

FRED BUCHOLZ
DUPAGE COUNTY RECORDER
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ORDINANCE 6204

**GRANTING AN AMENDMENT TO ORDINANCE 6085 WHICH
GRANTED APPROVAL OF A CONDITIONAL USE TO
ALLOW FOR A DRIVE-THROUGH ESTABLISHMENT
WITHIN THE HIGHLANDS OF LOMBARD B3PD PLANNED
DEVELOPMENT**

Address: 2800 S. Highland, Lombard, Illinois

PIN: 06-29-308-020

Return To:

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

ORDINANCE NO. 6204

AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE 6085 WHICH GRANTED APPROVAL OF A CONDITIONAL USE TO ALLOW FOR A DRIVE-THROUGH ESTABLISHMENT WITHIN THE HIGHLANDS OF LOMBARD B3PD PLANNED DEVELOPMENT

PC 08-07: 2800 S. Highland (The Patio Restaurant)

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 is zoned B3PD Community Shopping District - Planned Development; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard approved Ordinance 4833 on June 15, 2000 providing for a Planned Development for the below described property; and

WHEREAS, the President and Board of Trustees of the Village of Lombard approved Ordinance 4834 on June 15, 2000 authorizing the execution of a Second Amendment to the Development Agreement for the below described property; and

WHEREAS, a condition of the terms of the a Second Amendment to the Development Agreement requires conditional use approval to allow for a retail store having a drive through establishment/service, with a deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow more than one wall sign on a single-tenant building, to be located within the Highlands of Lombard Planned Development; and

WHEREAS, On September 24, 2007, the Corporate Authorities approved Ordinance 6085 which granted approval of a conditional use for a drive through establishment/service associated with a fast-food restaurant establishment with wall signage deviations, all on the property described in Section 1 below; and,

WHEREAS, an application has heretofore been filed requesting approval of an amendment to the conditions of approval associated with Ordinance 6085, which provide

for alternate building elevations, along with a deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for an additional wall sign on the south elevation of the single-tenant building, all on the property described in Section 1 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on May 19, 2008 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 planned development ordinance amendment, but not the additional wall signage request; 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 ordinance is limited and restricted to the property generally located at 2800 S. Highland, Lombard, Illinois and legally described as follows:

LOT 1 IN THE HIGHLANDS OF LOMBARD PHASE 2 BEING A RESUBDIVISION IN PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF RESUBDIVISION RECORDED SEPTEMBER 22, 2005 AS DOCUMENT NUMBER R2005-211041, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-29-308-020

SECTION 2: That the conditions of approval of Ordinance 6085 shall be amended to read in its entirety as follows:

1. The site improvements shall be constructed in compliance with the submitted plans included within the plan submittal packet prepared by

James Papaoutsis Design Architect, updated August 10, 2007 (including the site plans and freestanding sign proposal); the Preliminary Engineering Plans, prepared by Hoefflerle-Butler Engineering, Inc, dated July 12, 2007; the Landscape Development Plan, prepared by Trippiedi Design Landscape Architect, dated July 13, 2007; the Plat of Resubdivision, prepared by Spaceco Inc., dated July 2, 2007; and the Photometric Plan, prepared by Zolter Electric, dated June 7, 2007 (sic.) and made a part of this petition, except as amended by the conditions of approval. The concept building elevations (exclusive of the second wall sign on the south elevation) shall be constructed in compliance with the submitted plans included within the plan submittal packet prepared by Knauer, Incorporated.

2. The petitioner shall meet all development and building codes of the Village of Lombard and shall follow the provisions set forth within the Highlands of Lombard planned development approval.
3. The proposed freestanding sign shall be placed outside of any easement areas. The freestanding sign exterior shall be of a limestone/fieldstone material, consistent with the signage previously approved within the planned development. Moreover, the sign cabinets shall be designed in a manner that minimizes exterior light glare.
4. The wall signage approval shall only be for the four exterior "The Patio" signs as depicted on the exterior elevations as depicted on the C2 South Elevation plan, prepared by Knauer, Incorporated. All wall signs on the proposed buildings must be of a channel letter design.
5. In the event that the proposed restaurant is not developed concurrent with the proposed Highlands III development, the petitioner shall install requisite parking stalls and drive aisles to ensure full access and circulation around the proposed center.
6. The approved masonry materials for the building shall be consisted with the material board sample prepared by Knauer, Incorporated and submitted as part of the petition. Any deviation from this material shall be subject to the review and approval by the Director of Community Development.

SECTION 3: All other signage relief not approved by Ordinance 6085 is denied.

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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 5th day of June, 2008.

First reading waived by action of the Board of Trustees this _____ day of _____, 2008.

Passed on second reading this 19th day of June, 2008, pursuant to a roll call vote as follows:

AYES: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick & Soderstrom

NAYS: None

ABSENT: None

APPROVED by me this 19th day of June, 2008.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this 24th day of June, 2008.


Brigitte O'Brien, Village

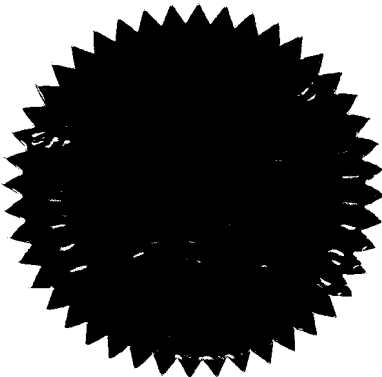


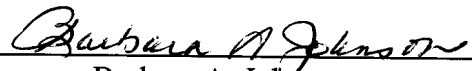
I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the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

I further certify that attached hereto is a
copy of ORDINANCE 6204
GRANTING AN AMENDMENT TO ORDINANCE
6085 WHICH GRANTED APPROVAL OF A
CONDITIONAL USE TO ALLOW FOR A DRIVE-
THROUGH ESTABLISHMENT WITHIN THE
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PIN: 06-29-308-020
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LOMBARD, IL

of the said Village as it appears from the official records of said Village duly approved this 19th day of June, 2008.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 10th day of July, 2008.





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