

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

**AN ORDINANCE GRANTING A CONDITIONAL USE  
FOR A PLANNED DEVELOPMENT WITH VARIATIONS, DEVIATIONS, A USE  
EXCEPTION AND COMPANION CONDITIONAL USES  
IN THE B5 CENTRAL BUSINESS DISTRICT**

(PC 05-42; 218 & 226 West St. Charles Road; The Pointe at Lombard)

(See also Ordinances No.(s)\_\_\_\_\_)

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 B5 Central Business District; and,

WHEREAS, said planned development includes the following companion actions included as part of the petition:

- a) A deviation from Section 155.416 (G) to the Zoning Ordinance to allow for a maximum building height of fifty-two feet (to provide for an architectural tower element), where a maximum of forty-five feet (45') is permitted;
- b) A deviation from Section 155.416 (J) and variations from Sections 155.508 (C)(6)(a) and (b) of the Zoning Ordinance to allow for a reduction in the thirty foot (30') planned development perimeter and twenty foot (20') transitional building setbacks to six feet (6') along the rear (east) property line;
- c) A deviation from Section 155.416 (K) and a variation from Sections 155.508 (C)(6)(b) and 155.707 (A)(3) of the Zoning Ordinance to allow for a reduction in the transitional landscape setback from ten feet (10') to one foot (1');
- d) A variation from Section 155.508(C)(6)(a) of the Lombard Zoning Ordinance to allow for a 1-foot front and corner side yard setback on the perimeter of a planned development where a 30-foot front and/or corner side yard is required in the abutting R2 Single Family Residence and R6 General Residence Districts respectively;

- e) A variation from Section 155.602, Table 6.3 of the Zoning Ordinance to allow for a reduction of the requisite parking spaces from 46 to 42 spaces during Phase I of the development (*as the revised plans meet code, this request has been withdrawn by the petitioner*);
- f) A deviation from Section 153.506(B)(18)(c) of the Lombard Sign Ordinance to allow for an increase in the total number of permitted wall signs, where one wall sign per street front exposure is permitted;
- g) A variation from Sections 155.707(B)(3)(a) through (d) of the Zoning Ordinance pertaining to transitional landscape and fence requirements;
- h) A variation from Section 155.602(A)(10)(d)(2) of the Zoning Ordinance to allow for a reduction in the minimum and average foot-candle intensity requirements for parking lots; and
- i) A use exception to allow less than fifty percent (50%) of the area of the ground floor to be devoted to uses permitted in the B5 Central Business District; and

WHEREAS, said petition also includes a request to approve a conditional use from Section 155.416(C)(13) of the Zoning Ordinance to allow for an outdoor service (dining) area; and

WHEREAS, said petition also request that the Lombard Plan Commission be given site plan approval authority for the proposed development; and

WHEREAS, public hearings on such application has been conducted by the Village of Lombard Plan Commission on November 21 and December 19, 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 petition, subject to conditions; 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 a conditional use for a planned development with the following variations, deviations and use exception in the B5 Central Business District is hereby granted for the Subject Property legally described in Section 3 below, subject to the conditions set forth in Section 4 below:

- a) A deviation from Section 155.416 (G) to the Zoning Ordinance to allow for a maximum building height of fifty-two feet (to provide for an architectural tower element), where a maximum of forty-five feet (45') is permitted;
- b) A deviation from Section 155.416 (J) and variations from Sections 155.508 (C)(6)(a) and (b) of the Zoning Ordinance to allow for a reduction in the thirty foot (30') planned development perimeter and twenty foot (20') transitional building setbacks to six feet (6') along the rear (east) property line;
- c) A deviation from Section 155.416 (K) and a variation from Sections 155.508 (C)(6)(b) and 155.707 (A)(3) of the Zoning Ordinance to allow for a reduction in the transitional landscape setback from ten feet (10') to one foot (1');
- d) A variation from Section 155.508(C)(6)(a) of the Lombard Zoning Ordinance to allow for a 1-foot front and corner side yard setback on the perimeter of a planned development where a 30-foot front and/or corner side yard is required in the abutting R2 Single Family Residence and R6 General Residence Districts respectively;
- e) A deviation from Section 153.506(B)(18)(c) of the Lombard Sign Ordinance to allow for an increase in the total number of permitted wall signs, where one wall sign per street front exposure is permitted;
- f) A variation from Sections 155.707(B)(3)(a) through (d) of the Zoning Ordinance pertaining to transitional landscape and fence requirements;
- g) A variation from Section 155.602(A)(10)(d)(2) of the Zoning Ordinance to allow for a reduction in the minimum and average foot-candle intensity requirements for parking lots; and
- h) A use exception to allow less than fifty percent (50%) of the area of the ground floor to be devoted to uses permitted in the B5 Central Business District; and

SECTION 2: That a conditional use from Section 155.416(C)(13) of the Zoning Ordinance to allow for an outdoor service (dining) area in the B5 Central Business District is

hereby granted for the Subject Property legally described in Section 3 below, subject to the conditions set forth in Section 4 below; and

SECTION 3: That the ordinance is limited and restricted to the property generally located at 218 & 226 West St. Charles Road, Lombard, Illinois, and legally described as follows:

Lot 32 (except the north 20 feet, as measured perpendicular to the north line thereof) in Orchard Subdivision, being a subdivision of part of the northeast quarter of Section 7, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded January 24, 1917 as document number 127948 in book 8 of plats on page 80, in DuPage County, Illinois; also

Lot 11, Block 10 in Town of Lombard, being a Subdivision in Sections 5, 6, 7, 8 and 18, Township 39 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois.

Parcel Numbers: 06-07-203-021 and 035

SECTION 4: The conditional use set forth in Section 1 above shall be granted subject to compliance with the following conditions:

1. The petitioner shall enter into a development agreement with the Village setting forth the terms and conditions for development on the subject property.
2. The petitioner shall develop the site in accordance with the Phases I and II preliminary engineering plans prepared by Jacob & Hefner & Associates, Inc., dated October 20, and 26, 2005 respectively and made a part of this petition and in accordance with the revised submittals included as an exhibit to the approval ordinance; except as varied by the conditions of approval.
3. The proposed buildings and structures shall be constructed in accordance with the submitted Phases I and II plans, prepared by MidAmerica HPD Lombard LLC, dated October, 2005 and November 10, 2005 and made a part of this petition and in accordance with the revised submittals included as an exhibit to the approval ordinance; except as varied by the conditions of approval.
4. As part of the building permit submittal, the petitioner shall satisfactorily address the comments included as part of the Inter-Departmental Review Report.

5. The increase in height shall only be for the proposed tower element located on the southwest corner of the building as depicted on the submitted plans. Any height increase above the forty-five feet above grade shall only be for architectural elements and shall not be used as living space.
6. The proposed east building elevation shall be amended to include additional window elements in a manner consistent with the other elevations. If full windows cannot be installed due to internal layout conflicts, the petition can substitute spandrel glass windows. The final design shall be subject to review and approval of the Director of Community Development based upon the Plan Commission recommendation. Moreover, in the event that Phase I and II are not constructed simultaneously that the petitioner shall provide a finished east exterior wall for Phase I, with the design of the exterior wall being subject to the Director of Community Development.
7. The petitioner shall provide the additional landscaping and screening improvements, as depicted on the petitioner's submitted plans, and as follows:
  - a. Along the north property line abutting the residential property at 19 N. Elizabeth Street, as part of Phase I of the development:
    - i. The petitioner shall provide a solid wall per the submitted plans. The adjacent property owner shall determine the final design of external cladding to be placed on the wall. If the adjacent property owner does not select the cladding appearance, the Director of Community Development shall make the selection based upon a review of the proposed exterior building elements. The wall shall also be designed to minimize its impact on existing mature vegetation located in close proximity to the property line.
    - ii. Along the north property line abutting 19 N. Elizabeth Street, the petitioner will provide one shade tree every 25 feet evenly spaced along the entire length of the landscape yard.
    - iii. A continuous evergreen or dense deciduous shrub hedge (or an approved equivalent) shall be extended the entire length of the landscape yard shall be planted at least 2-1/2 feet north of the requisite wall. The shrub hedge shall be installed at a height of 3 feet and shall be planted on the outside of the fence. The spacing of shrubs shall be 5 feet on center, or as approved by the Director of Community Development.
    - iv. If in the event that the plant materials cannot be completely planted on the subject property, a cash allowance (prorated based on differential between

amount of side yard buffer required by code and provided for in the planned development) would be paid to adjacent property owners for landscape use.

- v. In the event any trees on the property line directly to the north should die within three years, the Pointe at Lombard property owner shall be responsible for removing and grinding any remaining stumps.
- b. Along the west property line (abutting the rear yards of the R2 Properties along Elizabeth Street), as part of Phase II of the development:
    - i. The petitioner shall also pay for and install a brick pier/cedar fence per the submitted plans.
    - ii. A landscape easement shall be created on the adjacent property for the large tree on the east property line of the Phase Two property. The proposed fencing noted above should go around the tree per the submitted plans, with the ground to be maintained by the Pointe at Lombard property owner. If the impacted tree dies, The Pointe at Lombard shall be responsible for removing and grinding any remaining stumps.
  - c. Along the north property line abutting 26 N. Lincoln Avenue, as part of Phase II of the development, the petitioner shall provide full transitional landscaping.
  - d. Along the east property line, as part of Phase II of the development:
    - i. The petitioner shall pay for and install landscape plantings on the subject property and/or the adjacent Lincoln Terrace Condominium property to meet the transitional landscape planting requirements of the B5 District. If the adjacent property owner does not consent to this provision, this petitioner shall not be obligated to install additional plantings on the adjacent property.
    - ii. The petitioner shall also pay for and install fencing along the eastern property line, no greater than eight (8) feet and no less than six (6) feet in height. Design of the fencing is subject to the approvals of the Director of Community Development with input from the Lincoln Terrace Condominium Association. The fencing shall meet all Village setback and clear line of sight requirements.

- e. Any retaining walls for the proposed parking lot within Phase II of the development shall be designed to be architecturally compatible with the approved building elevations, as determined by the Director of Community Development.
8. Any light fixtures within the parking garage area shall be recessed and shall not be directly visible from adjacent properties. Within the Phase II parking lot area, bollard lighting shall be provided in the open parking lot areas.
9. The petitioner shall incorporate the recommendations of the Village's traffic consultant and Village staff into the final development plans for the site.
10. The right-of-way improvements shall be designed and installed to address the comments raised by engineering staff. The petitioner shall provide a public access easement on the subject property for any areas in which the constructed sidewalk is less than four feet in width.
11. The petitioner shall submit a Plat of Consolidation to the Village for review and approval. Said plat shall consolidate the subject properties into a single lot of record and shall be required concurrent with the building permit submittal for Phase II.
12. The proposed wall signs shall be of a uniform design, shall not include "box signs", and the wall signs shall be located on the building consistent with the submitted plans. The east elevation shall not include any building identification signage.
13. The petitioner shall redirect the released stormwater from the existing Lincoln Terrace detention facility into either the proposed detention vaults to be constructed on the subject property or into a separate storm drain to be located on the subject property that will connect to the storm drain within the Elizabeth Street right-of-way. The final design of this improvement shall be subject to review and approval by the Village. The petitioner shall also grant any necessary easements to provide for this conveyance.
14. The outdoor dining area shall be designed and operated in a manner that provides for at least four feet of width for pedestrians at all times.
15. The property shall be developed consistent with Village Code, except as varied by this petition.

Ordinance No. \_\_\_\_\_  
Re: PC 05-42 Planned Development  
Page 8

SECTION 5: That Site Plan Approval authority is hereby granted for the planned development.

SECTION 6: 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 \_\_\_\_ 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: \_\_\_\_\_

Nayes: \_\_\_\_\_

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

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

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

ATTEST:

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