

**FRED BUCHOLZ**  
DUPAGE COUNTY RECORDER  
MAR.03,2006 11:10 AM  
OTHER 03-31-204-002  
007 PAGES R2006-038996

**ORDINANCE 5794**

**GRANTING AN AMENDMENT TO ORDINANCE 5695, A  
CONDITIONAL USE FOR A PLANNED DEVELOPMENT,  
GRANTING AN AMENDMENT TO THE PERMITTED USE  
LIST AND GRANTING A FENCE VARIATION**

**PIN: 03-31-204-002 and 004**

**Address: 1301 N. Lombard Road, Lombard**

**Return To:**

**Village of Lombard  
Department of Community Development  
255 E. Wilson Avenue  
Lombard, IL 60148**

**ORDINANCE NO. 5794**

**AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE 5695  
GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT  
IN THE I LIMITED INDUSTRIAL DISTRICT,  
GRANTING AN AMENDMENT TO THE PERMITTED USE LIST  
AND GRANTING A FENCE VARIATION  
TO THE LOMBARD ZONING ORDINANCE**

(PC 05-41: 1301 North Lombard Road)

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, on August 18, 2005, the President and Board of Trustees adopted Ordinance 5695, granting a conditional use for a planned development with deviations, variations and use exceptions for the property legally described herein pursuant to Title 15, Chapter 155, Section 155.501 et. seq. of the Code of Lombard (hereinafter the "Subject Property"); and

WHEREAS, the below described property is zoned IPD Limited Industrial District, Planned Development; and

WHEREAS, a petition has been received by the Village to amend the previously approved conditional use for a planned development, in the following respects:

1. Amend Ordinance 5695 to allow for temporary retail sales associated with warehouse/distribution activities located on the subject property.
2. Grant a variation to Section 155.205 (A)(3)(c)(1) of the Zoning Ordinance to allow for a twelve-foot (12') solid fence where a maximum ten-foot (10') high fence is permitted.
3. Pursuant to Ordinance 5695, grant site plan approval for the development on the Subject Property, based upon the petitioner's submitted plans; and

WHEREAS, Title 15, Chapter 155, Sections 155.504 and 155.103(F)(13) allow for ordinance amendments granting a conditional use for a planned development and for previously established conditional uses after a public hearing before the Village's Plan Commission; and

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the amendment described herein; and,

WHEREAS, a public hearing on such application have been conducted by the Village of Lombard Plan Commission on November 21, 2005 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 amendment to the conditional use for a planned development and the variation and use exceptions 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; and

WHEREAS, the President and Board of Trustees of the Village of Lombard have reviewed the request and find it would be in the best interest of the Village to grant said conditional use amendment, variations and use exceptions, subject to the terms and conditions established by this ordinance; and

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 this ordinance is limited and restricted to the property generally located at 1301 North Lombard Road, Lombard, Illinois, and legally described as follows:

Lot 1 in Lombard Business Center, Unit Two, being a subdivision of that part of the east ½ of the west ½ of the northeast ¼ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, lying south of the southerly right-of-way of the Illinois Central Railroad (except the south 210 feet thereof), according to the plat thereof recorded November 6, 1974 as Document R74-56524, in DuPage County, Illinois; also

A tract of land legally described as follows: Commencing at the southeast corner of Lot 1 in Lombard Business Center, Unit Two, being a subdivision of that part of the east ½ of the west ½ of the northeast ¼ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, lying south of the southerly right-of-way of the Illinois Central Railroad, according to the plat thereof recorded November 6, 1974 as Document R74-56524, in DuPage County, Illinois, thence east along the south line of said Lot 1, a distance of 624.98 feet, thence south 210.0 feet to a point along the south line of the northeast ¼ of Section 31 Township 40 North, Range 11 East of the Third Principal Meridian, thence westerly along the south line of the northeast ¼ of Section 31 Township 40 North, Range 11 East of the Third Principal Meridian, a distance of 624.98 feet, thence north 210.0 feet to a point of beginning, in DuPage County, Illinois; also

That part of Lombard Road lying south of the south line of the Illinois Central Railroad Right-of-Way and north of the north line of the Commonwealth Edison Right-of-Way, in the Northeast ¼ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, in DuPage County,

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Illinois; and

That part of Lombard Road lying south of the north line of the Commonwealth Edison Right-of-Way and north of the south line of the Commonwealth Edison Right-of-Way, in the Northeast ¼ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois.

Parcel Numbers: 03-31-204-002 and 004

Hereinafter the "Subject Property"

SECTION 2: That Exhibit A to Ordinance 5695 shall be amended to allow for temporary retail sales activity associated with warehouse/distribution activities on the Subject Property, subject to compliance with the conditions set forth in Section 5 below.

SECTION 3: That a variation to Section 155.205 (A)(3)(c)(1) of the Zoning Ordinance to allow for a twelve-foot (12') solid fence where a maximum ten-foot (10') high fence is permitted is hereby granted on the subject Property, subject to compliance with the conditions set forth in Section 5 below.

SECTION 4: That Site Plan Approval for the Subject Property is hereby granted, subject to the conditions in Section 5.

SECTION 5: The amendment to Ordinance 5695 to include the fence variation, use exception and the site plan approval are hereby granted relative to the Subject Property, subject to the conditions set forth below:

1. The petitioner shall develop the site in conformance with the submitted site plan, prepared by Jacob & Hefner Associates, P.C., dated November 2, 2005, the building elevations, prepared by Harris Architects, Inc., submitted November 9, 2005 and the landscape plan, prepared by Walsh Landscape Construction, dated November 9, 2005 and made a part of this petition, except as varied by the final engineering approval for the property.
2. The petitioner shall satisfactorily address all comments raised within the inter-departmental review report as part of their building permit application.
3. The petitioner shall apply for and receive a building permit for any development activity on the subject property.

4. As part of the requisite permit for the site improvements, the petitioner shall provide a copy of the final landscape plan that incorporates the approved wetland plantings for the property.
5. The petitioner shall apply for a building permit denoting the proposed parking lot lighting for the site. The light poles shall be of a uniform design and shall meet Village specifications for parking lot lighting.
6. The eastern parking lot shall be reconfigured to allow for a direct access aisle linking the southern access driven aisle to the entrance drive proposed south of the building.
7. All provisions associated with Ordinance 5695 and/or the approved development agreement for the subject property not amended by this petition shall remain in full force and effect.

SECTION 6: The Corporate Authorities hereby agree to amend the development agreement incorporated into Ordinance 5695 to include the amendments as set forth herein and authorize the Village President and Village Clerk are authorized to sign said agreement.

SECTION 7: 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 1st day of December, 2005.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Passed on second reading this 5th day of January, 2006

Ayes: Trustees Gron, Tross, O'Brien, Sebby, Florey and Soderstrom

Nayes: None

Absent: None

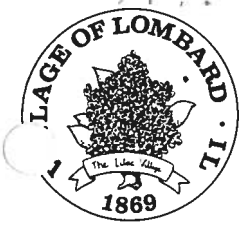
Approved this 5th day of January, 2006

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\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

  
\_\_\_\_\_  
Brigitte O'Brien, Village Clerk



I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

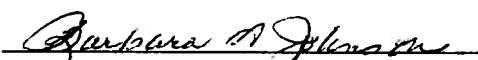
I further certify that attached hereto is a true and correct copy of ORDINANCE 5794

AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE 5695, A CONDITIONAL USE FOR A PLANNED DEVELOPMENT, GRANTING AN AMENDMENT TO THE PERMITTED USE LIST AND GRANTING A FENCE VARIATION FOR THE PROPERTY LOCATED AT 1301 NORTH LOMBARD ROAD, LOMBARD, DUPAGE COUNTY, ILLINOIS, PIN # 03-31-204-002 AND 004

of the said Village as it appears from the official records of said Village duly passed on January 5th, 2006.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 28<sup>th</sup> day of February, 2006.





Barbara A. Johnson  
Deputy Village Clerk  
Village of Lombard  
DuPage County, Illinois