

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES  
FROM: David A. Hulseberg, Village Manager *dah*  
DATE: February 8, 2011 (BOT) Date: February 17, 2011  
TITLE: PC 11-01: 455 and 477 E. Butterfield Road  
SUBMITTED BY: Department of Community Development *WJ*

BACKGROUND/POLICY IMPLICATIONS:

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

1. A variation from Section 155.602 (C), table 6.3 of the Lombard Zoning Ordinance, to reduce the required number of parking spaces for a sit down restaurant.
2. A variation from section 155.412 (F) of the Lombard Zoning Ordinance to reduce the required front yard setback.
3. A conditional use, per Section 155.412 (C) (9), for off-site parking.
4. An amendment to Ordinances 5917 and 6162 for a new conditional use, per Section 155.412 (C) (15), for a restaurant establishment. (DISTRICT #3)

The Plan Commission recommended approval of this petition with amended conditions.

The petitioner is requesting a waiver of first reading.

Please place this item on the February 17, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	<i>dah</i>	Date	<i>2/17/11</i>

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:** David A. Hulseberg, Village Manager

**FROM:** William Heniff, AICP  
Director of Community Development *WH*

**DATE:** February 17, 2011

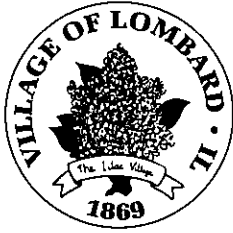
**SUBJECT:** PC 11-01: 455 & 477 East Butterfield Road

Attached please find the following items for Village Board consideration as part of the February 17, 2011 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 11-01;
3. An Ordinance granting a conditional use for a restaurant & off site parking and a variation for a front yard setback reduction and a variation to reduce the required number of parking spaces;
4. Plans, agreements and parking studies associated with the petition.

The Plan Commission recommended approval of the zoning actions associated with the petition subject to conditions. The petitioner has requested a waiver of first reading.





## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org

February 17, 2011

**Village President**  
William J. Mueller

**Village Clerk**  
Brigitte O'Brien

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

**Trustees**

Greg Alan Gron, Dist. 1  
Keith T. Giagnorio, Dist. 2  
Zachary C. Wilson, Dist. 3  
Dana L. Moreau, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
William "Bill" Ware, Dist. 6

**Subject: PC 11-01; 455 & 477 East Butterfield 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 located within the O Office District:

**Village Manager**  
David A. Hulseberg

1. A variation from Section 155.602 (C), table 6.3 of the Lombard Zoning Ordinance, to reduce the required number of parking spaces for a sit down restaurant.
2. A variation from section 155.412 (F) of the Lombard Zoning Ordinance to reduce the required front yard setback.
3. A conditional use, per Section 155.412 (C) (9), for off-site parking.
4. An amendment to Ordinances 5917 and 6162 for a new conditional use, per Section 155.412 (C) (15), for a restaurant establishment.

*"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses 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."*

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 24, 2011.

Rob Northrup, RPC Design Firm, 248 Levy Road, Atlantic Beach, Florida presented the petition on behalf of Millers Ale House at 455 E Butterfield Road. He said they are seeking approval for a new patio addition that will encroach into the front yard setback. He said to allow for the additional restaurant space, they will be entering into an agreement to use 26 parking spaces from the office building to the east.

Ray Holden, President of Miller Ale House, 612 North Orange Avenue, Jupiter, Florida spoke about the request and indicated that they have been in Lombard for over 3 years. He said this seating will not only be used when the weather is nice but will have windows that open and close and have atmosphere people can enjoy. He stated that their Lombard location is underperforming and they think it is because they do not have this patio addition like their other locations. He said it will be first class, give that store a shot in the arm and show what the Ale House can do to make it a successful business in Lombard.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition.

No one spoke in favor or against the petition.

Chairperson Ryan then requested the staff report.

Christopher Stilling presented the staff report. The subject property at 455 East Butterfield Road is currently developed with a sit-down restaurant establishment. Ordinance 5917 (PC 06-17) granted approval of the companion zoning relief required by this development. In 2008, additional relief was granted for an additional wall sign (Ordinance 6162). As part of their 2006 approvals, the restaurant was permitted to have an outdoor seating area. Such approval was subject to them entering into an agreement to use the existing parking spaces located on the Nicor Property to the south. Unfortunately Miller's was unable to reach an agreement with Nicor and never proceeded with constructing the outdoor dining area. The petitioner is now seeking to construct a 1,500 square foot addition to the north elevation of their existing building, where the previously approved outdoor dining area was located. A portion of the addition will encroach into the front yard setback.

Mr. Stilling highlighted the following past approvals associated with the subject property:

Conditional Use for a sit down restaurant

The existing restaurant is 7,230 square feet in area and is improved with 123 parking spaces

Conditional Use for outdoor dining associated with a restaurant

As part of their approvals, the petitioner did receive relief from the parking requirements for a 1500 square foot outdoor seating area. Such approval was subject to them entering into an agreement to use the existing parking spaces located on the Nicor Property to the south. Unfortunately Miller's was unable to reach an agreement with Nicor and never proceeded with constructing the outdoor dining area.

Conditional Use for off site parking

As previously noted, Millers was required to have off-site parking to accommodate the parking demand for the proposed outdoor dining area. Since Miller's was unable to reach an agreement with Nicor, they never proceeded with constructing the outdoor dining area.

*A variation to reduce the required open space below the thirty-five percent (35%) requirement*

The existing site, including the proposed outdoor dining area, has 21% open space. Since the proposed addition is the same size as the previously approved outdoor dining area, open space will remain unchanged.

*A variation to allow for parking spaces within the required front yard*

This approval will remain unchanged as the proposed addition will not impact the location of parking.

*Variations to eliminate the perimeter parking lot landscaping and to reduce the perimeter lot landscaping requirements*

This approval will remain unchanged as the proposed addition will not impact the parking lot landscaping.

Mr. Stilling stated that the petitioner is now seeking a number of additional zoning actions for the site to facilitate the construction of the 1,500 square foot addition on a property located within the O Office District. As previously mentioned, the proposed addition would be the same size as the previously granted outdoor dining area. However, unlike the outdoor dining area, a portion of the addition will encroach into the front yard setback and the addition will be fully enclosed. To address the required parking, Miller's has a tentative agreement with the office property to the east to provide the required 25 parking spaces during the evening hours. The following is a summary of the zoning actions associated with this petition:

*An amendment to Ordinances 5917 and 6162 for a new conditional use for a restaurant establishment*

The existing restaurant has previously received approvals for a restaurant at this location, through Ordinance 5917. In 2008, Ordinance 6162 was approved providing for an increase in sign size for a wall and increased the total number of permitted walls signs to three (3). Because the proposal constituted a change from what was previously approved, a new conditional use is required. The proposed addition would accommodate a new enclosed patio/lounge area that is consistent with some of the other Miller's Ale Houses located throughout the country. Although the addition would be approximately 1,500 square feet in area, the net increase in total seats is 22. The addition will be fully enclosed, although there will be sliding windows along the north elevation that can be completely opened during the warmer months. The exterior will be consistent with the original materials and colors previously approved as part of Ordinance 5917.

The Butterfield Road corridor is already improved with a number of restaurant type uses within the O District, including the Carlisle Banquet Hall abutting the subject property, Friday's, Taylor Brewing and Benihana. Such uses are considered complementary to the numerous office uses within the corridor. The petitioner has provided a response to the standards for conditional use. Staff finds that those standards have been met and supports the request.

*A variation to reduce the required front yard setback*

The proposed addition would encroach into the required 30' front yard setback in the O Office District. At its closest point, the addition would be setback approximately 17' from the Butterfield Road right of way. The petitioner indicates that due to the shape of the property, only 220 square feet or 15% of the new addition would encroach into the setback. Although the original plan did meet the required front yard setback for the outdoor dining area, the petitioner has indicated that since this will be a permanent addition to the existing structure, the encroachment is necessary to make the space more usable.

Staff finds that there are several other properties directly to the west of the site that are closer than the proposed 17' setback. The Carlisle to the west has their canopy and gazebo area setback approximately 14' from the right-of-way (legal nonconforming). Further west is the Highland Point office building which has setbacks as close as 1 foot. In addition, setback relief was granted for the parking structure (1' setback) for Highland Pointe in 2001. As noted in the past case, staff is supportive of this variation as the existing right of way line does not properly relate to the built environment found on the site and does not correlate to the functional bounds of the public roadway. The frontage road provides an additional 60' from Butterfield Road. Furthermore, there are no curb cuts from Butterfield Road directly to the subject property; access to the site is provided by the frontage roadway that terminates about ¼ mile east of the subject property.

*A variation to reduce the required number of parking spaces for a sit down restaurant & conditional use for off-site Parking Spaces*

The existing restaurant has 123 parking spaces, which meets the requirements for the existing 7,320 square foot sit-down restaurant itself. However, to accommodate the 1,500 square foot addition, which must meet the parking provisions for sit-down restaurants as well; twenty-five (25) additional spaces are required. The petitioner will be entering into a lease with the adjacent property to the west, located at 477 E Butterfield Road, to be used to meet their parking needs for the addition. As the 477 E Butterfield Road property is improved with an existing office building, the shared parking agreement only allows the use of 26 parking spaces on Friday and Saturday evenings from 6PM to 2AM when the office building is not in use. Because the agreement is for the use on Friday and Saturday evenings only, the petitioner is required to get a variation from the parking requirements. The petitioner has submitted a parking analysis conducted in July, August & September of 2010 and in January of 2011 (attached) showing their total number of available parking spaces during their lunch and evening rush. Based on the information provided, the petitioner indicates that Friday and Saturday evenings, from 6PM to close, are the only times where less than 25 parking spaces are provided.

Staff is supportive of the conditional use and variation. As shown in their parking analysis, parking demand is highest on Friday and Saturday evenings. The proposed agreement with 477 E Butterfield Road provides the necessary parking to accommodate their demand. Furthermore, staff finds that the shared parking will not impact the uses at 477 E Butterfield Road since they are office in nature and most businesses will be closed by 6PM. Lastly, if the petitioner were to terminate the agreement with the property owners at 477 E Butterfield Road, there are other locations the petitioner may consider for shared parking. As a condition of approval, staff will be



recommending that the petitioner always maintain an agreement for the use of 25 parking spaces for Friday and Saturday evenings.

Mr. Stilling said that the petition is consistent with the Comprehensive Plan and surrounding land uses and therefore staff recommends approval, subject to the 4 conditions in the staff report.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Olbrysh asked about the terms of the agreement. Mr. Stilling stated that the petitioner's agreement only covers Friday and Saturday evenings and that staff feels comfortable given the findings of their parking analysis. He said final determination of the terms is subject to Village Board approval.

Commissioner Burke expressed a concern about the 30 day termination provision. He felt that it should be extended. He was also concerned that if the agreement was terminated and the petitioner was unable to lease space from the adjacent Nicor property, the building would be non conforming. Mr. Stilling stated that they could come in with a revised floor plan and close off areas to meet the parking provisions. Mr. Stilling also clarified that the property owner did sign the petition and is aware of the off site parking request.

Mr. Holden said that they would prefer to use the Nicor property but their cost is too high. He said if they had to get a deal done with them, they would agree to all their terms.

Commissioner Sweetser stated that the petitioner is aware of the risks and they assume that responsibility. Mr. Stilling agreed and stated that there are alternatives for them including revisions to the floor plan. Mr. Holden stated that they would remove tables and close areas off if they had to.

On a motion by Commissioner Olbrysh and a second by Commissioner Sweetser, the Plan Commission voted 4 to 0 that the Village Board **approves** the conditional uses and variations based on the finding that the petitioner had met the required Standards as set forth in the Zoning Ordinance, subject to the following conditions:

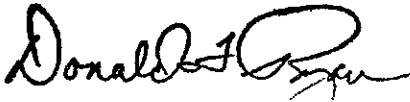
1. The petitioner shall develop the site in substantial conformance with the site plan, floor plan and elevation plan, prepared by RPC General Contractors, dated August 26, 2010, last revised December 21, 2010, except where modified by the conditions of approval.
2. All other conditions approved by Ordinance 5917 and 6162 shall remain in full force and effect.
3. Prior to the issuance of a building permit, the petitioner shall enter into a shared parking agreement with the property owner of 477 E Butterfield Road, for the use of a

minimum of 25 parking spaces upon terms acceptable to the Village Board. In the event that the shared parking agreement is terminated, the petitioner shall secure the rights to minimum of 25 parking spaces on the property located at 477 E Butterfield Road or the abutting Nicor property. If neither location is available, an amendment to the conditional use and any corresponding variations shall be required.

4. The petitioner shall satisfactorily address all IDRC comments.

Respectfully,

**VILLAGE OF LOMBARD**

A handwritten signature in black ink, appearing to read "Donald Ryan", written over a horizontal line.

Donald Ryan, Chairperson  
Lombard Plan Commission

c. Petitioner  
Lombard Plan Commission

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

TO:	Lombard Plan Commission	HEARING DATE:	January 24, 2011
FROM:	Department of Community Development	PREPARED BY:	Christopher Stilling, Assistant Director

**TITLE**

**PC 11-01; 455 & 477 East Butterfield Road:** The petitioner requests that the Village take the following actions on the subject property located within the O Office District:

1. A variation from Section 155.602 (C), table 6.3 of the Lombard Zoning Ordinance, to reduce the required number of parking spaces for a sit down restaurant.
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**GENERAL INFORMATION**

Petitioner:	RPC General Contractors 248 Levy Road Atlantic Beach, FL 32233
Property Owner:	Ernest G. Khougaz 5615 grey feather Ct Westlake Village, CA 91362
Relationship to Petitioner:	Construction management entity for lessee (Miller's Ale)

**PROPERTY INFORMATION**

Existing Zoning:	O Office District
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Existing Land Use:	Sit down restaurant
Size of Property:	Approximately 1.58 acres
Comprehensive Plan:	Recommends Office
Surrounding Zoning and Land Use:	
North:	B3PD Community Shopping District; developed as Yorktown Mall
South:	Interstate 88 - Reagan Tollway
East:	O Office District; developed as an office building
West:	O Office District; developed as the Carlisle banquet hall

## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documents that were submitted to the Department of Community Development on December 23, 2010:

1. Petition for Public Hearing with response to standards.
2. Site Plan, floor plan and elevation, prepared by RPC General Contractors, dated August 26, 2010, last revised December 21, 2010.
3. Parking analysis conducted in July & August of 2010. A subsequent analysis was submitted on January 17, 2011.

### **DESCRIPTION**

The subject property at 455 East Butterfield Road is currently developed with a sit-down restaurant establishment. Ordinance 5917 (PC 06-17) granted approval of the companion zoning relief required by this development. In 2008, additional relief was granted for an additional wall sign (Ordinance 6162). As part of their 2006 approvals, the restaurant was permitted to have an outdoor seating area. Such approval was subject to them entering into an agreement to use the existing parking spaces located on the Nicor Property to the south. Unfortunately Miller's was unable to reach an agreement with Nicor and never proceeded with constructing the outdoor

dining area. The petitioner is now seeking to construct a 1,500 square foot addition to the north elevation of their existing building, where the previously approved outdoor dining area was located. A portion of the addition will encroach into the front yard setback.

## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **PUBLIC WORKS**

The Engineering and Utilities Divisions of the Public Works Department has reviewed the proposal and has the following comments:

1. They are past due with their grease manifests that document monthly cleaning of the grease trap.
2. They are past due on the testing and certification of one of their backflow devices (mop basin in the closet in the kitchen. Watts 009 RPZ 1/2" Serial#A541903)
3. Need to install a valve immediately adjacent to the downstream side of their water meter.

### **PRIVATE ENGINEERING**

The Private Engineering Services Division of the Department of Community Development has reviewed the petition and has the following comments:

1. Per Code, Stormwater detention is required for the additional impervious area being constructed. The new detention volume shall not be stored in the parking lot. Prior to the issuance of a building permit, final engineering shall be submitted for review and approval.
2. The eastern retaining wall shall be elevated by 24" and the grading along the east side shall direct runoff to the north, towards the right-of-way. This work will need to be designed by a registered Illinois, professional engineer.

### **FIRE DEPARTMENT**

The Fire Department has no comment on the petition at this time.

### **BUILDING DIVISION**

The Building Division has no comment on the petition at this time.

### **PLANNING**

#### **Zoning History**

Miller's Ale House was approved by Ordinance 5917 in 2006 (PC 06-17) for a 7,230 square foot sit down restaurant with an additional 1,500 square foot outdoor seating area. At that time, the

proposal included the reuse of many of the previous parking lot improvements already constructed on site from the former Bally's building. The following is a summary of the previously approved zoning actions associated with Ordinance 5917:

*Conditional Use for a sit down restaurant*

The existing restaurant is 7,230 square feet in area and is improved with 123 parking spaces

*Conditional Use for outdoor dining associated with a restaurant*

As part of their approvals, the petitioner did receive relief from the parking requirements for a 1500 square foot outdoor seating area. Such approval was subject to them entering into an agreement to use the existing parking spaces located on the Nicor Property to the south. Unfortunately Miller's was unable to reach an agreement with Nicor and never proceeded with constructing the outdoor dining area.

*Conditional Use for off site parking*

As previously noted, Millers was required to have off-site parking to accommodate the parking demand for the proposed outdoor dining area. Since Miller's was unable to reach an agreement with Nicor, they never proceeded with constructing the outdoor dining area.

*A variation to reduce the required open space below the thirty-five percent (35%) requirement*

The existing site, including the proposed outdoor dining area, has 21% open space. Since the proposed addition is the same size as the previously approved outdoor dining area, open space will remain unchanged.

*A variation to allow for parking spaces within the required front yard*

This approval will remain unchanged as the proposed addition will not impact the location of parking.

*Variations to eliminate the perimeter parking lot landscaping and to reduce the perimeter lot landscaping requirements*

This approval will remain unchanged as the proposed addition will not impact the parking lot landscaping.

**Compatibility with the Zoning Ordinance**

The petitioner is seeking a number of additional zoning actions for the site to facilitate the construction of the 1,500 square foot addition on a property located within the O Office District. As previously mentioned, the proposed addition would be the same size as the previously granted outdoor dining area. However, unlike the outdoor dining area, a portion of the addition will encroach into the front yard setback and the addition will be fully enclosed. To address the required parking, Miller's has a tentative agreement with the office property to the east to provide the required 25 parking spaces during the evening hours. The following is a summary of the zoning actions associated with this petition:

*An amendment to Ordinances 5917 and 6162 for a new conditional use for a restaurant establishment*

The existing restaurant has previously received approvals for a restaurant at this location, through Ordinance 5917. In 2008, Ordinance 6162 was approved providing for an increase in sign size for a wall and increased the total number of permitted walls signs to three (3). Because the proposal constituted a change from what was previously approved, a new conditional use is required. The proposed addition would accommodate a new enclosed patio/lounge area that is consistent with some of the other Miller's Ale Houses located throughout the country. Although the addition would be approximately 1,500 square feet in area, the net increase in total seats is 22. The addition will be fully enclosed, although there will be sliding windows along the north elevation that can be completely opened during the warmer months. The exterior will be consistent with the original materials and colors previously approved as part of Ordinance 5917.

The Butterfield Road corridor is already improved with a number of restaurant type uses within the O District, including the Carlisle Banquet Hall abutting the subject property, Friday's, Taylor Brewing and Benihana. Such uses are considered complementary to the numerous office uses within the corridor. The petitioner has provided a response to the standards for conditional use. Staff finds that those standards have been met and supports the request.

*A variation to reduce the required front yard setback*

The proposed addition would encroach into the required 30' front yard setback in the O Office District. At its closest point, the addition would be setback approximately 17' from the Butterfield Road right of way. The petitioner indicates that due to the shape of the property, only 220 square feet or 15% of the new addition would encroach into the setback. Although the original plan did meet the required front yard setback for the outdoor dining area, the petitioner has indicated that since this will be a permanent addition to the existing structure, the encroachment is necessary to make the space more usable.

Staff finds that there are several other properties directly to the west of the site that are closer than the proposed 17' setback. The Carlisle to the west has their canopy and gazebo area setback approximately 14 from the right-of-way (legal nonconforming). Further west is the Highland Point office building which has setbacks as close as 1 foot. In addition, setback relief was granted for the parking structure (1' setback) for Highland Pointe in 2001. As noted in the past case, staff is supportive of this variation as the existing right of way line does not properly relate to the built environment found on the site and does not correlate to the functional bounds of the public roadway. The frontage road provides an additional 60' from Butterfield Road. Furthermore, there are no curb cuts from Butterfield Road directly to the subject property; access to the site is provided by the frontage roadway that terminates about ¼ mile east of the subject property.

*A variation to reduce the required number of parking spaces for a sit down restaurant & conditional use for off-site Parking Spaces*

The existing restaurant has 123 parking spaces, which meets the requirements for the existing 7,320 square foot sit-down restaurant itself. However, to accommodate the 1,500 square foot addition, which must meet the parking provisions for sit-down restaurants as well; twenty-five (25) additional spaces are required. The petitioner will be entering into a lease with the adjacent property to the west, located at 477 E Butterfield Road, to be used to meet their parking needs for the addition. As the 477 E Butterfield Road property is improved with an existing office building, the shared parking agreement only allows the use of 26 parking spaces on Friday and Saturday evenings from 6PM to 2AM when the office building is not in use. Because the agreement is for the use on Friday and Saturday evenings only, the petitioner is required to get a variation from the parking requirements. The petitioner has submitted a parking analysis conducted in July, August & September of 2010 and in January of 2011 (attached) showing their total number of available parking spaces during their lunch and evening rush. Based on the information provided, the petitioner indicates that Friday and Saturday evenings, from 6PM to close, are the only times where less than 25 parking spaces are provided.

Staff is supportive of the conditional use and variation. As shown in their parking analysis, parking demand is highest on Friday and Saturday evenings. The proposed agreement with 477 E Butterfield Road provides the necessary parking to accommodate their demand. Furthermore, staff finds that the shared parking will not impact the uses at 477 E Butterfield Road since they are office in nature and most businesses will be closed by 6PM. Lastly, if the petitioner were to terminate the agreement with the property owners at 477 E Butterfield Road, there are other locations the petitioner may consider for shared parking. As a condition of approval, staff will be recommending that the petitioner always maintain an agreement for the use of 25 parking spaces for Friday and Saturday evenings.

**Compatibility with the Sign Ordinance**

Ordinance 5917, subsequently amended by Ordinance 6162 provided for an increase in sign size for a wall and increased the total number of permitted walls signs to three (3). The proposed addition will not impact signage. The existing sign on the north elevation will remain unchanged upon completion of the addition.

**Compatibility with Surrounding Land Uses**

The properties to the east and west of the subject property are also zoned in the Office District. As noted in the 2006 petition, the proposed use is compatible with the adjacent land uses.

**Compliance with the Comprehensive Plan**

The Long-Range Plan Map of the Comprehensive Plan recommends that the property be designated for office uses. The proposed use, while not specifically office in nature, complements and is compatible with the surrounding office and restaurant uses.



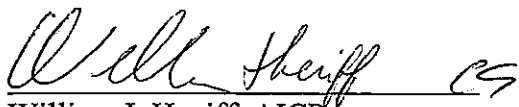
## **FINDINGS AND RECOMMENDATIONS**

The Department of Community Development finds that the information presented **meets** the Standards for Conditional Uses and Standards for Variations as set forth in the Zoning Ordinance. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the proposal **complies** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of PC 11-01, subject to the following conditions::

1. The petitioner shall develop the site in substantial conformance with the site plan, floor plan and elevation plan, prepared by RPC General Contractors, dated August 26, 2010, last revised December 21, 2010, except where modified by the conditions of approval.
2. All other conditions approved by Ordinance 5917 and 6162 shall remain in full force and effect.
3. Prior to the issuance of a building permit, the petitioner shall enter into a shared parking agreement with the property owner of 477 E Butterfield Road, for the use of a minimum of 25 parking spaces in a manner acceptable to the Village Board. In the event that the shared parking agreement is terminated, the petitioner shall secure the rights to minimum of 25 parking spaces on the property located at 477 E Butterfield Road or the abutting Nicor property. If neither location is available, an amendment to the conditional use and any corresponding variations shall be required.
4. The petitioner shall satisfactorily address all IDRC comments.

Inter-Departmental Review Report Approved By:

A handwritten signature in black ink, appearing to read "William J. Heniff", followed by a stylized flourish or initials.

William J. Heniff, AICP  
Director of Community Development



# Parking Spots Tracking - Open Spots in Summer, 2010

## Lunch

### Sales and/or special events

	11:30	12:00	12:30	1:00	1:30	2:00
Monday 8/30	114	98	87	92	110	116
Tuesday 8/31	112	91	62	70	104	109
Wednesday 9/1	114	93	68	76	99	105
Thursday 9/2	115	95	81	65	67	88
Friday 9/3	94	78	69	91	97	106

Party of 24 at 1pm

## Dinner

### Sales and/or special events

	6:00	7:00	8:00	9:00	10:00	11:00
Friday 7/30	19	17	25	11	12	31
Friday 8/6	46	15	10	17	27	41
Friday 8/13	34	12	6	12	18	45
Saturday 7/31	46	24	32	35	42	53
Saturday 8/14	71	52	28	22	36	50
Saturday 8/28	41	21	6	3	0	0

Carlisle had a big function

Bears Preseason

UFC and Bears Preseason

# ***Parking Spots Tracking - Open Spots in January 2011***

## ***Lunch***

### ***Sales and/or special events***

	11:30	12:00	12:30	1:00	1:30	2:00
Monday 1/10	121	120	113	102	105	115
Tuesday 1/11	123	114	117	123	123	123
Wednesday 1/12	116	112	110	89	95	118
Thursday 1/13	110	97	89	79	111	113
Friday 1/14	82	74	79	64	89	101

## ***Dinner***

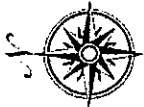
### ***Sales and/or special events***

	5:00	6:00	7:00	8:00	9:00	10:00
Monday 1/10	101	93	47	43	38	29
Tuesday 1/11	118	112	102	103	113	113
Wednesday 1/12	93	66	50	74	82	97
Thursday 1/13	80	18	15	23	69	81
Friday 1/14	36	18	0	4	10	6
Saturday 1/15	28	2	6	0	14	26
Sunday 1/16	92	98	99	95	100	111

National Champ College Game

Carlisle had a function

# 455 & 477 E Butterfield Road





Additional Response to Standards for Conditional Use dated 1/24/11

In addition to the response to standards for at conditional uses that were submitted as part of the petition, staff offers the following additional findings to be considered for PC 11-01.

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

The proposed use as a restaurant and off site parking lot will not have an impact or endanger the public health, safety, morals, comfort, or general welfare. The restaurant is an already existing establishment and the use is consistent with other uses along the corridor. Furthermore, the concept of off site shared parking is consistent with what other businesses (Carlisle) have in place. Any potential negative impacts of the activity (i.e., trash, noise, etc.) will be continually overseen and managed.

2. *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 to be located.*

The properties to the east and west of the subject property are also zoned in the Office District. The proposed use and off site parking is consistent with how other businesses operate in the area. Since the off site parking will be in the evening weekend hours when the office uses are not being used, there will be no impact on adjacent properties.

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

The proposed use and off site parking will not impact overall redevelopment activity along the Butterfield Road corridor. Staff finds that the expanded restaurant use could be considered an asset to the corridor.

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

The use does have adequate public utilities. The restaurant already exists and the proposed improvements will meet current codes.

5. *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;*

Staff finds that the proposed use and off site parking has suitable access. The proposed improvements are a small expansion from what already exists.

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

The Long-Range Plan Map of the Comprehensive Plan recommends that the property be designated for office uses. The proposed use, while not specifically office in nature, complements and is compatible with the surrounding office and restaurant uses. Staff finds that the use is consistent with the retail objectives in the Comprehensive Plan.

7. *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.*

Staff finds that the use will be consistent with Village Codes.





## General Contractors, Inc.

248 Levy Road  
P.O. Box 330775  
Atlantic Beach, FL 32233  
(904) 241-4416 / Fax (904) 241-4427

**City of Lombard Building Department**  
**RE: Miller's Ale House**  
**Project #015037**

**December 20, 2010**

Mr. Christopher Stilling,

Please accept the following responses to the Standards for Variations for Front building set back and reduction of parking ratio.

**SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:**

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

**Response:** The existing site does not offer enough parking to accommodate the restaurant. We request the additional parking spaces, rented from the property next door, be considered part of the Ale House parking ratio. Please see the parking agreement attached. Furthermore because of the shape of the property (front property line runs at an angle) a small portion of the building set back line will cut into the proposed patio addition.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

**Response:** The condition is unique to this location. In an effort to spur economic development in the neighborhood which lends to an increase in traffic and helps all businesses within the area, Ale House needs to expand and offer an additional feature to the public. The enclosed patio addition offers the patrons a unique experience not found in other restaurant chains. Because the patio is a unique feature it establishes Ale House as a destination location which brings more people to the neighborhood which in turn spurs economic growth and increase revenue for neighboring businesses. In order to accomplish this goal, Ale House must expand the building over the front setback line approximately 13'. We also have to rent additional parking spaces from the office

building property next door and ask for a reduction in the required number of parking stalls located on the existing property.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

**Response:** The desire of the variation is based on the increased benefit to the surrounding businesses and community and not primarily for a desire to increase financial gain. It is to better equip the Ale House restaurant to better handle the increase demands for their product and to serve the community better by offering additional and unique dining experience.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

**Response:** The hardship of the expansion is caused by the building setback and the parking ratio as set in the ordinance. It is not cause by any person.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

**Response:** The granting of the variation will be an asset to the public and property. The public will benefit from the economic develop that will be a direct result of making the Ale House a destination location.

6. The granting of the variation will not alter the essential character of the neighborhood; and,

**Response:** The addition will be of the same design as the existing restaurant and will not alter the character of the existing building or neighborhood.

7. The proposed variation will not impair and adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problem on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

**Response:** The proposed addition will not cause any harm or impair light or air to the adjacent properties. It will not increase the danger of fire, impair drainage or endanger public safety. It will increase the value of the property and the surrounding properties.

Thank you for your consideration of the variation for the Miller's Ale House patio addition. If you have any questions, please feel free to contact me.

Sincerely,



Shane B. Feenster, assoc. AIA  
Project Design Manager



## General Contractors, Inc.

248 Levy Road  
P.O. Box 330775  
Atlantic Beach, FL 32233  
(904) 241-4416 / Fax (904) 241-4427

**City of Lombard Building Department**

**RE: Miller's Ale House**

**Project #015037**

**December 20, 2010**

Mr. Christopher Stilling,

Please accept the following responses to the standards for conditional uses.

### SECTION 155.103(F) (8) OF THE LOMBARD ZONING ORDINANCE:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;

**Response:** The patio addition will in no way be detrimental to any of the above listed. It will be of benefit and promote comfort and general welfare and will adhere to all public safety and health regulations.

2. 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, not substantially diminish and impair property values within the neighborhood in which it is to be located;

**Response:** The property is currently permitted as a restaurant use. The patio addition adds to the existing use of the property.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

**Response:** The patio addition will not impede on the development and/or improvement of the surrounding property. We believe the project will be benefit to the surrounding business.

4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will provided;

**Response:** All public utilities, site drainage (storm drainage) and road access are existing and are adequate for the patio addition. Engineering plans will be provided for permitting review once conditional use permit is approved.

5. 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;

**Response:** Existing parking and approaches are to remain. We have permission from the office building next to this site to rent 26 additional parking spaces as required by the city.

6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and,

**Response:** We believe the patio addition is not contrary to the current comprehensive plan. We are remodeling the existing approved use.

7. 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.

**Response:** The remodel/addition will conform to the regulations of the district.

Thank you for your consideration of the conditional Use Permit for the Miller's Ale House patio addition. If you have any questions, please feel free to contact me at:

248 Levy Rd.  
Atlantic Beach, Florida 32233  
Ph (904)241-4416  
Fx (904)241-4427  
shane@rpcgc.com

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Feemster', with a long horizontal flourish extending to the right.

Shane B. Feemster, assoc. AIA  
Project Design Manager

# BUTTERFIELD PROPERTIES

December 7, 2010

Mr. Chris Stilling  
Village of Lombard

Mr. Anthony Royet  
Millers Ale House

RE: Cross Parking at 477 E. Butterfield Road

Gentlemen:

Please accept this letter as written notification that a verbal agreement has been reached with Millers Ale House, Inc. d/b/a Miller's Lombard Ale House to provide additional parking for their patio expansion. The verbal agreement between the parties has been outlined as follows:

- Millers shall pay the sum of \$500 per month for the right to use 26 parking spaces located on the South side of 477 E. Butterfield Road. The agreement will further specify that this agreement is applicable for only Friday and Saturday evening parking. Evening parking shall be defined as 6pm till 2am.
- Miller's shall indemnify Management and Ownership against any and all claims made by customers and/or employees of Miller's and will provide such by issuing a certificate of insurance naming Butterfield Properties and S & L Properties Management LLC as additional insured.
- Miller's will provide an aerial plan outlining the agreed parking spaces as part of the agreement.
- Miller's will not be responsible for the upkeep of the 477 E. Butterfield parking lot area as leased unless damage and/or vandalism takes place by their customers and/or employees. This includes but not limited to the landscaped area as well as the surrounding property of 477 E. Butterfield Road.

477 E. Butterfield Road, Suite 500 - Lombard, IL 60148

Phone: 630-691-9999 Fax: 630-629-7117

[www.butterfieldproperties.com](http://www.butterfieldproperties.com)

Millers Ale House

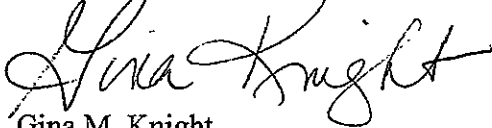
Page Two

- An agreement will be executed between the Village of Lombard and S & L Properties stating that should the 477 E. Butterfield Road require the outlined 26 parking spaces for any code compliance reason for any existing or future Tenant, the said contract between Miller's and S & L Properties shall be terminated to accommodate such future code compliance. And the Village agrees at this time these 26 parking spaces are not required to meet any current code compliance based on the properties current occupancy.

If you need any additional information, please feel free to contact me directly at 630/691-9999.

Respectfully,

BUTTERFIELD PROPERTIES

A handwritten signature in black ink, appearing to read "Gina Knight", written over the printed name.

Gina M. Knight

Vice President

Property Management

**DRAFT  
FOR DISCUSSION ONLY**

**CROSS PARKING AGREEMENT**

This Cross Parking Agreement ("Agreement") dated this \_\_\_\_ day of \_\_\_\_\_, 2011 between S&L Property Management LLC ("Owner") with an address of 477 E. Butterfield Road, Lombard, IL 60148 and Miller's Ale House, Inc. ("MAHI") with an address of 612 North Orange Avenue, Suite C, Jupiter, Florida 33458.

**WITNESSETH**

In consideration of the mutual covenants hereinafter and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Owner hereby grants MAHI a non-exclusive Agreement to park twenty six (26) vehicles in the southern portion of the rear parking area as specifically delineated on the site plan attached hereto and made a part hereof as Exhibit "A" ("Premises"). The use of the Premises is limited to Friday and Saturday evenings from 6:00 pm until 2:00 am the following morning ("Use Period"). Owner, being unable to guarantee exclusive use of these parking spots to the MAHI, hereby acknowledges that occasionally these spots may be used by tenants during the Use Period and in such case, MAHI customers may avail themselves to other available spaces in Owner's parking lot.
2. Owner agrees to execute an agreement with the Village of Lombard whereby: 1) if the parking requirements of 477 E. Butterfield Road require the aforementioned parking spaces to meet code for existing or future tenants, this agreement shall be terminated, and 2) acknowledgement by the Village of Lombard, that existing parking, less the 26 spaces, at 477 E Butterfield Road is sufficient to meet parking code for the current property occupancy.
3. For MAHI's use of the Premises, MAHI agrees to pay Owner a monthly sum in the amount of Five Hundred (\$500.00) Dollars which amount is due and payable in advance on the first day of each and every month. In addition, MAHI will pay \$500.00 as a security deposit to be held by Owner in a non-interest bearing account. Repayment of the deposit, or balance outstanding, to be made within 30 days of the termination of this agreement.
4. The term of this Agreement hereby created will continue on a month-to-month basis and may be terminated by either party upon not less than thirty (30) days' written notice to the other party.
5. MAHI will not be responsible for the maintenance and repair (including snow and ice removal) of Owner's parking lot and surrounding landscape. Owner agrees to maintain the Premises in good repair during the term of this Agreement. If parking lot and surrounding landscape is damaged due to vandalism or some other intentional act of MAHI's customers or employees, MAHI will restore such areas / landscape to the condition which existed just prior to the damage.
6. MAHI, for itself and its employees, agents, invitees, successors and assigns hereby agree to indemnify, defend and hold harmless Owner and Butterfield Properties LLC ("Indemnified Parties"), for any damage, theft, and injury which may occur while vehicles are parked at the Premises except if such damage, theft or injury shall result from the negligent acts of Owner.

**DRAFT  
FOR DISCUSSION ONLY**

MAHI will provide annually a certificate of insurance listing the Indemnified Parties as additional insureds under MAHI's policy.

7. This Agreement, including all exhibits, supersedes any and all prior written or oral agreements and there are no covenants, conditions or agreements between the parties except as set forth herein.

**IN WITNESS WHEREOF**, the parties hereto intending to be legally bound hereby do execute this Agreement as of the date first above written.

**MAHI: Miller's Ale House, Inc.**

**OWNER: Butterfield Properties**

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**Name: Mark A. Peterson**

**Title: Chief Financial Officer**

---

**Gina M Knight**

**Vice President**

**Property Management**





Nicor Gas  
1844 Ferry Road  
Naperville, IL 60563-9600

Mailing Address:  
P.O. Box 190  
Aurora, IL 60507-0190

Phone 630 983-8678  
Internet [www.nicor.com](http://www.nicor.com)

January 17, 2011

Mr. Christopher Stilling  
Assistant Director of Community Development  
Village of Lombard  
255 East Wilson Avenue  
Lombard, IL 60148

Subject: PC Case 11-01 Miller's Ale House

Dear Mr. Stilling:

I appreciated our conversation last week relating to the subject case. As I mentioned to you, we wanted to make sure that the Village was aware of certain facts as they review the petitions of Miller's Ale House.


As I believe you are aware, Nicor Gas Company owns in fee a parcel of land located south of Petitioner's property, and north of the Tollway, which is the location of certain of our natural gas transmission facilities. You may also be aware that for a number of years, we had in place a lease agreement to the former owners of this property (Bally's) for a parking lot.

When the property changed hands, we had discussions with representative of the new owners, but no resolution took place. When Miller's built their new facility, and redid the parking lot, they took it upon themselves to include our property in that improvement. It is unclear if the work on our property was approved by the Village.

We have tried to get Miller's attention focused on discussion of a mutually acceptable arrangement for their use of our property, to no avail. While we will continue that effort, I just wanted to make it clear to the Village that the approximately 46 striped spots, located on Nicor Gas property immediately south of Miller's as shown on the attached aerial are not covered by any agreement between Nicor Gas and Miller's, and should not be counted toward any parking requirement the Village may have for them.

I ask that you share this information with the Plan Commission. I'll be glad to answer any questions that you may have. I can be reached at 630-388-299 or by e-mail at [dgadzal@nicor.com](mailto:dgadzal@nicor.com). Thank you for your attention.

Very truly yours,

  
Donald P. Gadzala  
Senior Real Estate Agent



APPROXIMATELY 46 STRIPED  
SPOTS ON NICOR PROPERTY

**Downer, Janet**

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**From:** Stilling, Christopher  
**Sent:** Thursday, February 03, 2011 10:15 AM  
**To:** Downer, Janet  
**Subject:** FW: PC 11-01 report  
**Attachments:** PC 11-01.pdf; Agenda.pdf

FYI

Christopher Stilling, AICP

Assistant Director of Community Development

Village of Lombard

255 E Wilson Avenue

Lombard, IL 60148

Tel: (630) 620-5717

Fax: (630) 629-2374

[stillingc@villageoflombard.org](mailto:stillingc@villageoflombard.org)

---

**From:** Anthony Rovet [mailto:[arovet@millersalehouse.com](mailto:arovet@millersalehouse.com)]  
**Sent:** Tuesday, January 25, 2011 2:15 PM  
**To:** Stilling, Christopher  
**Cc:** Ray Holden  
**Subject:** FW: PC 11-01 report

Hello Chris,

We would like to request a waiver of the first reading regarding the February 17<sup>th</sup> hearing for millers alehouse.

Thank you

2/3/2011

Anthony Rovet  
Regional Manager Miller's Alehouse  
Cell # 631-682-3641  
Fax # 561-354-2531  
Voicemail # 561-743-2299 ext 228

---

**From:** Anthony Rovet  
**Sent:** Monday, January 24, 2011 11:43 PM  
**To:** 'Stilling, Christopher'  
**Cc:** Ray Holden; 'Shane Feemster'  
**Subject:** FW: PC 11-01 report

2/3/2011

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

**AN ORDINANCE GRANTING CONDITIONAL USES FOR A SIT-DOWN RESTAURANT AND FOR OFF-SITE PARKING; AND FRONT YARD SETBACK AND PARKING VARIATIONS IN THE O OFFICE DISTRICT**

(PC 11-01; 455 & 477 E. Butterfield Road)

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 approval of an amendment to Ordinances 5917 and 6162 for a new conditional use, per Section 155.412 (C) (15), for a restaurant establishment; and a conditional use per Section 155.411 (C) (9), for off-site parking for property located within the O Office District; and

WHEREAS, said application also requests approval of variations from Section 155.412 (F) of the Lombard Zoning Ordinance to reduce the required front yard setback; and a variation from Section 155.602 (C), table 6.3 of the Lombard Zoning Ordinance, to reduce the required number of parking spaces for a sit down restaurant; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on January 24, 2011 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;

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 following conditional uses and variations 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. A variation from Section 155.602 (C), table 6.3 of the Lombard Zoning Ordinance, to reduce the required number of parking spaces for a sit down restaurant.
2. A variation from section 155.412 (F) of the Lombard Zoning Ordinance to reduce the required front yard setback.
3. A conditional use, per Section 155.412 (C) (9), for off-site parking.
4. An amendment to Ordinances 5917 and 6162 for a new conditional use, per Section 155.412 (C) (15), for a restaurant establishment.

SECTION 2: That the ordinance is limited and restricted to the properties generally located at 455 477 E. Butterfield Road, Lombard, Illinois, and legally described as follows:

**455 E Butterfield Road**

LOT 1 OF INSITE LOMBARD (BFIELD), L.L.C. SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED JULY 3, 2008 AS DOCUMENT R2008-105880, IN DUPAGE COUNTY, ILLINOIS.

**477 E Butterfield Road**

THAT PART OF LOT "D" (EXCEPT ANY PART OF SAID LOT LYING NORTH OF THE SOUTH LINE OF BUTTERFIELD ROAD AS DEDICATED BY DOCUMENT 381698) IN YORK TOWNSHIP SUPERVISORS ASSESSMENT PLAT NO. 3, ALSO KNOWN AS YORKSHIRE PRIVATE FARMS, A SUBDIVISION OF ALL OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 32 AND PART OF THE SOUTHEAST ¼ OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 23, 1943 AS DOCUMENT 452577, AND INSTRUMENT OF CORRECTION RECORDED DECEMBER 23, 1943 AS DOCUMENT 457186, DESCRIBED AS LYING NORTH OF THE NORTH LINE OF PROPERTY CONVEYED TO NORTHERN ILLINOIS GAS

Ordinance No. \_\_\_\_\_

Re: PC 11-01

Page 3

COMPANY BY WARRANTY DEED RECORDED FEBRUARY 18, 1960 AS DOCUMENT 956158, EXCEPT THAT PART OF SAID PREMISES DESCRIBED AS FOLLOWS:

BEGINNING AT THE TRUE POINT OF INTERSECTION OF THE WEST LINE OF SAID LOT "D" AND THE EXISTING SOUTH RIGHT OF WAY LINE OF BUTTERFIELD ROAD (FEDERAL AID ROUTE 131); RUNNING THENCE NORTHEASTERLY ALONG THE EXISTING SOUTH RIGHT OF WAY LINE OF BUTTERFIELD ROAD AND ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 9391.29 FEET AND CHORD BEARING NORTH 61 DEGREES 40 MINUTES EAST FOR A DISTANCE OF 267.02 FEET TO THE POINT OF TANGENT; THENCE CONTINUING ALONG THE EXISTING SOUTH RIGHT OF WAY LINE OF BUTTERFIELD ROAD NORTH 60 DEGREES 51 MINUTES EAST FOR A DISTANCE OF 9.33 FEET TO A POINT ON THE EXISTING WEST RIGHT OF WAY LINE OF FAIRFIELD AVENUE; THENCE SOUTH 13 DEGREES 42 MINUTES EAST, FOR A DISTANCE OF 178.14 FEET ALONG THE EXISTING WEST RIGHT OF WAY LINE OF FAIRFIELD AVENUE TO A POINT; THENCE NORTH 78 DEGREES 9 MINUTES WEST, 120.28 FEET TO A POINT; THENCE SOUTH 84 DEGREES 30 MINUTES WEST, 166.78 FEET TO A POINT ON THE WEST LINE OF SAID LOT "D"; THENCE NORTH 2 DEGREES 30 MINUTES WEST, 33.15 FEET ALONG THE WEST LINE OF SAID LOT "D" TO THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

Parcel Numbers: 06-29-401-011 & 06-29-401-007; (the "Subject Property").

SECTION 3: The conditional use, as provided for in Section 1 of this Ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in substantial conformance with the site plan, floor plan and elevation plan, prepared by RPC General Contractors, dated August 26, 2010, last revised December 21, 2010, except where modified by the conditions of approval.
2. All other conditions approved by Ordinance 5917 and 6162 shall remain in full force and effect.

Ordinance No. \_\_\_\_\_

Re: PC 11-01

Page 4

3. Prior to the issuance of a building permit, the petitioner shall enter into a shared parking agreement with the property owner of 477 E Butterfield Road, for the use of a minimum of 25 parking spaces upon terms acceptable to the Village Board. In the event that the shared parking agreement is terminated, the petitioner shall secure the rights to minimum of 25 parking spaces on the property located at 477 E Butterfield Road or the abutting Nicor property. If neither location is available, an amendment to the conditional use and any corresponding variations shall be required.
4. The petitioner shall satisfactorily address all IDRC comments.

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 \_\_\_\_\_, 2011.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2011, pursuant to a roll call vote as follows:

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

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

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

ATTEST:

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



Ordinance No. \_\_\_\_\_

Re: PC 11-01

Page 5

Published by me in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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