


## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development 

**DATE:** March 17, 2016

**RE:** **PC 15-21: 611 E. Butterfield Road: Sam's Club Zoning Actions – Second Reading**

On October 1, 2015, the Village Board approved a first reading of zoning actions associated with the Sam's Club proposed development. Final consideration of the zoning actions was slated for consideration at the October 15, 2015 meeting; however the petitioner requested a continuance of the matter in order to address final engineering review matters between NiCor and Sam's Club. This petition was also continued at their request at the November 5, 2015; November 19, 2015; and January 21, 2016 meetings well. As this matter is scheduled to be considered by the Village Board at its March 17, 2016 meeting, the petitioner's attorney has represented that they are ready to receive the final approval.

Attached are three Ordinances on final reading. As the trustees may recall, there were a few minor modifications to the final Ordinances that were to be addressed as part of the final consideration, which are:

1. **MAP AMENDMENT ORDINANCE:** The office buildings at 2801-2821 S. Fairfield Avenue were originally zoned O Office, not OPD Office Planned Development and the amended ordinance clarifies this item.

2. **PLANNED DEVELOPMENT ORDINANCE:** Further clarity was offered to recognize that the zoning actions included as part of the Sam's Club petition, except for the conditional use for off-site parking, did not apply to the NiCor tract. The ordinance also incorporates by reference a change into the first condition of approval. This change incorporates a minor modification to their parking lot configuration requested for the NiCor tract and the abutting area as part of their engineering review and approval. This change can be deemed to be a minor change to a planned development as set forth within Section 155.504(A) of the Village Code, but is being referenced in the final ordinance of approval for reference purposes.

3. **OFF-SITE PARKING ORDINANCE FOR NICOR TRACT:** The amended ordinance corrects a discrepancy in the legal description for the NiCor tract.

**ACTION REQUESTED**

The three Ordinances pertaining to the zoning matters are recommended for approval for the March 17, 2016 Village Board meeting.

**ORDINANCE \_\_\_\_\_**

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

**(PC 15-21: 611 E. Butterfield Road – Sam’s Club)**

(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 O Office District and OPD Office Planned Development to B3 Community Shopping District; and,

WHEREAS, a public hearing thereon has been conducted by the Village of Lombard Plan Commission on August 17, 2015, 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 hereof to B3 Community Shopping District.

SECTION 2: This ordinance is limited and restricted to the property generally located at 611 E. Butterfield Road, Lombard, Illinois, and legally described as follows:

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PARCEL 1:

LOT 1 IN YORKTOWN CENTER ASSESSMENT PLAT OF TRACT 5 OF THE PLAT OF SURVEY OF THE BOEGER FARM OF PART OF SECTIONS 28 AND 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID ASSESSMENT PLAT RECORDED DECEMBER 10, 1979 AS DOCUMENT R79-110076, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

LOTS 1 AND 2 IN 641 BUTTERFIELD ROAD ASSESSMENT PLAT OF LOT 2 IN YORKTOWN CENTER ASSESSMENT PLAT OF TRACT 5 OF THE PLAT OF SURVEY OF THE BOEGER FARM OF PART OF SECTIONS 28 AND 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID ASSESSMENT PLAT RECORDED FEBRUARY 27, 2007 AS DOCUMENT R2007-035602, IN DUPAGE COUNTY, ILLINOIS.

Parcel Nos.: 06-29-402-014  
06-29-402-030  
06-29-402-031

Address: 601-621 E. Butterfield Road

AND PARCEL 3:

LOT 3 (EXCEPT THAT PART OF LOT 3 LYING WESTERLY OF A STRAIGHT LINE THAT INTERSECTS THE WEST LINE OF SAID LOT 3, 102.59 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 3, AND INTERSECTS THE NORTH LINE OF SAID LOT 3, 22.20 FEET (22.25 FEET RECORD) EAST OF THE NORTHWEST CORNER OF SAID LOT 3) AND THAT PART OF LOTS 1 AND 2 (TAKEN AS A TRACT) DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 14 DEGREES 01 MINUTE WEST ALONG THE EAST LINE OF SAID LOT 2, 38.50 FEET; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 77 DEGREES 50 MINUTES 12 SECONDS WEST AND HAVING A RADIUS OF 840.00 FEET FOR A DISTANCE OF 359.60 FEET ARC MEASURE, TO A POINT ON A LINE CONVEYED FOR A HIGHWAY FROM LOT 1, (SAID LINE CONVEYED FOR A HIGHWAY HAVING A BEARING OF SOUTH 57 DEGREES 59 MINUTES WEST, A DISTANCE OF 100.14 FEET), SAID POINT ON SAID HIGHWAY LINE BEING 17.50 FEET FROM THE WESTERLY END OF SAID HIGHWAY LINE AS MEASURED ALONG SAID LINE; THENCE SOUTH 57

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DEGREES 59 MINUTES WEST ALONG SAID HIGHWAY LINE 17.50 FEET; THENCE SOUTH 1 DEGREE 28 MINUTES EAST ALONG A LINE TAKEN FOR HIGHWAY 44.95 FEET (44.74 FEET RECORD), TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF SAID LOT 1 AND THE SOUTH LINE OF SAID LOT 2, 382.48 FEET TO THE PLACE OF BEGINNING, IN NAEGELE'S RESUBDIVISION, BEING A RESUBDIVISION OF PARTS OF LOT 2 AND 3 IN NAEGELE'S ASSESSMENT PLAT IN SECTIONS 29 AND 32, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1959 AS DOCUMENT 940835 IN DU PAGE COUNTY, ILLINOIS.

Parcel No.: 06-29-402-017

Address: 2801-2821 S. Fairfield Avenue

AND

PART OF LOT 3 LYING WESTERLY OF A STRAIGHT LINE THAT INTERSECTS THE WEST LINE OF SAID LOT 3, 102.59 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 3 AND INTERSECTS THE NORTH LINE OF SAID LOT 3, 22.20 FEET (22.25 FEET RECORD) EAST OF THE NORTHWEST CORNER OF SAID LOT 3, IN NAEGELE'S RESUBDIVISION, BEING A RESUBDIVISION OF PARTS OF LOTS 2 AND 3 IN NAEGELE'S ASSESSMENT PLAT IN SECTIONS 29 AND 32, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1959 AS DOCUMENT 940835 IN DUPAGE COUNTY, ILLINOIS.

Parcel No.: 06-29-402-007

Address: Vacant land on Fairfield Road, Lombard, Illinois 60148

SECTION 3: That the official zoning map of the Village of Lombard shall 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 1st day of October, 2015.

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Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016,  
pursuant to a roll call vote as follows:

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

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

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

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

**AN ORDINANCE GRANTING CONDITIONAL USE APPROVAL FOR A  
PLANNED DEVELOPMENT WITH COMPANION CONDITIONAL USES,  
DEVIATIONS, AND VARIATIONS FROM THE LOMBARD SIGN AND  
ZONING ORDINANCES**

**(PC 15-21: 611 E. Butterfield Road, Sam's Club)**

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

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

WHEREAS, the Subject Property as defined below and pursuant to companion Ordinance No. \_\_\_\_\_, which approved a map amendment to the Subject Property, is zoned B3 Community Shopping District; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for a planned development with companion conditional uses, deviations, and variations from the Lombard Sign Ordinance (Title 15, Chapter 153 of the Village Code) and Zoning Ordinance (Title 15, Chapter 155 of the Village Code) as set forth in Section 1 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 17, 2015 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 use for a planned development with companion conditional uses, deviations, 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 a conditional use for a planned development with the following companion conditional uses, deviations, and variations from the Lombard Sign and Zoning Ordinances 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. Approve a Major Plat of Subdivision (Pursuant to Section 154.203 (C) of the Lombard Subdivision and Development Ordinance, the consolidation of lots of any size into a single lot-of-record, which does not involve any new streets, extensions of existing streets, or easements of access, and complies with all other applicable provisions can be approved administratively. Therefore, the request to approve a Major Plat of Subdivision was withdrawn by the petitioner concurrent with the public hearing and the petitioner will submit a Plat of Consolidation for administrative approval);
2. Approval of a conditional use for a planned development for the subject property; with the following companion conditional uses, deviations, and variations:
  - a. A conditional use pursuant to Section 155.208 (C) of the Lombard Zoning Ordinance to increase the maximum number of principal structures on a lot-of-record from one (1) to two (2) to allow for a gasoline sales facility;
  - b. A conditional use pursuant to Section 155.415 (C)(9) of the Lombard Zoning Ordinance for gasoline sales;
  - c. A conditional use pursuant to Section 155.415 (C)(17) of the Lombard Zoning Ordinance for motor vehicle service;
  - d. A conditional use pursuant to Section 155.415 (C)(18) of the Lombard Zoning Ordinance for off-site parking;
  - e. A conditional use pursuant to Section 155.415 (C)(19) of the Lombard Zoning Ordinance for outside display and sales of products the sale of which is a permitted or conditional use in this district;
  - f. A variation from Section 155.205 (A)(c)(i) of the Lombard Zoning Ordinance to increase the maximum fence height in a business district from eight feet (8') to ten feet (10') for a loading dock screening wall;



- g. A variation from Section 155.210 (D)(1) of the Lombard Zoning Ordinance to allow for garbage dumpsters and recycling bins to be located within a corner side yard;
- h. A variation from Section 155.508 (C)(6)(a) and a deviation from Section 155.415 (F)(2) of the Lombard Zoning Ordinance to reduce the minimum corner side yard setback from thirty feet (30') to twenty-five feet (25');
- i. A variation from Section 155.706 (B)(1) of the Lombard Zoning Ordinance to reduce the minimum required landscaping of the interior of a parking lot from five percent (5%) to four percent (4%);
- j. A variation from Section 155.706 (B)(2)(c)(ii) of the Lombard Zoning Ordinance to reduce the required number of shade trees within the parking lot from 125 shade trees to fifty-five (55) shade trees;
- k. A variation from Section 155.706 (C)(1) of the Lombard Zoning Ordinance to reduce the minimum required perimeter parking lot landscape area width from five feet (5') to zero feet (0');
- l. A variation from Section 155.708 (A) of the Lombard Zoning Ordinance to reduce the minimum required building foundation landscape area width from ten feet (10') to zero feet (0');
- m. A variation from Section 155.710 of the Lombard Zoning Ordinance to increase the maximum height of refuse disposal and recycling bin fence screening from eight feet (8') to ten feet (10') and to allow for masonry screening where solid wood or an equivalent material is required;
- n. A deviation from Section 155.415 (G) of the Lombard Zoning Ordinance to increase the maximum building height from thirty feet (30') to thirty-five feet and four inches (35'4");
- o. A deviation from Section 155.508 (C)(7) of the Lombard Zoning Ordinance to reduce the minimum required open space in a planned development with deviations from twelve and one-half percent (12.5%) to eight percent (8%);
- p. A deviation from Section 155.602 (A)(5) of the Lombard Zoning Ordinance to reduce the required length of a parallel parking space from

twenty-four feet (24') to twenty feet (20') (Request withdrawn by the petitioner concurrent with the public hearing and is therefore not granted);

- q. A deviation from Section 155.602 (A)(10)(d)(ii) of the Lombard Zoning Ordinance to decrease the minimum parking lot lighting average intensity from 2.0 foot-candles to 1.0 foot-candles;
- r. A deviation from Section 155.602 (A)(10)(d)(iv) of the Lombard Zoning Ordinance to increase the maximum height for light poles used for a parking lot from forty feet (40') to forty-two feet (42');
- s. A deviation from Section 155.602 (C)(Table 6.3) of the Lombard Zoning Ordinance to reduce the minimum required parking spaces for freestanding stores and neighborhood and community centers (up to 200,000 square feet) from four (4) parking spaces per 1,000 square feet of gross floor area to 3.93 parking spaces per 1,000 square feet of gross floor area;
- t. A deviation from Section 155.603 (A)(1) of the Lombard Zoning Ordinance to not fully screen loading berths from adjacent property in an O Office District;
- u. A deviation from Section 153.208 (H) of the Lombard Sign Ordinance to allow for a freestanding sign within a clear line of sight area (Request withdrawn by the petitioner concurrent with the public hearing and is therefore not granted);
- v. A deviation from Section 153.505 (B)(6)(c)(ii) of the Lombard Sign Ordinance to reduce the setback from the property line for the leading edge of a freestanding sign from five feet (5') to one foot (1') (Request withdrawn by the petitioner concurrent with the public hearing and is therefore not granted); and
- w. A deviation from Section 153.505 (B)(19)(a)(i)(a) of the Lombard Sign Ordinance to allow for a sixty-four (64) square foot wall sign on a façade without a street front exposure (south façade).

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SECTION 2: That this ordinance is limited and restricted to the subject property generally located at 611 E. Butterfield Road, Lombard, Illinois, and legally described as follows:

PARCEL 1:

LOT 1 IN YORKTOWN CENTER ASSESSMENT PLAT OF TRACT 5 OF THE PLAT OF SURVEY OF THE BOEGER FARM OF PART OF SECTIONS 28 AND 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID ASSESSMENT PLAT RECORDED DECEMBER 10, 1979 AS DOCUMENT R79-110076, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

LOTS 1 AND 2 IN 641 BUTTERFIELD ROAD ASSESSMENT PLAT OF LOT 2 IN YORKTOWN CENTER ASSESSMENT PLAT OF TRACT 5 OF THE PLAT OF SURVEY OF THE BOEGER FARM OF PART OF SECTIONS 28 AND 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID ASSESSMENT PLAT RECORDED FEBRUARY 27, 2007 AS DOCUMENT R2007-035602, IN DUPAGE COUNTY, ILLINOIS.

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Address: 601-621 E. Butterfield Road

AND PARCEL 3:

LOT 3 (EXCEPT THAT PART OF LOT 3 LYING WESTERLY OF A STRAIGHT LINE THAT INTERSECTS THE WEST LINE OF SAID LOT 3, 102.59 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 3, AND INTERSECTS THE NORTH LINE OF SAID LOT 3, 22.20 FEET (22.25 FEET RECORD) EAST OF THE NORTHWEST CORNER OF SAID LOT 3) AND THAT PART OF LOTS 1 AND 2 (TAKEN AS A TRACT) DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 14 DEGREES 01 MINUTE WEST ALONG THE EAST LINE OF SAID LOT 2, 38.50 FEET; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 77 DEGREES 50 MINUTES 12 SECONDS WEST AND HAVING A RADIUS OF 840.00 FEET FOR A DISTANCE OF 359.60 FEET ARC MEASURE, TO A POINT ON A LINE CONVEYED FOR A HIGHWAY FROM LOT 1,

(SAID LINE CONVEYED FOR A HIGHWAY HAVING A BEARING OF SOUTH 57 DEGREES 59 MINUTES WEST, A DISTANCE OF 100.14 FEET), SAID POINT ON SAID HIGHWAY LINE BEING 17.50 FEET FROM THE WESTERLY END OF SAID HIGHWAY LINE AS MEASURED ALONG SAID LINE; THENCE SOUTH 57 DEGREES 59 MINUTES WEST ALONG SAID HIGHWAY LINE 17.50 FEET; THENCE SOUTH 1 DEGREE 28 MINUTES EAST ALONG A LINE TAKEN FOR HIGHWAY 44.95 FEET (44.74 FEET RECORD), TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF SAID LOT 1 AND THE SOUTH LINE OF SAID LOT 2, 382.48 FEET TO THE PLACE OF BEGINNING, IN NAEGELE'S RESUBDIVISION, BEING A RESUBDIVISION OF PARTS OF LOT 2 AND 3 IN NAEGELE'S ASSESSMENT PLAT IN SECTIONS 29 AND 32, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1959 AS DOCUMENT 940835 IN DU PAGE COUNTY, ILLINOIS.

Parcel No.: 06-29-402-017

Address: 2801-2821 S. Fairfield Avenue

AND

PART OF LOT 3 LYING WESTERLY OF A STRAIGHT LINE THAT INTERSECTS THE WEST LINE OF SAID LOT 3, 102.59 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 3 AND INTERSECTS THE NORTH LINE OF SAID LOT 3, 22.20 FEET (22.25 FEET RECORD) EAST OF THE NORTHWEST CORNER OF SAID LOT 3, IN NAEGELE'S RESUBDIVISION, BEING A RESUBDIVISION OF PARTS OF LOTS 2 AND 3 IN NAEGELE'S ASSESSMENT PLAT IN SECTIONS 29 AND 32, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1959 AS DOCUMENT 940835 IN DUPAGE COUNTY, ILLINOIS.

Parcel No.: 06-29-402-007

Address: Vacant land on Fairfield Road, Lombard, Illinois 60148

SECTION 3: This Ordinance is approved subject to compliance with the following conditions:

- A. The petitioner shall develop the site in accordance with the plans and the material board submitted as part of this petition, and referenced in the Inter-Departmental

Review Committee Report dated August 17, 2015, and which are incorporated herein by reference, (the "General Plans"), except as said General Plans may be changed to conform to Village Codes and/or Ordinances, and except as may be changed pursuant to Sections 155.504(B) or 155.712 of the Village Code. In this regard, the following changes have been approved pursuant to said Sections 155.504(B) and/or 155.712 of the Village Code, as of the date of this Ordinance:

- i. Revised site plan and parking lot improvements, as necessitated by NiCor and associated with the final parking lot plans; and
  - ii. Landscaping Plan for the adjacent NiCor property and the 611 E. Butterfield Road property, as necessitated by the redesign of the parking lot;
- B. Pursuant to the Zoning Ordinance, project construction shall commence within one (1) year from the date of approval of the ordinance, unless a time extension has been granted by the Village Board. This conditional use approval shall become null and void eighteen (18) months from the date of approval if the proposed site improvements are not completed or an extension has been granted;
- C. The petitioner shall be required to apply for and receive building permits for any improvements to the site;
- D. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report, including but not limited to providing the following:
  - i. Final Engineering Plan for review and approval for the proposed site improvements for the project;
  - ii. Revised plans depicting a public sidewalk along the entire north property line on Frontage Road, pursuant to Section 154.304 of the Subdivision and Development Ordinance;
  - iii. Revised Plat of Resubdivision based on the comments included within the IDRC Report;
  - iv. Evidence of deed or long-term lease for off-site parking;
  - v. Revised Site Plan depicting a twenty-four foot (24') long parallel parking space;

vi. Full Photometric Plan, to be in compliance with Village Code, which may incorporate existing light emanating from adjacent properties;

vii. Revised Landscape Plan depicting landscape along the eastern property line that screens the adjacent parking lot from the loading docks in compliance with Section 155.707 (B)(4)(c) and incorporating existing landscaping.

E. The petitioner will incorporate the recommendations of KLOA, Inc., subject to staff and Illinois Department of Transportation (IDOT) approval.

SECTION 4: That Ordinances 2273, 4390, and 6086, pertaining to a previous planned development for the subject property, are hereby repealed in their entirety for the subject properties legally described in Section 2 above.

SECTION 5: 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 1st day of October, 2015.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016, pursuant to a roll call vote as follows:

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

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

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

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Re: PC 15-21  
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\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

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

**AN ORDINANCE GRANTING A CONDITIONAL USE  
PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.415  
(C)(18) OF THE LOMBARD ZONING ORDINANCE**

**(PC 15-21: 611 E. Butterfield Road – Sam’s Club)**

(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, the Subject Property, as described in Section 2 below, is zoned OPD Office Planned Development District; and,

WHEREAS, an application has been filed requesting approval of a conditional use for a planned development with companion conditional uses, deviations, and variations from the Lombard Sign Ordinance (Title 15, Chapter 153 of the Village Code) and Zoning Ordinance (Title 15, Chapter 155 of the Village Code) and a request for a conditional use for off-site parking, pursuant to Title 15, Chapter 155, Section 415 (C)(18) was among the companion conditional uses; and,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on August 17, 2015 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 use 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 a conditional use is hereby granted for the Subject Property, as described in Section 2 below, pursuant to Title 15, Chapter 155, Section 415 (C)(18) of the Lombard Village Code to provide for off-site parking.

SECTION 2: That this Ordinance is limited and restricted to the Subject Property legally described as follows:

THE LEASEHOLD ESTATE CREATED BY THE INSTRUMENT HEREIN REFERRED TO AS THE LEASE, EXECUTED BY: NORTHERN ILLINOIS GAS COMPANY, LESSOR, AND BANK OF RAVENSWOOD, AS TRUSTEE UNDER TRUST AGREEMENT DATED JANUARY 1, 1979 AND KNOWN AS TRUST NUMBER 25-3933, AS LESSEE, DATED JANUARY 1, 1979, A MEMORANDUM OF WHICH LEASE WAS MADE BY AND BETWEEN NICOR GAS, LESSOR AND BANK OF RAVENSWOOD, AS TRUSTEE UNDER TRUST AGREEMENT DATED NOVEMBER 30, 1982 AND KNOWN AS TRUST NUMBER 25-5502, SUCCESSOR LESSEE AND WAS RECORDED SEPTEMBER 22, 2000 AS DOCUMENT R2000-148055, WHICH LEASE DEMISES THE FOLLOWING DESCRIBED LAND FOR A TERM OF YEARS BEGINNING JANUARY 1, 1979 AND ENDING DECEMBER 31, 2013, WITH THE OPTION TO EXTEND THE LEASE FOR 12 TERMS OF 5 YEARS EACH AND AS ASSIGNED PURSUANT TO ASSIGNMENT OF INDENTURE OF LEASE MADE BY AND BETWEEN LOMBARD-FAIRFIELD, LCC TO 611 BUTTERFIELD ROAD LLC RECORDED AUGUST 24, 2014, AS DOCUMENT R2014-072883:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 3 IN NAEGELE'S RESUBDIVISION, BEING A RESUBDIVISION OF PARTS OF LOTS 2 AND 3 IN NAEGELE'S ASSESSMENT PLAT IN SECTIONS 29 AND 32, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF RESUBDIVISION RECORDED SEPTEMBER 22, 1959 AS DOCUMENT 940835; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 3 EXTENDED SOUTHERLY 83.07 FEET TO THE NORTH RIGHT OF WAY LINE OF THE ILLINOIS STATE TOLL HIGHWAY; THENCE SOUTHWESTERLY ALONG SAID NORTH RIGHT OF WAY LINE OF THE ILLINOIS STATE TOLL HIGHWAY TO A POINT IN THE EAST LINE OF FAIRFIELD AVENUE AS NOW PLATTED AND RECORDED AND VACATED BY DOCUMENT R71-61911; THENCE NORTHWESTERLY

ALONG SAID EAST LINE OF FAIRFIELD AVENUE TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF SAID LOT 3 A DISTANCE OF 410.23 FEET TO THE POINT OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS

AND

LEASEHOLD ESTATE CREATED BY A CERTAIN INDENTURE OF LEASE MADE BY NORTHERN ILLINOIS GAS COMPANY, AN ILLINOIS CORPORATION TO J.R. GOTTLIEB AND ASSOCIATES, AN ILLINOIS CORPORATION, RECORDED AS DOCUMENT R79-51406 AND ASSIGNED TO THE FIRST NATIONAL BANK OF DES PLAINES AS TRUSTEE UNDER TRUST AGREEMENT DATED NOVEMBER 21, 1978 AND KNOWN AS TRUST NUMBER 90572442 BY ASSIGNMENT RECORDED AS DOCUMENT R79-51407 AND ASSIGNED TO K/B OPPORTUNITY FUND I, L. P., A DELAWARE LIMITED PARTNERSHIP BY ASSIGNMENT RECORDED JUNE 29, 1994 AS DOCUMENT R94-143186 AND ASSIGNED TO DUKE REALTY LIMITED PARTNERSHIP, AN INDIANA LIMITED PARTNERSHIP BY ASSIGNMENT AND ASSUMPTION OF GROUND LEASE RECORDED MAY 22, 1998 AS DOCUMENT R98-097831, AND FURTHER ASSIGNED TO 611 BUTTERFIELD ROAD LLC BY ASSIGNMENT AND ASSUMPTION OF GROUND LEASE RECORDED JUNE 22, 2000 AS DOCUMENT R2000-094961, DEMISING AND LEASING FOR A TERM OF YEARS BEGINNING JUNE 1, 1979 AND ENDING MAY 31, 2014 THE FOLLOWING DESCRIBED LAND TO WIT:

ALL THAT PART OF TRACT #5 OF PLAT OF SURVEY OF THE BOEGER FARM SOUTH OF BUTTERFIELD ROAD (RECORDED AS DOCUMENT 789439) IN THE EAST HALF OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS TO WIT: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 29; THENCE SOUTH 88 DEGREES 40 MINUTES WEST ALONG THE SOUTH LINE OF SAID SECTION 29 A DISTANCE OF 1014.30 FEET TO THE WEST LINE OF SAID TRACT #5, BEING ALSO THE EAST LINE OF YORKSHIRE PRIVATE FARMS, YORK TOWNSHIP SUPERVISOR'S ASSESSMENT PLAT #3; THENCE NORTH 12 DEGREES 05 MINUTES WEST ALONG THE WEST LINE OF SAID TRACT #5, A DISTANCE OF 1702.74 FEET; THENCE NORTH 12 DEGREES 50 MINUTES WEST ALONG THE WEST LINE OF SAID TRACT #5, A DISTANCE OF 232.27 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREBY CONVEYED; SAID POINT BEING IN THE

NORTHERLY LINE OF THAT CERTAIN TRACT OR PARCEL OF LAND CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION BY WARRANTY DEED DATED MARCH 1, 1957 RECORDED IN DUPAGE COUNTY, ILLINOIS ON MARCH 12, 1957 IN BOOK 871 ON PAGE 610 AS DOCUMENT 835250; THENCE NORTH 70 DEGREES 25 MINUTES 30 SECONDS EAST ALONG THE NORTHERLY LINE OF THE TRACT OF LAND SO CONVEYED BY DEED DATED MARCH 1, 1957 A DISTANCE OF 233.68 FEET TO A POINT OF CURVE; THENCE EASTERLY ALONG THE NORTHERLY LINE OF THE TRACT OF LAND SO CONVEYED BY DEED DATED MARCH 1, 1957 BEING A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 11,334.19 FEET A DISTANCE OF 344.18 FEET TO THE EASTERLY LINE OF SAID TRACT #5, THENCE NORTH 12 DEGREES 05 MINUTES WEST ALONG THE EASTERLY LINE OF SAID TRACT #5, A DISTANCE OF 83.41 FEET MORE OR LESS, TO A POINT DISTANCE 82.5 FEET, MEASURED AT RIGHT ANGLES, NORTHERLY, FROM THE NORTHERLY LINE OF THE TRACT OF LAND SO CONVEYED BY DEED DATED MARCH 1, 1957 EXTENDED; THENCE WESTERLY PARALLEL WITH THE NORTHERLY LINE OF THE TRACT OF LAND SO CONVEYED BY DEED DATED MARCH 1, 1957, BEING A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 11,251.69 FEET, A DISTANCE OF 353.97 FEET TO A POINT OF TANGENT; THENCE SOUTH 70 DEGREES 25 MINUTES 30 SECONDS WEST, TANGENT TO THE LAST DESCRIBED COURSE, A DISTANCE OF 223.94 FEET TO THE WESTERLY LINE OF SAID TRACT #5; THENCE SOUTH 12 DEGREES 50 MINUTES EAST ALONG THE WESTERLY LINE OF SAID TRACT #5, A DISTANCE OF 83.07 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number(s): 06-29-402-022 (part of), (the "Subject Property").

Vacant tract of land utilized as a NiCor right of way immediately south of 611 E. Butterfield Road, Lombard

SECTION 3: The conditional use, as provided for in Section 1 of this Ordinance shall be granted subject to compliance with the conditions of approval established in Section 3 of Ordinance \_\_\_\_\_ that pertain to 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. \_\_\_\_\_  
Re: PC 15-21  
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Passed on first reading this 1st day of October, 2015.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016,  
pursuant to a roll call vote as follows:

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

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

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk