

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES  
FROM: David A. Hulseberg, Village Manager  
DATE: April 23, 2013 (BOT) Date: May 2, 2013  
TITLE: PC 13-05: 352 E. Roosevelt Road  
SUBMITTED BY: Department of Community Development *lsh*

BACKGROUND/POLICY IMPLICATIONS:  
Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village grant a conditional use, pursuant to Section 155.417 (G) (2) (a) of the Lombard Zoning Ordinance, to allow outside service areas (outdoor dining) for the subject property located within the B4A Roosevelt Road Corridor District.

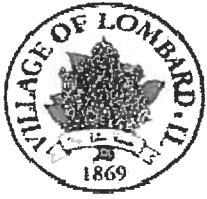
The Plan Commission recommended approval of this petition subject to amended conditions.  
Staff is requesting a waiver of first reading.  
Please place this on the May 2, 2013 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):


Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X \_\_\_\_\_ 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:** David A. Hulseberg, AICP, ICMA-CM, Village Manager

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

**DATE:** May 2, 2013

**SUBJECT:** **PC 13-05: 352 E. Roosevelt Road (Maxfield's Restaurant)**

Attached are the following items for consideration as part of the May 2, 2013 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 13-05; and
3. An Ordinance granting conditional use approval for the outdoor seating/dining, subject to conditions.

The Plan Commission unanimously recommended approval of the petition.

In order for the petitioner to proceed with the project in a timely manner and to be open for the spring/summer seasons, a waiver of the first reading of the aforementioned ordinance is requested.

Please let me know if you have any questions on the aforementioned materials.



## VILLAGE OF LOMBARD

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

May 2, 2013

Keith Giagnorio,  
Village President, and  
Board of Trustees  
Village of Lombard

**Acting Village President**  
William "Bill" Ware

**Village Clerk**  
Brigitte O'Brien

### Trustees

Greg Alan Gron, Dist. 1  
Keith T. Giagnorio, Dist. 2  
Zachary C. Wilson, Dist. 3  
Peter Breen, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
David A. Hulseberg

*"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."*

**Subject: PC 13-05; 352 E. Roosevelt Road (Maxfield's Restaurant)**

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 a conditional use, pursuant to Section 155.417 (G) (2) (a) of the Lombard Zoning Ordinance, to allow outside service areas (outdoor dining) for the subject property located within 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 April 15, 2013.

Antonios Topalidis, President of Tasty Foods Inc., Maxfield's Pancake House & Restaurant at 352 E. Roosevelt Road stated restaurant patrons have requested an outdoor seating option especially for lunch and dinner. Currently, the restaurant is open until 4 p.m. with plans to increase the hours of operation until 9 p.m. to accommodate evening dining hours.

Chairperson Ryan opened the meeting for public comment. There were no comments from the public. Chairperson Ryan then requested the staff report.

William Heniff, Director of Community Development, presented the staff report. Staff has drafted this IDRC report to submit to the public record in its entirety. The petitioner is proposing to construct a 494 square foot outdoor dining area on the southeastern side of the existing building with a four foot (4') high metal fence enclosing the concrete floor area. The project also includes a new patio door to be installed to provide access to the area and a gate to the parking lot for emergency egress. As a result, the petitioner requests that the Village grant a conditional use, pursuant to Section 155.417 (G) (2) of the Lombard Zoning Ordinance, to allow outside service areas (outdoor dining) for the subject property located within the B4A Roosevelt Road Corridor District.

As part of this petition, staff completed a review of the parking requirements for the business and it was found to be adequate. The petitioner is proposing to construct the outdoor dining area with decorative fencing to maintain a separation from the parking lot and Roosevelt Road itself. Similar requests have been granted in the past for properties along Roosevelt Road. Staff does not object to this request as it allows for an alternate area for patrons to eat if desired. As the property is not located near any residences, impacts of the outdoor dining function are minimal. The petitioner has submitted responses to the standards for conditional use and staff finds that the standards have been met.

The Comprehensive Plan identifies the subject property for Community Commercial Uses. The Roosevelt Road Corridor plan, a supplement to the Comprehensive Plan, provides additional recommendations regarding the request.

- Restaurants are a preferred land use in the corridor. The existing restaurant use is being maintained and enhanced through this petition.
- Outdoor sales and service areas should be tied to the principal use of the property. The plan meets this goal. The petitioner is providing a fenced/enclosed area which ensures that the dining area does not encroach into the parking spaces.
- Ensuring that compatibility with adjacent residential properties is maintained. The proposed outdoor dining element is proposed on the south side of the building and will abut other commercial uses. The outdoor area will be over 300 feet away from the nearest residence.

Staff finds that this petition is consistent with the Comprehensive Plan and the Roosevelt Road Corridor Plan.

The site is surrounded by other retail on the south, east and west sides. The property to the north is open space, Southland Park. The nearest residences to the northeast are in excess of 300' away. Dense shrubs and trees to the north provide additional buffer. Also, the hours of operation is proposed to be morning, afternoon and early evening as opposed to late at night. The intent of the Roosevelt Road Corridor is to provide commercial retail business; therefore staff finds the proposed outdoor dining is consistent with the surrounding land uses and recommends approval of PC 13-05 subject to the two conditions in the staff report.

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

Commissioner Sweetser stated that the hours of operation should be stipulated at least to be comparable to other eating establishments. Commissioner Burke suggested limiting the conditional use to 11:00 p.m. regardless of the representation being made at this time.

Commissioner Copper questioned the open space requirements since the concrete patio will be replacing a landscaped area. Mr. Heniff replied that the project will not impact the ten percent open space requirement.

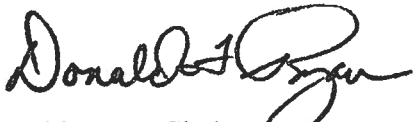
On a motion by Commissioner Burke and a second by Commissioner Flint, the Plan Commission voted 5 to 0 that the Village Board **approve** the conditional use associated with PC 13-05, subject to the conditions outlined in the IDRC Report and the additional condition of the hours of operation at the end of the day:

Based on the above Inter-Departmental Review Committee, the proposal does comply with the standards required by the Lombard Zoning Ordinance; and, therefore, the Plan Commission recommends approval to the Corporate Authorities **approval** of PC 13-05 subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan developed and submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for any improvements to be constructed on the subject property. The permit shall satisfactorily address any comments included within the Inter-departmental Review Report.
3. The outdoor dining activity shall not be operated after 11:00 p.m. Wait staff shall be available for the outdoor dining area and shall monitor operations to ensure that the use is operated properly and legally.

Respectfully,

**VILLAGE OF LOMBARD**



Donald Ryan, Chairperson  
Lombard Plan Commission

c. Lombard Plan Commission

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

TO: Lombard Plan Commission

HEARING DATE: April 15, 2013

FROM: Department of  
Community Development

PREPARED BY: William Heniff, AICP  
Director

**TITLE**

**PC 13-05; 352 E. Roosevelt Road:** The petitioner requests that the Village grant a conditional use, pursuant to Section 155.417 (G) (2) (a) of the Lombard Zoning Ordinance, to allow outside service areas (outdoor dining) for the subject property located within the B4A Roosevelt Road Corridor District.

**GENERAL INFORMATION**

Petitioner: Tasty Food Inc.  
dba Maxfield's Pancake House & Restaurant  
352 E. Roosevelt  
Lombard, IL 60148

Status of Petitioner: Tenant/Lessee

Property Owner: Gus Zios  
1400 W. Golden Gate  
Addison, IL 60101

**PROPERTY INFORMATION**

Existing Land Use: Retail commercial strip center

Size of Property: 1.3 acres

Comprehensive Plan: Roosevelt Road/Community Commercial District

Existing Zoning: B4A Roosevelt Road Corridor District

**Surrounding Zoning and Land Use:**

North: CR Conservation Recreation District; developed as Southland Park.

South: B4APD Roosevelt Road Corridor Planned Development; Lombard Crossing (Goodwill Industries).

East: B4APD Roosevelt Road Corridor Planned Development; Carson Center retail center.

West: B4A Roosevelt Road Corridor District; developed as a commercial retail business (Pita House Restaurant).

**ANALYSIS**

**SUBMITTALS**

This report is based on the following documents filed with the Department of Community Development on March 28, 2013:

1. Petition for Public Hearing with a response to standards.
2. Site Plan/Proposed Outdoor Seating Plan, prepared by petitioner and submitted with the petition.

**DESCRIPTION**

The petitioner currently operates a restaurant (Maxfield's Pancake House and Restaurant) in the B4A Roosevelt Road Corridor zoning district, which is a permitted use. The petitioner wishes to construct and operate an outdoor seating/dining area to be located in front of their existing restaurant facility, which requires conditional use approval.

**INTER-DEPARTMENTAL REVIEW COMMENTS**

**PUBLIC WORKS**

The Department of Public Works has no comment on the subject petition.

**PRIVATE ENGINEERING**

Private Engineering does not have any comments on the petition.

## **FIRE DEPARTMENT**

The Fire Department does not have any comments on the petition.

## **BUILDING DIVISION**

The Building Division offers the following comments in relation to PC 13-05: 352 E. Roosevelt Road:

1. The patio would have to meet the Illinois Accessibility Code (a 60” turning area at the intersect of the sidewalk and exit near the gate, and no more than a 1:20 pitch at the concrete walk and patio).
2. General lighting and emergency lighting would need to be supplied to the patio area.

## **PLANNING**

### **Compliance with the Zoning Ordinance**

The subject business is located within a free standing single tenant structure within the B4A zoning district. Restaurants are a permitted use in the B4A zoning district; however, the outdoor seating/dining requires conditional use approval.

The proposed dining area is similar to those provided for other dining establishments. Per the submitted plans, the outdoor seating area is proposed to be (494 square feet) in area. It would have a four-foot high metal fence around the perimeter of the concrete floor dining area. Access to the dining area itself would be through the establishment by a patio door to be installed. An access gate to the parking lot will also be provided to meet emergency egress issues.

### **Parking**

The Ordinance requires parking for outdoor dining in a similar manner as indoor areas. With the addition of 485 square feet for outdoor dining, the outdoor dining element requires an additional two spaces. The parking lot surrounds the building in a backward “C” formation with the majority of the parking located at the rear of the restaurant with a total of 103 parking spaces (the gross floor area of 5,586 sq. ft. + 485 sq. ft. outdoor seating = 6,071 sq. ft. \* 16 spaces per 1000 sq. ft. parking requirement computes to 97 required parking spaces). The dining area will be located in what is now a landscaped area between the building and the parking lot’s inner perimeter concrete sidewalk. The dining area’s location does not impact the existing parking lot.

### **Design Considerations**

The proposed seating area is intended to be complementary to the principal restaurant use. The petitioner is intending on softening the impact of Roosevelt Road and the adjacent parking lot by installing decorative fencing and possibly additional plant materials.



### **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 among the most desirable uses for the Corridor.

### **Impact on Neighboring Properties**

The Roosevelt Road Avenue corridor is a high volume corridor with commercial sites on both sides. The subject property is located within a corridor of mixed strip commercial uses and free standing single tenant commercial uses and is not immediately adjacent to residential properties. The proposed dining area is located at the front of the building and will not impact the Conservation Recreation District located at the rear of the building beyond the parking lot which is screened by landscaping. The property located to the west of the subject property currently has a restaurant (Pita House) with an outdoor dining area similar in location (to the front) and scope (decorative fence and umbrellas).

### **Standards for Conditional Uses**

For a conditional use to be approved, the standards for conditional uses must be met. The petitioner provided an initial response to the standards. Staff has reviewed the petitioner’s materials and offers the following additional comments regarding the requisite standards for conditional uses:

*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. The petitioner’s siting of the outdoor dining element attempts to ensure that all matters pertaining to the operations of the activity do not negatively impact the subject properties or neighboring properties.

*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 the petitioner’s outside seating will be placed in a location that would not create negative impacts on adjacent properties.

The business is currently open daily from 6:00 a.m. to 4:00 p.m., although they may extend the business hours into the early evening. The current hours of operation negate the concern for late

night noise or disturbances. Existing wait staff will monitor operations to ensure that the use is operated properly and legally.

*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 corridor, which is surrounded by existing commercial businesses. The lot to the north is the only land adjacent to the subject property not zoned commercial but zoned as a Conservation Recreation District. The nature of this improvement will not impact redevelopment activity on the subject property or on adjacent properties.

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

All necessary infrastructure 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. A twenty (20) foot drive aisle services the parking lot that surrounds most of the building. No improvements to the existing ingress/egress are required or proposed as part of this petition.

*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 the outdoor seating further enhances the commercial nature of the corridor and will strengthen the retail nature of the corridor.

*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 though the IDRC comments listed and conditions of approval.


## FINDINGS AND RECOMMENDATIONS

Staff believes that the proposed use is compatible with the surrounding zoning and land uses, enhances the site and the existing restaurant business and that it meets the standards for conditional uses. Based on the above the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

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 approval to the Corporate Authorities **approval** of PC 13-05 subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan developed and submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for any improvements to be constructed on the subject property. The permit shall satisfactorily address any comments included within the Inter-departmental Review Report.

Inter-Departmental Review Group Report Approved By:



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William J. Heniff, AICP  
Director of Community Development

WJH:



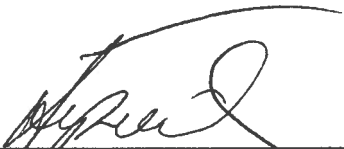
**PC 13-05: 352 E. ROOSEVELT ROAD (MAXFIELD'S)**

Tasty Food Inc.  
Maxfields Restaurant  
352 E. Roosevelt Rd.  
Lombard Il. 60148  
630-495-3900

March 28,2013

To whom it may concern,

I Antonios Topalidis, President of Tasty Food Inc. D/B/A Maxfields Pancake House & Restaurant at 352 E. Roosevelt Rd. Lombard Il. 60148. I am requesting to be granted a permit to construct an outdoor patio. I believe that the outdoor patio will enhance the property and also help generate more business for Maxfields Restauant.

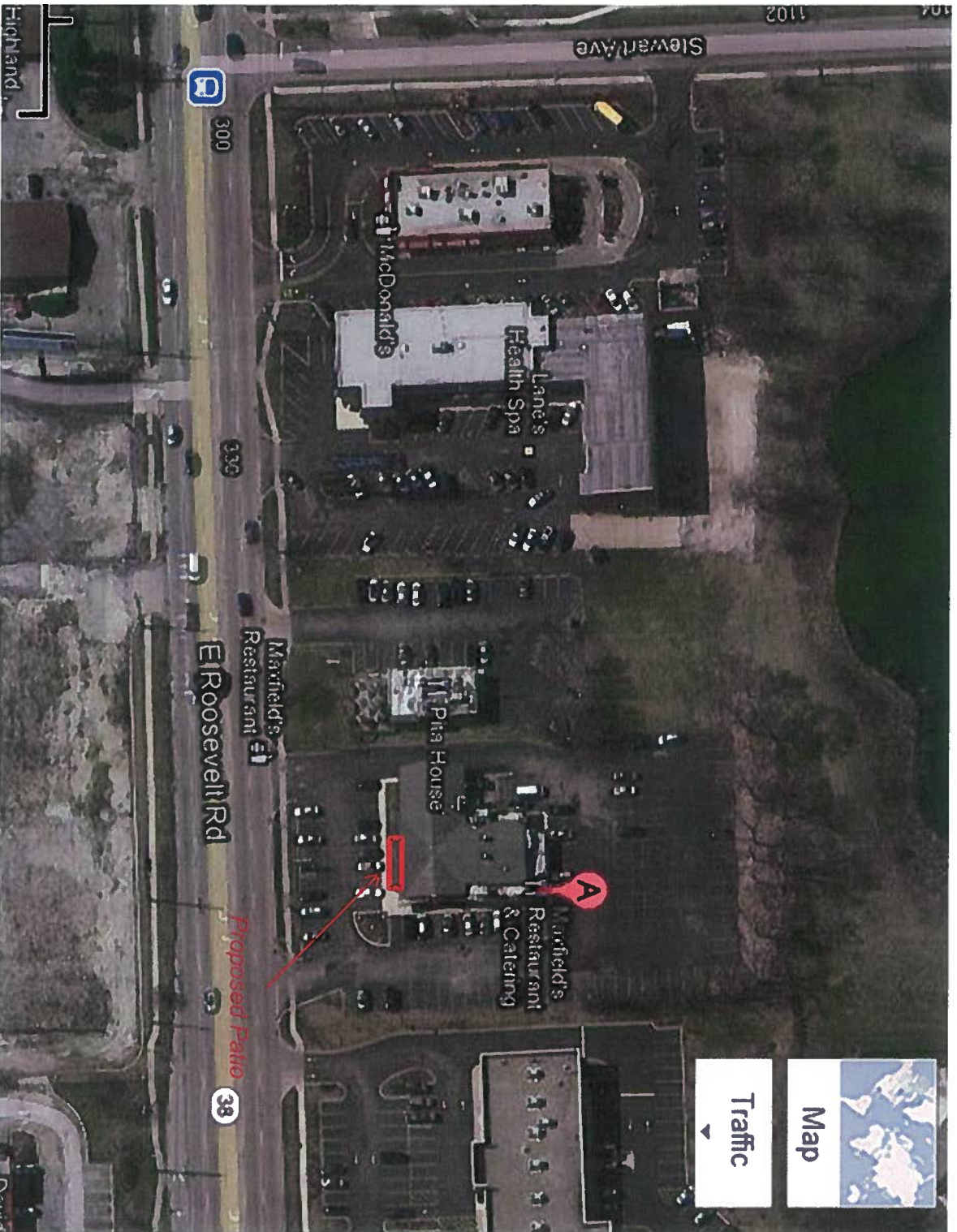


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Antonios Topalidis  
President of Tasty Food Inc.

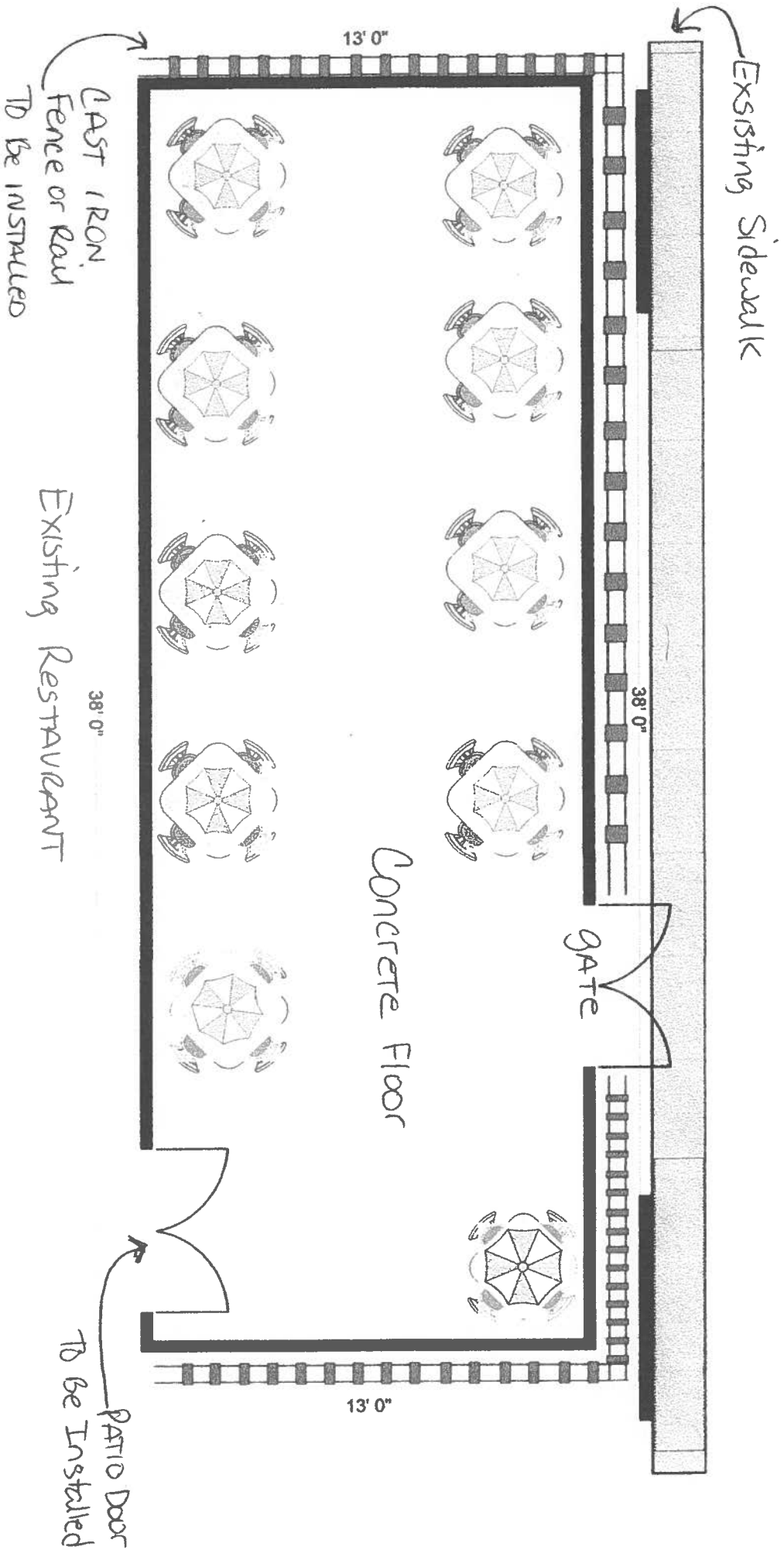


PC 13-05  
352 E. Roosevelt Rd





Proposed Patio Plan  
For  
Maxfields Restaurant





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

**AN ORDINANCE GRANTING A CONDITIONAL USE  
PURSUANT TO TITLE 15, CHAPTER 155, SECTION  
155.417(G)(2)(a) OF THE LOMBARD ZONING ORDINANCE**

(PC 13-05; 352 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 as defined below is zoned B4A - Roosevelt Road Corridor District ; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Title 15, Chapter 155, Section 417(G)(2)(a) of the Lombard Village Code to provide for an outside service area for outdoor dining; and

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on April 15, 2013 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 417(G)(2)(a) of the Lombard Village Code to provide for outside service area for outdoor dining.

SECTION 2: That this Ordinance is limited and restricted to the property located at 352 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

Lot 1 of Nolden's Assessment Plat, being the east 220.00 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 Number: 06-17-316-007; (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:

1. The property shall be developed in substantial compliance with the site plan developed and submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for any improvements to be constructed on the subject property. The permit shall satisfactorily address any comments included within the Inter-departmental Review Report.
3. The outdoor dining activity shall not be operated after 11:00 p.m. Wait staff shall be available for the outdoor dining area and shall monitor operations to ensure that the use is operated properly and legally.

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 \_\_\_\_\_, 2013.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013, pursuant to a roll call vote as follows:

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

Ordinance No. \_\_\_\_\_  
Re: PC 13-03  
Page 3

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

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

ATTEST:

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

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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