

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING CONDITIONAL USES FOR A SIT-DOWN RESTAURANT, OUTDOOR DINING AND FOR OFF-SITE PARKING; AND LANDSCAPING AND WALL SIGN VARIATIONS IN THE O OFFICE DISTRICT**

(PC 06-17; 455 E. Butterfield 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, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Sign Ordinance, otherwise known as Title 15, Chapter 153 of the Code of Lombard, Illinois; and,

WHEREAS, an application has heretofore been filed requesting approval of conditional uses, per Section 155.411 (C) (14), for a restaurant establishment; per Section 155.411 (C) (10), for outdoor dining associated with a restaurant establishment; and per Section 155.411 (C) (9), for off-site parking for property located within the O Office District; and

WHEREAS, said application also requests approval of variations from Section 155.411 (F) to reduce the required open space below the thirty-five percent (35%) requirement; Section 155.602 (A)(3)(d) to allow for parking spaces within the required front yard; and along the south property line, a variation from Sections 155.706 (C) and 155.709 (B) to eliminate the perimeter parking lot landscaping and to reduce the perimeter lot landscaping requirements from five feet (5') to zero feet (0'); all being requested to address existing nonconformities; and

WHEREAS, said application also requests approval of variations from Section 153.503(B)(12)(a) of the Sign Ordinance to allow for a wall sign of up to 146 square feet where a maximum of 100 square feet is permitted and from Section 153.503(B) (12)(b) of the Sign Ordinance to allow for a second wall sign per street front exposure, where a maximum of one sign is permitted; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on July 17, 2006 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 conditional uses and variations 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 conditional uses and variations as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

- a. A conditional use, per Section 155.411 (C) (14) of the Zoning Ordinance for a restaurant establishment;
- b. A conditional use, per Section 155.411 (C) (10) of the Zoning Ordinance for outdoor dining associated with a restaurant establishment;
- c. A conditional use, per Section 155.411 (C) (9) of the Zoning Ordinance for off-site parking.
- d. A variation from Section 155.411 (F) of the Zoning Ordinance to reduce the required open space below the thirty-five percent (35%) requirement;
- e. A variation from Section 155.602 (A)(3)(d) of the Zoning Ordinance to allow for parking spaces within the required front yard;
- f. Along the south property line, variations from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance to eliminate the perimeter parking lot landscaping and to reduce the perimeter lot landscaping requirements from five feet (5') to zero feet (0');
- g. A variation from Section 153.503(B)(12)(a) of the Sign Ordinance to allow for a wall sign of up to 146 square feet where a maximum of 100 square feet is permitted;
- h. A variation from Section 153.503(B) (12)(b) of the Sign Ordinance to allow for a second wall sign per street front exposure, where a maximum of one sign is permitted.

SECTION 2: That the ordinance is limited and restricted to the properties generally located at 455 E. Butterfield Road, Lombard, Illinois, and legally described as follows:

The easterly 214.00 feet (as measured along the northerly line of the Northern Illinois Gas Company right-of-way) of that part of Lots "A", "B" and "C" (taken as a single tract) lying northerly of the Northern Illinois Gas Company right-of-way and southerly of the property condemned for the widening of F.A. Route 131 (Butterfield Road) by Case C68-852, in York Township Supervisor's Assessment Plat No. 3 (also known as Yorkshire Private Farms) in Section 29 and 32, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded as Document 457186, in DuPage County, Illinois, also

That part of Lot 6 in the Northern Illinois Gas Company York Township Assessment Plat located in the southeast quarter of Section 29, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded as R64-028042, in DuPage County, Illinois, legally described as follows:

The easterly 214.00 feet (as measured along the northerly line of the Northern Illinois Gas Company right-of-way) of that part of Lots "A", "B" and "C" (taken as a single tract) lying south of the northerly line of the Northern Illinois Gas Company right-of-way and north of the north line of the land conveyed to the Illinois State Toll Highway Commission by Warranty Deed dated July 2, 1957, recorded August 8, 1957, in DuPage County Records in Book 889 on Page 320 as Document #852205; also all of that part of Lot "D" in York Township Supervisor's Assessment Plat #3 (also known as Yorkshire Private Farms) bounded and described as follows: commencing at the point of intersection of the west line of said Lot "D" with the north line of the south 160.00 feet of said Lot "D"; thence northerly along said west line of Lot "D" a distance of 107.18 feet to the point of beginning of the parcel of land conveyed to the Illinois State Toll Highway Commission by Warranty Deed dated July 2, 1957, recorded August 8, 1957, in DuPage County Records in Book 889 on Page 320 as Document #852205; thence northeasterly along the northerly line of the tract of land conveyed by deed dated July 2, 1957, forming an angle of 71 degrees 59 minutes to the right with the last described course extended, a distance of 215.00 feet; thence northerly a distance of 86.75 feet thence southwesterly parallel with the tract of land conveyed by deed dated July 2, 1957, extended a distance of 140.00 feet more or less; thence westerly along a line forming an angle of 22 degrees 30 minutes to the right with the last course extended, a distance of 65.33 feet to the west line of said Lot "D"; thence southerly along the west line of Lot "D" forming an angle of 94 degrees 29 minutes to the left with the last described course extended, a distance of 113.04 feet to the point of beginning, in DuPage County, Illinois.

Parcel Numbers: 06-29-401-011 and 06-29-402-022 (part of)

SECTION 3: The conditional uses and variations set forth in Section 1 above shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in substantial conformance with the submitted plans prepared listed below and made part of this request, except where modified by the conditions of approval:
  - a) Proposed demolition plan and site engineering plan with details, prepared by prepared by Seton Engineering, dated April 30, 2006.
  - b) Photometric Plan, prepared by Security Lighting, dated June 12, 2006.
  - c) Proposed Landscape Plan, prepared by Lehman & Lehman, dates June 28, 2006.
  - d) Proposed Additional Parking Exhibit (including NiCor property parking area), prepared by Seton Engineering, dated June 30, 2006.
  - e) Proposed Exterior Building Elevations, prepared by Interplan, Inc., dated September 9, 2006.
2. The petitioner shall revise the Additional Parking Exhibit to include a removable barrier along the north side of the proposed drive aisle and a temporary bulb demarcated at the end of the lot.
3. The owners or subsequent owners of the Subject Properties shall not object to granting cross access easement rights on, and, or across the Subject Properties, upon a request by the Village.
4. Should the parking lot and/or drive aisle to the east of the parking lot be extended, the petitioner shall re-stripe the parking lot accordingly to accommodate the connection.
5. In the event that the 455 E. Butterfield property is unable to maintain a lease for parking rights on the Nicor property, the conditional use for outdoor dining shall immediately become null and void.

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.

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Re: PC 06-17  
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Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2006.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_ day of \_\_\_\_\_, 2006.

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

ATTEST:

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

Published by me this \_\_\_\_ day of \_\_\_\_\_, 2006.

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Brigitte O'Brien, Village Clerk