

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

Resolution or Ordinance (Blue)             
Recommendations of Boards, Commissions & Committees (Green)             
Other Business (Pink)           

*Waiver of First Requested*

TO:

PRESIDENT AND BOARD OF TRUSTEES

FROM:

David A. Hulseberg, Village Manager *DH*

DATE:

March 23, 2010 (BOT) Date: April 1, 2010

TITLE:

PC 10-03: 115 E. St. Charles Road (French Market/Hammerschmidt Parking Lot)

SUBMITTED BY:

Department of Community Development *DH*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The petitioner, the Village of Lombard and the Lombard Town Centre, requests approval of a conditional use for a Farmer's Market (French Market) in the B5 Central Business District.

The Plan Commission recommended approval of the petition subject to conditions.

Please place this item on the April 1, 2010 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney            X

Finance Director            X

Village Manager            X

Date

Date

Date

3/24/10

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:** April 1, 2010

**SUBJECT:** PC 10-03: 115 E. St. Charles Road (Hammerschmidt Parking Lot)

Attached please find the following items for Village Board consideration as part of the April 1, 2010 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 10-03;
3. An Ordinance granting approval of a conditional use for a Farmer's Market (French Market); and
4. Plans associated with the petition.

The Plan Commission recommended approval of the zoning actions associated with the petition. It should be noted that during the public hearing, it was represented that the French Market was going to be operated from 9AM to 1PM on Saturdays. Subsequent to the Plan Commission meeting, the operator of the French Market, Bensidoun, stated that they now wish to operate the French Market on Saturdays from 2PM to 7PM. Staff does not expect any conflicts with Cruise Nights and therefore supports the change in hours.



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



April 1, 2010

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

Village President  
 William J. Mueller  
 Village Clerk  
 Brigitte O'Brien

**Subject: PC 10-03: 115 E. St. Charles Road (French Market -  
 Hammerschmidt Parking Lot)**

Dear President and Trustees:  
 Greg Alan Gron, Dist. 1  
 Richard J. Tross, Dist. 2  
 Zachary C. Wilson, Dist. 3  
 Dana L. Moreau, Dist. 4  
 Laura A. Fitzpatrick, Dist. 5  
 William "Bill" Ware, Dist. 6

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard and the Lombard Town Centre, requests approval of a conditional use for a Farmer's Market (French Market) in the B5 Central Business District.

Village Manager  
 David A. Hulseberg

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 15, 2010. Christopher Stilling, Assistant Director of Community Development, presented the petition.

"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 Village of Lombard and the Lombard Town Centre (LTC) requests conditional use approval for a Farmer's Market (French Market) to be held Saturday mornings, from 9 a.m. to 1 p.m. in the existing Village of Lombard commuter parking lot of the retail strip center located at 115 E. St. Charles Road. The Bentsdown Company has been contacted by Lombard Town Centre to operate the market and will provide all staff, equipment and necessary marketing.

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

The Comprehensive Plan denotes this area as Central Business District Mixed Use Area. The French Market concept is clearly appropriate to a Central Business District and is considered as an enhancement to downtown development and activities. With regard to compatibility with the surrounding land uses, the subject property is bounded by commercial and railroad uses. The proposed French Market is compatible with such downtown uses. With regard to compatibility with the Zoning Ordinance and a conditional use for a Farmer's Market, the LTC wishes to operate a Farmers (French) Market on the Hammerschmidt parking lot on Saturday mornings. The market used to be located here on Saturdays in 2004 & 2005 (PC 04-06), however it was moved to 102 W.

St. Charles in 2007 and 2008 (PC 07-22) on Tuesdays to accommodate more vendors. Last year, the market was also held on Tuesday, but was relocated to North Park Avenue right-of-way. The LTC and its operator, Bensiadoun, were not satisfied with the North Park Avenue location and therefore the LTC is requesting to move the market back to the Hammerschmidt lot. They will be working with the same operator, who has indicated that having the market on Saturday should not impede their ability to get quality vendors.

Relative to the site plan, the market will be located on the eastern half of the existing Hammerschmidt parking lot. In consideration of the site for the market, staff noted many benefits of this site over the existing site including:

1. Greater visibility to pass-by traffic on St. Charles Road and visibility from riders on the Metra Union Pacific West Line.
2. Greater parking options.
3. Greater flexibility in site operations. As the site will not be shared with other land-uses, conflicts with garbage disposal and set-up operations will be diminished.
4. Additional space for expansion. The subject property will have space for 47 tents.
5. No need for Village barricades. Last year, the Village spent approximately \$7,000 for barricades.

As with the existing market, it will be operated according to a License Agreement that will ensure that it will not endanger the public health or safety. The market will meet all code requirements which will assure that all requirements for public utilities and safety concerns will be met during its limited hours and days of operation in a manner consistent with their existing site. As staff believes that the subject property can more adequately meet the needs of the market, it supports the conditional use request.

The existing Hammerschmidt parking lot has 13 parking spaces. Based on the representations made by the LTC and Bensiadoun, approximately 27 parking spaces will be used for the tents leaving 86 spaces for customer parking.

Staff finds that the request for a conditional use for this property meets the conditional use standards set by the Zoning Ordinance. Any potential negative impacts of the activity (i.e., trash, noise, etc.) will be continually overseen and managed. The market use will not impact overall redevelopment activity along St. Charles Road. In fact, the use could be considered an asset to the corridor. The use serves as an enhancement to the downtown area as it is an attraction for visitors to the area and is consistent with the retail objectives in the Comprehensive Plan.

In order for any conditional use to be approved, the standards for conditional uses must be affirmed. Mr. Stilling recited the seven standards as well as staff's response to each. Staff believes the standards have been met and recommends approval of the conditional use subject to the three conditions noted in the staff report.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition.

Dan Whittington, 39 North Elizabeth, Lombard, and President of Lombard Town Centre stated that while he felt the various vendors were happy on Park Avenue, the Village encountered some expenses with the barricades. We felt it would be best to relocate some place else and this was the best place for it. He indicated they have had success working with Bensidoun and that having the market on Saturdays would not deter vendors. We will be meeting with Bensidoun on Wednesday if everything goes well tonight.

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

Commissioner Olbrysh indicated that he had no problem with the French Market at the Hammerschmidt lot as the parking situation is better. He questioned who would be obtaining the vendors. Mr. Whittington answered that Bensidoun would. Commissioner Olbrysh asked if that is the same company that operates the Wheaton French Market. Mr. Whittington answered yes. Commissioner Olbrysh asked if Lombard had any vendors signed up yet. Mr. Whittington answered that they have some vendors signed up and they hoped to have 10-12. He didn't know who they were and will find out when they meet on Wednesday to finalize documents.

Commissioner Olbrysh asked if the operation dates for the market were May 1 through October 31. Mr. Whittington answered yes.

On a motion by Commissioner Olbrysh and a second by Commissioner Sweetser, the Plan Commission voted 4 to 0 that the Village Board approve the petition based on the finding that the petition had met the required Standards as set forth in the Zoning Ordinance.

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 adopt the findings included within the Inter-departmental Review Report as the findings of the Lombard Plan Commission and recommend to the Corporate Authorities approval of PC 10-03, subject to the following conditions:

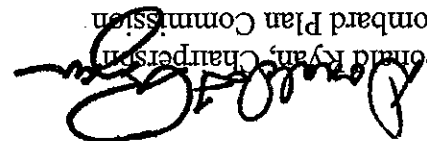
1. The Farmer's/French Market shall operate in accordance with the site plan prepared by Village staff, dated March 9, 2010 and included as part of this petition.

2. That the Farmer's/French Market shall be operated in accordance with a Market Operator's Agreement approved by the Village of Lombard Board of Trustees.

3. The conditional use for the operation of a Farmer's/French Market shall be on Saturdays between May 1 and October 31. Moreover, the operator shall designate four (4) spaces for temporary accessible parking during the hours that the French Market is operating.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairman  
Lombard Plan Commission

c. Petitioner  
Lombard Plan Commission

H:\CD\WORD\USER\RPC\CAS\SES\2010\PC 10-03\Referral Letter



To: Village of Lombard

From: Bensidoun USA, Inc.

RE: Request for change in Farmers Market hours of operation

Date: March 18, 2010

We would like to request that the Lombard Farmers market hours of operation shift to the afternoon (2PM-7PM) so that we may better market to our vendors and also tie into the Cruise nights event making Saturdays an all day opportunity for our residents to shop and stay in town. Your consideration of this request is greatly appreciated.

Regards

Leslie Cahill

General Manager

Bensidoun USA, Inc



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

**TO:** Lombard Plan Commission

**FROM:** Department of Community Development  
**PREPARED BY:** Christopher Stilling, AICP Assistant Director of Community Development

**TITLE**

**PC 10-03; 115 E. St. Charles Road:** The petitioner, the Village of Lombard and the Lombard Town Centre, requests approval of a conditional use for a Farmer's Market (French Market) in the B5 Central Business District.

**GENERAL INFORMATION**

**Petitioners:** Lombard Town Centre  
102 W. W. St. Charles Road, Suite 2C  
Lombard, IL 60148

Village of Lombard  
255 E. Wilson Avenue  
Lombard, IL 60148

Village of Lombard  
255 E. Wilson Avenue  
Lombard, IL 60148

**PROPERTY INFORMATION**

**Existing Land Use:** Commuter Parking Lot

**Size of Property:** 1.71 Acres

**Comprehensive Plan:** Recommends Community Commercial, within the Central Business District – Mixed Use Area

**Existing Zoning:** B5 Central Business District

**Surrounding Zoning and Land Use:**

**North:** B5 Central Business District and B2 General Neighborhood Shopping District (various uses including office, multiple-family residential, service and retail commercial and civic uses)

**South:** R2 Single-Family Residence District (Union Pacific railroad tracks)

East: R2 Single-Family Residence District (Union Pacific railroad tracks)  
West: B5 Central Business District (office uses)

## ANALYSIS

## SUBMITTALS

This report is based on the following documents filed on February 3, 2010 with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to Standards.
3. Site Plan Overlay, prepared by Village staff based upon representations made by the petitioner.

## DESCRIPTION

The Village of Lombard and the Lombard Town Centre (LTC) requests conditional use approval for a Farmer's Market (French Market) to be held Saturday mornings, from 9 a.m. to 1 p.m. in the existing Village of Lombard commuter parking lot of the retail strip center located at 115 E. St. Charles Road. The Bensidoun Company has been contracted by Lombard Town Centre to operate the market and will provide all staff, equipment and necessary marketing.

## INTER-DEPARTMENTAL REVIEW COMMENTS

### PUBLIC WORKS

Public Works has no comments

### PRIVATE ENGINEERING SERVICES

PES has no comments

### BUILDING DIVISION

Building Division has no comments

### FIRE

The Fire Department has no direct comments on the locating of the French Market to the Hammerschmidt Parking Lot. Regardless of location care needs to be given to make the market safe for workers and visitors. The Fire Department will assist as needed to ensure that the market is safe.

## PLANNING

### Compatibility with the Comprehensive Plan

The Comprehensive Plan denotes this area as Central Business District Mixed Use Area. The French Market concept is clearly appropriate to a Central Business District and is considered as an enhancement to downtown development and activities.

### Compatibility with the Surrounding Land Uses

The subject property is bounded by commercial and railroad uses. The proposed French Market is compatible with such downtown uses.

### Compatibility with the Zoning Ordinance

*Conditional Use for a Farmer's (French) Market*  
The LTC wishes to operate a Farmers (French) Market on the Hammerschmidt parking lot on Saturday mornings. The market used to be located here on Saturdays in 2004 & 2005 (PC 04-06), however it was moved to 102 W St. Charles in 2007 and 2008 (PC 07-22) on Tuesdays to accommodate more vendors. Last year, the market was also held on Tuesday, but was relocated to North Park Avenue right-of-way. The LTC and its operator, Bensidoun, were not satisfied with the North Park Avenue location and therefore the LTC is requesting to move the market back to the Hammerschmidt lot. They will be working with the same operator, who has indicated that having the market on Saturday should not impede their ability to get quality vendors.

### *Site Plan*

The market will be located on the eastern half of the existing Hammerschmidt parking lot. In consideration of the site for the market, staff noted many benefits of this site over the existing site including:

1. Greater visibility to pass-by traffic on St. Charles Road and visibility from riders on the Metra Union Pacific West Line.
2. Greater parking options.
3. Greater flexibility in site operations. As the site will not be shared with other land-uses, conflicts with garbage disposal and set-up operations will be diminished.
4. Additional space for expansion. The subject property will have space for 47 tents.
5. No need for Village barricades. Last year, the Village spent approximately \$7,000 for barricades.

As with the existing market, it will be operated according to a License Agreement that will ensure that it will not endanger the public health or safety. The market will meet all code requirements which will assure that all requirements for public utilities and safety concerns will be met during its limited hours and days of operation in a manner consistent with their existing site. As staff

believes that the subject property can more adequately meet the needs of the market, it supports the conditional use request.

*Parking*

The existing Hammerschmidt parking lot has 13 parking spaces. Based on the representations made by the LTC and Bensidown, approximately 27 parking spaces will be used for the tents leaving 86 spaces for customer parking.

Staff finds that the request for a conditional use for this property meets the conditional use standards set by the Zoning Ordinance. Any potential negative impacts of the activity (i.e., trash, noise, etc.) will be continually overseen and managed. The market use will not impact overall redevelopment activity along St. Charles Road. In fact, the use could be considered an asset to the corridor. The use serves as an enhancement to the downtown area as it is an attraction for visitors to the area and is consistent with the retail objectives in the Comprehensive Plan.

Standards for Conditional Use

a. *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;*

Lombard Town Centre believes that this lot provides a greater opportunity to enhance the existing French Market activity in the downtown area as well as improve commerce in the surrounding downtown businesses. Any potential negative impacts of the activity (i.e., trash, noise, etc.) will be continually overseen and managed.

b. *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.*

Relocating the market will not be injurious as it will be situated in a business area. Staff finds that the proposed area has ample parking on site as well and will be able to accommodate much of the anticipated parking demand of the use. As a temporary, short duration use, impacts on the overall character of the area will be minimal.

c. *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;*  
Staff finds that the market use will not impact overall redevelopment activity along St. Charles Road. In fact, the use could be considered an asset to the corridor.

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

The use will not require permanent connections to municipal utilities.

e. *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;*

Staff finds that the proposed is a suitable location for the market. The site has ample parking with good access to St. Charles Road.

f. *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 area as it is an attraction for visitors to the area. Staff finds that the use is consistent with the retail objectives in the Comprehensive Plan.

g. *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.*

Staff finds that the use will be consistent with Village Codes.

## FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Lombard Zoning Ordinance, subject to conditions of approval. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition, subject to the attached conditions:

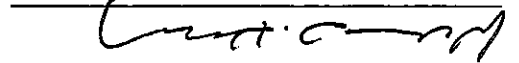
Based on the submitted petition and the testimony presented, the proposed conditional use **does comply** with the standards required by the Lombard Zoning; and, therefore, I move that the Plan Commission adopt the findings included within the Inter-department Group Report as the findings of the Lombard Plan Commission, and recommend to the Corporate Authorities **approval** PC 10-03, subject to the following conditions:

1. The Farmer's/French Market shall operate in accordance with the site plan prepared by Village staff, dated March 9, 2010 and included as part of this petition.

2. That the Farmer's/French Market shall be operated in accordance with a Market Operator's Agreement approved by the Village of Lombard Board of Trustees.

3. The conditional use for the operation of a Farmer's/French Market shall be on Saturdays between May 1 and October 31. Moreover, the operator shall designate four (4) spaces for temporary accessible parking during the hours that the French Market is operating.

Inter-Departmental Review Group Report Approved By:

  
\_\_\_\_\_  
William J. Heniff, AICP

Director of Community Development

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**AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.418(C)(7) OF THE LOMBARD ZONING ORDINANCE**

(PC 10-03; 115 E. St. Charles Road [Hammerschmidt Parking Lot])

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 B-5 – Central Business District; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Section 155.418(C)(7) of the Lombard Zoning Ordinance for a university (non-boarding) as set forth herein for the property described in Section 2 below; and,

WHEREAS, a public hearing on the foregoing application was conducted by the Village of Lombard Plan Commission on March 15, 2010 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 zoning actions described herein, subject to conditions; and,

WHEREAS, the President and Board of Trustees 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 a conditional use is hereby granted for the property described in Section 2 below and pursuant to Title 15, Chapter 155, Section 155.418(C)(7) of the Village of Lombard Zoning Ordinance so as to allow said property to be used for a

Farmer's Market (French Market); subject to compliance with the conditions set forth in Section 3 below:

SECTION 2: That this Ordinance is limited and restricted to the properties located at 115 E. St. Charles, Lombard, Illinois and legally described as follows:

ALL OF BLOCK 15 AND BLOCK 16 OF THE ORIGINAL TOWN OF LOMBARD, A SUBDIVISION OF SECTION 5, 6, 7, AND 18 IN TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NUMBER 9483, IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 06-08-108-013, 06-08-110-003; (the "Subject Property").

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

1. The Farmer's/French Market shall operate in accordance with the site plan prepared by Village staff, dated March 9, 2010 and included as part of this petition.
2. That the Farmer's/French Market shall be operated in accordance with a Market Operator's Agreement approved by the Village of Lombard Board of Trustees.
3. The conditional use for the operation of a Farmer's/French Market shall be on Saturdays between May 1 and October 31. Moreover, the operator shall designate four (4) spaces for temporary accessible parking during the hours that the French Market is operating.

SECTION 4: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 5: 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 \_\_\_\_\_, 2010.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010, pursuant to a roll call vote as follows:

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

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

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Brigitte O'Brien, Village Clerk



