

MEMO TO: President Waldorf and Board of Trustees
FROM: Jonathan Proulx, AICP, Planner II
DATE: August 7, 2008
REGARDING: Downtown Outdoor Use Regulations

The ongoing improvements to Lockport Street in downtown Plainfield will provide an opportunity for some commercial uses, such as outdoor dining, within the public right-of-way (ROW) on a portion of the expanded public sidewalks. Several businesses have expressed interest to staff in offering some outdoor uses. Currently, the Zoning Code does not address the issue of private uses within the public ROW. Staff is seeking direction at the August 11, 2008 meeting of the Committee of the Whole (COW) regarding what uses may be permitted and how such uses will be regulated. Staff has provided a courtesy notice to downtown property owners and business owners that this topic will be considered at Monday's COW meeting.

Community Development staff believes that outdoor uses, such as bistro tables at restaurants, can play an important role in enhancing the vitality of the downtown district. This was one of the considerations of the Lockport Street Streetscape Committee in recommending the sidewalk configuration and pedestrian-focused elements of the streetscape design that is currently being constructed. Outdoor uses bring additional activity and interest to the streetscape, which helps achieve a unique environment for shopping, dining and other pedestrian activities.

Likewise, there are many aspects to address when considering allowing outdoor uses. The uses must be regulated to assure that the sidewalks continue to allow for safe and effective movement of pedestrians. From an aesthetic standpoint, there is the potential for the tables, chairs and other furnishings to detract from the quality streetscape and rich architectural resources within the downtown. Staff would want to make sure that placement of outdoor use fencing and furnishings does not damage the public property. Regarding outdoor dining, it would be important to oversee outdoor eating and drinking (alcohol consumption), if permitted, to assure that the desired character of the community, as well as the overall public health and safety, is maintained. And any outdoor use regulation would need to address liability and indemnification of the Village from any claim arising from the commercial activity in the public ROW.

If there is support from the Village Board to allow some level of outdoor uses within the public ROW, staff proposes moving forward with the preparation of use regulations and a public permit process. This would involve input from Community Development (Planning and Building Divisions) as well as the Police and Public Works Departments. These regulations would be considered by the Plan Commission and Board of Trustees. The regulations could include modifications to the Zoning Code and Liquor Code. A public hearing would be held to allow for input from business owners, property owners and other members of the public.

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At the upcoming COW meeting, staff will be seeking direction from the Village Board on whether there is support to allow outdoor uses. In addition, if there is general support, staff is seeking input on specific consideration of the outdoor use regulations. These issues have been summarized on the following page. Staff would incorporate the Board's direction on these issues in preparing a set of formal regulations and a permit process for subsequent review by the Plan Commission and Village Board.

To assist with deliberation on this issue, staff has also enclosed a set of photographs that show a range of outdoor dining situations. Some photos represent successful and well-implemented outdoor dining programs, and some photos show poor implementation. The photo exhibit also includes a handful of areas within our downtown streetscape, of the portion that has been completed, where outdoor dining could be proposed. For additional information, I have also enclosed a community's outdoor use design guidelines and a handful of representative examples of outdoor use permits from other communities.

Enclosures: As noted

cc: Chief Donald Bennett, Joan Meyers – Plainfield Police Department
Jim Testin, AICP, Community Development Director
Michael Garrigan, AICP, Village Planner