


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: Scott R. Niehaus, Village Manager
DATE : September 27, 2022 **(BOT) Date:** October 6, 2022
SUBJECT: PC 22-22: 2300 S. Highland Avenue

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:
Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests a conditional use pursuant to Section 155.412(C)(17) of the Lombard Village Code to allow for a restaurant, not including entertainment, dancing and/or amusement devices to operate on the subject property located within the OPD Office District Planned Development. (DISTRICT #3)

The Plan Commission recommended approval of this petition by a vote of 5-0. Please place this petition on the October 6, 2022, Board of Trustees agenda for a first reading

Fiscal Impact/Funding Source:


Review (as necessary):
Finance Director _____ Date _____
Village Manager _____ 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: Scott R. Niehaus, Village Manager

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

MEETING DATE: October 6, 2022

SUBJECT: **PC 22-22: 2300 S. Highland Avenue**

Please find the following items for Village Board consideration as part of the October 6, 2022, Board meeting:

1. Plan Commission referral letter
2. IDRC report for PC 22-22
3. An Ordinance granting approval of a conditional use for a restaurant for the property located at 2300 S. Highland Avenue

The Plan Commission recommended approval of this petition by a vote of 5-0. Please place this petition on the October 6, 2022, Board of Trustees agenda for a first reading.



VILLAGE OF LOMBARD

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October 6, 2022

Village President
Keith T. Giagnorio

Village Clerk
Liz Brezinski

Trustees

Brian LaVaque, Dist. 1
Anthony Puccio, Dist. 2
Bernie Dudek, Dist. 3
Andrew Honig, Dist. 4
Dan Militello, Dist. 5
Bob Bachner, Dist. 6

Village Manager
Scott R. Niehaus

*"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."*

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 22-22: 2300 S. Highland

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition.

The petitioner requests the following in order to operate on the subject property located within the OPD Office District Planned Development:

1. a conditional use pursuant to Section 155.412(C)(17) of the Lombard Village Code to allow for a restaurant, not including entertainment, dancing and/or amusement devices.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on September 26, 2022. Sworn in to present the petition was Anna Papke, Senior Planner, and Nicholas Pappas, attorney for the petitioner.

Acting Chair Giuliano read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, she proceeded with the petition.

Mr. Pappas presented the petition. He said that the subject property was previously a restaurant. The property owner wants to re-establish the conditional use for a restaurant in order to be able to lease the building to a new tenant. He said the property had previously operated as a restaurant with no violations. He acknowledged the Fire Department's comments in the IDRC report about the need to bring the fire alarm and hood suppression system up to code.

Acting Chair Giuliano asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, she asked for the staff report.

Ms. Papke presented the staff report, which was submitted to the public record in its entirety. The petitioner proposes to operate a restaurant on the subject property. Restaurants are conditional uses in the underlying Office District. The existing building on the site is currently vacant but was previously operated as a restaurant. Village records indicate the most recent restaurant on the site closed in 2019. Since more than one year has elapsed since the restaurant closed, zoning entitlements for a restaurant have lapsed.

Planning staff reviewed the petition and found it meets the standards for conditional uses. The subject property is located in an area containing office buildings and higher-density residential development. A restaurant was previously operated on the site for several decades without issue. The petitioner does not plan any changes to the exterior layout of the site, though some remodeling may occur. Staff recommended approval of the request.

Acting Chair Giuliano asked if there were any questions or comments on the staff report. Hearing none, she opened the meeting for comments among the Commissioners.

Commissioner Johnston said he was looking forward to having a restaurant located on this property again. He said it was a good location for a restaurant.

Commissioner Sweetser agreed, and said it had been a popular spot for a restaurant in the past.

On a motion by Commissioner Sweetser, and a second by Commissioner Johnston, the Plan Commission voted 5-0 to recommend that the Village Board approve the petition associated with PC 22-22 subject to the three (3) conditions in the staff report:

1. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report, including but not limited to compliance with the comments from the Fire Department and the Building Division;
2. That the petitioner shall apply for and receive all required building permits prior to commencing any work on the site; and
3. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

Respectfully,

VILLAGE OF LOMBARD

Leigh Giuliano, Acting Chairperson
Lombard Plan Commission

September 26, 2022

Title

PC 22-22

Petitioner

Peter C. Kappos
304 Hambletonian
Oak Brook, IL 60523

Property Owner

Peter C. Kappos
304 Hambletonian
Oak Brook, IL 60523

Property Location

2300 S. Highland Avenue

Zoning

OPD – Office Planned Development

Existing Land Use

Former restaurant building

Comprehensive Plan

Low-Medium Density Residential

Approval Sought

Conditional use pursuant to Section 155.412(C)(17) of the Lombard Village Code to allow for a restaurant, not including entertainment, dancing and/or amusement devices.

Prepared By

Anna Papke, AICP
Senior Planner



LOCATION MAP

PROJECT DESCRIPTION

The petitioner proposes to operate a restaurant on the subject property. Restaurants are conditional uses in the underlying Office District. The existing building on the site is currently vacant but was previously operated as a restaurant. Village records indicate the most recent restaurant on the site closed in 2019. Since more than one year has elapsed since the restaurant closed, zoning entitlements for a restaurant have lapsed. Therefore, a public hearing is required to re-establish the restaurant use on the subject property.

The petitioner does not plan any changes to the site. Some interior remodeling may occur.

APPROVAL(S) REQUIRED

The petitioner requests the following in order to operate on the subject property located within the OPD Office District Planned Development:

1. a conditional use pursuant to Section 155.412(C)(17) of the Lombard Village Code to allow for a restaurant, not including entertainment, dancing and/or amusement devices.

PROJECT STATS

Lot & Bulk

Parcel Size: ~30,500 SF

Building Size: ~3,800 SF

Submittals

1. Petition for a public hearing, dated June 30, 2022;
2. Response to Standards for a Conditional Use, prepared by the petitioner;
3. Boundary and Topographic Survey, prepared by Ridgeline Consultants, dated September 10, 2020; and
4. Floor Plan, prepared by Agama Designs Architecture, dated July 28, 2022.

EXISTING CONDITIONS

The subject property is developed with a one-story building formerly used as a restaurant, and associated surface parking lot.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments on the petition. Additional comments may be forthcoming during permit review.

Fire Department:

The Fire Department has the following comment on the petition. Additional comments may be forthcoming during permit review.

1. The fire alarm and hood suppression system from the past restaurant will need to be brought up to code. This can be done through the normal permit process.

Private Engineering Services:

Private Engineering Services has no comments on the petition. Additional comments may be forthcoming during permit review.

Public Works:

The Department of Public Works has no comments on the petition. Additional comments may be forthcoming during permit review.

Planning Services Division:

The Planning Services Division (PSD) notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	OPD	Office building
South	OPD	Office building
East	R5PD	Condo building
West	OPD	Parking lot for office building

The subject property is located in an area with a mixture of office buildings and higher density residential development. Several restaurants have operated on the subject property over the years. The proposal to re-establish the restaurant use on the subject property is compatible with surrounding land uses.

2. ***Comprehensive Plan Compatibility***

The Comprehensive Plan recommends low-medium density residential uses on this property. The property is part of the Highland Lakes Planned Development, which contains the subject property, a number of office buildings, and the Highland Lakes Condos at Janata Boulevard and Main Street. Though the Comprehensive Plan designation reflects the residential component of the Planned Development, the subject property has been developed with a restaurant for several decades. A concept site plan submitted when the Planned Development was established in 1976 proposed a restaurant on the subject property. Given the history of the subject property and mixed-use nature of the Highland Lakes Planned Development, staff considers re-establishment of the restaurant to be consistent with the broader intent of the Comprehensive Plan.

3. ***Zoning Compatibility***

Per Section 155.412(C)(17) of the Village Code, restaurants are conditional uses in the Office District.

Staff has reviewed the petitioner's request and finds the operation of a restaurant on the subject property will not create any undue impacts on neighboring properties. The subject property is located in an area with a mixture of office and residential uses, where a restaurant would be a compatible adjacent use. Previous restaurants operated on the subject property for several decades without apparent negative impact to the surrounding properties. Staff finds the proposed re-establishment of the restaurant meets the standards for conditional uses.

4. ***Site Plan: Access & Circulation***

The subject property is developed with a parking area on all four sides of the building, accessed by a driveway from Janata Boulevard. The petitioner does not intend to make any modifications to the parking lot. Access and parking availability will remain the same as they were when the previous restaurants were in operation.



SITE HISTORY

1997: Site Plan Approval

Site plan approval for a 320-foot addition to the building.

FINDINGS & RECOMMENDATIONS

Staff finds that the proposed use is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance.

The Inter-Departmental Review Committee has reviewed the standards for the requested conditional use for a restaurant that does not including entertainment, dancing and/or amusement devices in the OPD District and finds that the proposed use **complies** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 22-22:

Based on the submitted petition and the testimony presented, the proposed conditional use does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional use permit is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Committee Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 22-22, subject to the following conditions:

1. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report, including but not limited to compliance with the comments from the Fire Department and the Building Division;
2. That the petitioner shall apply for and receive all required building permits prior to commencing any work on the site; and
3. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

Inter-Departmental Review Committee Report approved by:

William J. Heniff, AICP
Director of Community Development

c. Petitioner

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ORDINANCE NO. _____

AN ORDINANCE GRANTING APPROVAL OF A CONDITIONAL USE FOR A RESTAURANT IN THE OFFICE PLANNED DEVELOPMENT DISTRICT

(PC 22-22: 2300 S. Highland Avenue)

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 described in Section 2 below, is zoned OPD Office District Planned Development; and,

WHEREAS, the Subject Property, as described in Section 2 below, is subject to the standards for the Highland Lakes Planned Development, as adopted by the President and Board of Trustees of the Village of Lombard by Ordinance 1932 and subsequently amended by Ordinance 4046; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use pursuant to Section 155.412(C)(17) of the Lombard Village Code to allow for a restaurant, not including entertainment, dancing and/or amusement devices, to operate on the subject property located within the OPD Office District Planned Development; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on September 26, 2022, 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 petition as 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 the following relief is hereby granted for the Subject Property, as described in Section 2 below, subject to the conditions set forth in Section 3 below:

1. A conditional use pursuant to Section 155.412(C)(17) of the Lombard Village Code to allow for a restaurant, not including entertainment, dancing and/or amusement devices, to operate on the subject property located within the OPD Office District Planned Development

SECTION 2: That this Ordinance is limited and restricted to the property located at 2300 S. Highland Avenue, Lombard, Illinois and legally described as follows:

THE NORTH 175.00 FEET (AS MEASURED ON THE EAST LINE) OF THE EAST 175.00 FEET (AS MEASURED ON THE NORTH LINE) OF LOT 5 IN HIGHLAND LAKES, BEING A SUBDIVISION OF THE WEST HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 22, 1976 AS DOCUMENT R76-84677, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-29-100-017 (the "Subject Property").

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

1. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report, including but not limited to compliance with the comments from the Fire Department and the Building Division;
2. That the petitioner shall apply for and receive all required building permits prior to commencing any work on the site; and
3. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

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 _____, 2022.

First reading waived by action of the Board of Trustees this ____ day of _____, 2022.

Ordinance No. _____
Re: PC 22-22
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Passed on second reading this ____ day of _____, 2022, pursuant to a roll call vote as follows:

Ayes: _____

Nayes: _____

Absent: _____

Approved by me this _____ day of _____, 2022.

Keith T. Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published by me in pamphlet from this ____ day of _____, 2022.

Elizabeth Brezinski, Village Clerk