

CD

ORDINANCE NO. 5266

**AN ORDINANCE AMENDING ORDINANCE NO. 5134,
GRANTING CONDITIONAL USES PURSUANT TO
TITLE 15, CHAPTER 155, SECTIONS 155.415.C AND 155.208 OF THE
LOMBARD ZONING ORDINANCE, GRANTING VARIATIONS TO TITLE 15,
CHAPTER 153, SECTION 153.505 (B) OF THE LOMBARD SIGN ORDINANCE**

(PC 03-02: 444 West 22nd Street)

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, the subject property is zoned B3 Community Shopping District; and,

WHEREAS, the Corporate Authorities granted approval of Ordinance 5134 which granted conditional use approval for gasoline sales, an automobile service use (car wash), more than one (1) principal structure on one (1) lot of record, variations to the transitional building and landscape yards and a variation to allow for more than one (1) wall sign per street front exposure; all located within the B3 Community Shopping District; subject to conditions, and

WHEREAS, the property owner has filed an application requesting an amendment to Ordinance 5134 to approve a modified plan for the subject property; and

WHEREAS, the petition of the owner was subject to a public hearing before the Plan Commission on March 17, 2003 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of an amendment to Ordinance 5134 to allow for the construction of a new gas station/car wash facility per the amended and submitted plans made a part of the petition, subject to certain terms and conditions; and,

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WHEREAS, the President and Board of Trustees of the Village of Lombard hereby adopt the findings and recommendations of the Plan Commission as set forth herein, and make same part hereof, subject to certain revisions as more fully set forth below.

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 Ordinance Number 5134, adopted May 16, 2002 is hereby amended to allow for an alternate site development plan, on the property described in Section 2 below and subject to the conditions noted in Section 3 below.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 444 West 22nd Street, Lombard, Illinois and legally described as follows:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 19 AND THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHERE THE NORTH LINE OF SAID SECTION 30 INTERSECTS WITH THE EAST RIGHT OF WAY LINE OF FINLEY ROAD, ACCORDING TO THE PLAT OF DEDICATION, RECORDED AS DOCUMENT NUMBER R67-31797, THENCE SOUTH 02 DEGREES 15 MINUTES 47 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 98.60 FEET; THENCE CONTINUING ALONG SAID EAST RIGHT OF WAY LINE SOUTH 19 DEGREES 27 MINUTES 20 SECONDS EAST, A DISTANCE OF 74.43 FEET, TO THE NORTH RIGHT OF WAY LINE OF 22ND STREET, ACCORDING TO SAID PLAT OF DEDICATION DOCUMENT NUMBER R67-31797; THENCE SOUTH 74 DEGREES 47 MINUTES 59 SECONDS EAST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 74.43 FEET; THENCE NORTH 88 DEGREES 00 MINUTES 23 SECONDS EAST ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 25.13 FEET TO A POINT OF CURVATURE; THENCE CONTINUING EASTERLY ALONG SAID NORTH RIGHT OF WAY LINE BEING A CURVE TO THE LEFT OF THE LAST DESCRIBED COURSE EXTENDED AND HAVING A RADIUS OF 1382.39 FEET, A DISTANCE OF 79.89 FEET; THENCE NORTH 13 DEGREES 35 MINUTES 25 SECONDS WEST A DISTANCE OF 244.28 FEET TO A POINT ON THE FORMER NORTH RIGHT OF WAY LINE OF 22ND STREET VACATED BY DOCUMENT NUMBER R67-31799 SAID POINT BEING 50.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 19; THENCE SOUTH 88 DEGREES 00 MINUTES 23 SECONDS WEST ALONG SAID NORTH LINE OF VACATED 22ND STREET, BEING PARALLEL WITH SAID SOUTH SECTION LINE, A DISTANCE OF 150.00 FEET TO A POINT 50.00 FEET EAST OF THE CENTER LINE OF FINLEY ROAD; THENCE SOUTH 02 DEGREES 15 MINUTES 47 SECONDS EAST, A DISTANCE OF 50.00 FEET TO THE PLACE OF BEGINNING.

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ALSO DESCRIBED AS LOT 2 IN FINLEY ROAD SUBDIVISION, A SUBDIVISION SITUATED IN PART OF THE NORTHEAST QUARTER OF SECTION 30, AND PART OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 39 NORTH, RANGE 112, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT NUMBER R68-43111, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number 06-30-200-008

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions, which supercede and replace in their entirety the conditions enumerated in Ordinance 5134:

1. That the petitioner shall be required to apply for and receive Village building permits for the demolition of any existing structures on the premises and for the construction of any improvements on the subject property. The petitioner shall also apply for and receive all requisite State of Illinois and DuPage County Health Department permits as well.
2. That the site be developed in substantial compliance with the proposed Site Plan, Building Floor Plans (updated February 6, 2003), Building Elevations, Car Wash Elevation, Landscape Plan and Canopy Elevations (updated and submitted February 28, 2003), and shall include revisions as recommended in the IDRC comments. Furthermore, the petitioner shall submit a revised photometric plan addressing the comments included as part of the staff report.
3. That construction and site improvements shall be substantially underway within one (1) year from the date of Village Board approval of PC 03-02 and shall be completed eighteen (18) months thereof.
4. That a solid fence of at least six feet in height shall installed and maintained in good repair at all times along the north property line.
5. That the petitioner shall record a cross-access easement to provide for vehicular access to the property east of the subject property. Should the abutting property owner agree to grant a cross-access easement on his/her parcel to connect to the subject property, the petitioner and/or future subject property owner shall be obligated to install a cross-access driveway at their own expense. Said cross-access driveway shall be constructed per Village of Lombard specifications.

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6. That the project shall meet all codes of the Village.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 2003.

First reading waived by action of the Board of Trustees this 3rd day of April, 2003.

Passed on second reading this 3rd day of April, 2003.

Ayes: Trustees DeStephano, Tross, Koenig, Sebby, Florey, Soderstrom

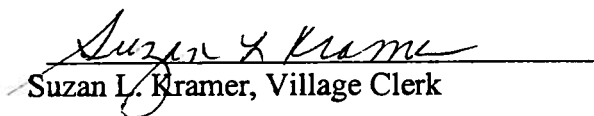
Nayes: None

Absent: None

Approved this 3rd day of April, 2003.


William J. Mueller, Village President

ATTEST:


Suzan L. Kramer, Village Clerk