

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda


Resolution or Ordinance (Blue) \_\_\_\_\_  
Recommendations of Boards, Commissions & Committees (Green) \_\_\_\_\_  
Waiver of First Requested Other Business (Pink) \_\_\_\_\_

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: November 28, 2007 (BOT) Date: December 6, 2007

TITLE: PC 07-03: 19W471 Roosevelt Road and 351 E. Roosevelt Road

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The Village of Lombard requests that the Village take the following actions on the subject property:

- A. Approve an annexation agreement. (2/3 of Corporate Authorities Vote Required)
- B. Annex the portion of the subject property not currently within the Village of Lombard.
- C. Approve a map amendment rezoning the entire property to the B4 Corridor Commercial District.
- D. Approve a conditional use for a planned development, with the following companion conditional uses, deviations and variations, as follows:
  - 1. For Lot 1 (Parcel A) of the proposed resubdivision, approve:
    - a. A conditional use pursuant to Section 155.414 (C)(7) of the Zoning Ordinance for a drive-through facility;
    - b. A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;
    - c. A deviation from Section 155.414 (D) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 36,549 square feet;
    - d. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 137.54 feet.
  - 2. For Lot 2 (Parcel B) of the proposed resubdivision, approve a deviation from Section 155.414 (F) of the Zoning Ordinance reducing the required east interior side yard from ten feet (10') to two feet (2').
  - 3. For Lot 3 (Parcel C) of the proposed resubdivision, approve:
    - a. A conditional use pursuant to Section 155.414 (C)(7) of the Zoning Ordinance for a drive-through facility;
    - b. A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;
    - c. A deviation from Section 155.414 (D) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 30,799 square feet;

d. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 121.03 feet.

4. For Lot 4 (Parcel D) of the proposed resubdivision, approve:  
a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow for a lot without public street frontage;

b. A planned development use exception for a storage center in the B4 District; and  
c. A variation from Section 155.508 (B)(3) of the Zoning Ordinance pertaining to the Standards for Planned Developments with Use Exceptions to allow a use exception to exceed 40% of the total floor area for the overall planned development.

5. For Lot 5 (Parcel E) of the proposed resubdivision, approve:  
a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow a lot without public street frontage;

b. A deviation from Section 154.507 (D) of the Subdivision and Development Ordinance requiring an outlet to have at least thirty feet (30') of frontage along a public street;  
c. A deviation from Section 155.414 (D) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 20,203 square feet for a detention outlet; and  
d. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 138.17 feet for a detention outlet.

6. For each of the proposed lots, grant a variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.

7. Approve the following Sign Ordinance deviations:  
a. A deviation from Section 153.505 (B)(6)(e) to allow for more than one freestanding sign on a property;

b. A deviation from Section 153.235 (A) to allow for more than one shopping center sign; and  
c. A deviation from Section 153.235 (E) to allow for shopping center signs to be located closer than 250 feet from each other.

d. A deviation from Section 153.234 (F) of the Lombard Sign Ordinance to allow for free-standing signs to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way; and

8. Approve a preliminary major plat of resubdivision.  
(UNINCORPORATED & DISTRICT #6)

The Plan Commission recommended approval with conditions.

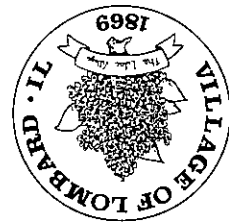
Please place this item on the December 6, 2007 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	_____	Date	_____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



**MEMORANDUM**

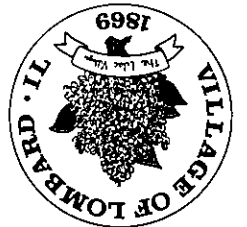
**TO:** William T. Lichter, Village Manager  
**FROM:** David A. Hulseberg, AICP *dah*  
Assistant Village Manager/Director of Community Development  
**DATE:** December 6, 2007  
**SUBJECT:** PC 07-03: 19W471 Roosevelt Road and 351 E. Roosevelt Road

Attached are the following items for Village Board consideration as part of the December 6, 2007 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 07-03;
3. An Ordinance authorizing the execution of an Annexation Agreement;
4. A draft Annexation Agreement;
5. An Ordinance annexing a portion of the subject property not currently within the Villages;
6. An Ordinance rezoning a portion of the subject property;
7. An Ordinance granting approval of a conditional use for a planned development amendment with deviations, and companion conditional uses, subject to conditions; and
8. Plans associated with the petition.

As a companion to this petition, staff has prepared a companion report denoting Centum's efforts to assemble a larger redevelopment plan encompassing all of the unincorporated commercial properties along Roosevelt Road.

Please contact me if you have any questions regarding the aforementioned materials.



**VILLAGE OF LOMBARD**

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www.villageoflombard.org

December 6, 2007

Mr. William J. Mueller,  
Village President, and  
Board of Trustees

Village of Lombard

**Subject: PC 07-03: 19W471 Roosevelt Road and 351 E. Roosevelt Road**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following actions on the subject property:

A. Approve an annexation agreement.

B. Annex the portion of the subject property not currently within the Village of Lombard.

C. Approve a map amendment rezoning the entire property to the B4 Corridor Commercial District.

D. Approve a conditional use for a planned development, with the following companion conditional uses, deviations and variations, as follows:

1. For Lot 1 (Parcel A) of the proposed resubdivision, approve:

a. A conditional use pursuant to Section 155.414 (C)(7) of the Zoning Ordinance for a drive-through facility;

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d. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 137.54 feet.

Village President  
William J. Mueller

Village Clerk  
Brigitte O'Brien

Village Manager  
William T. Lichter

Trustees  
Greg Alan Gron, Dist. 1  
Richard J. Tross, Dist. 2  
John "Jack" T. O'Brien, Dist. 3  
Dana L. Moreau, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
Rick Soderstrom, Dist. 6

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

2. For Lot 2 (Parcel B) of the proposed resubdivision, approve a deviation from Section 155.414 (F) of the Zoning Ordinance reducing the required east interior side yard from ten feet (10') to two feet (2').
3. For Lot 3 (Parcel C) of the proposed resubdivision, approve:
  - a. A conditional use pursuant to Section 155.414 (C)(7) of the Zoning Ordinance for a drive-through facility;
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  - d. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 121.03 feet.
4. For Lot 4 (Parcel D) of the proposed resubdivision, approve:
  - a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow for a lot without public street frontage;
  - b. A planned development use exception for a storage center in the B4 District; and
  - c. A variation from Section 155.508 (B)(3) of the Zoning Ordinance pertaining to the Standards for Planned Developments with Use Exceptions to allow a use exception to exceed 40% of the total floor area for the overall planned development.
5. For Lot 5 (Parcel E) of the proposed resubdivision, approve:
  - a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow a lot without public street frontage;
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6. For each of the proposed lots, grant a variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.

7. Approve the following Sign Ordinance deviations:

- a. A deviation from Section 153.505 (B)(6)(e) to allow for more than one freestanding sign on a property;
- b. A deviation from Section 153.235 (A) to allow for more than one shopping center sign; and
- c. A deviation from Section 153.235 (E) to allow for shopping center signs to be located closer than 250 feet from each other.
- d. A deviation from Section 153.234 (F) of the Lombard Sign Ordinance to allow for a free-standing sign to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way; and

8. Approve a preliminary major plat of resubdivision.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition August 20, 2007.

Graham Palmer, a representative with Centrum Properties, presented the petition. Using a power point presentation, he introduced Centrum Properties and explained their focus and mission. He noted some comparable projects which included the Glen Ellyn Crossings which is anchored by Chase Bank.

Mr. Palmer provided some history on the project. He stated that in March 2005 they became the contract purchaser of the Lombard Lanes property, and when they met with staff, they were told to pursue the towing facility to include in the redevelopment project. He noted that there are several significant issues associated with the O'Hare towing property. He mentioned that the towing company was in a long term lease and Centrum Properties had to buy out their lease. He

stated that there is also a billboard on the property with a long term lease, which they will let run out and then remove. He also noted the existing access easement for Highland Hills Sanitary District and York Township Highway Department.

Mr. Palmer stated that the total site including the towing facility is approximately 4.6 acres. He referred to the proposed site plan noting the three building included as part of phase one - a 15,000 square foot retail building, a freestanding National City bank, and a Del Taco fast food restaurant with a drive-through. He mentioned that the second phase would include a four-story, 95,000 square foot storage center facility in the rear of the site. He stated that the storage center was use was suggested by staff, and that it shouldn't be an issue with the rest of the plan.

Dave Bender with Carroll Associates Architects discussed the building elevations and materials. He stated that the design of the retail building is compatible with the adjacent building on site. He pointed out that the red brick an EIFS cornice were incorporated into all of the building elevations. He referenced the materials board which was passed around to the Plan Commissioners. He noted that the retail building also included tan brick and fabric awnings help to break up the massing of the facade. He stated that the red brick, EIFS and stone were also incorporated into the design of the monument and pylon signs. He mentioned that decorative sconce lighting was used through-out the site as well.

Mr. Palmer referenced the elevations for the bank and the fast food restaurant, noting that they incorporated similar masonry and design features.

Mr. Bender stated that the site plan meets Code in terms of landscape plantings. He pointed out that the site plan includes a plaza feature at the west end of the retail building to allow for an outdoor element with possible outdoor seating. He referenced the birds-eye view rendering of the project, noting the location of the detention and the future storage facility. He pointed out that the western drive aisle is wider than required in order to accommodate the township trucks. He mentioned that there is cross access with the property to the east which provides greater access to Roosevelt Road.

Mr. Palmer concluded with some of the highlights of the project. He noted it is a unified and cohesive development. He stated that the project improves what was considered to be two blighted or visually unattractive properties and creates a high quality development.

Chairperson Ryan then opened the meeting for public comment.

Commissioner Nelson asked if the bank facility is that important to the project? Mr. Palmer stated that the bank is the financial driver for the development.

Commissioner Sweetser asked about the roadway access for the township along the west property line. Mr. Palmer noted that Centrum Properties had acquired the property with an existing easement for the Sanitary District. William Heniff, Senior Planner, explained that Highland Hills Sanitary District and York Township Highway Department have easements whereby they can

have direct access onto Roosevelt Road. He noted that the York Township Highway Department is located to the south of the subject property.

Commissioner Sweetser asked whether the petitioner was in agreement with the additional condition that staff recommended in the supplemental memo. Mrs. Velazquez stated that they have discussed the condition with the petitioner. Mr. Palmer stated that he believes that they will be able to accomplish what staff is looking for.

Commissioner Olbrysh referred to the second rendering in the petitioner's presentation. He stated that the petitioners had a challenge with the site because the slope of the property creates a 15' drop from the front to the rear. He noted that the storage center building will not look like a four-story building. He mentioned that the storage facility is a nice use for the property. He also mentioned that the cross access with High Point Center helps the project a lot.

Mr. Palmer pointed out that they originally requested four wall signs for the fast food restaurant and staff recommended that the south wall sign be removed. He stated that they are willing to do that. He also noted that they originally requested four freestanding signs and staff is recommending only two signs be approved. He explained that they would be willing to reduce it to three freestanding signs. He noted that it was important for the storage facility to have their own sign because they are located in the back of the property and are somewhat hidden.

No one spoke in favor or against the petition.

Chairperson Ryan then requested the staff report.

Michelle Velazquez, Planner I, presented the staff report and companion power point presentation. She referenced an aerial photo of the subject property noting the former uses included Lombard Lanes bowling alley and O'Hare towing. She noted that all of the structures associated with the previous uses have been demolished. She showed the proposed site plan superimposed on an aerial photo in order to explain the surrounding context and how the development with fit in with the adjacent properties.

Mrs. Velazquez outlined the requests associated with the petition which included approval of annexation agreement, annexation of the property not currently within the Village, rezoning of the annexed property to the B4 Corridor Commercial District, and a conditional use for a planned development with companion deviations and variations.

Mrs. Velazquez then reviewed the companion deviations and variations. She noted that the petitioners are seeking a variation for the whole development, to reduce the perimeter parking lot landscaping from five feet (5') to zero feet (0') to allow for shared parking and cross access. She stated that granting the variation will allow for a more cohesive and unified development. She stated that the petitioners are seeking conditional uses for two drive-through facilities-one associated with the bank and the other associated with the fast food restaurant. The proposed drive-through facility will not negatively impact traffic circulation within the development. She



mentioned that a variation is needed for the retail building located on Lot 2 (Parcel B) to reduce the interior side yard from ten feet (10') to two feet (2').

Mrs. Velazquez noted that the petitioners are requesting a use exception for a 95,000 square foot storage center to be located on Lot 4 (Parcel D). She stated the Zoning Ordinance stipulates that use exceptions cannot represent more than 40% of the site area or more than 40% of the total floor area. She mentioned that the proposed storage center does not exceed 40% of the site area, but because it will be a four-story building, it will exceed 40% of the total floor area within the planned development. She stated that the petitioner is requesting a companion variation from the Standards for Planned Developments with Use Exceptions is also needed for the proposed storage center. She noted that the petitioners would like to establish the right for the use exception, but have not submitted any building elevations the storage center. She stated that staff recommends as a condition of approval that site plan approval be required for Lot 4 (Parcel D) to allow the Plan Commission to review building elevations and materials. She noted that staff can conceptually support the storage center use given that the subject property as is adjacent to two other storage uses including the U-Store-It storage center and the York Township Highway Department facility. She mentioned that there is a substantial change in grade with the elevation at the northern property line being as much as fifteen feet (15') higher than the elevation at the southern property line, and the multi-story storage center building will not have as great of an impact when viewed from Roosevelt Road as a result of the grade change.

Mrs. Velazquez stated that the petitioners are requesting variations for the banking facility and the fast food restaurant to allow four wall signs on each of the exterior walls. She noted that the Zoning Ordinance limits businesses to one wall sign per street frontage, and the overall sign size for each of the proposed wall signs meets code requirements for area. She stated that staff does not object to the relief, but recommends that both the wall sign on the south elevation of the bank and the wall sign on the south elevation of the restaurant be removed. She mentioned that staff does not see a value to these wall signs, as it would not be visible to motorists on Roosevelt Road.

Mrs. Velazquez noted that there are a number of deviations required for the proposed freestanding signs. She stated that the Sign Ordinance prohibits freestanding signs in conjunction with Shopping Center Identification signs. She mentioned that only one Shopping Center Identification Sign would be permitted on the subject property by a matter of right as the planned development does not meet the size and frontage requirements for any additional Shopping Center Identification signs. She noted that the Sign Ordinance also requires a distance of at least 250 feet between Shopping Center Identification Signs. The proposed plan only shows a distance of 216 feet. She stated that staff finds four freestanding signs for the subject property to be excessive. She noted that planned developments are intended for a unified and compatible design of buildings, structures and site improvements, and excessive freestanding signage can give the appearance of a piecemeal development rather than an integrated shopping center. She stated that staff can conceptually support the necessary relief to allow the two shopping center signs located at each of the access drives, and any signage for the bank and storage center should be incorporated into the shopping center signs. She also noted that there is an existing billboard

located on the subject property, and the companion annexation agreement will provide for the removal of the billboard by the petitioner in 2014, when the existing lease period expires.

Mrs. Velazquez stated that the petitioner has been working with staff and the Village's traffic consultant to address concerns related to stacking and access drives. She noted that the subject property previously had a full access drive on the Lombard Lanes property and a full access drive on the O'Hare towing property. She pointed out that there are existing cross-access easements with High Point Shopping Center located west of the subject property which will allow vehicles to exit onto Roosevelt Road at the Fairfield Avenue traffic light. She mentioned that there is an existing easement on the O'Hare Towing property that granted York Township Highway Department rights to use a fifteen-foot drive aisle and the full access onto Roosevelt Road, and that the petitioner has worked with both York Township Highway Department to address the easement. She stated that IDOT has reviewed the proposed site plan and finds the full access curb-cut and right-in/right-out curb-cut to be acceptable. However, IDOT will require the petitioner to extend the existing right turn only lane for the right-in/right-out curb cut to the west in the High Point Shopping Center.

Mrs. Velazquez reviewed the landscaping and building elevations. She stated that the petitioner has submitted a landscape plan that is intended to provide perimeter and internal parking lot landscaping similar to that specified in the Zoning Ordinance. She noted that the subject property is not adjacent to any residential zoning districts, and therefore, transitional landscaping is not required. She mentioned that the petitioner has submitted elevation drawings for the proposed banking facility, retail building, and fast food restaurant. She explained that the proposed buildings incorporate similar masonry colors and materials. She explained that the banking facility and the retail building use a red brick and the fast-food restaurant incorporates a red stone, similar in color. She noted that the three buildings also include an EFIS cornice element which helps tie them together, and all three buildings incorporate fabric awnings and wall sconces as decorative elements. She stated that staff finds the elevations to be acceptable overall, but suggests that additional masonry be incorporated into the final design for the fast-food restaurant.

William Heniff, Senior Planner, noted that there is currently a development moratorium placed on the Roosevelt Road Corridor. He stated that the petitioner filed this petition prior to the adoption of the ordinance establishing the moratorium. He mentioned that the petitioners have spent a lot of time working with both staff and IDOT to address access issues.

Chairperson Ryan clarified that staff had referred to Butterfield Road in the presentation, but should have stated Roosevelt Road.

Commissioner Sweitzer questioned asked for clarification on condition 5c and which signs the condition is referring to. William Heniff explained that the condition would limit the petitioners to the two shopping center signs. Commissioner asked where the signs would be located. Mrs. Velazquez stated that the signs would be located at the two access points as shown

on the site plan. Ruth Sweetser noted that the storage facility would have to be included on one of the shopping center signs.

Chairperson Ryan opened the meeting for comments from the Plan Commission.

Chairperson Ryan asked about the height of the four-story storage center building. Mr. Heniff noted that in the B4 District the maximum height permitted is 40 feet, but 45 feet can be permitted as a conditional use. Chairperson Ryan asked if the conditional use for the building height is included as part of the current petition. Mr. Heniff explained that it is not part of the petition.

Commissioner Burke asked where the 40 foot building height is measured from. Mrs. Velazquez noted that the Zoning Ordinance provides some flexibility in the reference level used to measure building height. It can be measured from curb level, or its equivalent, or the average grade in front of the building. She mentioned that it has typically been at staff's discretion. Mr. Heniff stated that if the Plan Commission doesn't want a fifty seven foot (57') building height (as a result of the change in grade) that it should be denoted.

Mr. Heniff noted that the petitioners would like to secure the legal right to the use exception at this time, but if they can't meet the bulk requirements, they will have to come back for the relief. Ron Oibrysh stated that he didn't have a problem with the storage, and that the elevations for the development are also very attractive.

After due consideration of the petition and the testimony presented, the Plan Commission found that the requested relief does comply with the standards of the Lombard Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5-0, recommended to the Corporate Authorities **approval** of the petition associated with PC 07-03 subject to the following conditions:

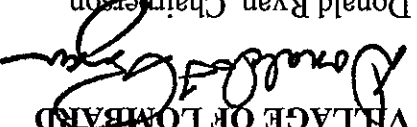
1. The petitioner shall develop the site and building in accordance with the following plans submitted as part of this request, except as modified by the conditions of approval:

- a) Site plans prepared by Carroll Associates Architects, dated August 9, 2007
- b) Landscape plan, prepared by Carroll Associated Architects, dated August 10, 2007,
- c) Building elevations for proposed retail center, prepared by Carroll Associates Architects, dated July 16, 2007,
- d) Building elevations for proposed bank, prepared by Carroll Associates Architects, dated July 16, 2007
- e) Building elevations for the fast-food restaurant, prepared by Hestrup and Associates, dated July 17, 2007.

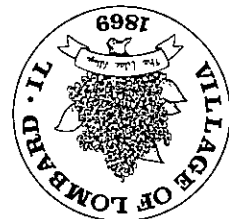
2. That the petitioner shall enter into an annexation agreement with the Village for the subject property.
3. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRRC report.
4. That any trash enclosure screening required by Section 155.710 of the Zoning Ordinance shall be constructed of material consistent with the principal building in which the enclosure is located.
5. To ensure that the proposed signage, awnings and building elevations present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
  - 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. The planned development shall be limited to no more than two freestanding shopping center signs, with the signs being in accordance with the shopping center signage plan prepared by Carroll Associates Architects dated August 3, 2007. The final placement of the signs shall be located in a manner that does not conflict with clear line of sight or utility easements.
  - d. That wall signage for the bank building and the fast-food restaurant building shall only be located on the north, east and west elevations.
  - e. That the fabric awnings on each of the proposed buildings shall be compatible.
  - f. That all rooftop mechanical equipment shall be screened pursuant to Section 155.221 of the Zoning Ordinance.
  - g. Prior to consideration by the Village Board, the petitioner shall submit modified building elevations for the fast-food restaurant on Lot 3 (Parcel C) that substitute masonry for the EIFS.
6. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall allow for cross-access and cross parking between each lot within the proposed development.
7. The use exception for a storage center shall only be for Lot 4 (Parcel D) of the planned development. The development of Lot 4 (Parcel D) shall be subject to site plan approval of the Village.
8. The petitioner shall dedicate to the Village a cross-access easement to provide access to the proposed detention outlet (Lot 5), with the final location to be denoted on the final plat of subdivision for the subject property.

December 6, 2007  
PC 07-03  
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Respectfully,

VILLAGE OF LOMBARD  
  
Donald Ryan, Chairperson  
Lombard Plan Commission

c. Petitioner  
Lombard Plan Commission



**MEMORANDUM**

**TO:** William T. Lichter, Village Manager  
**FROM:** David A. Hulseberg, AICP *DLH*  
Assistant Village Manager/Director of Community Development

**DATE:** November 24, 2007

**SUBJECT:** PC 07-03: 19W471 Roosevelt Road and 351 E. Roosevelt Road  
Centrum Properties Redevelopment Economic Analysis & Status Update

Before the Village Board considers the annexation and zoning matters relative to PC 07-03 for the properties at 19W471 Roosevelt Road and 351 E. Roosevelt Road (i.e., the former O'Hare Towing and Lombard Lanes sites), staff would like to provide the Village Board with background information relative to the petition. Specifically, staff asked the petitioner, Centrum Properties, to provide the Village with pertinent information relating to their past efforts to undertake a larger-scale redevelopment of most of all of the unincorporated commercial properties on the south side of Roosevelt Road. To this end, the petitioner provided staff with the following information.

The petitioner's current plans are to redevelop the 4.57 acre Lombard Lanes and O'Hare Towing properties. They currently own the Lombard Lanes site and are under contract for the O'Hare Towing site. However, they also explored the possibility of a large scale redevelopment for a Lowe's Store, as shown on the attached concept plan and encompassing the U-Store-It site, Viceroy of India, Delhi Academy and Highland Manor Motel. The plan also assumes a storage center, bank, a small retail center and a drive-through fast-food restaurant. To facilitate this plan, Centrum completed the following activities:

**Outreach to Property Owners**

Centrum notes that they did attempt to negotiate an agreement with each of the property owners, and their responses were:

*1. Viceroy of India Banquet Hall*

Contacts were attempted on June 27 with follow up messages during July and August for Surinder and/or Sashi Jain. Met with owner on September 10 and made offer with e-mail follow-ups on September 19, 28 and October 10. Received their counter dated October 12; seeking \$5,000,000 for property.

*2. Delphi Academy of Chicago*  
Spoke with owner Shar Miller June 29. She is working to relocate Delphi Academy and will sell for current appraised value once she can reach agreement for a facility in Glen Ellyn. Her last appraisal estimates value at \$1,125,000. Had follow-up conversations with Ms Miller during July & August checking status of her relocation. Submitted \$1,000,000 offer September 10; received response letter dated October 19. Centrum estimates a final cost of \$2,300,000.

*3. Highland Manor Motel*  
Last discussed purchasing property in November 2005 - owner Bill Chu said that the property is not for sale. Centrum estimates a \$2,500,000 cost for the site.

*4. U-Store-It Self Storage*

Centrum initially contacted Steve Hryzko, is the former real estate manager of U-Store-It, and now a real estate broker at CB Richard Ellis in Cleveland as referred by U-Store-It referral on June 29. Centrum spoke several times during July and August and met with Mr. Hryzko in Chicago on August 28. Centrum prepared a \$2.043 million offer (\$10 per square foot land) but Mr. Hryzko preferred to first get an asking price from U-Store-It. Mr. Hryzko stated that the property is encumbered by \$90,000,000 multi-property mortgage and that U-Store-It is unwilling to sell for an amount which represents a loss. Follow-up emailed correspondence was made on September 19, 28 and October 9. Centrum received a call from Scott Levy, Manager of Planning & Financial Analysis at U-Store-It on October 10 repeating what Mr. Hryzko had advised. Centrum estimates a \$6,000,000 land acquisition cost.

*5. York Township Highway Department Facility*

Centrum called Dick Schroeder on June 29. Centrum subsequently spoke in July and August. Mr. Schroeder advised that the township will consider relocating only if the proposed site is an operational equivalent and if new replacement maintenance buildings are provided. Centrum estimates that \$2,000,000 would be a reasonable cost for the land. Costs regarding replacement buildings was not determined.

**Lowe's Comparable Data**

In addition to developing a site plan that could conceptually meet Lowe's site development requirements, they collected square foot costs Lowe's paid for other properties in the region.

Naperville (75<sup>th</sup> Street & Route 59) - \$7,300,000 for 14 acres (i.e., \$11.97 sq. ft. for land)

West Aurora (I-88 & Orchard) - \$3,200,000; all in, including site costs

Oswego - \$3,500,000; all in, including site costs

Chicago/Brickyard (Diversey & Narragansett) - \$6,500,000; all in, including site costs

For the Lombard project, \$6,000,000 from Lowe's is anticipated.

**Lowe's Subsidy Analysis**

Centrum produced a subsidy analysis to determine the viability of the project from an economic standpoint. Included within this analysis are the following assumptions:

1. The Village would establish a TIF District for the property;
2. The Village would also establish a sales tax rebate program (Business Improvement District) and reimburse 1% of generated sales tax revenues; and
3. The Village would assist in property acquisition.

Based upon this analysis, the total development costs would be about \$32,820,000, with a net subsidy needed of \$23,420,000. This would require a \$2,830,000 annual subsidy over a 20-year period. Subtracting the real estate tax increment and one percent reimbursement, the project would create an estimated annual \$2,140,000 shortfall for the project.

**Staff Recommendation Regarding Lowe's Project**

Given the data provided by Centrum Properties, it appears that the proposed Lowe's large-scale redevelopment is not economically viable at this time, even with additional financial assistance by the Village.

**Status Update – Lombard Lanes/O'Hare Towing Project**

Centrum Properties is continuing to work on the annexation agreement for the petition pending before the Board. This agreement would memorialize the plans submitted to date and would grant approvals for the associated zoning relief.

To address the general issue of land uses within the proposed in-line center, staff suggested that the petitioner include either a tenant cap be implemented, similar to what was approved for the V-Land development, or in the alternative the petitioner develop a permitted use list with caps on the percentage of service uses permitted within the development. This approach was pursued as a way the petitioner could provide assurances to the Village that the center will have a retail presence and will not be occupied by service establishments. The petitioner is willing to agree to either capping the number of tenants at six (similar to what we did for the V-Land Development) or a 30 percent cap on service tenants within the in-line center, with any increase above the 30 percent threshold being a conditional use. This concept was initially envisioned by the Roosevelt Road Ad-hoc Committee.

While the subject properties are within the Roosevelt Road Corridor, this petition was filed before the moratorium period was established and includes land not within the corporate limits of



the Village. In this regard the Board has a significant amount of discretion in the approval of the petition. If the Village Board finds the terms of the annexation agreement undesirable, either in the form of the requested zoning relief or the conditions included within the agreement, the Village Board could then deny the annexation agreement.

TOTAL SITE AREA: 465,482 S.F.

**BUILDING AREA:**

BANK: 12,960 S.F.

RESTAURANT: 12,310 S.F.

STORAGE: 42,560 S.F.

LOWE'S: 417,000 S.F.

RETAIL: 46,500 S.F.

TOTAL BUILDING AREA: 221,330 S.F.

**PARKING READ:**

BANK: 12 CARS

(4 SPACES PER 1000 SQFT)

RESTAURANT: 28 CARS

(12 SPACES PER 1000 SQFT)

STORAGE/ELST 20K: 20 CARS

(1 SPACE PER 1000 SQFT)

STORAGE/ELND 20K: 10 CARS

(5 SPACE PER 1000 SQFT)

STORAGE/OVER 40K: 13 CARS

(25 SPACE PER 1000 SQFT)

RETAIL: 26 CARS

(4 SPACES PER 1000 SQFT)

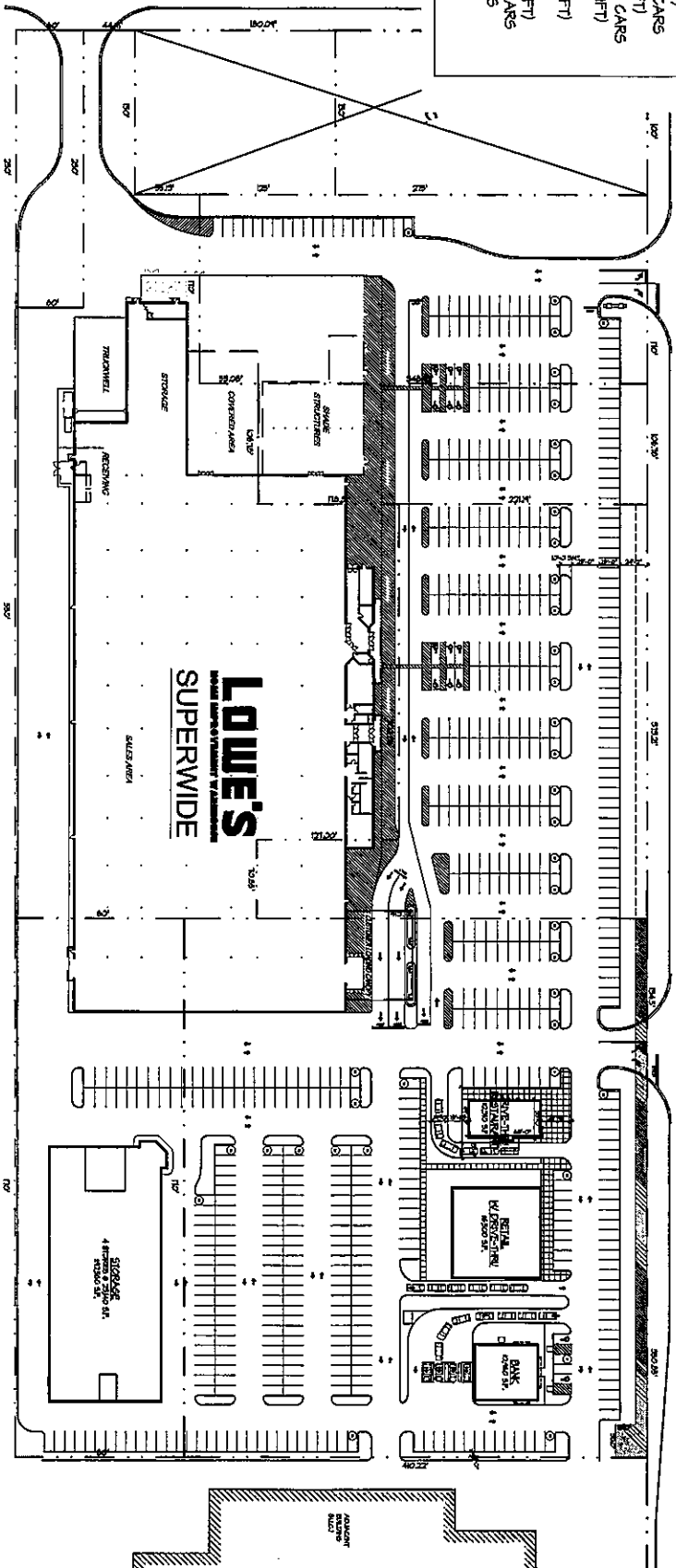
LOWE'S: 488 CARS

(4 SPACES PER 1000 SQFT)

TOTAL READ PARKING: 571 CARS

PROVIDED PARKING: 643 CARS

INC. 14 HC STALLS



**LOMBARD CROSSINGS**

CENTRUM PROPERTIES

1"=100'-0"

2007-10-04

TSH

05039

**LOMBARD, IL**

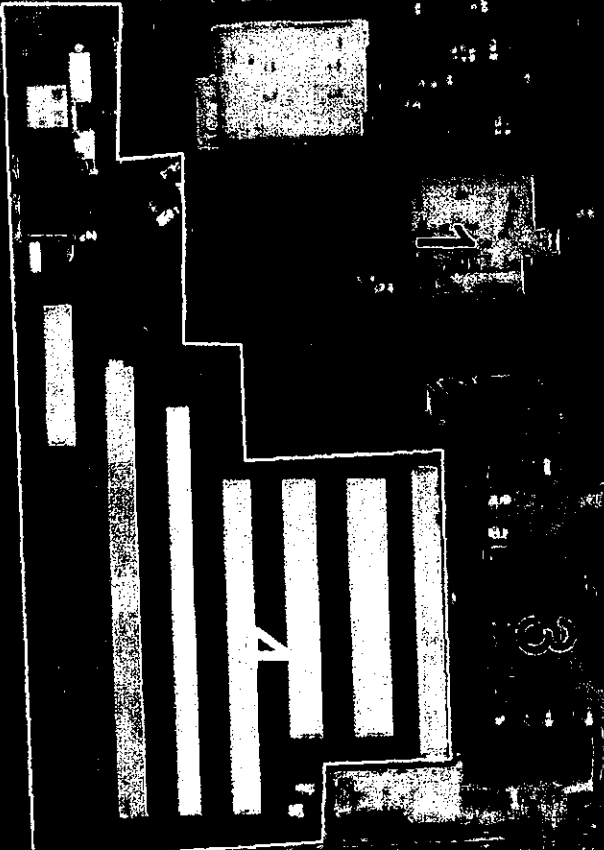
HIRSCH ASSOCIATES



S. Highland Ave

Roosevelt Road

Centrum Owner /  
Under Contract



©1997-2006 AirPhotoUSA

**Lombard - Lowe's Subsidy Analysis**

10/22/2007

<b>Estimated Total Land Acquisition</b>		
Centrum Parcels		6,290,000
Original Land Cost	4,800,000	
Predevelopment Costs	355,000	
Carry Cost (To Date + 24 Months)	1,014,083	
Overhead Costs- TD	120,000	
Restaurant		5,000,000
Delphi Academy		1,300,000
Highland Manor Motel		2,500,000
U-Store It		6,000,000
York Twsp Highway Dept.		2,000,000

<b>Estimated Net Site, Hard &amp; Soft Costs</b>	\$ 8,230,000
<b>Development and Assemblage Fee</b>	\$ 1,500,000
<b>Total Development Costs</b>	\$ 32,820,000

<b>Less:</b>	
Estimated Reimbursement from Lowe's	\$ (6,000,000)
Estimated Reimbursement from Storage	\$ (1,000,000)
Estimated Reimbursement from Centrum	\$ (2,400,000)
<b>Total Reimbursements</b>	<u>\$ (9,400,000)</u>
<b>Estimated Net Subsidy</b>	<b>\$ 23,420,000</b>

**Estimated Gross Subsidy** \$ 31,230,000 (Assumed 25% for TIF expense including capitalized interest, underwriting fees and interest reserve)

**Estimated Gross Increment for Subsidy (Per Annum)** \$ 2,830,000 (Assumed 6.5% interest, 20-Year period)

<u>Estimated Sales &amp; Taxes Generated from Development</u>	<u>Estimated Sales</u>	<u>1%</u>	<u>Existing RE Taxes</u>	<u>Estimated RE Taxes PSF</u>	<u>Tenant Square Footage</u>	<u>Estimated RE Taxes</u>	<u>RE Tax Increment</u>
Lowe's	35,000,000	350,000	-	4.00	116,000	464,000	-
Retail Strip	2,000,000	20,000	-	5.00	6,500	32,500	-
Bank	-	-	-	5.00	2,960	14,800	-
Out Lot	1,200,000	12,000	-	5.00	2,000	10,000	-
<b>Total</b>	<b>\$ 38,200,000</b>	<b>\$ 382,000</b>	<b>\$ 217,512</b>			<b>\$ 521,300</b>	<b>\$ 303,788</b>
<b>Total Estimated 1% Sales and RE Tax Increment</b>	<b>\$ 690,000</b>						
<b>Shortfall to Achieve Estimated Subsidy Increment</b>	<b>\$ 2,140,000</b>						

**VILLAGE OF LOMBARD  
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission

HEARING DATE: August 20, 2007

FROM: Department of  
Community Development  
PREPARED BY: Michelle Velazquez, AICP  
Planner I

**TITLE**

**PC 07-03; 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossing):** The petitioner requests that the Village take the following actions on the subject property:

A. Approve an annexation agreement.

B. Annex the portion of the subject property not currently within the Village of Lombard.

C. Approve a map amendment rezoning the entire property to the B4 Corridor Commercial District.

D. Approve a conditional use for a planned development, with the following companion conditional uses, deviations and variations, as follows:

1. For Lot 1 (Parcel A) of the proposed resubdivision, approve:  
a. A conditional use pursuant to Section 155.414 (C)(7) of the Zoning Ordinance for a drive-through facility;

b. A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;

c. A deviation from Section 155.414 (D) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 36,549 square feet;

d. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 137.54 feet.

2. For Lot 2 (Parcel B) of the proposed resubdivision, approve a deviation from Section 155.414 (F) of the Zoning Ordinance reducing the required east interior side yard from ten feet (10') to two feet (2').

3. For Lot 3 (Parcel C) of the proposed resubdivision, approve:  
a. A conditional use pursuant to Section 155.414 (C)(7) of the Zoning Ordinance for a drive-through facility;

6. For each of the proposed lots, grant a variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.
- d. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 138.17 feet for a detention outlet.
5. For Lot 5 (Parcel E) of the proposed resubdivision, approve:
- a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow a lot without public street frontage;
- b. A deviation from Section 154.507 (D) of the Subdivision and Development Ordinance requiring an outlet to have at least thirty feet (30') of frontage along a public street;
- c. A deviation from Section 155.414 (D) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 20,203 square feet for a detention outlet; and
- d. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 121.03 feet.
4. For Lot 4 (Parcel D) of the proposed resubdivision, approve:
- a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow for a lot without public street frontage;
- b. A planned development use exception for a storage center in the B4 District; and
- c. A variation from Section 155.508 (B)(3) of the Zoning Ordinance pertaining to the Standards for Planned Developments with Use Exceptions to allow a use exception to exceed 40% of the total floor area for the overall planned development.
5. For Lot 5 (Parcel E) of the proposed resubdivision, approve:
- a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow a lot without public street frontage;
- b. A deviation from Section 154.507 (D) of the Subdivision and Development Ordinance requiring an outlet to have at least thirty feet (30') of frontage along a public street;
- c. A deviation from Section 155.414 (D) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 30,799 square feet;
- d. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 121.03 feet.
4. For Lot 4 (Parcel D) of the proposed resubdivision, approve:
- a. A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;
- b. A deviation from Section 155.414 (D) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 30,799 square feet;
- c. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 121.03 feet.

7. Approve the following Sign Ordinance deviations:

a. A deviation from Section 153.505 (B)(6)(e) to allow for more than one freestanding sign on a property;

b. A deviation from Section 153.235 (A) to allow for more than one shopping center sign; and

c. A deviation from Section 153.235 (E) to allow for shopping center signs to be located closer than 250 feet from each other.

d. A deviation from Section 153.234 (F) of the Lombard Sign Ordinance to allow for a free-standing sign to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way; and

8. Approve a preliminary major plat of resubdivision.

### GENERAL INFORMATION

Petitioner/Property Owner: Centum Lombard, LLC  
225 W. Hubbard Street, 4<sup>th</sup> Floor  
Chicago, IL 60610

### PROPERTY INFORMATION

Existing Zoning: Fmr. O'Hare Towing - DuPage County R3 Single Family Residence Dist.  
Fmr. Lombard Lanes - B4 Corridor Commercial District.

Existing Land Use: Vacant (previously developed as Lombard Lanes and O'Hare Towing)

Size of Property: Approximately 4.57 Acres

Comprehensive Plan: Community Commercial

Surrounding Zoning and Land Use:

North: B4 Corridor Commercial District and Developed as restaurant and retail uses.

South:	Property in Unincorporated DuPage County zoned B2 General Business District and developed as office and storage facility for York Township Highway Department
East:	B3PD Community Commercial Planned Development District and developed as High Point Shopping Center
West:	Property in Unincorporated DuPage County zoned B2 General Business District and developed as a motel and a mini-warehouse facility

### ANALYSIS

### SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development:

1. Petition for Public Hearing dated December 19, 2006.
2. Petition for Annexation dated December 12, 2006.
3. ALTA/ACSM Land Title Survey, prepared by B.H. Suhr & Company and dated August 23, 2006.
4. Site Plan, prepared by Carroll Associates Architects and dated August 9, 2007.
5. Landscape Plan, prepared by Carroll Associates Architects and dated August 10, 2007.
6. Preliminary Plat of Subdivision, prepared by B.H. Suhr & Company and dated July 18, 2007.
7. Building Elevations for proposed retail center, prepared by Carroll Associates Architects and dated July 16, 2007.
8. Building Elevations for proposed bank, prepared by Carroll Associates Architects and dated July 16, 2007.
9. Building Elevations for proposed restaurant, prepared by Hestrup and Associates Architects dated July 17, 2007.
10. Shopping Center Signage Plan prepared by Carroll Associates Architects and dated August 3, 2007.



11. Signage Plan for the proposed bank prepared by Icon Identity Solutions and dated February 15, 2007.

12. Signage Plan for the proposed restaurant prepared by CNP Signs and Graphics and dated July 13, 2007.

13. Preliminary Engineering, prepared by Manhard Consulting LTD, and August 10, 2007.

## DESCRIPTION

The subject property includes the former Lombard Lanes property and the adjacent O'Hare towing property, which is currently within unincorporated DuPage County. The site is currently vacant as the structures on both of the properties were demolished earlier this year. The petitioner is requesting approval of an annexation agreement and a conditional use for a planned development with associated deviations and variations in order to develop an intergraded shopping center.

The petitioner is requesting site plan approval for the first phase of the development, which consists of a banking facility, a retail building, and a fast-food restaurant. The plan proposes drive-through facilities associated with the banking facility and the fast-food restaurant. In addition, the petitioner is requesting approval of the concept plan for a 95,000 square foot indoor storage center, which requires approval of a use exception to the proposed planned development.

Special Note: The petition was originally filed with the Village prior to the establishment of the Roosevelt Road development moratorium. Moreover, properties that were not within the corporate limits of the Village at the time of the establishment of the moratorium were also exempt from its provisions.

## INTER-DEPARTMENTAL REVIEW COMMENTS

## ENGINEERING

The Private Engineering Division has the following comments on this petition:

1) Village water main shall be extended across the frontage of the property and shall either connect to the existing main at Highland Avenue, or shall be looped through the development.

2) The existing Highland Hills water main shall be abandoned within the property. Any work to supplement/maintain the Highland Hills loop off of this property is the developer's responsibility.

- 3) Fire hydrants shall be constructed in front of each building within 25' to 75' of the FDC, which shall be located on the front of the buildings. Subsequent fire hydrants are required every 150'.

- 4) All water main that serves the hydrants, fire suppression lines or water services shall be dedicated to the Village in a 30' easement.

- 5) No free standing signs or light pole base are permitted within easements.

- 6) All service lines and fire suppression lines greater than 2" shall be in 60" vaults.

- 7) A guard rail is required around the detention pond for that portion that abuts parking lot.

- 8) Any wetland or wetland buffer issues must be permitted through DuPage County.

## PUBLIC WORKS

The Public Works Department has no comments.

## BUILDING AND FIRE

The Fire Department/Bureau of Inspectional Services has no comments at this time, but will offer comments through the building permit process.

## PLANNING

### Compatibility with the Comprehensive Plan

The Comprehensive Plan identifies the subject property for Community Commercial Uses. Of particular note, a primary goal denoted in the Plan for Commercial and Retail Development is to identify and encourage the improvement or redevelopment of select commercial areas that are or are becoming functionally obsolete. The petitioner's plan intends to remove structures that were developed prior to their annexation in the Village and redevelop the site consistent with the objectives of the Roosevelt Road Corridor and the Plan. Therefore, the proposed redevelopment is consistent with the Comprehensive Plan.

### Compatibility with the Surrounding Land Uses

The proposed redevelopment is consistent with the other uses along Roosevelt Road. The subject property is bordered on the north and east by other existing retail commercial uses. Roosevelt Road has traditionally included a substantial number of automotive related uses. To the south of the subject property is an office and storage facility for York Township Highway Department. To the

west of the subject property is a motel, which may be subject to redevelopment at some point in the future, and U-Store-It storage center.

**Compatibility with the Zoning Ordinance**

The petitioner is requesting numerous zoning actions to facilitate the development as proposed, including:

**Conditional use for a planned development**

Establishing a conditional use for the entire development is an appropriate way to address the unique site constraints and phasing of the proposed development. Moreover, the planned development process allows the Village to look at all of the proposed structures comprehensively, versus looking at each proposed structure separately. Through this process, staff believes that a better overall design can be achieved.

**A deviation from Section 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.**

By establishing a planned development, arbitrary property lines can be ignored in favor of a more unified and cohesive development. In this case, the proposed access aisles are placed where it makes most sense within the overall project, rather than based upon property lines. This deviation can be supported as it provides for better traffic flow and circulation. Moreover, it also helps minimize traffic on adjacent public streets.

**A conditional use for a drive-through facility on Lot 1 (Parcel A) of the proposed subdivision.**

The proposed bank includes a drive-through facility on the south side of the building. Sufficient stacking and a bypass lane are provided. The proposed drive-through facility will not negatively impact traffic circulation within the development. Two cross-access drive aisles with the High Point Shopping Center are located on the east side of the bank, which will allow the vehicles to exit onto Roosevelt Road at the Fairfield Avenue stop light. Staff does not object to this request.

**A conditional use for a drive-through facility on Lot 3 (Parcel C) of the proposed subdivision.**

The proposed fast-food restaurant also includes a drive-through facility on the south side of the building. Stacking is provided for eight cars, and an escape lane allows cars to exit the drive-through lane. The proposed drive-through facility will not negatively impact traffic circulation within the development. Staff does not object to this request.

Use Exception

The petitioners are proposing a 95,000 square foot storage center to be located on Lot 4 (Parcel D). Storage centers are not listed as permitted or conditional use in the underlying B4 Corridor Commercial District. The Zoning Ordinance includes provisions for use exceptions, which allow for uses in a planned development that are not allowed in the underlying zoning district. The Zoning Ordinance stipulates that use exceptions cannot represent more than 40% of the site area or more than 40% of the total floor area. The proposed storage center does not exceed 40% of the site area, but because it will be a four-story building, it will exceed 40% of the total floor area within the planned development. Therefore, a variation from the Standards for Planned Developments with Use Exceptions is also needed for the proposed storage center.

The petitioners have indicated that they have not finalized a tenant for Lot 4 (Parcel D) and have not submitted any building elevations or materials for the proposed building. The petitioners would like to establish the right for the use exception. Staff recommends as a condition of approval that site plan approval be required for Lot 4 (Parcel D) to allow the Plan Commission to review building elevations and materials. In addition, should the petitioners choose not to move forward with the use exception for Lot 4, they can seek site plan approval for other uses permitted within the underlying B4 Corridor Commercial District.

Staff can conceptually support the storage center use given that the subject property is adjacent to two other storage uses including the U-Store-It storage center and the York Township Highway Department facility. Furthermore, there is a substantial change in grade with the elevation at the northern property line being as much as fifteen feet (15') higher than the elevation at the southern property line. The multi-story storage center building will not have as great of an impact when viewed from Roosevelt Road as a result of the grade change. Furthermore, the proposed storage center will provide additional screening of the York Township Highway Department facility to the south of the subject property.

Compatibility with the Sign Ordinance

Wall signs

Four wall signs are proposed for the bank on each of the exterior walls. The wall sign on the north elevation is 33 square feet and the wall signs on each of the east, west, and south elevations are 18 square feet. Similarly, the elevations for the proposed restaurant include a wall sign on each of the exterior walls. Each of the wall signs for the restaurant is 38 square feet. The Zoning Ordinance limits businesses to one wall sign per street frontage. The overall sign size for each of the proposed wall signs meets code requirements for area. Staff does not object to the relief, but recommends that both the wall sign on the south elevation of the bank and the wall sign on the south elevation of the restaurant be removed. Staff does not see a value to these wall signs, as it would not be visible to motorists on Roosevelt Road.

Freestanding Signs

There are four freestanding walls signs proposed within the planned development which are as follows:

Sign	Height	Size
Bank freestanding sign	25'	75 s.f.
Shopping center monument sign	12'	40 s.f.
Shopping center pylon sign	21'3"	75 s.f.
Storage center monument sign	NA	NA

There are a number of deviations required for the proposed freestanding signs. The Sign Ordinance prohibits freestanding signs in conjunction with Shopping Center Identification signs. Furthermore, only one Shopping Center Identification Sign would be permitted on the subject property by a matter of right as the planned development does not meet the size and frontage requirements for any additional Shopping Center Identification signs. The Sign Ordinance also requires a distance of at least 250 feet between Shopping Center Identification Signs. The proposed plan only shows a distance of 216 feet.

Staff finds four freestanding signs for the subject property to be excessive. Planned developments are intended for a unified and compatible design of buildings, structures and site improvements. Excessive freestanding signage can give the appearance of a piecemeal development rather than an integrated shopping center. Staff can conceptually support the necessary relief to allow the two shopping center signs located at each of the access drives. However, any signage for the bank and storage center should be incorporated into the shopping center signs.

Staff notes that there is an existing billboard located on the subject property. The companion annexation agreement will provide for the removal of the billboard by the petitioner in 2014, when the existing lease period expires.

Other Issues

The overall petition can also be supported based upon consideration of the following items:

Traffic Analysis

As part of the submittal, the Village's traffic consultant KLOA reviewed the site for its impact on the Village street network. The petitioner has been working with staff and the Village's traffic consultant to address concerns related to stacking and access drives.

The subject property previously had a full access drive on the Lombard Lanes property and a full access drive on the O'Hare towing property. There are existing cross-access easements with High Point Shopping Center located west of the subject property. The cross-access will allow vehicles to exit onto Roosevelt Road at the Fairfield Avenue traffic light.

Staff notes that there is an existing easement on the O'Hare Towing property that granted York Township Highway Department rights to use a fifteen-foot drive aisle and the full access onto Roosevelt Road. The petitioner has worked with both York Township Highway Department to address the easement. IDOT has reviewed the proposed site plan and finds the full access curb-cut and right-in/right-out curb-cut to be acceptable. However, IDOT will require the petitioner to extend the existing right turn only lane for the right-in/right-out curb cut to the west in the High Point Shopping Center.

#### Landscaping

The petitioner has submitted a landscape plan that is intended to provide perimeter and internal parking lot landscaping similar to that specified in the Zoning Ordinance. The subject property is not adjacent to any residential zoning districts. Therefore, transitional landscaping is not required. Most of the existing trees along the southern property line will remain. The petitioner is proposing six additional trees to be located along the southern property line.

The refuse disposal area must be screened on all four sides to a height between six and eight feet. Staff recommends that the trash enclosure be constructed of the same masonry materials that are used for the building.

#### Elevation Drawings

The petitioner has submitted elevation drawings for the proposed banking facility, retail building, and fast food restaurant. The proposed buildings incorporate similar masonry colors and materials. The banking facility and the retail building use a red brick and the fast-food restaurant incorporates a red stone, similar in color. The three buildings incorporate fabric awnings and wall scones as decorative elements. Staff recommends that the fabric awnings be compatible as a condition of approval.

Staff finds the elevations to be acceptable overall, but suggests that additional masonry be incorporated into the final design for the fast-food restaurant. As the most visible parts of the building, the north, west, and east elevations should have masonry at least up to the level of the awnings, replacing the proposed EFIS. The brick colors shown on the submitted materials board may be used for this purpose.

**Compatibility with the Subdivision and Development Ordinance**

The petitioner proposes to resubdivide the property to create five lots of record. Lots 1 through 4 would be developed as commercial uses. Lot 4 requires a deviation from the Subdivision and Development Ordinance to allow a lot without street frontage. Access to Lot 4 will be provided by means of cross access with Lots 1 through 3 of the proposed resubdivision. Lot 5 would be a detention outlet for the stormwater drainage of the project. As this development is over one acre in size, the plat will need to be approved by the Village Board. Staff will bring the final plat to the Board for approval upon approval of final engineering for the development.

Lastly, this project is considered a major development as defined by the Subdivision and Development Ordinance, which would require full public improvements where they are needed. This includes street lighting, sidewalks, parkway trees, storm sewer, landscaping and associated roadway improvements.

**FINDINGS AND RECOMMENDATIONS**

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meet the standards required by the Lombard Zoning Ordinance, the Sign Ordinance and the Subdivision and Development Ordinance, in part, subject to the conditions of approval. As such, the IDRC recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the requested relief **complies** with the standards required by the Lombard Zoning, Sign and Subdivision and Development Ordinances; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and that establishing a planned development is in the public interest; and therefore, I recommend to the Corporate Authorities **approval** of PC 07-03 subject to the following conditions:

1. The petitioner shall develop the site and building in accordance with the following plans submitted as part of this request, except as modified by the conditions of approval:
  - a) Site plans prepared by Carroll Associates Architects, dated August 9, 2007
  - b) Landscape plan, prepared by Carroll Associated Architects, dated August 10, 2007,
  - c) Building elevations for proposed retail center, prepared by Carroll Associates Architects, dated July 16, 2007,
  - d) Building elevations for proposed bank, prepared by Carroll Associates Architects, dated July 16, 2007

e) Building elevations for the fast-food restaurant, prepared by Hestrup and Associates, dated July 17, 2007.

2. That the petitioner shall enter into an annexation agreement with the Village for the subject property.

3. 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.

4. That any trash enclosure screening required by Section 155.710 of the Zoning Ordinance shall be constructed of material consistent with the principal building in which the enclosure is located.

5. To ensure that the proposed signage, awnings and building elevations present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:

- 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. The planned development shall be limited to no more than two freestanding shopping center signs, with the signs being in accordance with the shopping center signage plan prepared by Carroll Associates Architects dated August 3, 2007. The final placement of the signs shall be located in a manner that does not conflict with clear line of sight or utility easements.
- d. That wall signage for the bank building and the fast-food restaurant building shall only be located on the north, east and west elevations.
- e. That the fabric awnings on each of the proposed buildings shall be compatible.
- f. That all rooftop mechanical equipment shall be screened pursuant to Section 155.221 of the Zoning Ordinance.

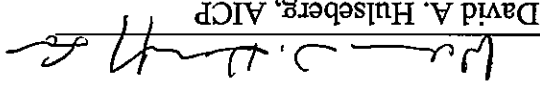
6. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall allow for cross-access and cross parking between each lot within the proposed development.

7. The use exception for a storage center shall only be for Lot 4 (Parcel D) of the planned development. The development of Lot 4 (Parcel D) shall be subject to site plan approval of the Village.

8. The petitioner shall dedicate to the Village a cross-access easement to provide access to the proposed detention outlet (Lot 5), with the final location to be denoted on the final plat of subdivision for the subject property.



Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

DAH:MV

att

c. Petitioner



PC 07-03: 19W471 Roosevelt Road and 351 E. Roosevelt Road



1 in. = 400.0 feet



Application For Conditional Use

LOMBARD CROSSINGS

CENTRUM LOMBARD, L.L.C.

Pursuant to Section 155.508 of the Lombard Zoning Ordinance: "No planned development shall be approved unless the Village Plan Commission and the Village Board find that the development meets the standards for conditional uses ..."

Standards for Conditional Uses are contained in Section 155.103(F)(8) of the Lombard Zoning Ordinance. The following analysis demonstrates compliance with such standards; the language of the applicable standard is set forth in *italics*, and the compliance statement follows in regular typeface.

*No conditional use shall be recommended by the Plan Commission unless it finds:*

(a) *That the establishment, maintenance and operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;*

Centrum Lombard, L.L.C. ("Developer") is proposing to develop an approximately 4.57 acre parcel of property ("Subject Property") for retail, commercial, and service uses including preliminary, bank, restaurant, storage and complimentary uses on the south side of Roosevelt Road between Stewart Avenue and Fairfield Avenue. A portion of the Subject Property is currently zoned in the Village's B-4 Corridor Commercial District ("B-4 District") and the Developer is seeking to annex and rezone the remaining portion of the Subject Property to the B-4 District. The mix of retail and commercial uses will generate tax revenues for the Village and provide needed goods and services to the community.

Roosevelt Road is a major commercial corridor in the Village containing an array of retail, commercial, service, and office uses between Meyers Road and Finley Road and is primarily zoned in the B-4 District and B-3 Community Shopping Center District. In addition, the Village of Lombard Comprehensive Plan designates this area as the "Roosevelt Road Corridor" and the Village's "largest shopping area" with the exception of Yorktown Shopping Center. Several businesses with drive-through facilities currently operate in the Roosevelt Road Corridor and the Village has approved planned developments on both sides of Roosevelt Road including the properties adjacent to the Subject Property to the east.

The Developer is proposing a maximum of two "drive-through and drive-in establishments/service" uses pursuant to a "Planned Development" (collectively the "Requested Conditional Uses"). The Requested Conditional Uses are allowable conditional uses in the B-4 District.

The site plan has been designed to accommodate the traffic generated as a result of the Requested Conditional Uses so as not to endanger automobile and pedestrian safety along Roosevelt Road. In addition, the site plan provides for appropriate automobile and pedestrian

circulation and parking to address the traffic generated on-site as a result of the Requested Conditional Uses. The Developer has also secured preliminary approval from the Illinois Department of Transportation for a full access point on the west end of the site and a right-in/right-out access point towards the east end of the site. In addition, the Developer has designed the plan to accommodate York Township Highway Department's (and tenant- Highland Hills Sanitary District) request for replacement access to Roosevelt Road which will be limited to the western drive aisle.

Potable water transmission and service necessary to serve the Requested Conditional Uses will be provided through the Village's water system and sanitary sewer service will be provided through the Highland Hills Sanitary District. In addition, storm water drainage and detention requirements have been reviewed by the Developer's civil engineer and have been addressed as provided in the site plan and preliminary plat of subdivision including the reservation of a detention area. Also, landscaping and lighting will address the safety and aesthetic concerns of the Village and the needs of the Requested Conditional Uses and shall be in conformance with the requirements of Village ordinances and regulations.

As a result of the foregoing, the establishment, maintenance and operation of the Requested Conditional Uses will not be detrimental to, or endanger, the public health, safety, morals, and comfort of the Village and its residents and will instead operate to enhance the general welfare.

(b) *That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is located;*

The Subject Property is adjacent to County and Village property currently zoned for business and commercial uses and containing complementary uses including a motel, storage business, and shopping center. In addition, Township and Sanitary District service uses are adjacent to the Subject Property to the south. Several existing businesses within the vicinity of the Subject Property contain drive-through facilities while planned developments offering a mix of commercial and retail uses have also been approved for properties adjacent to the Subject Property on the east and across Roosevelt Road to the north.

As such, the Requested Conditional Uses complement already existing commercial and similar uses along Roosevelt Road. In addition, although not adjacent to the Subject Property, the residential properties in unincorporated DuPage County lying south of the Subject Property will benefit from the availability of additional retail, service, and commercial business options.

(c) *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for the uses permitted in the district;*

The goal of the Village's Comprehensive Plan with regard to the Roosevelt Road Corridor is to provide for the normal and orderly development of "an array of retail, commercial, service and office uses." The Requested Conditional Uses will enable the Developer to draw development to the Subject Property of a mix of uses consistent with the Comprehensive Plan.

Other than as provided for in the approvals granted as part of the Village's review and approval of the planned development, the Requested Conditional Uses and the development of the Subject Property conform to all applicable regulations of the B-4 District.

(g) *That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

The goal of the Village's Comprehensive Plan with regard to the Roosevelt Road Corridor is to provide for the normal and orderly development of "an array of retail, commercial, service and office uses." In addition, the Comprehensive Plan recognizes that commercial development may require parcels of increased depth to accommodate redevelopment. The Requested Conditional Uses enable the Developer to develop the Subject Property to a depth, and with a mix of uses, consistent with the Comprehensive Plan.

(f) *That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and*

Ingress and egress to/from Roosevelt Road will be provided through an access point currently serving the existing commercial uses on the Subject Property. In addition, the Developer has received preliminary approval from IDOT for the access points on the east and west end of the Subject Property as described above. The Developer also owns an easement for vehicular access across and over the property to the east of the Subject Property from which it is possible to gain ingress and egress to Roosevelt Road. Finally, the Developer has designed the plan to accommodate York Township Highway Department's (and tenant- Highland Hills Sanitary District) request for replacement access to Roosevelt Road which will be limited to the western drive aisle.

(e) *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;*

Sanitary sewer and potable water transmission and service necessary to serve the Requested Conditional Uses will be provided as described above. In addition, storm water drainage and detention requirements have been reviewed by the Developer's civil engineer and have been addressed as provided in the site plan and preliminary plat of subdivision including the reservation of a detention area. The Developer also has an application for a Land Use Opinion pending with the Kane-DuPage Soil and Water Conservation District.

(d) *That adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;*

CENTRUM LOMBARD, L.L.C.  
LOMBARD CROSSINGS  
Application For Planned Development

Pursuant to Section 155.508 of the Lombard Zoning Ordinance: "No planned development shall be approved unless the Village Plan Commission and the Village Board find that the development meets ... the standards set forth in [Section 155.508 Standards for Planned Developments]."

Standards for Planned Developments are provided in Paragraphs (A) through (C) of Section 155.508. The following analysis demonstrates compliance with such standards; the language of the applicable standard is set forth in *italics*, and the compliance statement follows in regular typeface.

(A) *General Standards*

1) *Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located;*

Centrum Lombard, L.L.C. ("Developer") is proposing to develop an approximately 4.57 acre parcel of property ("Subject Property") for retail, commercial, and service uses including preliminarily, bank, restaurant, storage and complimentary uses on the south side of Roosevelt Road between Stewart Avenue and Fairfield Avenue. A portion of the Subject Property is currently zoned in the Village's B-4 Corridor Commercial District ("B-4 District") and the Developer is seeking to annex and rezone the remaining portion of the Subject Property to the B-4 District. The Developer has submitted a Preliminary Plan pursuant to Section 155.503 of the Zoning Code which meets the requirements of the B-4 District, including off-street parking and loading, signage, and landscaping requirements, except for the variations, exceptions and deviations further outlined in notice to the public hearing on this proposal.

2) *Community sanitary sewage and potable water facilities connected to a central system are provided;*

Potable water transmission and service necessary to serve the Subject Property will be provided through the Village's water system and sanitary sewer service will be provided through the Highland Hills Sanitary District.

3) *The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site;*

The goal of the Village's Comprehensive Plan with regard to the Subject Property, which sits within the Roosevelt Road Corridor, is to provide for the normal and orderly development of "an array of retail, commercial, service and office uses." The dominant use of the Subject Property

as provided in the Preliminary Plan is a mix of retail, commercial and service uses and therefore consistent with the Comprehensive Plan.

4) That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance;

According to Section 155.002 of the Lombard Zoning Ordinance, the Ordinance "is adopted for the purpose of protecting and promoting the health, safety, comfort, convenience, and general welfare of the people ... and the standards and requirements are intended to further the implementation of the objectives of the Official Comprehensive Plan." As provided above, the goal of the Comprehensive Plan for the Roosevelt Road Corridor is to establish an array of retail, commercial, service and office uses and the Preliminary Plan contains such uses exclusively. Furthermore, the proposed uses for the Subject Property are either permitted in the existing B-4 District or subject to approval in the District as conditional uses or exceptions, variations and deviations within the requested planned development approvals.

5) That the streets have been designed to avoid: (a) Inconvenient or unsafe access to the planned development; (b) Traffic congestion in the streets which adjoin the planned development; (c) An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.

The Preliminary Plan does not contain any public streets; however, the demands of automobile traffic servicing the Subject Property from Roosevelt Road are being addressed through an existing access point, a preliminary approval from IDOT for full access and a right-in/right-out access and an access easement across the property adjacent to, and east of, the Subject Property. In addition, the Developer has designed the plan to accommodate York Township Highway Department's (and tenant-Highland Hills Sanitary District) request for replacement access to Roosevelt Road which will be limited to the western drive aisle. Finally, the proposed development of the Subject Property will not result in any demand or burden on public parks, recreation areas, schools, and other public facilities within the Village or unincorporated DuPage County.

(B) Standards for Planned Developments with Use Exceptions. The ordinance approving the Final Development Plan for the planned development may provide for uses in the planned development not allowed in the underlying district, provided the following conditions are met:

1) Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses;

The Preliminary Plan proposes a maximum of two "drive-through and drive-in establishments/service" uses and a storage use without public street frontage. Such uses are not prohibited in the B-4 District but rather permitted as "conditional uses" for which the Developer is seeking approval under Section 155.103(F)(8) of the Lombard Zoning Ordinance. However, even if the Village considers such uses "use exceptions" under Section 155.508, such uses nonetheless satisfy the standards of that Section and should be approved. The proposed drive-through uses are compatible with the drive-through uses that currently exist on several other

parcels along Roosevelt Road that sit within close proximity to the Subject Property. In addition, because drive-through uses are regularly required as a condition of development by retail and service business operators such as eating establishments, pharmacies and banks, such uses will broaden and enhance the number of potential users. Drive-through uses will also enhance the benefits to consumers who seek such uses for their convenience and safety. The storage use complements the existing uses on the Subject Property and provide for the highest and best use of a lot in the rear of the Subject Property that would not otherwise be developable for retail uses due to its lack of visibility from Roosevelt Road.

2) Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties;

Drive-through and storage uses will not adversely impact the surrounding properties since access to, and use of, the drive-through facilities and storage facility will be entirely contained within the Subject Property itself.

3) Proposed use exceptions shall not represent more than 40% of the site area or more than 40% of the total floor area, whichever is less.

The Developer's request includes a use exception to allow such exceptions to exceed 40% of the total floor area.

*(C) Standards for Planned Developments with Deviations*

The Village Board may approve planned developments which do not comply with the requirements of the underlying district regulations governing lot area, lot width, bulk regulations, parking and sign regulations, or which require modification of the subdivision design standards when such approval is necessary to achieve the objectives of the proposed planned development, but only when the Board finds such deviations are consistent with the following standards:

The deviations from the B-4 District identified by the Village Staff and as required to develop the Subject Property pursuant to the Preliminary Plan satisfy the standards of the Villages Planned Development Ordinance with regard to deviations as evidenced by the plans, documents, and materials submitted by the Developer and through the testimony and evidence provided to the Village at the public hearing on Developer's petition for planned development and conditional use approval.



CENTRUM LOMBARD, L.L.C.  
LOMBARD CROSSINGS  
Application For Zoning Map Amendment

Pursuant to Section 155.503(E) of the Lombard Zoning Ordinance: "For the purpose of promoting the public health, safety, and general welfare, conserving the value of property throughout the community, and lessening or avoiding congestion in the public streets and highways, the Village Board of Trustees may, from time to time, in the manner hereinafter set forth, ... amend district boundary lines, provided that in all mandatory ordinances adopted under the authority of this subsection, due allowances shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such mandatory ordinance."

Standards for Zoning Map Amendments are provided in Paragraph (E)(8) of Section 155.103. The following analysis demonstrates compliance with such standards; the language of the applicable standard is set forth in *italics*, and the compliance statement follows in regular typeface.

*The regulations of this Ordinance shall not be amended unless findings based on the evidence presented are made in each specific case that affirm each of the following standards:*

(a) *Map Amendments. Where a map amendment is proposed, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:*

1) *Compatibility with existing uses of property within the general area of the property in question;*

Centrum Lombard, L.L.C. ("Developer") is proposing to purchase, annex to the Village, and develop a parcel of property ("Subject Property") on the south side of Roosevelt Road for retail, commercial, and service uses including, banking and storage uses. Roosevelt Road is a major commercial corridor in the Village containing an array of retail, commercial, service, and office uses between Meyers Road and Finley Road. Therefore, the proposed uses for the Subject Property will be compatible with existing uses in the general area.

2) *Compatibility with the zoning classification of property within the general area of the property in question;*

The Developer is seeking rezoning of the Subject Property to the Village's B-4 Corridor Commercial District ("B-4 District"). Properties along Roosevelt Road are almost exclusively zoned in the B-4 District and B-3 Community Shopping Center District and, as such, the proposed B-4 zoning would be compatible.

3) *The suitability of the property in question to the uses permitted under the existing zoning classification;*

The Subject Property can not currently be developed as proposed in the R-1 Single-Family District into which the Subject Property will be classified automatically upon annexation pursuant to Section 155.403 of the Lombard Zoning Ordinance. The Subject Property is currently zoned in the County's B-2 General Business District.

4) *Consistency with the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification;*

As is evident by the commercial nature of Roosevelt Road, the trend of development in this general area of the Village is toward the types of uses proposed by the Developer. In addition, the Village's Comprehensive Plan specifically provides that this area of the Village should be developed with an "an array of retail, commercial, service and office uses."

5) *The compatibility of the surrounding property with the permitted uses listed in the proposed zoning classification;*

The proposed B-4 zoning classification is identical to the classification of many surrounding properties and includes all of the permitted uses identified in the B-3 District as well.

6) *The objectives of the current Comprehensive Plan for the Village of Lombard and the impact of the proposed amendment on the said objectives;*

The Village of Lombard Comprehensive Plan designates this area as the "Roosevelt Road Corridor" and the Village's "largest shopping area" with the exception of Yorktown Shopping Center. The goal of the Village's Comprehensive Plan with regard to the Roosevelt Road Corridor is to provide for the normal and orderly development of "an array of retail, commercial, service and office uses." Therefore, the proposed amendment to rezone the Subject Property to the B-4 District will help accomplish the goals of the Comprehensive Plan.

7) *The suitability of the property in question for permitted uses listed in the proposed zoning classification.*

The Subject Property is suitable for the redevelopment and operation of retail, commercial and service uses because it has access to a major commercial thoroughfare in the Village and the size to accommodate users of the retail, commercial and service uses proposed by the Developer. As discussed above, such uses are common to this portion of Roosevelt Road.

**ORDINANCE**

**AN ORDINANCE AUTHORIZING THE  
EXECUTION OF AN ANNEXATION AGREEMENT**

(PC 07-03: 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossing))

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

WHEREAS, it is in the best interest of the Village of Lombard, DuPage County, Illinois that a certain Annexation Agreement (hereinafter the "Agreement") pertaining to the property generally located at 19W471 Roosevelt Road, Lombard, Illinois, (06-20-106-050) to be entered into; and,

WHEREAS, the Agreement has been drafted and a copy is attached hereto and incorporated herein as Exhibit "A"; and,

WHEREAS, the developer and the legal owners of the lots of record, which are the subject of said Agreement, are ready, willing and able to enter into said Agreement and to perform the obligations as required thereunder; and,

WHEREAS, the Parties wish to enter into a binding agreement with respect to the said annexation, zoning and development and for other related matters pursuant to the provisions of Division 15.1 of Article 11 of Act 5 of Chapter 65 of the Illinois Compiled Statutes, and upon the terms and conditions contained in this Agreement; and

WHEREAS, the statutory procedures provided in Chapter 65 ILCS 5/11-15.1-1 through 5/11-15.1-5, as amended, for the execution of said Agreement have been complied with; a hearing on said Agreement having been held, pursuant to proper notice, by the President and Board of Trustees on August 20, 2007.

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 Village President and Village Clerk be and hereby are authorized to sign and attest to the Agreement attached hereto and marked Exhibit "A", by and between the Village of Lombard; and,

**SECTION 2:** This ordinance is limited and restricted to the property generally is located at 19W471 Roosevelt Road and 351 E. Roosevelt Road, Lombard, Illinois, (PIN 06-20-106-050 and -051) containing 4.57 Acres more or less and legally described as follows:

PARCEL 1  
HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF AND EXCEPT THE WEST 134.5 FEET) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT DUPAGE COUNTY ILLINOIS.

PARCEL 2  
THE WEST 134.5 FEET OF HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665 IN DUPAGE COUNTY, ILLINOIS.

**SECTION 3:** This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

William J. Mueller, Village President

Ordinance No. \_\_\_\_\_  
Re: PC 07-03  
Page 3

ATTEST:

Brigitte O'Brien, Village Clerk

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

AFTER RECORDING RETURN TO:

Common Address: 19W471 and 351 E. Roosevelt Road

Parcel No.: 06-20-106-050 and 051

ANNEXATION AND PLANNED DEVELOPMENT  
AGREEMENT DATED \_\_\_\_\_, 2007  
FOR CENTRUM LOMBARD, L.T.C., LOMBARD, IL

Space above reserved for Recorder's use

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WHEREAS, the Owner is the record owner of the property legally described in EXHIBIT A, attached hereto and made a part hereof (hereinafter referred to as the "Chrisos Property"); and

WHEREAS, the Owner is the record owner of the property legally described in EXHIBIT B, attached hereto and made a part hereof (hereinafter referred to as the "Centrum Property"); and is the

lessee and contract purchaser of the Chrisos Property; and  
WHEREAS, the Centrum Property is currently within the corporate territorial limits of the Village and the Chrisos Property is contiguous to the Village and not located within the corporate limits of the Village or any other municipal corporation; and  
WHEREAS, the Owner and Developer are desirous of annexing the Chrisos Property; and

WHEREAS, the Village and Developer are desirous of developing and improving the Chrisos Property and the Centrum Property (hereinafter collectively referred to as the "Subject Property") as a unified planned development for commercial, retail, service and other related uses; and  
WHEREAS, the Village desires to annex the Chrisos Property, and the Owner and Developer desire to have the Chrisos Property annexed to the Village, and each of the Parties desires to obtain assurances from the other as to certain provisions of the zoning and other ordinances of the Village for the use and development of the Subject Property when the Chrisos Property has been annexed and to other matters covered by this Agreement for a period of twenty (20) years from and after the execution of this Agreement; and

WHEREAS, the Chrisos Property consists of approximately 1.3 acres of land; and

WHEREAS, no electors reside on the Chrisos Property and the Owner has signed a petition for annexation of the Chrisos Property to the Village (hereinafter referred to as the "Annexation Petition"); and

**W I T N E S S E T H:**

THIS ANNEXATION AND PLANNED DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by, between, and among the Village of Lombard, a municipal corporation ("Village"); Centrum Lombard, L.L.C., an Illinois limited liability company ("Developer"); and the William C. Chrisos Revocable Living Trust ("Owner"); (Village, Developer and Owner are sometimes individually referred to herein as a "Party" and collectively referred to herein as the "Parties").

**ANNEXATION AND PLANNED DEVELOPMENT AGREEMENT**

WHEREAS, all public hearings, notices, and other actions required to be held or taken prior to the adoption and execution of this Agreement, in order to make the same effective, have been held or taken, including all hearings, notices, and actions required in connection with the provisions of the Illinois Municipal Code, the Zoning Ordinance, and the Lombard Subdivision and Development Ordinance (Chapter 154 of the Lombard Village Code - hereinafter referred to as the "Subdivision Ordinance"), such public hearings and other actions having been held pursuant to public notice as required by law and in accordance with all requirements of law prior to adoption and execution of this Agreement; and

WHEREAS, the Parties wish to enter into a binding agreement with respect to the said annexation, zoning and unified development of the Subject Property and for other related matters pursuant to the provisions of Division 15.1 of Article 11 of Act 5 of Chapter 65 of the Illinois Compiled Statutes, and upon the terms and conditions contained in this Agreement; and

WHEREAS, a public hearing on this Agreement was opened by the Corporate Authorities on December 6, 2007; and

WHEREAS, on October 4, 2007, pursuant to Ordinances No. 6091 and 6092, the Corporate Authorities approved (i) a text amendment to the Lombard Zoning Ordinance (Chapter 155 of the Lombard Village Code - hereinafter referred to as the "Zoning Ordinance") to establish a new Roosevelt Road Corridor Zoning District B4A ("B4A District") and (ii) the rezoning of the Centrum Property from the B4 District to the B4A District; and

WHEREAS, the Plan Commission has submitted to the Village President and Board of Trustees of the Village (hereinafter referred to as the "Corporate Authorities") their findings of fact and recommendations with respect to said application; and

WHEREAS, a public hearing was held on August 20, 2007, for the purpose of considering whether the Chrisos Property should be rezoned, upon annexation of the Chrisos Property, to the B4 District, whether a conditional use for a planned development should be recommended for the Subject Property, and whether a preliminary plat of subdivision should be recommended for the Subject Property; and

WHEREAS, said application was forwarded to the Plan Commission of the Village; and

WHEREAS, the Developer has filed an application with the Village requesting (i) rezoning of the Chrisos Property to the B-4 Corridor Commercial District ("B-4 District"); (ii) approval of a conditional use for a planned development for the Subject Property, including certain variations and deviations from Village ordinances, and (iii) approval of a preliminary plat of subdivision for the Subject Property; and



**4. Zoning:** Immediately after annexation of the Chrisos Property to the Village as set forth herein, the Corporate Authorities shall, without further public hearings, immediately rezone and classify the Chrisos Property to the B-4 District under the Zoning Ordinance. Except as provided in

**3. Annexation:** The Corporate Authorities, upon approval of this Agreement, will enact an ordinance annexing the Chrisos Property to the Village. The Village shall notify all entities or persons of such annexation and promptly record all ordinances, plats, and affidavits necessary to perfect said annexation, in accordance with any and all statutory and ordinance requirements. Without the written consent of the Developer, no action shall be taken by the Village or the Corporate Authorities to annex any part or portion of the Chrisos Property unless this Agreement has been fully executed by the Parties, and all of the Chrisos Property is annexed to the Village at the same time.

**2. Development of Subject Property:** The Village, Owner and Developer agree that the Subject Property shall be developed and used in accordance with the terms of this Agreement and the exhibits attached hereto.

**1. Incorporation of Recitals:** The Village, Owner and Developer agree that the foregoing recitals are incorporated in this Agreement as if fully recited herein.

NOW THEREFORE, in consideration of the premises and the mutual promises herein set forth, the Parties hereto agree as follows:

WHEREAS, the annexation of the Chrisos Property to the Village will be beneficial to the Village, will properly and beneficially extend the corporate limits and the jurisdiction of the Village, will permit the sound planning and development of the Subject Property and the Village, and will otherwise promote the proper growth and general welfare of the Village; and

WHEREAS, the Plan Commission has recommended that certain conditional uses, deviations and variations be granted for the Subject Property from the Subdivision Ordinance and/or Zoning Ordinance in accordance with the terms of this Agreement; and

WHEREAS, the Corporate Authorities have examined the proposed uses by Developer and have determined that said uses and the development of the Subject Property in accordance with this Agreement comply with the Comprehensive Plan of the Village; and

WHEREAS, the development and use of the Subject Property as provided herein will promote the sound planning and development of the Village as a balanced community and will be beneficial to the Village; and

WHEREAS, the Parties deem it to their mutual advantage and in the public interest that the Chrisos Property be annexed to, and the Subject Property developed as a part of, the Village as hereinafter provided; and

- i. Proposed site plan consisting of 1 page prepared by Carroll Associates Architects with last revision date of August 9, 2007 attached hereto and made a part hereof as EXHIBIT C ("Proposed Site Plan");
- ii. Preliminary plat of subdivision consisting of 1 page prepared by B.H. Suhr & Company and dated July 18, 2007 attached hereto and a part hereof as EXHIBIT D ("Preliminary Plat");
- iii. Preliminary landscape plan consisting of 3 pages prepared by Carroll Associates Architects and dated August 10, 2007 attached hereto and made a part hereof as EXHIBIT E ("Preliminary Landscape Plan");

A. Preliminary Plans. Immediately after annexing and rezoning the Chrisos Property as set forth herein, the Village shall approve a conditional use for a planned development for the Subject Property, including approval of the permitted variations and deviations as provided in Section 14, in accordance with the provisions of the Zoning Ordinance and in conformance with the following plans, documents, exceptions and conditions all of which shall collectively be referred to as the approved "Preliminary Plans" for the Subject Property:

**5. Planned Development Approval:**

The Village agrees that the Developer may also request additional relief from the provisions of Village codes and ordinances including, but not limited to, one or more petitions and applications for text amendments, zoning map amendments, deviations or variations from zoning and subdivision ordinances, and conditional uses. The Parties acknowledge and agree that such requests shall not require an amendment to this Agreement, nor shall an amendment to this Agreement be required as a condition of Village approval of such requests. To the extent such requests are subject to the Village's discretionary approval, such approval shall be within the Village's sole and absolute discretion to grant or deny.

In the event the Village amends the Village Zoning Map to classify the Chrisos Property from the B4 District to the B4A District, the Village acknowledges and agrees that the conditional use for a planned development approved pursuant to Section 5 hereof, including without limitation the Preliminary Plans (as defined in Section 5 below), the permitted variations and deviations in Section 14, and any final plans approved by the Village, shall be deemed in conformity with the provisions of the B4A District and shall not otherwise lapse or expire at any time except as provided in Section 5.C of this Agreement.

this Section 4 or elsewhere in this Agreement, the zoning for the Chrisos Property established pursuant to the foregoing ordinance as well as the existing zoning for the Centrum Property shall be permanent and shall remain in effect for the term of this Agreement and shall continue in effect thereafter unless otherwise amended by the Village in accordance with this Agreement.

Final site plans and final plats of subdivision shall be deemed to substantially conform to the Proposed Site Plan and Preliminary Plat of Subdivision respectively notwithstanding changes in the area or dimensions of one or more Lots or the relocation of the access points to/from Roosevelt Road provided that (a) the area or dimensions of each Lot on the final site plan and final plat of subdivision shall not increase or decrease by more than twenty percent (20%) and (b) any relocation of an access point is approved by the Illinois Department of Transportation;

i.

Final Plans. In the event one or more final plans for the development of any portion of the Subject Property substantially conform to the Preliminary Plans as approved herein, the Village shall approve such final plan(s). Village approval of such final plans shall be subject to the following conditions:

approval.

The conditional use for a planned development approved by the Village pursuant to this Section 5.A, including any and all permitted variations and deviations as described in Section 14 that are applicable to the Centrum Property including without limitation the right to construct (a) one restaurant with outdoor seating and drive-through uses and (b) one financial institution with drive-through uses, shall not lapse or expire if the Chrisos Property is not conveyed to the Developer. In the event the Chrisos Property is not conveyed to the Developer, the Parties acknowledge and agree that the Developer shall have the right to submit revised Preliminary Plans to the Village for its review and approval, which approval shall not be unreasonably withheld. Approval of revised Preliminary Plans by the Village as provided in this paragraph shall not require an amendment to this Agreement; nor shall an amendment to this Agreement be required as a condition of Village approval.

vi.

Preliminary shopping center signage plan consisting of 1 page prepared by Carroll Associates Architects and dated August 23, 2007 attached hereto and made a part hereof as EXHIBIT H ("Preliminary Signage Plan").

v.

Preliminary engineering plans consisting of 3 pages prepared by Manhard Consulting, LTD, and dated August 10, 2007 attached hereto and made a part hereof as EXHIBIT G ("Preliminary Engineering Plans"); and

iv.

Preliminary building elevations consisting of 1 page for the retail center located on Parcel B as shown on the Proposed Site Plan, prepared by Carroll Associates Architects and dated July 16, 2007; building elevations consisting of 1 page for the bank on Parcel A as shown on the Proposed Site Plan, prepared by Carroll Associates Architects and dated July 16, 2007; and the building elevations consisting of 1 page for the proposed restaurant on Parcel C as shown on the Proposed Site Plan, prepared by Hestrup and Associates Architects dated September 5, 2007 all being attached hereto and made a part hereof as EXHIBIT F (collectively "Preliminary Building Elevations");

D. Public Hearings. In the event approval of a final plan in Section 5.B, or approval of a Nonconforming Modification in Section 5.C, requires a deviation or variation from an ordinance of the Village that has not otherwise been previously subject to a public hearing and granted by this Agreement, such deviation or variation shall require a public hearing before the Plan Commission and shall be subject to the review by and sole and exclusive discretionary approval of the Corporate Authorities. The Parties acknowledge and agree that such sole and exclusive discretionary approval

In the event the Plan Commission disapproves of all or any of such requested Nonconforming Modifications, the Developer may elect to submit such Nonconforming Modifications to the Corporate Authorities for further review and vote, in which event the Plan Commission shall constitute its recommendation to the Corporate Authorities and the Corporate Authorities shall have final authority in approving or denying such requested Nonconforming Modifications subject to Subsection D below.

C. Nonconforming Modifications. In the event final plan(s) for the development of any portion of the Subject Property incorporate modifications to the Preliminary Plans which do not substantially conform to the Preliminary Plans ("Nonconforming Modifications"), such Nonconforming Modifications shall be reviewed by the Village Plan Commission and, if approved by the Plan Commission, such approval shall be final and no further review by the Corporate Authorities shall be required subject to Subsection D below.

Final shopping center signage plans shall be deemed to substantially conform to the Preliminary Shopping Center Signage Plan notwithstanding changes in the height, width, or length of, or the sign surface area on each side of, or the monument or pylon sign provided that the height, width or length of, or the sign surface area on each side of, any monument or pylon sign shall not increase or decrease by greater than ten percent (10%).

iv. Final shopping center signage plans shall be deemed to substantially conform to the Preliminary Shopping Center Signage Plan notwithstanding changes in the height, width, or length of, or the sign surface area on each side of, or the monument or pylon sign provided that the height, width or length of, or the sign surface area on each side of, any monument or pylon sign shall not increase or decrease by greater than ten percent (10%).

Final building elevations shall be deemed to substantially conform to the Preliminary Building Elevations notwithstanding changes in building design, height and materials provided that (a) the building design is consistent with the architectural style of the buildings shown on the Preliminary Building Elevations, (b) the height of any building shall not increase or decrease by more than twenty percent (20%), and (c) building materials of a like amount, kind and quality are used; and

iii. Final building elevations shall be deemed to substantially conform to the Preliminary Building Elevations notwithstanding changes in building design, height and materials provided that (a) the building design is consistent with the architectural style of the buildings shown on the Preliminary Building Elevations, (b) the height of any building shall not increase or decrease by more than twenty percent (20%), and (c) building materials of a like amount, kind and quality are used; and

Final landscape plans shall be deemed to substantially conform to the Preliminary Landscape Plan notwithstanding the relocation of any trees, ornamental trees, shrubs, ground cover and perennials ("Landscape Features") provided that (a) the overall quantity of Landscape Features shall not decrease by more than ten percent (10%) and (b) Landscape Features of a like size and quality are used;

ii. Final landscape plans shall be deemed to substantially conform to the Preliminary Landscape Plan notwithstanding the relocation of any trees, ornamental trees, shrubs, ground cover and perennials ("Landscape Features") provided that (a) the overall quantity of Landscape Features shall not decrease by more than ten percent (10%) and (b) Landscape Features of a like size and quality are used;

F. Additional Development Requirements. Additionally, notwithstanding any provision of this Agreement to the contrary, the following shall be requirements of the development of the Subject Property:

In the event that one of the deficiencies identified in (i), (ii) or (iii) occurs, the Director of Community Development shall notify the Developer in writing by registered or certified mail of the reason for such deficiency and the Developer shall have thirty (30) days following receipt of such notice to correct such deficiency, or such additional time if the Developer is diligently pursuing to correct such deficiency and such deficiency cannot be corrected within said thirty (30) day period. If the Developer fails to correct such deficiency, the Corporate Authorities shall then authorize the Plan Commission to schedule a public hearing to consider revoking the conditional use permit. After conducting the public hearing, the Plan Commission shall then prepare a written report and recommendation to submit to the Corporate Authorities. Upon receipt of the Plan Commission's report, the Corporate Authorities shall then render a final judgment regarding revoking the conditional use permit and accompanying ordinance. Extensions in the construction schedule may be granted by the Corporate Authorities.

- i. In any case where construction on the Subject Property is not (a) substantially underway within one (1) year following the date of approval of the first final plan for the Subject Property or (b) completed within thirty-six (36) months following the date of approval of the last final plan for the Subject Property;
- ii. If the approved conditional use for a planned development for any portion of the Subject Property for which a final plan has been approved is not constructed in substantial conformance with such final plan and any conditions established therefore; or
- iii. If construction on a portion of the Subject Property for which a final engineering plan has been approved falls two (2) years behind the schedule approved with such final engineering plan.

E. Development of the Subject Property. The Village represents that it shall take all action(s) as may be required and necessary to enact such amendments to, and grant such modifications and departures from, its Zoning Ordinance and Subdivision Ordinance and all other ordinances, codes and regulations, as may be necessary to zone, classify and allow for the development of the Subject Property in the manner described in this Agreement; and to enable the Village to execute this Agreement and fully carry out and perform the terms, covenants, agreements and duties and obligations on its part to be kept and performed as created and imposed by the terms and provisions hereof. The conditional use for a planned development approved by the Corporate Authorities may only lapse or expire pursuant to the following:

shall not require an amendment to this Agreement, nor shall an amendment to this Agreement be required as a condition of Village approval.

Furthermore, the Developer may file one or more requests with the Village Board for the right to use greater than 30% of the gross leaseable floor space for one or more of the service uses described EXHIBIT I and the Village Board shall review and approve, or deny, such requests pursuant to the standards for approving conditional uses contained in Section 155.103(F)(8) of the Village Zoning Ordinance including consideration of whether such service use(s) are (y) in the public interest of the Village and (z) warranted by the market conditions in or near the Roosevelt Road corridor.

EXHIBIT I.

After the retail building is one hundred percent (100%) leased, should greater than fifty percent (50%) of the gross leaseable floor space subsequently become vacant at the same time during the term of this Agreement, the Developer shall again be permitted to choose to lease the retail center to either: (a) six (6) tenants or less; or (b) more than six (6) tenants if no greater than thirty percent (30%) of the gross leaseable floor space of the retail center is attributable to the permitted or conditional service uses described in EXHIBIT I.

vii.

The Owner shall be permitted to initially lease the retail center located on Parcel B, until it is one hundred percent (100%) leased, to either: (a) six (6) tenants or less; or (b) more than six (6) tenants if no greater than thirty percent (30%) of the gross leaseable floor space of the retail center is attributable to the permitted or conditional service uses described in EXHIBIT I with any such conditional service uses not otherwise granted by this Agreement subject to the procedures for reviewing and approving conditional uses under Section 155.103(F) of the Village Zoning Ordinance.

vi.

Any watercourse brick that is a part, and near the foundation, of a building shall be compatible with any other brick that forms a part of such building; and

v.

Awnings, if any, shall not contain any text;

iv.

Only channel lettering shall be used for wall signs;

iii.

Any trash enclosure screening required by Section 155.710 of the Zoning Ordinance shall be constructed of a material that is consistent with the material that is used for the principal building served by said enclosure;

ii.

The Developer shall be responsible for all costs associated with any improvements required by the Illinois Department of Transportation in conjunction with the development of the Subject Property.

i.

9. **Storm Drainage Facilities:** Onsite storm drainage lines and structures ("Drainage Facilities") and storm water retention and/or detention areas (collectively "Detention Areas") sufficient to service the Subject Property when developed in accordance with this Agreement shall be constructed (and paid for by Developer) in substantial conformity with the Preliminary Engineering

8. **Sanitary Sewer Facilities:** The Parties acknowledge and agree that the Highland Hills Sanitary District (the "District") will be responsible for providing, as and when needed, operational and available sanitary sewerage transmission and treatment facilities to serve the needs of the Subject Property. Developer, at its own expense, shall install sanitary sewer service extensions on and to the Subject Property in accordance with the lawful regulations of the District, the Village's Subdivision Ordinance, as varied by this Agreement, and in substantial compliance with the Preliminary Engineering Plans, as modified by any final engineering plans hereafter approved by the Village for the Subject Property with changes as required. Owner and Developer shall grant or dedicate all easements required by the District or the Village for the construction of the necessary sanitary sewers serving the Subject Property.

7. **Water Utilities:** Provided that the Subject Property is developed in accordance with this Agreement, the Village represents and warrants that the Village will provide, as and when needed, sufficient operational and available water supply, transmission and treatment to adequately serve the needs of the Subject Property. Developer, at its own expense, shall install water main extensions on the Subject Property in accordance with the lawful requirements of the Village, the Subdivision Ordinance, as varied by this Agreement, and in substantial compliance with the Preliminary Engineering Plans, as modified by any final engineering plans hereafter approved by the Village for the Subject Property with changes as required. Owner and Developer shall grant or dedicate all easements required by the Village for the construction of the necessary water main extensions serving the Subject Property. The Village shall fully cooperate with the Developer with respect to the application for and issuance of Illinois Environmental Protection Agency permits for the construction and connection of the water facilities.

6. **Signage:** Developer shall be allowed to construct a system of signage throughout the Subject Property in accordance with the Preliminary Signage Plan and in full compliance with the Village's Sign Code (Chapter 153 of the Lombard Village Code) in effect as of the date of this Agreement ("Sign Code"), which Sign Code is attached hereto and made a part hereof as EXHIBIT J, except as such Sign Code is otherwise varied or amended by this Agreement. The Village acknowledges that, as of the date of this Agreement, the Preliminary Signage Plan is in full compliance with the terms and conditions of the Village Sign Code.

Such requests shall be forward directly to the Village Board for its consideration and shall not require review or a noticed public hearing before the Plan Commission provided, however, that any request for a specific conditional service use not otherwise granted by this Agreement shall be subject to the procedures for reviewing and approving conditional uses under Section 155.103(F) of the Village Zoning Ordinance.

**12. Contributions:** Due to the non-residential character of the proposed development of the Subject Property, Owner and Developer shall have no obligation to make any contribution, in cash or in land, to any school district, park district or library district provided the Subject Property is developed in substantial conformity with this Agreement or pursuant to such other non-residential development plans as may from time to time be approved by the Village. The foregoing provision shall not eliminate or reduce Owner's and Developer's obligation to pay other fees and charges applicable to the Subject Property as provided in this Agreement. The Owner and Developer shall not be liable to the Village for any fees or contributions including, without limitation, sewer or water recapture fees, connection fees, or other obligations as a result of the connection of the Subject

**11. Billboard Removal:** Unless a government or quasi-government entity acquires the portion of the Subject Property on which the existing outdoor advertising billboard is located, in which case the owner of the Chrisos Property shall have no removal obligation under this Section 11, the owner of the Chrisos Property shall be responsible for the removal of such existing billboard no later than the earlier of (A) one hundred fifty (150) days after the expiration of the existing billboard lease or (B) November 1, 2014. Said removal shall be performed at no cost to the Village.

**10. Easements:** Owner and/or Developer shall provide or obtain all easements, both on-site and off-site (if applicable), which are necessary or appropriate to enable the Subject Property to be properly drained and to receive water, sanitary sewer, electric, telephone, gas, and cable television service, with the Village being named a grantee in all said easements along with the applicable utility companies and cable television operator. The location for all public improvements shall be as approved by the Village and as shown on final engineering plans, to be hereafter approved by the Village. Recordation of the final site plan and final plat of subdivision shall be deemed full compliance with this provision by Owner and Developer.

Plans, as modified by any final engineering plans hereafter approved by the Village for the Subject Property with changes as required. Any Drainage Facilities not conveyed to the Village, and all of the Detention Areas, shall be maintained by the Developer, or any successor owner, during the course of development, and thereafter shall be maintained by the owner(s) of the lot upon which such Drainage Facilities or Detention Area is located. The Developer, or any successor owner, providing for the care and maintenance of the Drainage Facilities and/or Detention Area serving the Subject Property shall also provide for the right, but not the obligation or duty, of the Village to enter upon the Subject Property to maintain, repair and/or replace any Drainage Facilities and/or Detention Area if the same is not suitably maintained by the responsible owner, within thirty (30) days after Village provides written notice of same, so that they remain fully operational provided, however, that in the event a dangerous or unsafe condition arises requiring immediate repairs, the Village reserves the right to enter upon the Subject Property without providing such notice to perform such repairs. If the Village takes, in its sole discretion, any such action, the responsible owner shall immediately upon written demand reimburse the Village for all expenses thereby incurred by the Village, and, if not paid within thirty (30) days, the Village may record a lien for any such unpaid expenses against the Subject Property and foreclose on any such lien.



**15. Dedication of Public Improvements:** Following the annexation of the Christos Property to the Village, and when Owner and/or Developer has completed all required public improvements, if any, in accordance with applicable provisions of the Subdivision Ordinance, as varied by this Agreement, and said public improvements have been inspected and approved by the Village Engineer, the Village shall accept said public improvements subject to a one (1) year maintenance period, unless such public improvements have been in place a period of one (1) year or more preceding the date of annexation. Notwithstanding this Section, Drainage Facilities (unless otherwise conveyed to the Village) and Detention Areas located within the Subject Property shall

**14. Variations and Deviations from Local Codes:** The specific variations and deviations from the Village's ordinances, rules, and codes as set forth in this Section have been requested, approved and shall be permitted with respect to the development, construction, and use of the Subject Property ("Permitted Variations and Deviations") upon annexation of the Christos Property to the Village. In the event there are any variations or deviations that are presently indicated on the Preliminary Plans, but not explicitly stated in this Section, that shall in no way invalidate or nullify the conditional use for a planned development or the Preliminary Plans. Rather, those variations or deviations that are not so indicated shall nevertheless be considered lawful and approved variations or deviations, as if fully set forth in this Section, without need for further action on the part of the Village unless such variations or deviations were not previously noticed for a public hearing, in which case the Village shall be required to hold such hearing prior to granting approval of such variations or deviations. The Permitted Variations and Deviations are as fully set forth on the attached EXHIBIT K.

In addition to these fees, the Developer agrees to pay all applicable permit (including, but not limited to building permit) and utility connection fees as required by any Village codes and ordinances at the time of application for the respective permits/connections.

- A. Annexation Fee does not apply.
- B. Rezoning fee does not apply.
- C. Watermain recapture fee does not apply.
- D. Sanitary sewer recapture fee does not apply.
- E. Storm sewer recapture fee does not apply.
- F. Transportation Improvements fee does not apply.
- G. Highland Hills Sanitary District Connection Fee.

**13. Fees:** In consideration of the impact of the development of Subject Property on the Village, and in consideration of water mains, sanitary sewer mains and storm sewers previously installed by the Village to assist in the serving of the Subject Property with water and sewers, the Developer agrees to pay the following fees to the Village in connection with the annexation, zoning and development of the Subject Property:

Property to any sewer or water lines, or the financing of any sewer or water lines or sewer treatment and potable water supply facilities and improvements, except as provided in Section 13, below.

remain owned by and maintained by the Developer, and any successor owner(s). The acceptance of said public improvements by the Village shall not be a condition precedent to the issuance of any building or occupancy permit requested of the Village for the Subject Property.

**16. Fire District:** By operation of law and in accordance with Illinois Compiled Statutes Chapter 70, Section 705/20, the Chrisos Property shall, upon its annexation to the Village, be disconnected from the fire protection district in which it is located at no cost to the Village. The Village agrees to cooperate with the Owner and the Developer in said disconnection. Developer and/or the successor owner of any lot platted within the Chrisos Property shall be responsible for the disconnection and shall reimburse the Village for any funds expended by the Village, including, but not limited to any payments required by 70 ILCS 705/20(e), any legal fees and litigation costs, relative thereto. The Village shall provide notice to the fire protection district in the manner required by law.

**17. Final Engineering Approval:** All public improvements to be constructed hereunder or under the Subdivision Ordinance, as varied by this Agreement, and which are to be owned by the Village either before or after its annexation of the Chrisos Property shall be paid for, constructed and installed by Developer in accordance with the Preliminary Engineering Plans, as modified by any final engineering plans hereafter approved by the Village for the Subject Property with changes as required by the Village's Engineer.

**18. Special Assessment or Special Service Areas:**

A. With regard to the Chrisos Property, Owner and Developer agree that they will not object to the imposition of a special assessment or special service area incorporating the Chrisos Property with respect to the construction of any public improvements affecting the Chrisos Property and which may become necessary at a future date. The assessment formula for any such future special assessment(s) or special service area(s) shall be determined as required by law, taking into account the relative benefit to the Chrisos Property as a result of the public improvements constructed.

B. With regard to the Centrum Property, the Developer shall retain the right to object, as permitted by law, to the imposition of a special assessment or special service area incorporating the Centrum Property with respect to the construction of any public improvements, other than decorative lighting fixtures for which the Developer agrees not to object, affecting the Centrum Property and which may become necessary at a future date. The assessment formula for any such future special assessment(s) or special service area(s) shall be determined as required by law, taking into account the relative benefit to the Centrum Property as a result of the public improvements constructed.

**19. Additional Development Provisions for Parcel D:** Notwithstanding any provision of this Agreement to the contrary, the Village and Developer agree as follows:

or certified mail, postage prepaid, return receipt requested, and addressed as follows: telefacsimile transmission, or on the date when deposited in the U.S. Mail, registered regular mail addressed to the recipient within twenty-four hours following the telefacsimile transmission provided a hard copy of such notice is deposited in the have been given on the date of personal delivery, on the date of confirmed expressly provided to the contrary herein, shall be in writing and shall be deemed to Notices: Any notice required or desired to be given under this Agreement, unless

A.

21. General Provisions:

Annexation to Lombard Park District: Owner and Developer agree to petition the Lombard Park District to have the Chrisos Property annexed to the Lombard Park District upon its annexation to the Village in the event the Chrisos Property is not currently annexed to said Lombard Park District.

20.

Design Standards for Parcel D: In the site plan approval process described in this Section 19, the Plan Commission shall base its decision solely on whether the site plan satisfies the standards contained in Section 155.103(1)(5) of the Village Zoning Ordinance, provided that the standard of compatibility in Subsection 155.103(1)(5)(b) shall be interpreted to only pertain to whether the building design proposed for the development of Parcel D is compatible with the building designs used for other buildings within the Subject Property. The Plan Commission shall have the sole and absolute discretion to grant or deny site plan approval based on such standards. In the event the Plan Commission denies the site plan, the Developer may elect to appeal the Plan Commission decision to the Corporate Authorities for further review and vote, in which event the Corporate Authorities shall have final authority in approving or denying such site plan in its sole and absolute discretion based on the aforementioned standards.

B.

Site Plan Approval: The Village agrees to permit development on Parcel D, as depicted on the Proposed Site Plan, pursuant to the site plan approval process described in Section 155.511 of the Zoning Ordinance and the terms and conditions of this Section 19. In the event that site plan approval for Parcel D is not granted by the time construction of the remaining portion of the Subject Property is substantially underway, said Parcel D shall be graded to a level surface, seeded or paved and maintained in a clean and attractive condition until such time as Parcel D is further developed.

A.

Centrum Lombard, L.L.C.  
c/o Centrum Properties, Inc.  
225 W. Hubbard Street, 4th Floor  
Chicago, Illinois 60610  
Phone: (312) 832-2500  
Fax: (312) 923-0984  
Attn: General Counsel

(2) If to Developer:

Thomas P. Bayer  
KLEIN, THORPE AND JENKINS, LTD.  
20 N. Wacker Drive  
Suite 1660  
Chicago, Illinois 60606  
Phone: (312) 984-6400  
Fax: (312) 984-6444

(c)

VILLAGE OF LOMBARD  
255 East Wilson Avenue  
Lombard, Illinois 60148  
Phone: (630) 620-5700  
Fax: (630) 620-8222  
Director of Community Development

(b)

VILLAGE OF LOMBARD  
255 East Wilson Avenue  
Lombard, Illinois 60148  
Phone: (630) 620-5700  
Fax: (630) 620-8222  
Village Manager

(a)

With a copy to:

VILLAGE OF LOMBARD  
255 East Wilson Avenue  
Lombard, Illinois 60148  
Phone: (630) 620-5700  
Fax: (630) 620-8222  
President and Board of Trustees

(1) If to the Village or Corporate Authorities:

B. Continuity of Rights and Obligations: This Agreement shall constitute a covenant running with the land and shall be binding upon and inure to the benefit of the Parties hereto, and the Parties' successors in interest, assigns, grantees, lessees, and upon any successor municipal authorities of the Village and successor municipalities. The Developer shall be entitled, at its sole discretion, to convey to any related or unrelated party ("Transferee") an interest in any portion of the Subject Property, or any of the Developer's rights and obligations under this Agreement, without the consent of the Owner or Village. Upon such conveyance, the rights and obligations of the Developer under this Agreement pertaining to such portion of the Subject Property, or the rights and obligations otherwise conveyed, shall be deemed assigned to and discharged by the Transferee and the Developer shall thereupon be released and assumed by the Transferee and the Developer shall thereupon be released and discharged by the Village from any further obligation pertaining to such identified rights and duties and the Transferee shall thereupon be entitled to exercise such conveyed rights and shall perform such conveyed obligations.

or to such other address as any party may from time to time designate in a written notice to the other Parties.

John C. North  
6912 South Main Street  
Suite 200  
Downers Grove, Illinois 60516  
Phone: (630) 969-3903  
Fax: (630) 969-3931

With a copy to:

William C. Chrisos Revocable Living Trust  
19W471 Roosevelt Road  
Lombard, Illinois 60148

(3) If to Owner:

Gerald P. Callaghan  
Freeborn & Peters LLP  
311 S. Wacker Drive  
Suite 3000  
Chicago, Illinois 60606  
Phone: (312) 360-6000  
Fax: (312) 360-6574

With a copy to:

C. Court Contest: In the event the annexation of the Chrisos Property, the classification of the Subject Property for zoning purposes, or other terms of this Agreement are challenged in any court proceeding, the period of time during which such litigation is pending, including (without limitation) the appeal time therefor, shall not be included, if allowed by law, in calculating the twenty (20) year period provided in subsection 21R below.

D. Remedies: The Village and Owner and Developer, and their successors and assigns, covenant and agree that in the event of default of any of the terms, provisions or conditions of this Agreement by any Party, or their successors or assigns, which default exists uncorrected for a period of thirty (30) days after written notice to any Party to such default, or such longer period if the defaulting party is diligently pursuing to correct such default, the Party seeking to enforce said provision shall have the right of specific performance and if said Party prevails in a court of law, it shall be entitled to specific performance. It is further expressly agreed by and between the Parties hereto that the remedy of specific performance herein given shall not be exclusive of any other remedy afforded by law to the Parties, or their successor or successors in title.

E. Development Rights and Conveances: It is agreed and acknowledged by the Parties that the development rights herein granted are intended for the benefit solely of the Developer and its Transferees. Nothing contained in this Agreement shall be construed to restrict or limit the right of Owner and/or Developer to sell or convey all or any portion of the Subject Property, whether improved or unimproved, except as otherwise specifically set forth herein.

F. Survival of Representations: Each of the Parties agrees that the representations, warranties, and recitals set forth in the preambles to this Agreement are material to this Agreement and the Parties hereby confirm and admit their truth and validity and hereby incorporate such representations, warranties and recitals into this Agreement and the same shall continue during the period of this Agreement.

G. Captions and Paragraph Headings: The captions and paragraph headings used herein are for convenience only and are not a part of this Agreement and shall not be used in construing it.

Notwithstanding the foregoing, Owner and Developer shall in no event be required to reimburse Village or pay for any expenses or costs of Village as aforesaid more than once, whether such are reimbursed or paid through special assessment proceedings, through fees established by Village

Such costs and expenses incurred by Village in the administration of the Agreement shall be evidenced to the Owner and/or Developer upon its request, by a sworn statement of the Village; and such costs and expenses may be further confirmed by the Owner and/or Developer at either's option from additional documents designated from time to time by the Owner and/or Developer relevant to determining such costs and expenses.

From and After Effective Date of Agreement: Except as provided in this subsection, within thirty (30) days following written request by the Village made by and through its Director of Community Development, Owner and/or Developer from time to time shall promptly reimburse Village for all reasonable expenses and costs incurred by Village in the administration of this Agreement provided for in subsection (1), including engineering fees, attorneys' fees and out-of-pocket expenses such as, but not limited to, preparation and publication, if any, of all notices, resolutions, ordinances and other documents required hereunder, and the negotiation and preparation of letters of credit and escrow agreements to be entered into as security for the completion of public improvements.

the sum of which shall not exceed five thousand dollars (\$5,000).

- (a) the costs incurred by the Village for engineering services;
- (b) all reasonable attorneys' fees incurred by the Village in connection with the preparation and review of this Amexation Agreement and the zoning of the Subject Property; and
- (c) miscellaneous Village expenses, such as legal publication costs, recording fees and copying expenses;

(1) Reimbursement of Village Expenses: Owner and Developer, concurrently with the approval of this Agreement, shall reimburse the Village for the following expenses incurred in the preparation and review of this Agreement, and any ordinances, letters of credit, plats, easements or other documents relating to the Subject Property:

H. Reimbursement of Village for Legal and Other Fees and Expenses:

ordinances or otherwise.

(3) In the event that any third party or parties institute any legal proceedings against the Owner and/or Developer and/or the Village, which relate to the terms of this Agreement, then, in that event, the Developer shall assume, fully and vigorously, with the full cooperation of the Village, the entire defense of such lawsuit and all expenses of whatever nature relating thereto shall be shared equally by the Owner, Developer and Village; provided, however, if a Party, in its sole discretion, determines there is, or may probably be, a conflict of interest between the Party and any other Party to this Agreement, then such Party shall have the option of being represented by its own legal counsel. In the event such Party exercises such option, such Party shall be solely responsible for its own expenses, including but not limited to court costs, reasonable attorneys' fees and witnesses' fees, and other expenses of litigation, incurred by such Party in connection therewith.

(4) In the event a Party institutes legal proceedings against another Party for violation of this Agreement and secures a judgment in its favor, the court having jurisdiction thereof shall determine and include in its judgment against the nonprevailing Party all expenses of such legal proceedings incurred by the prevailing Party, including but not limited to the court costs and reasonable attorneys' fees, witnesses' fees, etc., incurred by the prevailing Party in connection therewith (and any appeal thereof).

I. No Waiver or Relinquishment of Right to Enforce Agreement: Failure of any Party to this Agreement to insist upon the strict and prompt performance of the terms, covenants, agreements and conditions herein contained, or any of them, upon any other party imposed, shall not constitute or be construed as a waiver or relinquishment of any Party's right thereafter to enforce any such term, covenant, agreement or condition, but the same shall continue in full force and effect.

J. Village Approval or Direction: Where Village approval or direction is required by this Agreement, such approval or direction means the approval or direction of the Corporate Authorities of the Village unless otherwise expressly provided herein or required by law, and any such approval may be required to be given only after and if all requirements for granting such approval have been met unless such requirements are inconsistent with this Agreement.

K. Recording: A copy of this Agreement and any amendments thereto shall be recorded by the Village at the expense of the Developer.

L. Authorization to Execute: The persons executing this Agreement on behalf of the Owner and Developer warrant that they are lawfully authorized to execute this Agreement on behalf of said Owner and Developer respectively. The President and



Clerk of the Village hereby warrant that they have been lawfully authorized by the Corporate Authorities to execute this Agreement. The Owner and Developer and Village shall deliver to each other upon request copies of all bylaws, joint venture agreements, resolutions, ordinances or other documents required to legally evidence the authority to so execute this Agreement on behalf of the respective entities.

M. Amendment: This Agreement sets forth all the promises, inducements, agreements, conditions and understandings between the Owner, Developer and the Village relative to the subject matter thereof, and there are no promises, agreements, conditions or understandings, either oral or written, express or implied, between them, other than are herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the Parties hereto unless authorized in accordance with law and reduced in writing and signed by them provided, however, that any amendment affecting only a portion of the Subject Property shall be effective upon the execution of an instrument by and among the Village and the owner of such portion of the Subject Property. Notwithstanding the amendment rights otherwise granted in this Section 20.M, the Owner shall have no right to amend this Agreement without the written approval of the Village and Developer.

N. Counterparts: This Agreement may be executed in counterparts, each of which taken together, shall constitute one and the same instrument.

O. Conflict Between the Text and Exhibits: With the exception of the Permitted Variations and Deviations addressed above, in the event of a conflict in the provisions of the text of this Agreement and the Exhibits attached hereto, the text of this Agreement shall control and govern.

P. Definition of Village: When the term Village is used herein it shall be construed as referring to the Corporate Authorities of the Village unless the context clearly indicates otherwise.

Q. Execution of Agreement: This Agreement shall be signed last by the Village and the President of the Village shall affix the date on which he/she signs this Agreement on Page 1 hereof, which date shall be the effective date of this Agreement.

R. Term of Agreement: This Agreement shall be in full force and effect for a term of twenty (20) years from and after the date of execution of this Agreement.

S. Venue: The Parties hereto agree that for purposes of any lawsuit(s) between them concerning this Agreement, its enforcement, or the subject matter thereof, venue shall be in DuPage County, Illinois, and the laws of the State of Illinois shall govern the cause of action.

1436483v1

[SIGNATURE PAGES ATTACHED]

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals to this Agreement on the day and year first above written.

Force Majeure: In the event the performance of any covenant to be performed hereunder by the Developer is delayed for causes which are beyond the reasonable control of the Developer (which causes shall include, but not be limited to, acts of God, inclement weather conditions, strikes, material shortages, lockouts, acts of civil disobedience and the revocation, suspension or inability to secure any necessary government permit, license or authority) the time for such performance shall be extended by the amount of time of such delay.

U.

Severability: If any section, subsection, paragraph, sentence, clause or phrase of this Agreement, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Agreement, or any part thereof.

T.

\_\_\_\_\_  
DATED: \_\_\_\_\_  
Brigitte O'Brien  
Village Clerk

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

VILLAGE OF LOMBARD, an Illinois  
Municipal corporation

DEVELOPER:

Centrum Lombard, L.T.C.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

OWNER:

William C. Chrisos Revocable Living Trust

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ACKNOWLEDGMENTS

STATE OF ILLINOIS )  
) SS )  
) COUNTY OF DUPAGE )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that William J. Mueller, personally known to me to be the President of the Village of Lombard, and Brigitte O'Brien, personally known to me to be the Village Clerk of said municipal corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Village Clerk, they signed and delivered the said instrument and caused the corporate seal of said municipal corporation to be affixed thereto, pursuant to authority given by the Board of Trustees of said municipal corporation, as their free and voluntary act, and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Commission expires \_\_\_\_\_,

\_\_\_\_\_  
Notary Public

STATE OF ILLINOIS )  
) SS )  
) COUNTY OF COOK )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named \_\_\_\_\_ is personally known to me to be one of the managers of CENTRUM LOMBARD, L.L.C. and also personally known to me to be the same persons whose name is subscribed to the foregoing instrument as such manager and that he/she appeared before me this day in person and severally acknowledged that as such manager he/she signed and delivered the said instrument, consenting to its recordation, pursuant to authority given by said trust as their free and voluntary act, and as the free and voluntary act and deed of said limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Commission expires \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

STATE OF ILLINOIS )  
) SS )  
) COUNTY OF \_\_\_\_\_ )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO

HEREBY CERTIFY that the above-named \_\_\_\_\_ and \_\_\_\_\_

are personally known to me to be the \_\_\_\_\_ and \_\_\_\_\_

of the WILLIAM C. CHRISOS REVOCABLE LIVING TRUST and also personally known to me to be the same persons whose names are subscribed to the

foregoing instrument as such \_\_\_\_\_ and \_\_\_\_\_ respectively,

and that they appeared before me this day in person and severally acknowledged that as such \_\_\_\_\_ and \_\_\_\_\_

they signed and delivered the said instrument, consenting to its recordation, pursuant to authority given by said trust as their free and voluntary act,

and as the free and voluntary act and deed of said trust, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
Commission expires

\_\_\_\_\_  
Notary Public



Legal Description of Chrisos Property	EXHIBIT A:
Legal Description of Centrum Property	EXHIBIT B:
Proposed Site Plan	EXHIBIT C:
Preliminary Plat of Subdivision	EXHIBIT D:
Preliminary Landscape Plan	EXHIBIT E:
Preliminary Building Elevations	EXHIBIT F:
Preliminary Engineering Plans	EXHIBIT G:
Preliminary Signage Plans	EXHIBIT H:
List of Retail and Service Uses for Parcel B	EXHIBIT I:
Sign Ordinance and Regulations	EXHIBIT J:
Approved Deviations and Variations	EXHIBIT K:

SCHEDULE OF EXHIBITS

EXHIBIT A: LEGAL DESCRIPTION OF CHRISOS PROPERTY

THE WEST 134.5 FEET OF HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF) IN THE NORTHWEST ¼ OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665, IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-20-106-051

COMMON ADDRESS: 19W471 Roosevelt Road

EXHIBIT B: LEGAL DESCRIPTION OF CENTRUM PROPERTY

HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF AND EXCEPT THE WEST 134.5 FEET) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665, DUPAGE COUNTY, ILLINOIS.

PIN: 06-20-106-050

COMMON ADDRESS: 351 E. Roosevelt Road

EXHIBIT C: PROPOSED SITE PLAN

EXHIBIT D: PRELIMINARY PLAT OF SUBDIVISION

EXHIBIT E: PRELIMINARY LANDSCAPE PLAN

EXHIBIT F: PRELIMINARY BUILDING ELEVATIONS

EXHIBIT G: PRELIMINARY ENGINEERING PLANS



EXHIBIT H: PRELIMINARY SIGNAGE PLANS

**Retail and Service Uses for the Retail Building on Parcel B**

**EXHIBIT I**

**1. Permitted Uses**

**a. Retail Uses**

1. Amusement establishments, indoor only
2. Antique shops
3. Art and school supply stores
4. Art shops or galleries, including auction rooms when ancillary to the retail business
5. Automobile accessory stores
6. Bakeries
7. Bicycle sales
8. Book and stationery stores
9. Business machine sales
10. Camera and photographic supply stores, including photographic studio services when ancillary to the retail business
11. Candy and frozen confection stores
12. Carpet and rug stores, retail sales only
13. China and glassware stores
14. Closet and storage organizer store
15. Clothing and apparel establishments
16. Coin and philatelic stores

17. Compact disc, record and sheet music stores, including future technologically advanced mediums
18. Computer hardware and software sales and service
19. Department stores
20. Drug stores/Pharmacies
21. Electrical and household appliance stores, including radio and television sales
22. Florists
23. Food stores, including grocers, specialty food markets and convenience food stores
24. Furniture and home accessory stores
25. Furtiers
26. Garden supply stores
27. Gift shops
28. Hardware stores
29. Hobby shops, for retail sales of items to be assembled or used away from the premises
30. Home improvement stores and showrooms
31. Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use
32. Jewelry stores, including watch repair
33. Leather goods and luggage stores
34. Liquor stores, packaged goods
35. Medical Supply Stores

36. Musical instrument sales, including studio instruction when ancillary to the retail business

37. Office supply stores

38. Paint, glass, and wallpaper stores

39. Pet shops, including pet grooming and pet care services when ancillary to the retail business

40. Restaurants, not including live entertainment and/or dancing

41. Shoe stores

42. Sporting goods stores

43. Theater, indoor

44. Tobacco shops

45. Toy and game stores

46. Variety stores

47. Videotapes, compact and laser disc, electronic game cartridges and similar items, sales and rental

48. Cellular phone stores, including future technological advancements of products

49. Nutritional/Vitamin shops

50. Picture framing, when conducted as part of a retail business selling home accessories, furnishings or artwork, etc.

51. Repair, rental and servicing of any article the sale of which is a permitted use in the district, if offered ancillary to the sale of same use within a retail establishment

b. Service Uses

1. Barber shops

2. Beauty shops

3. Dry cleaning establishments for the cleaning and pressing of dry goods, as follows:
  - a) Receiving stations, processing to be done off-premises
  - b) Dry cleaning establishments, including processing, provided that all of the following requirements are met:
    - 1) That the dry cleaning use shall be a service retail use and shall not consist of the processing of garments from other dry cleaning establishments.
    - 2) That the total basket capacity of all units on the premises, as established by the manufacturer of the respective dry cleaning machine, shall not exceed 200 pounds.
    - 3) That the dry cleaning process shall only use solvents approved by the Fire Department.
    - 4) That all activities associated with the dry cleaning establishment shall be operated per the Illinois Environmental Protection Agency regulations.
4. Funeral homes
5. Furniture upholstery, repair, and reconditioning, if as a primary use and not ancillary to the retail business
6. Health services, gymsnasiums, health clubs, and weight reduction services
7. Learning Centers, with no outdoor component
8. Locksmith shops
9. Offices—business, professional and governmental
10. Outpatient Medical and Dental Offices and Clinics, including Physical, Occupational, and Speech Therapy Services
11. Pet Grooming Services (not including animal hospitals or overnight visits) if the primary use and not ancillary to the retail business
12. Photography studios, including the developing of film and pictures when not ancillary to the retail business on the premises
13. Picture framing, when not ancillary to the retail business
14. Post offices and parcel packing and shipping establishments
15. Printing and duplicating services

16. Repair, rental, and servicing of any article the sale of which is a permitted use in the district, if offered as a primary use

17. Silk screening services

18. Sign Printers

19. Tanning Salon

20. Tailor shops

21. Ticket agencies, amusement

22. Travel bureaus and transportation ticket offices

c. Other Uses and Activities

1. Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with Section 155.210

2. Dwelling Units, located above the first (ground) floor

## 2. Conditional Uses.

a. Retail Uses

1. Amusement establishments, outdoor

2. Gasoline sales (or any expansion of a principal, secondary or ancillary use on the same lot as a gasoline sales establishment)

3. Motor vehicle sales

4. Outside display and sales of products the sale of which is a permitted or conditional use in this district

5. Outside service areas for other permitted or conditional uses in this district

6. Restaurants, which include live entertainment and/or dancing,

7. Recreational vehicle sales

b. Service Uses

1. Animal hospitals and kennels
2. Banks and financial institutions
3. Clubs and lodges, nonprofit and fraternal
4. Day Care Center
5. Drive-through and drive-in establishments/services
6. Learning Centers, with outdoor component
7. Motor vehicle repair
8. Motor vehicle service
9. Photographic processing when not ancillary to the retail business
10. Therapeutic massage establishments (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances)
11. Recreational vehicle sales
12. Religious Institutions

EXHIBIT J: SIGN ORDINANCE AND REGULATIONS



EXHIBIT K: APPROVED DEVIATIONS AND VARIATIONS

NOTE: ALL PARCEL DESIGNATIONS ON THIS EXHIBIT K ARE TO THE PARCELS AS SHOWN ON THE PROPOSED SITE PLAN ATTACHED AS EXHIBIT C TO THIS AGREEMENT TO WHICH THIS EXHIBIT IS ALSO ATTACHED.

FOR THE ENTIRE PLANNED DEVELOPMENT

A. For each of the proposed lots, a variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.

B. A deviation from Section 153.235 (A) to allow for more than one shopping center sign.

C. A deviation from Section 153.235 (E) to allow for shopping center signs to be located closer than 250 feet from each other.

D. A deviation from Section 153.505 (B)(6)(b)(2) of the Lombard Sign Ordinance to allow for free-standing signs to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way.

FOR PARCEL A:

A. A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;

B. A deviation from Section 155.416 (D) and 155.417 (G)(3) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 36,549 square feet;

C. A deviation from Section 155.416 (E) and 155.417 (G)(4) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 137.54 feet.

D. A deviation to allow a use exception for a financial institution with drive-through uses in the B4 and B4A Districts.

FOR PARCEL B:

A. A deviation from Section 155.416 (F) and 155.417 (G)(5) of the Zoning Ordinance reducing the required east interior side yard from ten feet (10') to two feet (2').

B. A deviation to allow a use exception for outdoor seating in the B4 and B4A Districts

FOR PARCEL C:

A. A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage.

B. A deviation from Section 155.416 (D) and 155.417 (G)(3) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 30,799 square feet.

C. A deviation from Section 155.416 (E) and 155.417 (G)(4) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 121.03 feet.

D. A deviation to allow a use exception for a restaurant with outdoor seating and drive-through uses in the B4 and B4A Districts.

FOR PARCEL D:

A. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow for a lot without public street frontage.

B. A deviation to allow a use exception for a storage center in the B4 and B4A Districts.

C. A variation from Section 155.508 (B)(3) of the Zoning Ordinance pertaining to the Standards for Planned Developments with Use Exceptions to allow a use exception to exceed 40% of the total floor area for the overall planned development.

FOR PARCEL E:

A. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow a lot without public street frontage.

B. A deviation from Section 154.507 (D) of the Subdivision and Development Ordinance requiring an outlet to have at least thirty feet (30') of frontage along a public street.

C. A deviation from Section 155.416 (D) and 155.417 (G)(3) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 20,203 square feet for a detention outlet.

D. A deviation from Section 155.416 (E) and 155.417 (G)(4) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 138.17 feet for a detention outlet.

**AN ORDINANCE ANNEXING CERTAIN TERRITORY  
TO THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS**

(PC 07-03: 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossing))

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

WHEREAS, a written petition, signed by the legal owners and electors of record of all land within the territory hereinafter described, has been filed with the Village Clerk of the Village of Lombard, DuPage County, Illinois, requesting that said territory be annexed to the Village of Lombard; and,

WHEREAS, the said territory is not within the corporate limits of any municipality, but is contiguous to the Village of Lombard; and,

WHEREAS, all notices of said annexation, as required by (Chapter 65 ILCS 5/7-1-1), have been given to the appropriate parties in a timely manner as required by Statute (copies of said Notices being attached hereto as Exhibit "A", and made part hereof).

WHEREAS, it is in the best interest of the Village of Lombard that said territory be annexed thereto.

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 territory described in Section 2 below be and the same is hereby annexed to the Village of Lombard, DuPage County, Illinois, pursuant to (Chapter 65 ILCS 5/7-1-8).

**SECTION 2:** This ordinance is limited and restricted to the property indicated on the attached Plat of Annexation attached hereto as Exhibit "B", and generally located generally at 19W471 Roosevelt Road, Lombard, Illinois containing 1.3 acres more or less and legally described as follows:

THE WEST 134.5 FEET OF HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF) IN THE NORTHWEST QUARTER OF SECTION

20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL  
MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958  
AS DOCUMENT 877665 IN DUPAGE COUNTY, ILLINOIS.

Property Index Number: 06-20-106-051

**SECTION 3:** The new boundary of the Village of Lombard shall extend to  
the far side of any adjacent rights-of-way, and shall include all of every right-of-way within  
the area annexed hereby.

**SECTION 4:** The Village Clerk is hereby directed to record with the  
Recorder of Deeds and to file with the County Clerk, a certified copy of this Ordinance,  
and the original Plat of Annexation.

**SECTION 5:** This ordinance shall be in full force and effect from and after  
its passage and approval as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.  
First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_,  
2007

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007

William J. Mueller, Village President

Ordinance No. \_\_\_\_\_  
Re: PC 07-03  
Page 3

ATTEST:

Brigitte O'Brien, Village Clerk

**AN ORDINANCE APPROVING A MAP AMENDMENT (REZONING)  
TO THE LOMBARD ZONING ORDINANCE  
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 07-03: 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossing))

(See also Ordinance 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, an application has heretofore been filed requesting a map amendment for the purpose of rezoning the property described in Section 2 hereto from R0 Single-Family Residence District to the B4 Corridor Commercial District; and,

WHEREAS, a public hearing thereon has been conducted by the Village of Lombard Plan Commission on August 20, 2007, 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 rezoning 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 Title 15, Chapter 155 of the Code of Lombard, Illinois, otherwise known as the Lombard Zoning Ordinance, be and is hereby amended so as to rezone the property described in Section 2 heretof from R0 Single-Family Residence District to the B4 Corridor Commercial District.

**SECTION 2:** The map amendment is limited and restricted to the property located at 19W47 Roosevelt Road, Lombard, Illinois, and legally described as follows:

THE WEST 134.5 FEET OF HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP

39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING  
TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665 IN  
DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: 06-20-106-051

(Hereinafter the "Subject Property").

**SECTION 3:** That the official zoning map of the Village of Lombard be changed  
in conformance with the provisions of this ordinance.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

**AN ORDINANCE GRANTING CONDITIONAL USES FOR A  
PLANNED DEVELOPMENT WITH DEVIATIONS AND A CONDITIONAL USE  
FOR DRIVE THROUGH ESTABLISHMENTS**

(PC 07-03: 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossing))

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 B4 Corridor Commercial District and B4A Roosevelt Road Corridor District; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for a planned development for the subject property; and

WHEREAS, said planned development includes a use exception for a storage center in the B4 District and a variation from Section 155.508 (B)(3) of the Zoning Ordinance pertaining to the Standards for Planned Developments with Use Exceptions to allow a use exception to exceed 40% of the total floor area for the overall planned development; and,

WHEREAS, said application also includes variations from Section 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking; and,

WHEREAS, said application also requests approval of a conditional uses for a drive-through facilities associated with a banking facility and a fast food restaurant; and,

WHEREAS, said application also requests a deviation from Section 155.414 (F) of the Zoning Ordinance reducing the required east interior side yard from ten feet (10') to two feet (2') for Lot 2 (Parcel B) of the proposed resubdivision; and,



WHEREAS, said application also requests deviations from Section 154.506 (D) of the Subdivision and Development Ordinance to allow for a lot without public street frontage, deviations from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width, deviations from Section 155.414 (D) of the Zoning Ordinance to reduce the minimum lot area, and a deviation from Section 154.507 (D) of the Subdivision and Development Ordinance requiring an outlet to have at least thirty feet (30') of frontage along a public street.

WHEREAS, said planned development includes deviations from Section 153.505 (B)(17)(a)(2) of the Sign Ordinance to allow for more than one wall sign on a street frontage, A deviation from Section 153.505 (B)(6)(e) to allow for more than one freestanding sign on a property, a deviation from Section 153.235 (A) to allow for more than one shopping center sign, a deviation from Section 153.235 (E) to allow for shopping center signs to be located closer than 250 feet from each other, and a deviation from Section 153.234 (F) of the Lombard Sign Ordinance to allow for a tree-standing sign to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 20, 2007 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; and,

WHEREAS, separate from the above mentioned petition, the President and Board of Trustees approved a map amendment rezoning the portion of the subject property generally located at 351 E. Roosevelt and legally described in Subheading 1 of Section 2 below, pursuant to Ordinance 6093;

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 conditional uses for a planned development with the following variation and deviations, as well as a conditional use for drive-through establishments 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:

1. For Lot 1 (Parcel A) of the proposed resubdivision, approve:

a. A conditional use pursuant to Section 155.414 (C)(7) of the Zoning Ordinance for a drive-through facility;

b. A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;

c. A deviation from Section 155.414 (D) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 36,549 square feet;

d. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 137.54 feet.

2. For Lot 2 (Parcel B) of the proposed resubdivision, approve a deviation from Section 155.414 (F) of the Zoning Ordinance reducing the required east interior side yard from ten feet (10') to two feet (2').

3. For Lot 3 (Parcel C) of the proposed resubdivision, approve:

a. A conditional use pursuant to Section 155.414 (C)(7) of the Zoning Ordinance for a drive-through facility;

b. A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;

c. A deviation from Section 155.414 (D) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 30,799 square feet;

d. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 121.03 feet.

4. For Lot 4 (Parcel D) of the proposed resubdivision, approve:
- a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow for a lot without public street frontage;
  - b. A planned development use exception for a storage center in the B4 District; and
  - c. A variation from Section 155.508 (B)(3) of the Zoning Ordinance pertaining to the Standards for Planned Developments with Use Exceptions to allow a use exception to exceed 40% of the total floor area for the overall planned development.
5. For Lot 5 (Parcel E) of the proposed resubdivision, approve:
- a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow a lot without public street frontage;
  - b. A deviation from Section 154.507 (D) of the Subdivision and Development Ordinance requiring an outlet to have at least thirty feet (30') of frontage along a public street;
  - c. A deviation from Section 155.414 (D) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 20,203 square feet for a detention outlet; and
  - d. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 138.17 feet for a detention outlet.
6. For each of the proposed lots, grant a variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.
7. Approve the following Sign Ordinance deviations:
- a. A deviation from Section 153.505 (B)(6)(e) to allow for more than one freestanding sign on a property;

- b. A deviation from Section 153.235 (A) to allow for more than one shopping center sign; and
  - c. A deviation from Section 153.235 (E) to allow for shopping center signs to be located closer than 250 feet from each other.
  - d. A deviation from Section 153.234 (F) of the Lombard Sign Ordinance to allow for a free-standing sign to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way; and
8. Approve a preliminary major plat of resubdivision.

SECTION 2: That this ordinance is limited and restricted to the two properties described below, which are collectively referred to as the "Subject Property":

- 1. The property generally located at 351 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

PARCEL 1  
HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF AND EXCEPT THE WEST 134.5 FEET) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665, DUPAGE COUNTY ILLINOIS.

Parcel Number: 06-20-106-050

- 2. The property generally located at 19W471 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

PARCEL 2  
THE WEST 134.5 FEET OF HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665 IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-20-106--051

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site and building in accordance with the following plans submitted as part of this request, except as modified by the conditions of approval:

- a) Site plans prepared by Carroll Associates Architects, dated August 9, 2007
- b) Landscape plan, prepared by Carroll Associated Architects, dated August 10, 2007,
- c) Building elevations for proposed retail center, prepared by Carroll Associates Architects, dated July 16, 2007,
- d) Building elevations for proposed bank, prepared by Carroll Associates Architects, dated July 16, 2007
- e) Building elevations for the fast-food restaurant , prepared by Hestrup and Associates, dated July 17, 2007.

2. That the petitioner shall enter into an annexation agreement with the Village for the subject property.

3. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRRC report.

4. That any trash enclosure screening required by Section 155.710 of the Zoning Ordinance shall be constructed of material consistent with the principal building in which the enclosure is located.

5. To ensure that the proposed signage, awnings and building elevations present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:

- 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. The planned development shall be limited to no more than two freestanding shopping center signs, with the signs being in accordance with the shopping center signage plan prepared by Carroll Associates Architects dated August 3, 2007. The final placement of the signs shall be located in a manner that does not conflict with clear line of sight or utility easements.
- d. That wall signage for the bank building and the fast-food restaurant building shall only be located on the north, east and west elevations.
- e. That the fabric awnings on each of the proposed buildings shall be compatible.
- f. That all rooftop mechanical equipment shall be screened pursuant to Section 155.221 of the Zoning Ordinance.
- g. Prior to consideration by the Village Board, the petitioner shall submit modified building elevations for the fast-food restaurant on Lot 3 (Parcel C) that substitute masonry for the EFIS.

6. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall allow for cross-access and cross parking between each lot within the proposed development.

7. The use exception for a storage center shall only be for Lot 4 (Parcel D) of the planned development. The development of Lot 4 (Parcel D) shall be subject to site plan approval of the Village.

8. The petitioner shall dedicate to the Village a cross-access easement to provide access to the proposed detention outlet (Lot 5), with the final location to be denoted on the final plat of subdivision for the subject property.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2007.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

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

Approved this \_\_\_\_\_, day of \_\_\_\_\_, 2007.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk