restaurant and the business plan is based on that. She stated that she knows the importance of creating a business plan and sticking to it, which is what they are doing with J. Riley's. Their menu, décor and floor plan support that proposition. She mentioned what they offer. Ms. Wasserman stated that their desire for the conditional use is to provide an opportunity for home-style meals with entertainment because people are looking for affordable ways to entertain themselves. She mentioned that their lunch business is the biggest profit center and has the most growth potential. Ms. Wasserman added that J. Riley's sustained financial hardship since opening their doors. She added that they are a restaurant (not a tavern) and they are not altering the building. Referring to the IDRC report, Ms. Wasserman quoted "the integration of live music into the existing establishment would intensify the existing restaurant use which could be construed as a change of use to a more appropriately labeled "tavern &

"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 responsible governmental services to the people of Lombard."

Village Manager
David A. Hulseberg

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
Rick Soderstrom, Dist. 6

cocktail lounge" use, which is neither permitted nor conditional in the B4A District," is inaccurate statement. She added that they are not asking for a capital drain on the Village budget, but just a way to add patrons. She finished by stating that nobody wants another empty storefront.

Chairperson Ryan then opened the meeting for public comment. No one spoke in favor of the petition.

Doris Dorberger, 19W020 13th Street, lives in the backyard of this restaurant and spoke against the petition. She stated that she appreciates the staff report and she referred to the letter her neighbor issued, which is included in IDRC report. Ms. Dorberger stated that she shares those concerns. She mentioned that the music would start late at night and based on other operations that have occurred there, there are already problems that occur in that parking lot late at night. She added that there are also problems sometimes during the day. Ms. Dorberger stated that there have been car accidents back there and she is also very concerned about people being outside talking and fighting. She stated that she appreciates this restaurant making a go of it, but has concerns being able to sleep in her house uninterrupted.

James Allman, 801 E. Roosevelt, responded to the concerns about music and stated that it will stay the same as the current jukebox levels and the bands that perform won't be different than before this time. He mentioned that he has been in bands before, so when he hires his bands, he knows to keep the music at a level so talking can be heard. Mr. Allman added that he would personally monitor the music levels.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. The petitioner currently operates a restaurant (J. Riley's American Café) in the B4A zoning district, which is a permitted use. The petitioner wishes to integrate live entertainment into the establishment. Pursuant to the B4A zoning district, restaurants, which include entertainment, dancing, and/or amusement devices, require conditional use approval.

The petitioner is proposing to designate forty-eight (48) square feet of floor area along the western wall of the interior of the building for live entertainment. The petitioner has indicated that there would be no new construction to the interior or exterior of the building. The petitioner has also indicated that live entertainment will occur only on Saturday nights with an occasional Friday performance. Any performances would take place from approximately 10:30 pm to 1:00 am.

Restaurants, not including entertainment and dancing are listed as a permitted use in the B4A zoning district; however, restaurants which include entertainment, dancing, and/or amusement devices are listed as a conditional use. Although the entertainment (i.e. live music) is intended to be a subordinate activity to the principal use (restaurant), as a conditional use they merit a more critical review.

When the petitioner applied for their business and liquor license in 2007, staff worked closely with them to ensure that the proposed use operates as a sit down restaurant (a permitted use) versus a tavern or bar, which is no longer listed as a conditional use (or permitted) in the B4A District. As a result, the petitioner made certain improvements to the menu offering "home cooked" meals and provided a partition wall between the dining area and the bar. Staff feels that the integration of live music into the existing establishment would intensify the existing restaurant use which could be construed as a change of use to a more appropriately labeled "tavern & cocktail lounge" use, which is neither permitted nor conditional in the B4A District.

Compatibility with adjacent residential properties was also identified as a primary concern within the recently adopted Roosevelt Road Corridor Report, adopted in 2007 as a supplement to the Comprehensive Plan. The Roosevelt Road Corridor Report ranked 143 different land uses from "highly desirable" to "highly undesirable". As previously mentioned, the integration of live music into the existing establishment could constitute a change of use more appropriately labeled as a "tavern & cocktail lounge" use. According to the Roosevelt Road Corridor Report a "tavern & cocktail lounge" is a less-desirable use within the Roosevelt Road Corridor. The Report lists taverns and cocktail lounges as 109th out of 143 uses.

Referring to the public health, safety and morals portion of the standards for conditional uses, the implications imposed by a change of use could place more of a burden on the health, safety, and general welfare than the previous restaurant use. Enjoyment of other property in the vicinity could also be affected by the intensification of the existing use through the integration of live music and could adversely affect those residential properties in a negative manner by increasing noise and traffic volumes. Objectives of the current Comprehensive Plan are not satisfied as compatibility with adjacent residential properties was also identified as a primary concern within the recently adopted Roosevelt Road Corridor Report. The Roosevelt Road Corridor Report lists taverns and cocktail lounges as 109th out of 143 uses.

Staff has reviewed the petition and finds that petition does not meet the standards set forth in the Zoning Ordinance. Therefore, staff is recommending denial of PC 08-31.

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

Commissioner Cooper asked if the hours of the restaurant will change and asked the owner if they still serve food until 1 a.m.

Jim Allman replied by stating that all hours will stay the same.

Chairperson Ryan indicated other establishments in Lombard that have music and exemplified Casey's and Brito in Yorktown. He asked what makes them any different.

William Heniff replied that Brio is part of the Yorktown Planned Development, which through the 1965 Yorktown Planned Development provides for entertainment there. Mr. Heniff stated that he does not have a ready answer for Casey's and is not sure whether it was granting as a conditional use or if it is a non-conforming activity.

Jim Allman stated that the live entertainment would not be every day - just a couple times a month. Mr. Allman added that during the summer, they will not have a use for it.

Commissioner Olbrsh asked what types of local bands and type of music will be playing.

Jim Allman stated that most of the bands will be local and some of those bands will have members old enough to bring grandkids or other the way around. He added that these will not be touring bands.

Commissioner Sweetser was curious as far as what an occasional Friday means.

Jim Allman stated that there may be one Friday a month.

Commissioner Sweetser stated that she understands it's approximate.

Jim Allman stated that it's just to generate more attention to the place other than lunch.

Commissioner Sweetser stated that there have more comments from neighbors and residents and that the current activity without music has been a disturbance for them.

Chairperson Ryan asked Ms. Dorberger if the issues have been in the past or over the recent past.

Ms. Dorberger stated that she has not personally had any recent issues, but her neighbor has.

Chairperson Ryan asked if the issues have occurred since J. Riley's came in.

Ms. Dorberger stated that prior to J. Riley's coming in and as well as now, there are periodic issues. She added that the noise from people out there is inappropriate and people are racing cars in the parking lot. She stated that when you have music it can invite different kinds of people. She added that when people drink late, they are noisier.

Commissioner Flint asked if it was this establishment or is it just the whole complex in general.

Ms. Dorberger stated that she has concerns about what has happened in the past and this makes it more of a nuisance.

Commissioner Olbrish stated that he recalls another restaurant being at that location. He added that this issue is the parking lot and not the business. He mentioned that it is an enclosed parking lot.

Commissioner Sweetser asked if it possible to condition the live entertainment for a certain time period. She mentioned that if they want music, we could allow a trial period of six months, that way to see how it works out. She added that it would be a pilot situation.

William Heniff stated that his only concern is that when time expires, the question then is what standards are looked at as an approval or denial for the future. He mentioned one suggestion to the Plan Commission would be to reference the site plan itself or the parking lot in front and rear. Mr. Heniff stated that staff cautions this approach because relief runs with the land.

Commissioner Olbrish stated that the parking lot in front doesn't meet the required number of spaces so you need the one in back.

Michael Toth stated that the front provides 48, but you have a situation where those adjacent businesses are closed (with the exception of the Mexican restaurant). He added that you could block off the back lot and share the front lot with the Mexican restaurant.

Jim Allman stated that he doesn't know how much parking they'll need, but he thinks they will need some of the additional spaces in the back.

William Heniff mentioned that managing the site better might alleviate some of the issues.

Jim Allman stated that he will monitor the parking lot and if something does happen and he finds out who it is, they will be banned.

Commissioner Sweetser added that managing the parking lot is a good preventive measure.

Chairperson Ryan asked the petitioner if he is locked into the proposed hours or if it would be a problem if the music ended at midnight.

Jim Allman replied that he didn't think this would be a problem. He added that it usually takes people a while to leave, especially on a Saturday night.

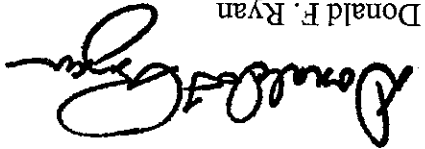
Commissioner Nelson motioned to approve PC 08-31 subject to two (2) conditions. The motion was seconded by Commissioner Olbrish.

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance; and, therefore, recommends that the Plan Commission recommend to the Corporate Authorities approval of the conditional use associated with PC 08-31 with the following conditions:

1. Live entertainment shall only take place from 9:00 p.m. and 12:00 a.m. on Friday and Saturday nights.
2. The proprietor shall manage the parking lots on event nights.

Respectfully,

VILLAGE OF LOMBARD



Donald F. Ryan

Lombard Plan Commission

c. Petitioner

Lombard Plan Commission

**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission
FROM: Department of Community Development
PREPARED BY: Michael S. Toth
Planner I
HEARING DATE: November 17, 2008

TITLE

PC 08-31; 801 E. Roosevelt Road: The petitioner requests conditional use approval to allow for a Restaurant, which includes entertainment, dancing, and/or amusement devices in the B4A Roosevelt Road Corridor District.

GENERAL INFORMATION

Petitioner: James F. Allman
801 E. Roosevelt
Lombard, IL 60148
Status of Petitioner: Tenant/Lessee
Property Owner: Dan Development Ltd
One Trans Am Plaza Dr., Suite 120
Oakbrook Terrace, IL 60181

PROPERTY INFORMATION

Existing Land Use: Retail commercial strip center
Size of Property: 1.8 acres
Comprehensive Plan: Community Commercial
Existing Zoning: B4A Roosevelt Road Corridor District

Surrounding Zoning and Land Use:

North: B4A Roosevelt Road Corridor District; developed as a fast-food restaurant (Popeye's) and an automobile service center (Midas).

South: Unincorporated property; developed as single family residences.

East: B4A Roosevelt Road Corridor District; undeveloped parcel of land.

West: B4A Roosevelt Road Corridor District; developed as a commercial retail business (Century Tile).

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development on October 16, 2008:

1. Petition for Public Hearing.

2. Letter of Intent with a response to standards, dated November 3, 2008.

3. Interior Floor Plan, prepared by the petitioner.

4. Site Plan, prepared by Dan Development Ltd.

DESCRIPTION

The petitioner currently operates a restaurant (J. Riley's American Café) in the B4A zoning district, which is a permitted use. The petitioner wishes to integrate live entertainment into the establishment. Pursuant to the B4A zoning district, restaurants, which include entertainment, dancing, and/or amusement devices, require conditional use approval.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Public Works Engineering has no comments at this time.

PRIVATE ENGINEERING

Private Engineering Services has no comments at this time.

FIRE AND BUILDING

Upon review of the above referenced request for conditional use for a restaurant with live entertainment, the Fire Department/Bureau of Inspectional Services has the following comments:

- 1) No pyrotechnics of any sort will be permitted.
- 2) Sufficient electrical receptacles will be required to carry the anticipated electrical loads from the musical instruments.
- 3) There will be no stage in the area designated for musicians. The area will be defined by a barrier, such as a low fence or roped off area.
- 4) We request that the 135 Maximum occupant load for this business be included in the Plan Commission approval. This is to ensure that no matter how the interior tables/chairs etc are configured, the occupant load never exceeds the exiting capacity.

POLICE

The Lombard Police Department has no comments at this time.

PLANNING

Compliance with the Zoning Ordinance

The subject business is located within a commercial strip center which consists of five restaurants, one currier service establishment, two beauty shops, one grocery store, and two vacant tenant spaces. Restaurants, not including entertainment and dancing are listed as permitted use in the B4A zoning district; however, restaurants which include entertainment, dancing, and/or amusement devices are listed as a conditional use. Although the entertainment (i.e. live music) is intended to be a subordinate activity to the principal use (restaurant), as a conditional use they merit a more critical review.

When the petitioner applied for their business and liquor license in 2007, staff worked closely with them to ensure that the proposed use operates as a sit down restaurant (a permitted use) versus a tavern or bar, which is no longer listed as a conditional use (or permitted) in the B4A District. As a result, the petitioner made certain improvements to the menu offering "home cooked" meals and provided a partition wall between the dining area and the bar. Staff feels that the integration of live music into the existing establishment would intensify the existing restaurant use which could be construed as a change of use to a more appropriately labeled "tavern & cocktail lounge" use, which is neither permitted nor conditional in the B4A District.

The petitioner is proposing to designate forty-eight (48) square feet of floor area along the western wall of the interior of the building for live entertainment. The petitioner has indicated that there would be no new construction to the interior or exterior of the building. The petitioner has also indicated that live entertainment will occur only on Saturday nights with an occasional Friday performance. Any performances would take place from approximately 10:30 pm to 1:00 am.

As the surrounding businesses within the strip center (with the exception of the Mexican restaurant on the east end of the strip) will be closed during time of the live entertainment, a large quantity of parking will be available. Two (2) parking lots exist on the site – one in front of the building and one behind the building. The parking lot in front of the building, which contains forty-eight (48) parking spaces, provides adequate customer parking for the center (the required number of spaces for the entire center is sixty (60)). The lot behind the building is actually larger than the lot in front of the building and has spaces for seventy-four (74) cars, plus ample room by the building for loading and unloading. With a total of (122) parking spaces provided on-site and only sixty (60) required of the strip center, there is a surplus of sixty-two (62) parking spaces.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Community Commercial uses at this location. Compatibility with adjacent residential properties was also identified as a primary concern within the recently adopted Roosevelt Road Corridor Report, adopted in 2007 as a supplement to the Comprehensive Plan. The Roosevelt Road Corridor Report ranked 143 different land uses from “highly desirable” to “highly undesirable”. The report ranked restaurants (with no entertainment/dancing) as the most desirable use for the Corridor. As previously mentioned, the integration of live music into the existing establishment could constitute a change of use more appropriately labeled as a “tavern & cocktail lounge” use. According to the Roosevelt Road Corridor Report a “tavern & cocktail lounge” is a less-desirable use within the Roosevelt Road Corridor. The Report lists taverns and cocktail lounges as 109th out of 143 uses.

Impact on Neighboring Properties

As the use of the tenant space could possibly be intensified with the addition of live entertainment, there are two potential impacts that the proposal could have on neighboring properties. The live entertainment would be confined to the interior of the building; however, it may be possible that it could generate additional noises that could be audible from the exterior of the building. The petitioner has indicated that the live music would generate the same sound levels as the existing jukebox. Also, if the entertainment were to attract a larger crowd, the rear parking lot could generate additional noise from vehicle traffic. The required occupancy limit of the existing use will not be changed as a result of this conditional use.

The rear parking lot is not visible from Roosevelt Road due to the lot's location behind the building. The lot is visible from the property to the east, but that property is presently vacant. Under the authoritative rights of a conditional use, staff will usually require that certain site improvements be made as an adjunct to the subject property to ensure neighborhood compatibility. In this case, all site-related issues that could be tied to the subject business have already been fully addressed.

All dumpsters located on the subject property were fully enclosed and new landscape islands were constructed as conditions of approval for PC 08-04 (withdrawn).

The only side which is of primary concern is the rear (south) side as it abuts single-family residences. A six (6) foot solid wood fence with two (2) feet lattice on top and a row of large mature Evergreen Trees (some greater than twenty (20) feet in height) provides the residential properties with screening from the subject parking lot. One neighboring property to the south has also erected a wooden fence, which due to grading issues actually stands taller than the subject fence.

There is no screening of the parking lot from the property to the west (a chain link fence with no slats runs along the west property line), but screening along that side is not as critical. Two properties abut the parking lot on the west side – Century Tile, which does not have any windows facing the rear parking lot, and a lot which houses infrastructure for the Flag Creek Sanitary District. There is also a significant grade change (+/- 3 feet) between the properties.

Standards for Conditional Uses

For a conditional use to be approved, the standards for conditional uses must be met. Staff has reviewed the petitioner's plan and the standards and offers the following comments:

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 conditional use process allows staff the opportunity to review each applicable petition in context with the surrounding area in regards to health, safety, and general welfare. In this case, the petitioner has come forth to receive the right to integrate live music into the existing establishment as an ancillary function of their business, on the subject property. The properties surrounding the subject business consists of both commercial and residential uses. The surrounding businesses within the strip center (with the exception of the Mexican restaurant on the east end of the strip) will be closed during time of the live entertainment; however, there are residential properties directly to the south of the subject property. The integration of live music into the existing establishment would intensify the existing use and constitute a change of use from a restaurant to what could label more appropriately as a "tavern & cocktail lounge". The implications imposed by a change of use could place more of a burden on the health, safety, and general welfare than the previous restaurant use.

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, not substantially diminish and impair property values within the neighborhood in which it is to be located;*

The adjacent commercial uses will not be affected by the proposed conditional use as there is a surplus of parking and those businesses will be closed during the hours of live entertainment. However, the intensification of the existing use through the integration of live music could

adversely affect those residential properties in a negative manner by increasing noise and traffic volumes.

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 subject business is located within an existing commercial retail strip center, which is surrounded by existing single-family residences and existing commercial businesses. The lot to the east is the only vacant land adjacent to the subject property. There are currently no plans to develop the adjacent parcel, which due to flood plain issues, will be a difficult parcel to develop.

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

All necessary infrastructural improvements are already in existence.

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;*

There are two existing drive aisles leading into the property at 801 E. Roosevelt. A twenty (20) foot drive aisle services the parking lot located to the rear of the building. No improvements to the existing ingress/egress are required.

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

The Comprehensive Plan recommends Community Commercial uses at this location. As previously mentioned, compatibility with adjacent residential properties was also identified as a primary concern within the recently adopted Roosevelt Road Corridor Report. The integration of live music into the existing establishment constitutes a change of use, which could be more appropriately labeled as a "tavern & cocktail lounge" use. A "tavern & cocktail lounge" is a less-desirable use within the Roosevelt Road Corridor. The Roosevelt Road Corridor Report lists taverns and cocktail lounges as 109th out of 143 uses.

Encourage property owners to maintain and enhance the overall condition of existing industrial, business and office developments.

This policy refers to the development in a property maintenance context. Not only would the petitioner need to demonstrate proper property stewardship, future property maintenance must also be carried on through the life of the business.

New development shall have adequate off-street parking and loading facilities.

This is an existing development with a surplus of sixty-two (62) parking spaces.

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.

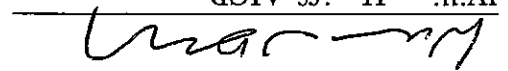
Applicable departments of the Village have reviewed the petition and if it were to be approved, the applicable code issues would be addressed through the IDR/C comments listed in this report. If approved, it is recommended that staff have the opportunity to draft conditions of approval. The petitioner would also need to receive an updated Certificate of Occupancy/Zoning Certificate that would reflect the change of use from a "restaurant, not including entertainment and dancing" to a "restaurant, which includes entertainment, dancing, and/or amusement devices".

FINDINGS AND RECOMMENDATIONS

Staff has reviewed the petition and finds that petition does not meet the standards set forth in the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **denial** of PC 08-31:

Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does not meet the standards set forth in the Zoning Ordinance and recommends that the Plan Commission accept the findings of the Inter-Departmental Review Report as the findings of the Plan Commission and recommend to the Corporate Authorities **denial** of PC 08-31.

Inter-Departmental Review Group Report Approved By:


William Heniff, AICP
Director of Community Development
WJH:MT

J. Riley's American Café
801 East Roosevelt Road
Lombard, Illinois 60148

November 3, 2008

Village of Lombard
255 East Wilson Avenue
Lombard, Illinois 60148

Dear Village Government,

I am writing this letter in an effort to gain your support for a permanent entertainment license for J. Riley's American Café.

I have been a part of Lombard commerce for 12 years and in December 2007, I opened J. Riley's American Café to offer home-style cooking at affordable pricing. Our clientele includes Lombard residents and employees of Lombard-based businesses.

We, like so many other people, have been hit hard by the tough economic times facing the nation. As a business owner, I worry about keeping overhead down while trying to find ways to increase business. It has been necessary for me to bring on partners to help me sustain and grow my business. My employees, most of whom rely on gratuities for their income, are earning less. And all of us are just trying to find ways to survive.

As a way to *add value into my patrons dining experience and to expand my customer base*, I would like to offer live entertainment periodically throughout the year. Having local bands playing at J. Riley's will do two things:

- 1.) Allow our patrons to come into J. Riley's for a nice, affordable home-style meal and stay for entertainment.
- 2.) Build a base of customers who will not only join us for dinner, but will also see J. Riley's as a place to come for lunch, taking advantage of daily meal specials and a discounted lunch menu.

The plan is to have bands that will play 60's & 70's and Blues music. They will perform from approximately 10:30 to 1:00am, typically on a Saturday but an occasional Friday. The seating of the restaurant will need not be altered to accommodate the bands and the volume will be kept at the same level as a jukebox. We will not host any hard rock or

metal bands. All other business surrounding J. Riley's will be closed at the times the bands perform.

With regards to meeting the specific guidelines set forth in the zoning ordinance, J. Riley's shall:

- 1.) Ensure that the establishment, maintenance and operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort and general welfare. We will do this by only inviting local bands that have a strong family, adult and child, following.
- 2.) Ensure 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, not diminish and impair property values within the neighborhood in which it is to be located. This shall be done by containing all entertainment to inside the restaurant and maintaining sound levels to those of a jukebox.
- 3.) Ensure 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. This shall be done by containing all entertainment to inside the restaurant and having entertainment on a periodic basis; not every weekend.

- 4.) Ensure that adequate public utilities, access roads, drainage, and/or necessary facilities have been provided. There will be no additional requirements other than what is permanent in the restaurant because no changes to the seating shall take place to accommodate hosting entertainment.
- 5.) Ensure that adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets. There will be no additional requirements needed for this as our restaurant capacity shall remain the same.
- 6.) Ensure that proposed conditional use is not contrary to objectives of the current Comprehensive Plan for the Village of Lombard. J. Riley's strives to support the goals of the Village and become an exemplary, thriving part of the Village.
- 7.) Ensure 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 to the recommendations of the Plans Commission. J. Riley's in good faith shall follow all applicable regulations set forth by the Plans Commission.

I urge you to grant a permanent entertainment license to J. Riley's as we feel this is necessary for our survival.

Best Regards,



James Allman
Proprietor, J. Riley's American Cafe

Ray Schuda
Ray Schuda

Sincerely,

My family lives adjacent to this property and would be most affected by this approval. My concern is the noise that would most certainly be generated by such activity, especially after 10 pm when our family is trying to sleep. There is good reason for the zoning as it exists. Please respect our right to quiet evenings. Please do not allow this change.

In regards to the request for conditional use approval to allow entertainment, dancing and/or amusement (PC 08-31) at 801 E. Roosevelt Road, Lombard, I would like to make the following comments:

Dear Plan Commission,

1 S 051 Chase Ave
Lombard, IL 60148
November 4, 2008

