

**FRED BUCHOLZ**  
DUPAGE COUNTY RECORDER  
MAR.22,2013 11:27 AM  
OTHER 06-05-200-016  
007 PAGES R2013-043292

**ORDINANCE 6746**

**GRANTING APPROVAL OF A CONDITIONAL USE FOR A DRIVE-THROUGH ESTABLISHMENT; A CONDITIONAL USE FOR AN OUTSIDE SERVICE AREA; A VARIATION TO ALLOW SIGNAGE WITHIN CLEAR LINE OF SIGHT AREAS; A VARIATION TO ALLOW WALL SIGNS THAT ARE TWO TIMES THE LINEAL FRONT FOOTAGE OF THE TENANT SPACE; VARIATIONS TO REDUCE THE TRANSITIONAL LANDSCAPE YARD; AND A MINOR PLAT OF SUBDIVISION WITH A VARIATION FROM LOT AREA**

**Address: 401 E. North Ave., Lombard IL 60148**

**PINs: 06-05-200-016**

**RETURN TO:**

**Village of Lombard  
255 E. Wilson Avenue  
Lombard IL 60148**



I, **Denise R. Kalke**, 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 6746

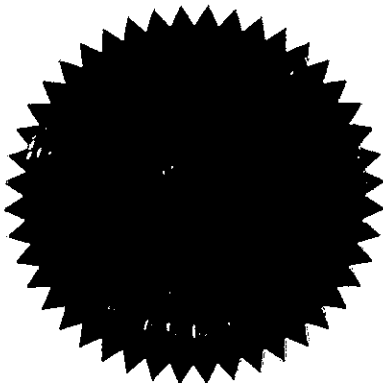
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YARD; AND A MINOR PLAT OF SUBDIVISION WITH A  
VARIATION FROM LOT AREA

PINS : 06-05-200-016

ADDRESS: 401 E. North Ave., Lombard, IL 60148

of the said Village as it appears from the official  
records of said Village duly approved this 6<sup>th</sup>  
day of September, 2012.

**In Witness Whereof**, I have hereunto affixed my official signature and  
the Corporate Seal of said **Village of Lombard**, Du Page County,  
Illinois this 19<sup>th</sup> day of February, 2013.



Denise R. Kalke  
Deputy Village Clerk  
Village of Lombard  
DuPage County, Illinois

**ORDINANCE NO. 6746**

**AN ORDINANCE GRANTING APPROVAL OF A CONDITIONAL USE FOR A DRIVE-THROUGH ESTABLISHMENT; A CONDITIONAL USE FOR AN OUTSIDE SERVICE AREA; A VARIATION TO ALLOW SIGNAGE WITHIN CLEAR LINE OF SIGHT AREAS; A VARIATION TO ALLOW WALL SIGNS THAT ARE TWO TIMES THE LINEAL FRONT FOOTAGE OF THE TENANT SPACE; VARIATIONS TO REDUCE THE TRANSITIONAL LANDSCAPE YARD; AND A MINOR PLAT OF SUBDIVISION WITH A VARIATION FROM LOT AREA.**

(PC 12-13: 401 E. North Ave)

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; the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Subject Property as defined below is zoned B4 – Corridor Commercial District; and,

WHEREAS, an application has been filed requesting approval of a conditional use for a drive-through establishment; a conditional use for an outside service area; a variation from Section 153.208(H) to allow signage within clear line of sight areas; a variation from Section 153.505(B)(19)(b)(1)(a) to allow a property with a multi-tenant building setback less than 120 feet from the property line to display wall signs that are two times the lineal front footage of the tenant space; variations from Sections 155.416(J) & 155.707(A)(4) to reduce the required 30' transitional landscape yard; and a Minor Plat of Subdivision with a variation from Section 155.416 (D) to allow a lot area of 35,382 sq. ft. where a minimum of 40,000 sq. ft.; and,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on July 16, 2012 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 subsequent variations described herein, 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 is hereby granted for the property described in Section 7 below pursuant to Title 15, Chapter 155, Section 416 (C)(10) of the Lombard Village Code to allow for a drive-through establishment; and,

SECTION 2: That a conditional use is hereby granted for the property described in Section 7 below pursuant to Title 15, Chapter 155, Section 416 (C)(21) of the Lombard Village Code to allow for an outside service area; and,

SECTION 3: That a variation is hereby granted for the property described in Section 7 below pursuant to Title 15, Sections 155.416(J) & 155.707(A)(4) to reduce the required 30' transitional landscape yard; and,

SECTION 5: That a variation is hereby granted for the property described in Section 7 below pursuant to Title 15, Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access; and,

SECTION 6: That a variation is hereby granted for the property described in Section 7 below pursuant to Title 15, Section 155.416 (D) to allow a lot area of 35,382 sq. ft. where a minimum of 40,000 sq. ft. associated with a major plat of subdivision; and,

SECTION 7: That a variation is hereby granted for the property described in Section 7 below pursuant to Title 15, Section 153.208(H) to allow signage within clear line of sight areas; and,

SECTION 8: That a variation is hereby granted for the property described in Section 7 below pursuant to Title 15, Section 153.505(B)(19)(b)(1)(a) to allow a property with a multi-tenant building setback less than 120 feet from the property line to display wall signs that are two times the lineal front footage of the tenant space.

SECTION 9: That this Ordinance is limited and restricted to the property located at 401 E. North Ave., Lombard, Illinois and legally described as follows:

That part of the northeast 1/4 of section 5, township 39 north, range 11 east of the third principal meridian, described as follows: beginning at a point on the south line of north avenue, (state route 64) which point is 90 feet east of the west line of grace street; thence east on the south line of north avenue, a distance of 195 feet; thence south and parallel with the west line of grace

Street, a distance of 182 feet; thence west parallel with the south line of north avenue, a distance of 195; thence north on a line 90 feet east of and parallel to the west line of grace street 182 feet to the point of beginning.

Excepting therefrom that part of the northeast 1/4 of section 5, township 39 north, range 11, east of the third principal meridian, described as follows:

Beginning at a point on the south line of north avenue (route 64) which point is 90.0 feet east of the west line of grace street; thence on an assumed bearing north 88 degrees 14 minutes 45 seconds east along the south line of north avenue 5.00 feet; thence south 12 degrees 17 minutes 42 seconds west, 25.74 feet to the east line of grace street, being 90.0 feet east of and parallel to the West line of grace street; thence north 1 degree 06 minutes 28 seconds east along the east line of grace street, 25.00 feet to the point of beginning, in DuPage county, Illinois.

Parcel Number: 06-05-200-016; (the "Subject Property").

SECTION 10: The requested zoning actions, as provided for in Sections 1-8 of this Ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in this IDRC report, except as they may be changed to conform to Village Codes and Ordinances.
2. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
3. That the petitioner shall modify the south building elevation to include the same banding elements to that of the north elevation. The final design of these elements for the north elevation shall be subject to the Director of Community Development.
4. Each tenant space shall include gooseneck lighting above each of the respective awnings.
5. The informational sign located at the Grace Street entrance shall be moved to the easternmost portion of the landscape island to which it is located. The final location of the sign shall be subject to the Director of Community Development.

6. All comments and recommendations noted in the KLOA report dated July 10, 2012, attached to this report, shall be satisfactorily addressed.
7. Cross access to the existing Casey's Restaurant to the east shall be constructed as part of this project and prior to the issuance of a Certificate of Occupancy, subject to the approval of Casey's Property Owner and in accordance with the preliminary engineering plan dated June 26, 2012 by RWG Engineering, LLC, except as it may be modified to meet Village Code. In the event that the owner of the Casey's property does not consent to the construction of the cross access, an easement shall still be provided for future connection to the east.
8. A cross access easement shall be provided at the southeast corner of the site that would connect to the property to the east in a manner acceptable to the Director of Community Development.
9. Prior to the issuance of a building permit, the existing Highway Authority Agreement for the subject property shall be reviewed and amended as needed by Village Counsel, with the approval by the Village Board.
10. The curb cut onto North Avenue shall be reduced to no more than thirty-five feet (35') wide at the property line.
11. The outdoor dining area shall include a decorative black aluminum or wrought iron fence a minimum of four feet (4') high around the perimeter.
12. To ensure that the proposed signage and awnings present a favorable appearance to neighboring properties, staff recommends the following items be added as additional conditions of approval:
  - A. That channel lettering shall only be used for the wall signs.
  - B. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
  - C. That any future awnings shall be of a compatible design and color around the building.

SECTION 11: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

First reading waived by action of the Board of Trustees this 6th day of September,  
2012.

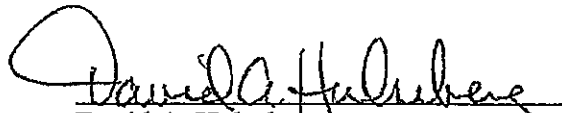
Passed on second reading this 6<sup>th</sup> day of September, 2012.

AYES: Trustees Gron, Giagnorio, Wilson, Breen, Fitzpatrick and Ware

NAYS: None

ABSENT: None

APPROVED this 6<sup>th</sup> day of September, 2012.

  
David A. Hulseberg  
Village Manager  
(Pursuant to the Authority Granted by the  
Village Board at the September 6, 2012  
Village Board Meeting)

ATTEST:

  
Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this 7th day of September, 2012.

  
Brigitte O'Brien, Village Clerk