

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: September 19, 2005

FROM: Department of
Community Development

PREPARED BY: Jennifer Backensto, AICP
Planner I

TITLE

PC 05-27; 800 E. Roosevelt Road: The petitioner requests that the Village approve a conditional use for an indoor amusement establishment (teen club) within the former Frank's Nursery and Crafts building in the 800-810 E. Roosevelt B3 Community Shopping District Planned Development.

GENERAL INFORMATION

Petitioner: Gabriel Enwiya
6087 N. Whipple
Chicago, IL 60659

Property Owner: 800 Roosevelt, LLC
830 S. Buffalo Grove #106
Buffalo Grove, IL 60089

PROPERTY INFORMATION

Existing Land Use: Discount bookstore, garden center, retail strip center

Size of Property: 6.3 acres

Comprehensive Plan: Recommends Community Commercial

Existing Zoning: B3 PD Community Shopping District Planned Development

Surrounding Zoning and Land Use:

North: R2 Single Family Residence District – single-family homes; CR Conservation Recreation District – Old Grove Park

South: B3 Community Shopping District – commercial uses

East: B3 Community Shopping District – commercial uses

West: R2 Single Family Residence District – single-family homes; B3 Community Shopping District – commercial uses

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development on June 14, 2005:

1. Petition for Public Hearing.
2. Response to Standards.
3. ALTA/ACDM Land Title Survey prepared by Zarko Sekerez & Associates and dated January 20, 1999 (last updated January 3, 2003).
4. Proposed Parking Improvements.
5. Business Plan.
6. Concept Floor Plan.

DESCRIPTION

In 2002, these properties were made into a Planned Development at the time the KFC/A&W Restaurant was constructed (PC 02-24). The petitioner is now proposing a teen club in the building formerly occupied by Frank's Nursery & Crafts. Although the submitted business plan includes an outdoor patio, this area has subsequently been removed and converted into additional on-site parking.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

To change the use of this building to a club, which is a public assembly use, several changes and considerations will need to be made:

1. The occupancy load shall be calculated based upon square footage. A self or required occupant load will not be used. All fire protection and building code requirements will be based upon the calculated occupant load.
2. The fire sprinkler system will be inspected, tested, and calculated by a recognized fire sprinkler engineer for coverage for the public assembly.

3. The fire department connection will be moved to the front of the building with a hydrant so located for the supply of water to the system. Parking shall be physically prohibited in front of the connection and hydrant.
4. The sprinkler valve room will be accessed from a door that opens directly to the outside.
5. The fire protection and alarm system shall be designed to meet the requirements of the public assembly.
6. Due to the age of the rated ceiling, all ceiling tiles shall be removed and replaced with a new ceiling rated appropriately for a public assembly.
7. All existing electrical shall be upgraded as needed to meet the current code for a public assembly.
8. The exiting shall be relocated, increasing in units of egress to meet the requirements of a public assembly and protection from vehicles passing by.
9. All exit signage and emergency lighting shall be to existing codes. Emergency lighting may need to exceed general code requirements based upon interior color selection. The emergency lighting shall provide for the safe exiting of patrons in an emergency and/or main lighting not functioning. The Fire Chief shall determine the adequacy of the emergency lighting.
10. Bathrooms shall meet Illinois Plumbing Code requirements for a public assembly.
11. The building shall meet Illinois Accessibility Standards for a public assembly.
12. Any food handling shall meet code.
13. The patio area will need to have all existing overhead covering removed. If a covered patio is desired, it will need to be designed and submitted for building permit approval. Any area covered will be protected with automatic sprinkler coverage. Exiting from this area directly to the outside will be required. Exiting will not be allowed back through the building.
14. An operational plan for crowd control and emergency evacuation shall be submitted and approved by the Fire Chief.
15. A fire hydrant shall be added to the rear of the building.

Public Works

In general the Public Works Department has no comments on this petition. However, if the petition moves forward we would like to know where the proposed new parking stalls would be located. A site plan shall be submitted and a building permit issued for any parking lot renovations required as part of the Conditional Use approval.

Private Engineering

The Private Engineering Services Division has no comments on this petition.

Planning

Compatibility with the Comprehensive Plan

The Comprehensive Plan calls for this area to be developed with Community Commercial uses. With the approval of the requested conditional use, the property would be in compliance with the recommendations of the Comprehensive Plan.

Compatibility with the Surrounding Land Uses

The subject property is bordered on two sides by properties within the R2 Single-Family Residence District, and there are homes within 300 feet of the building where the teen club would be located (see aerial photo, below). Staff has serious concerns about the negative impact the proposed use could have on the adjacent residences. Since the teen club would be operating primarily in the late evening hours, the additional noise and traffic generated by this type of use could be substantial and much greater than that generated by the current and previous retail uses.



The subject property currently does not have the transitional landscaping improvements required for business-zoned properties that abut residential and can be considered legal non-conforming. However, the petitioner's proposed improvements would increase the impact on adjacent residents because it will be adding parking spaces along the western and northern property lines. What is currently an infrequently used service area along the northern property line would be transformed into an active parking area used by vehicles and people. If the proposed improvements were constructed, they would remove the minimal buffer zone that currently exists between the subject property and the surrounding residences.

Compatibility with the Zoning Ordinance

A conditional use a land use that, depending on the impact the use would have on neighboring land, may or not be appropriate within a given zoning district. In the past, staff has identified locations where the granting of a conditional use for a teen club would be appropriate (see PC 02-31, 1000-40 N. Rohlwing Road). That property was within Northgate Shopping Center, which abuts two major arterial roads (Rohlwing Road (IL Rt. 53) and North Avenue (IL Rt. 64)) as well as I-355. There are commercial and industrial uses north of the shopping center. In that case, staff stated that the proposed location within an established shopping center and the lack of surrounding residential uses suggested that an indoor amusement establishment might be an appropriate use on that property.

In this case, the subject property's proximity to residences makes it an inappropriate location for the proposed teen club and, as such, this petition has not met the following Standards for Conditional Uses:

- (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.* The proposed conditional use and associated site improvements could have a substantial impact on the adjacent residences. Furthermore, the teen club as proposed (with seating for 1,700 people plus a 10,000 sq. ft. dance floor) would monopolize the entirety of the parking areas for the shopping center. This would leave no parking available for any of the other businesses on the property, thereby substantially reducing the desirability of those locations for both the existing owners and any potential future owners.
- (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;* As stated above with regard to surrounding land uses, the proposed conditional use could negatively impact the adjacent residences with its operations. The teen club as proposed could also impede the potential redevelopment or reuse of the existing shopping center by eliminating the available on-site parking for other businesses.
- (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. The lack of transitional landscape yard improvements, although legal nonconforming, would become much more evident with the intensified use of the areas along the perimeter of the property.

Traffic/Parking

Although the petitioner’s business plan states that they will provide parking for over 800 vehicles, there has been no indication as to where these parking spaces will be located. According to the submitted plans, there are currently 218 parking spaces on-site. The proposed improvements would add an additional 113 spaces once the required parking lot landscaping has been accounted for, for a total of 331 on-site parking spaces. Of these, 178 spaces are already required for the retail center in the rear of the property, leaving 153 parking spaces available for the teen club.

A separate conditional use request could be considered to allow the teen club to have off-site parking on the property to the east. Village Code allows for off-site parking in cases where surplus parking available is on neighboring properties. The adjacent property has 270 parking spaces and, of those spaces, 258 spaces are required to serve Wendy’s, Midas, Popeye’s, Glass Court, and Sterling Auto Body. Without a parking variation, a conditional use for off-site parking at this location would only add an additional 12 parking spaces for the teen club. Therefore, there is little surplus parking available on the adjacent property to make up the difference in the overall parking demand.

At the amusement establishment parking standard of one space per every three persons, the 153 remaining parking spaces will allow for a maximum of 458 guests. This means that, in order to satisfy both parking and life safety requirements, the building will need to be substantially reduced below its current 21,292 sq. ft. Occupancy limits are determined by the number of square feet allotted to the three types of assembly described in the table below:

Building used as:	Required sq. ft. per occupant	Possible allocations of floor area for 458 occupants (sq. ft.)						
		1	2	3	4	5	6	7
Standing occupancy	3	1,374	-	-	1,314	1,245	1,274	1,160
Non-fixed seating	7	-	3,206	-	-	300	-	500
Fixed seating	15	-	-	6,870	300	-	500	-
Total floor area:		1,374	3,206	6,870	1,614	1,545	1,774	1,660

This means that, depending on the specific floor plan and/or seating arrangements, the usable space of the building could be reduced to as little as 1,374 sq. ft., or 6% of the current building area (assuming all area was standing occupancy only) or as much as 6,870 sq. ft. (assuming all area was fixed seating). An internal floor plan would need to be submitted that is designed for an occupancy load not to exceed the allowable square footage. The remainder of the building would need to be converted into a separate tenant space that, due to the lack of parking, could not be occupied by any type of establishment without the need for a parking variation.

In short, if a conditional use is granted, the available parking supply for the teen club would result in a building occupancy that is substantially less than that proposed in the petitioner’s business plan.

Also, a parking and traffic study is being conducted by KLOA. The results of this study will be presented at the Plan Commission public hearing.

Alternate Recommendation

Although staff does not believe that this petition has met the Standards for Conditional Uses, certain conditions should be considered in the event that the Plan Commission or Board of Trustees vote in favor of this petition. These conditions are intended to ensure that the proposed teen club would meet code in all aspects and minimize its negative impacts on the surrounding businesses and residences.

Prior to the consideration of any ordinance for approval, the petitioner should be required to submit a detailed interior building plan so that the building occupancy can be verified and approved by the Bureau of Inspectional Services. Also, staff recommends that the following four conditions be added (similar to those added in PC 02-31):

1. The petitioner shall be required to apply for and receive Village building permits for the construction of any improvements on the subject property. The petitioner shall also apply for and receive all requisite State of Illinois and DuPage County Health Department permits.
2. The floor area of the building shall be limited to that shown on the interior building plan approved by the Bureau of Inspectional Services and attached as **Exhibit A**.
3. Construction and site improvements shall be substantially underway within one (1) year from the date of Village Board approval and shall be completed within eighteen (18) months thereof.
4. The petitioner shall apply for and receive all required licenses from the Village of Lombard, including a Teenage Cabaret/Juice Bar license.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **denial** of this petition:

Based on the submitted petition and the testimony presented, the requested relief does not comply with the standards required by the Lombard Zoning Ordinance; and,

Therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **denial** of PC 05-27.

Lombard Plan Commission
Re: PC 05-27
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Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

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