

**FRED BUCHOLZ**  
DUPAGE COUNTY RECORDER  
OCT.09,2014 9:18 AM  
OTHER \$32.00 06-05-200-016  
006 PAGES R2014-093086

**ORDINANCE NO. 6973**

**AN ORDINANCE GRANTING A FURTHER TIME  
EXTENSION TO ORDINANCE 6746, AS AMENDED BY  
ORDINANCE 6849, GRANTING A CONDITIONAL USE  
FOR A DRIVE-THROUGH ESTABLISHMENT; A  
CONDITIONAL USE FOR AN OUTSIDE SERVICE AREA;  
A VARIATION TO ALLOW SIGNAGE WITHIN CLEAR  
LINE OF SIGHT AREAS; A VARIATION TO ALLOW  
WALL SIGNS THAT ARE TWO TIMES THE LINEAL  
FRONT FOOTAGE OF THE TENANT SPACE;  
VARIATIONS TO REDUCE THE TRANSITIONAL  
LANDSCAPE YARD; AND A MINOR PLAT OF  
SUBDIVISION WITH A VARIATION FROM LOT AREA.**

**PIN: 06-05-200-016**

**ADDRESS: 401 E. North Avenue, Lombard, Illinois 60148**

**Prepared by and Return To:  
Village of Lombard  
255 E. Wilson Avenue  
Lombard, IL 60148**



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

I further certify that attached hereto is a  
copy of

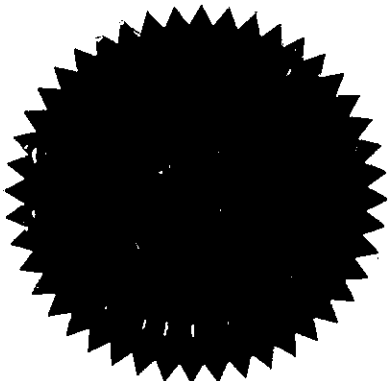
AN ORDINANCE GRANTING A FURTHER TIME EXTENSION TO ORDINANCE 6746, AS AMENDED BY ORDINANCE 6849, GRANTING A CONDITIONAL USE FOR A DRIVE-THROUGH ESTABLISHMENT; A CONDITIONAL USE FOR AN OUTSIDE SERVICE AREA; A VARIATION TO ALLOW SIGNAGE WITHIN CLEAR LINE OF SIGHT AREAS; A VARIATION TO ALLOW WALL SIGNS THAT ARE TWO TIMES THE LINEAL FRONT FOOTAGE OF THE TENANT SPACE; VARIATIONS TO REDUCE THE TRANSITIONAL LANDSCAPE YARD; AND A MINOR PLAT OF SUBDIVISION WITH A VARIATION FROM LOT AREA.

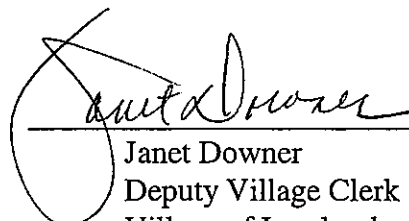
PIN: 06-05-200-016

ADDRESS: 401 E. North Avenue

of the said Village as it appears from the official records  
of said Village duly approved this 21st  
day of August, 2014.

**In Witness Whereof**, I have hereunto affixed my official signature and the  
Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 3rd  
day of September, 2014.



  
\_\_\_\_\_  
Janet Downer  
Deputy Village Clerk  
Village of Lombard  
DuPage County, Illinois

**ORDINANCE NO. 6973**

**AN ORDINANCE GRANTING A FURTHER TIME EXTENSION TO ORDINANCE 6746, AS AMENDED BY ORDINANCE 6849, GRANTING A CONDITIONAL USE FOR A DRIVE-THROUGH ESTABLISHMENT; A CONDITIONAL USE FOR AN OUTSIDE SERVICE AREA; A VARIATION TO ALLOW SIGNAGE WITHIN CLEAR LINE OF SIGHT AREAS; A VARIATION TO ALLOW WALL SIGNS THAT ARE TWO TIMES THE LINEAL FRONT FOOTAGE OF THE TENANT SPACE; VARIATIONS TO REDUCE THE TRANSITIONAL LANDSCAPE YARD; AND A MINOR PLAT OF SUBDIVISION WITH A VARIATION FROM LOT AREA.**

(PC 12-13; 401 E. North Avenue)

WHEREAS, on September 6, 2012, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6746 which granted approval of a conditional use for a drive-through establishment; a conditional use for an outside service area; a variation to allow signage within clear line of sight areas; a variation to allow wall signs that are two times the lineal front footage of the tenant space; variations to reduce the transitional landscape yard; and a minor plat of subdivision with a variation from lot area; and,

WHEREAS, pursuant to Section 155.103 (F)(11) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, conditional uses are null and void if construction is not substantially underway within one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6849 on August 15, 2013, granting an amendment to Ordinance 6746 which extended the period in which the petitioner shall obtain a building permit and start construction on the associated project by September 6, 2014; and,

WHEREAS, construction has not commenced and the associated building permits are not anticipated to be issued by September 6, 2014, as required by Ordinance 6849; and

WHEREAS, the Village has received a letter requesting a further time extension of Ordinances 6746 and 6849; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension.

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: Ordinances 6746 and 6849 are hereby further amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within six (6) months of the expiration date of the previously established time extension (i.e., March 6, 2015).

SECTION 2: That all other provisions associated with Ordinances 6746 and 6849 not amended by this Ordinance shall remain in full force and effect.

SECTION 3: That this Ordinance is limited and restricted to the property located at 401 E. North Avenue, Lombard, Illinois and legally described as follows:

THAT PART OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF NORTH AVENUE, (STATE ROUTE 64) WHICH POINT IS 90 FEET EAST OF THE WEST LINE OF GRACE STREET; THENCE EAST ON THE SOUTH LINE OF NORTH AVENUE, A DISTANCE OF 195 FEET; THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF GRACE STREET, A DISTANCE OF 182 FEET; THENCE WEST PRALLEL WITH THE SOUTH LINE OF NORTH AVENUE, A DISTANCE OF 195 FEET; THENCE NORTH ON A LINE 90 FEET EAST OF AND PARALLEL TO THE WEST LINE OF GRACE STREET 182 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PART OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF NORTH AVENUE (ROUTE 64) WHICH POINT IS 90.0 FEET EAST OF THE WEST LINE OF GRACE STREET; THENCE ON AN ASSUMED BEARING NORTH 88 DEGREES 14 MINUTES 45 SECONDS EAST ALONG THE SOUTH LINE OF NORTH AVENUE 5.00 FEET; THENCE SOUTH 12 DEGREES 17 MINUTES 42 SECONDS WEST, 25.74 FEET TO THE EAST LINE OF GRACE STREET, BEING 90.0 FEET EAST OF AND PARALLEL TO THE WEST LINE OF GRACE STREET; THENCE NORTH 1 DEGREE 06 MINUTES 28 SECONDS EAST ALONG THE EAST LINE OF GRACE STREET, 25.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

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

SECTION 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.

Ordinance No. 6973  
Re: PC 12-13 (2<sup>nd</sup> Time Extension)  
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Passed on first reading this \_\_\_ day of \_\_\_\_\_, 2014.

First reading waived by action of the Board of Trustees this 21<sup>st</sup> day of August, 2014.

Passed on second reading this 21<sup>st</sup> day of August, 2014.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Breen and Fitzpatrick

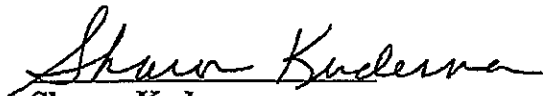
Nays: None

Absent: Ware

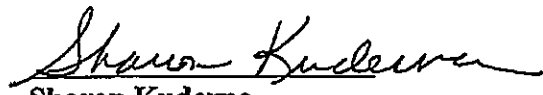
Approved this 21st day of August, 2014.

  
Keith T. Giagnorio  
Village President

ATTEST:

  
Sharon Kuderna  
Village Clerk

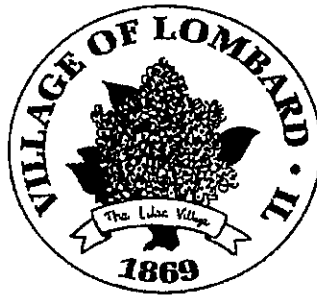
Published by me in pamphlet form on this 22<sup>nd</sup> day of August, 2014.

  
Sharon Kuderna  
Village Clerk

**ORDINANCE 6973**

**PAMPHLET**

**PC 12-13: 401 E. NORTH AVENUE**



PUBLISHED IN PAMPHLET FORM THIS 22<sup>nd</sup> DAY OF AUGUST, 2014, BY ORDER  
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD,  
DUPAGE COUNTY, ILLINOIS.

*Sharon Kuderna*

Sharon Kuderna  
Village Clerk