

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

Outdoor Seating – 783 E. Butterfield Road

August 21, 2017

Title

PC 17-29

Petitioner

Anthony's Coal Fired Pizza of Lombard LLC
200 W Cypress Creek Road
Suite 220
Fort Lauderdale, FL 33309

Property Owner

777 Butterfield LLC
418 Clinton Place
River Forest IL 60305

Property Location

783 E. Butterfield Road
(06-29-201-007) District #3

Zoning

B3

Existing Land Use

Restaurant - under construction

Comprehensive Plan

Mixed Commercial and Office

Approval Sought

A conditional use for an outdoor service area

Prepared By

Jennifer Ganser, AICP
Assistant Director



DESCRIPTION

The petitioner requests approval for additional outdoor seating in front of their restaurant space.

LOCATION MAP

APPROVAL(S) REQUIRED

The petitioner requests that the Village grant a conditional use pursuant to Section 155.415 (C)(20) of the Lombard Zoning Ordinance for outside service areas (outdoor dining) for other permitted or conditional uses in this district within the B3 Community Shopping District, amending a previous conditional use for outdoor dining approved as Ordinance 7150.

EXISTING CONDITIONS

The subject property is currently under construction with two retail buildings and was approved as PC 15-26.

PROJECT STATS

Lot & Bulk

Parcel Size: 1.09 acres

Submittals

1. Petition for a public hearing;
2. Response to Standards;
3. Outdoor Seating Site Plan, by RJS Architects, dated by 8/27/16;
4. Aerial photograph, by Hague Architecture;
5. Site Plan, by Hague Architecture;
6. Perspective View, by Hague Architecture; and
7. Plat of Survey, by Krisch Land Surveying, LLC.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division notes that Building and ADA Codes will need to be further reviewed. The petitioner should check with the Health Department for regulations on outdoor dining. Additional comments may be forthcoming during permit review.

Fire Department:

The Fire Department has no comments regarding the project. Additional comments may be forthcoming during permit review.

Private Engineering Services (PES):

PES has the following comments:

1. The extra outdoor seating may block the required ADA route from the permitted ADA parking stalls as shown on the approved engineering plans to the front door.
2. As-builts have not been submitted; therefore more information is needed regarding ADA requirements and a possible relocation of parking spaces.

Additional comments may be forthcoming during permit review.

Public Works:

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

Planning Services Division (PSD):

The Planning Services Division notes the following:

Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	O	Northern Baptist Theological Seminary and office buildings
South	OPD	Nicor property, used for parking
East	B3	Retail
West	O	Retail/restaurant

Staff finds that the request for additional outdoor seating is consistent with the zoning and land use of the surrounding properties. In 2015 a conditional use for outdoor seating in between the two buildings was granted. Due to the location near parking, a fence will be added when the outdoor seating is in use.

Comprehensive Plan Compatibility

The Comprehensive Plan recommends mixed commercial and office for the site. The retail development with an outdoor service area meets the Comprehensive Plan goals for the area. The Comprehensive Plan notes that Butterfield Road is the Village's most prominent retail destination.

SITE HISTORY

The property at 777 E. Butterfield Road was annexed into the Village in 1981 and granted development approvals together with the restaurant to the west (Benihana). The Village rezoned the property to the O District and granted a conditional use for two restaurants. At that time, the Plan Commission specifically chose to zone the subject property to the O District instead of the B3 District because it felt that Office zoning would better maintain the overall character of the corridor.

The property at 777 E. Butterfield Road was developed as a restaurant in 1983, The Rusty Pelican. The restaurant was later operated as Magnum's Prime Steakhouse, Topo Gigio, and Trademark.

The Nicor parcel to the south has been used for off-site parking for the restaurant since 1982, pursuant to a lease agreement that runs through June 2024. In 2011 (PC 11-22) a conditional use was granted for off-site parking. In 2015 (PC 15-26), approval was granted to build two retail buildings and rezone the property to B3. A conditional use for outdoor seating was granted for the area in between the two buildings.

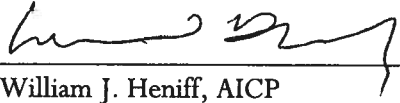
FINDINGS & RECOMMENDATIONS

The Inter-Departmental Review Committee has reviewed the Standards for the conditional uses and map amendment and finds that the petition **complies** with the standards established by the Village of Lombard Zoning Ordinance, and that granting the relief is in the public interest. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 17-29:

Based on the submitted petition and the testimony presented, the proposed conditional use for an outdoor service area (outdoor dining), do comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the relief 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 17-29, subject to the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report specially the comments from the Buildnig and Engineering Division;
3. Pursuant to the Zoning Ordinance, outdoor dining shall commence within one (1) year from the date of approval of the ordinance, unless a time extension been granted by the Village Board. This conditional use approval shall become null and void twelve (12) months from the date of approval if the proposed outdoor seating is not completed or an extension has been granted; and
4. The petitioner shall be required to apply for and receive building permits for any improvements to the site.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

H:\CD\WORDUSER\PCCASES\2017\PC 17-29\PC 17-29_IDRC Report.docx

**VILLAGE OF LOMBARD
757 E BUTTERFIELD RD, SUITE B2
ANTHONY'S COAL FIRED PIZZA OF LOMBARD LLC**

STANDARDS FOR CONDITIONAL USES (OUTDOOR DINING)

Section 155.03(F)(8) OF THE LOMBARD ZONING ORDINANCE:

- 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 proposed outdoor seating, which is in addition to the outdoor seating located in-between the two buildings on site, is to be located at the northwest corner of Retail Space "B" within a designated area. The outdoor seating is designed to ensure its presence and operation will not be detrimental to, or endanger the public health, safety, morals, or general welfare. The Applicant's lease requires the tenant to properly maintain and operate the outdoor seating, and also to provide landlord/owner appropriate corrective remedies to ensure that the outdoor seating will be properly maintained and operated as to not endanger public health, safety, comfort, or general welfare.

- 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 proposed outdoor seating is located at the northwest corner of Retail Space "B" within a designated area. The proposed outdoor seating will enhance the aesthetics of the applicant's business and will not be injurious to the uses and enjoyment of other property in the immediate vicinity, and will not substantially diminish nor impair property values within the neighborhood.

- 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 proposed outdoor seating is located at the northwest corner of Retail Space "B" within a designated area. This is not inconsistent with recent development trends of the surrounding property (Chick-fil-a, Champps Americana, Uncle Julio's Fine Mexican, Starbucks, The Capital Grille, Rock Bottom Restaurant and Brewery) and will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

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

Adequate facilities will be provided to support a designated and protected outdoor seating area.

- 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;**

The proposed outdoor seating to be located at the northwest corner of Retail Space "B" within a designated area is not located contiguous to the main points of ingress and egress and is designed to minimize traffic congestion in the public streets.

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

The proposed conditional use is consistent with recent development trends in the surrounding area and is not contrary to the objectives of the current Village of Lombard Comprehensive Plan 2014. That document makes reference to the desire of the Village of Lombard to attract retail businesses and maintain viable commercial districts throughout the Village by encouraging aesthetically pleasing and functionally-well designed retail and commercial shopping area environments. The proposed conditional use is not contrary to these objectives.

- 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.**

The proposed outdoor seating to be located at the northwest corner of Retail Space "B" within a designated area conforms to the applicable regulations of the district in which it is located.