

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

\_\_\_\_\_  
  X    
\_\_\_\_\_

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: June 8, 2004 (B of T) Date: June 17, 2004

TITLE: ZBA 04-06: 935 E. St. Charles Road

SUBMITTED BY: Department of Community Development *glt*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village take the following actions for the subject property located within the B4 Corridor Commercial Zoning District:

1. Approve a variation from Section 155.415 (D) of the Zoning Ordinance to reduce the required minimum lot area from 40,000 square feet to 16,994 square feet.
2. Approve a variation from Section 155.415 (F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty (30) feet to ten (10) feet to allow for the construction of a commercial strip center.

Staff is requesting waiver of first reading.

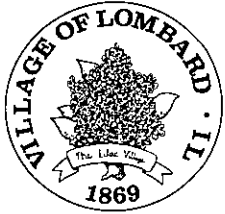
The Zoning Board of Appeals recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <i>William T. Lichter</i>	Date <i>6/10/04</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:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP, Director of Community Development *DH*

**DATE:** June 17, 2004

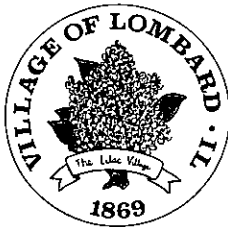
**SUBJECT:** **ZBA 04-06: 935 E. St. Charles Road**

Attached please find the following items for Village Board consideration as part of the June 17, 2004 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 04-06;
3. An Ordinance granting approval of the variation to the rear yard and for lot area; and
4. Companion site plans associated with the petitioner's request.

In light of the cancellation of the July 1, 2004 meeting and to facilitate the sale of the subject property, staff requests a waiver of first reading of the Ordinance.

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



## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148  
630/620-5700 FAX: 630/620-8222  
TDD: 630/620-5812  
www.villageoflombard.org

**Village President**  
William J. Mueller

June 17, 2004

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

**Trustees**

Joan DeStephano, Dist. 1  
Richard J. Tross, Dist. 2  
Karen S. Koenig, Dist. 3  
Steven D. Sebby, Dist. 4  
Kenneth M. Florey, Dist. 5  
Rick Soderstrom, Dist. 6

**Subject: ZBA 04-06; 935 E. St. Charles Road**

**Village Manager**  
William T. Lichter

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village take the following actions for the subject property located within the B4 Corridor Commercial Zoning District:

1. Approve a variation from Section 155.415 (D) of the Zoning Ordinance to reduce the required minimum lot area from 40,000 square feet to 16,994 square feet.
2. Approve a variation from Section 155.415 (F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty (30) feet to ten (10) feet to allow for the construction of a commercial strip center.

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

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

The Zoning Board of Appeals conducted a public hearing on May 26, 2004. The attorney for the petitioner, Thomas Breen, 619 Addison Road, Addison, IL, presented the petition. He described the existing condition of the property which is improved with a vacant former Shell gas station. He noted that the property is an eyesore and his client is proposing to improved the site with a new 3,516 square foot strip commercial center. The development would consist of razing the existing station and placing the new center on the site per the submitted plans. He noted that they reviewed the Village's staff report and his client is in agreement with the report findings.

He noted that the lack of depth of the existing platted lot creates the need for a variation. The lot area variation is requested so as to recognize the subject property as a buildable lot of record. As the lot is surrounded by property in public ownership on three sides and the property to the west is already improved with a building close to the property line, the ability to acquire additional land or modify the site plan is not feasible.

He then referenced the proposed building and site plans and stated that they worked closely with Village staff to ensure that the site would be developed as an asset to the community. He stated that the proposed use is consistent with the Village's Comprehensive Plan, the recommendation of the St. Charles Road Ad-Hoc Committee and the B4 zoning designation along St. Charles Road.

Chairperson DeFalco then opened the meeting for public comment. No one spoke in favor or opposed to the petition. He then requested the staff report.

William Heniff, Senior Planner, presented the staff report. The subject property is located on the southwest corner of St. Charles Road and Westmore-Meyers Road. The petitioner proposes to demolish the existing building and construct a new strip center that will house three office or commercial tenants. The lot is presently considered legal nonconforming as it is 16,994 square feet whereas 40,000 square feet is the minimum lot area within the B4 Zoning District. The relief for the rear yard is requested in order to address the lack of sufficient lot depth on the property.

Referencing the IDRC comments, Private Engineering Services noted that stormwater detention shall be provided for the proposed redevelopment. He then discussed the Fire Department's desire for a connection in front of the building. He noted that rather than losing a parking space, the connection could be located in one of the landscape islands on the north side of the building.

Mr. Heniff then referenced Planning Services Division comments. As the lot does not meet the minimum lot area requirement of 40,000 square feet, a variation is needed in order to proceed with the new center. A reduction of the rear yard setback from thirty feet to ten feet will also be necessary to accommodate the new building and parking spaces. The variation for the rear yard is intended to facilitate the loading activities as well as site circulation around the building. It is important to note that the proposed building will only be located 1.5 feet closer to the property line than the existing building on the property. However, staff believes that the overall property improvement more than offsets any impact of the development on the Great Western Trail.

Granting the rear yard variation would not be injurious to neighboring properties, as the proposed use is compatible with the neighboring commercial uses and the Great Western Trail serves as a substantial buffer between the subject property and residential uses. Staff believes that the development would be an improvement to the visual and aesthetic character of the neighborhood.

The anticipated retail uses are compatible to other commercial properties along St. Charles Road. To the south is the Great Western Trail. The visual impact on the trail is anticipated to be vastly improved over the present conditions.

Staff believes that the proposed use would be compatible with the existing land uses surrounding the site. However, to ensure that the overall impacts of the new development are satisfactorily addressed, he noted additional comments and recommendations.

Referring to the Sign Ordinance, the petitioner is proposing adding channel lettered wall signs for each of the proposed spaces. The petitioner is not requesting any relief associated with this petition. To ensure compatibility, staff recommends that channel lettering shall only be used for the wall signs and the awnings shall not include text in conjunction with the wall signage. Should the petitioner desire to install any freestanding signage at a later date, it would be subject to the underling Sign Ordinance provisions.

The site plan also includes landscape improvements consisting of parking lot islands, perimeter lot and parkway tree landscaping, per code. With respect to trash enclosure screening the petitioner is proposing to use the same materials as the principal building.

The petitioner's plan proposes the construction of a parking lot on the north and east sides of the building and construction of a service/loading area to the west side. This configuration will minimize the loading operation from public streets. To minimize parking conflicts, staff recommends that no more than fifty (50%) of the proposed building square footage shall be occupied by restaurant uses and that the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.

The site currently consists of one tract of land. This development would be considered a major development as expressed in the Subdivision and Development Ordinance. Therefore, the petitioner will be required to meet the provisions of Section 154.306. Staff will also require that as a condition of approval the petitioner provide a plat of resubdivision for the property making the property a lot of record.

In closing he noted that the subject property serves as a gateway parcel for visitors coming into Lombard in general and the St. Charles Road corridor in particular. Staff feels it is critical that any new development on the property presents a positive image of the community. Staff met with the petitioner and the petitioner has incorporated staff's suggestions into their proposed building elevations and site plan accordingly.

Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Mr. Polley asked what the proposed uses in the center would be. Sal Pernice, petitioner, stated that nothing is confirmed right now, but they are talking with fast-food sandwich establishments for the end unit and possibly a packing/mail establishment for the other portion of the building. Dr. Corrado asked if the Village could regulate or restrict the types of uses going into the center. Mr. Heniff said that the petitioner would be allowed to lease the premises to any permitted B4

use listed in the Zoning Ordinance. Mr. Polley noted that he would not want to see any undesirable uses (i.e., adult uses) in the center. Mr. Breen stated that his client would not want that type of use either. Mr. Heniff stated that the Zoning Ordinance does not permit adult uses in the B4 District by right or as a conditional use.

Chairperson DeFalco inquired about access into and out of the site. Mr. Heniff noted that the existing driveways on the site provide for full access. However, as a practical matter the turn lanes on St. Charles Road and Westmore-Meyers Road may functionally make these driveways right-in, right-out during peak traffic periods.

Chairperson DeFalco also inquired about landscaping at the northeast corner of the property. The petitioner noted that they will select planting materials so that the clear line of sight provisions will be met. They are proposing low-growth shrubs at the corner of the property.

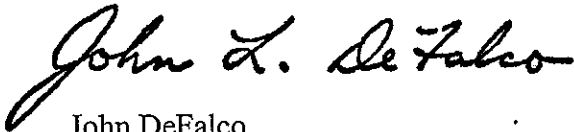
After due consideration of the petition and testimony presented, found that the proposed variation complied with the Standards of the Zoning Ordinance. Therefore, on a motion by Mr. Polley and a second by Mrs. Newman, the Zoning Board of Appeals recommended approval of ZBA 04-06 by a roll call vote of 4 to 0, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the site plans prepared by Ekash Associates, Ltd., dated May 5, 2004 and submitted as part of this request.
2. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
3. That any trash enclosure screening on Lots 1 or 2 as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the principal building.
4. To ensure that the proposed signage and awnings present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
  - a. That channel lettering shall only be used for the wall signs.
  - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
5. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall operate the property, as follows:

- a. No more than fifty (50%) of the proposed building square footage shall be allowed to be occupied by restaurant uses.
  - b. That the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.
6. That the petitioner shall provide a plat of subdivision for the subject property making the property a lot of record.
  7. That the petitioner shall submit a lighting/photometric plan demonstrating that the proposed development will meet the lighting provisions included within the Zoning Ordinance.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco  
Chairperson  
Zoning Board of Appeals

att-





Surrounding Zoning and Land Use:

North: B4 Corridor Commercial District; Citgo Gas Station  
South: R2 Single Family Residence District; the Great Western Trail and Single Family Residences  
East: B4 Corridor Commercial District; Nagano's Restaurant  
West: B4 Corridor Commercial District; retail commercial uses (party rental store)

### ANALYSIS

#### SUBMITTALS

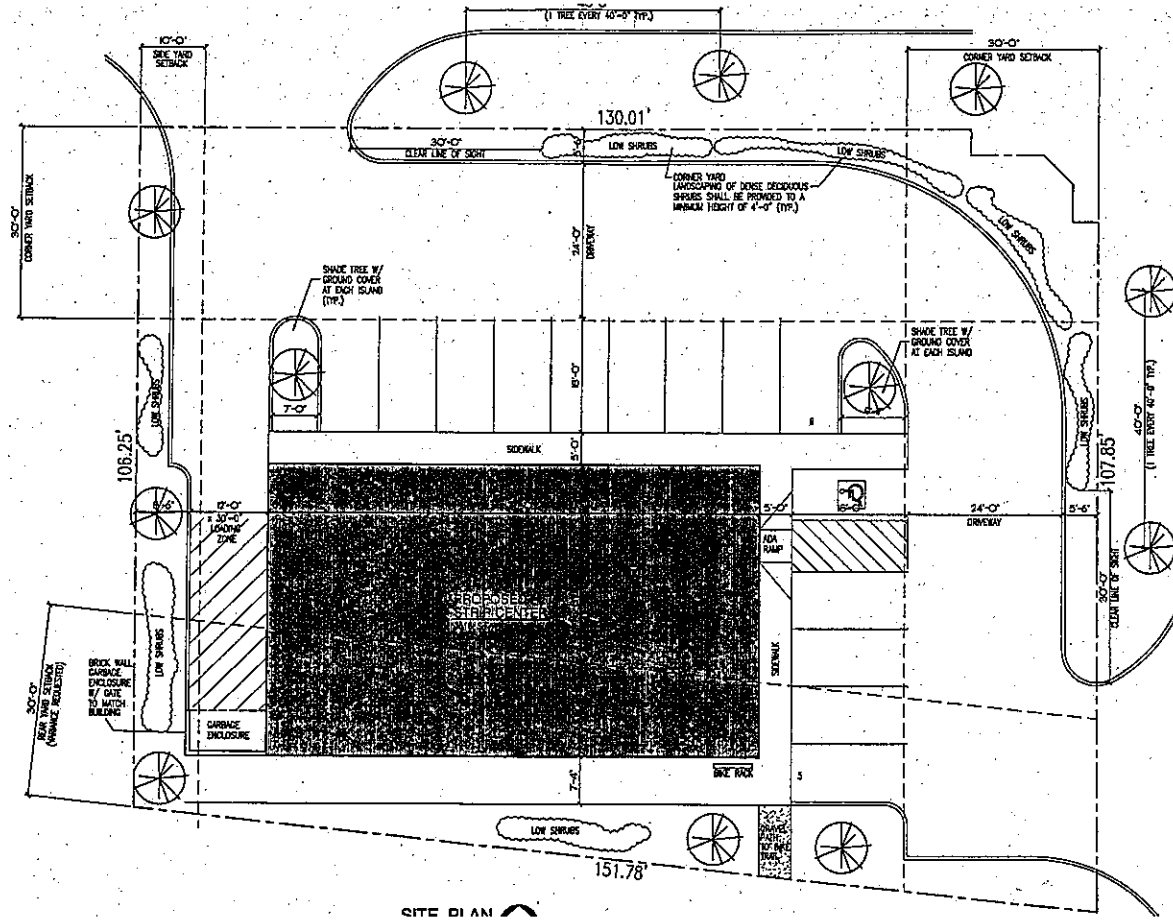
This report is based on the following documents, which were filed with the Department of Community Development on May 7, 2004.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, dated September 13, 2003, prepared by A.P. Surveying Company, PC.
4. Building Elevations and Proposed Site Plan, dated May 4, 2004, prepared by Ekash Associates Ltd.

#### DESCRIPTION

The subject property is located on the southwest corner of St. Charles Road and Westmore-Meyers Road. The site currently contains a vacant building that was formerly a Shell gas station. The petitioner proposes to demolish the existing building and construct a new strip center that will house three office or commercial tenants. The lot is presently considered legal nonconforming as it is 16,994 square feet whereas 40,000 square feet is the minimum lot area within the B4 Corridor Commercial Zoning District. Any new construction on the site must meet the current zoning requirements - therefore the petitioner is requesting relief at this time. The relief for the rear yard is requested in order to address the lack of sufficient lot depth on the property.

### Site Plan



### ENGINEERING

#### Private Engineering Services

From an engineering or construction perspective, PES has the following comments:

1. The stormwater detention shall be provided for the proposed redevelopment.
2. An easement shall be provided over the detention area.
3. Any sidewalk that is missing or in disrepair shall be replaced in the St. Charles Road and Westmore-Meyers Road right-of-ways adjacent to the subject lot.

#### Public Works Engineering

Public Works Engineering has no comments regarding this request.

## **FIRE AND BUILDING**

The Fire Department/Bureau of Inspectional Services has the following comments:

Please provide room and access in front of the building for the Fire Department Connection (FDC). It seems as though one of the parking spaces on the front side of the building may have to be removed to accomplish this.

We recommend that the ADA ramp may work better if located next to the parking space.

## **PLANNING**

The petitioner proposes to construct a 3,516 square foot building on the subject property. As the lot does not currently meet the minimum lot area requirement of 40,000 square feet a variation is needed to proceed with construction of the new strip center. Given the size and shape of the subject property, a reduction of the rear yard setback from thirty feet to ten feet will also be necessary to accommodate the new building and parking spaces. The proposed development will meet all other aspects of the zoning code as the petitioner is providing the requisite number of parking spaces and landscaped areas.

### **Compatibility with the Comprehensive Plan**

The Comprehensive Plan recommends Community Commercial uses on the subject property and the proposed retail uses proposed for the building would be compatible with the Comprehensive Plan designation. The St. Charles Road Ad-Hoc Committee, a committee formed in 1999 that reviewed appropriate land uses within the East St. Charles Road Corridor, also determined that the subject property should also remain designated for commercial uses.

### **Compatibility with Surrounding Land Uses**

East, west and north of the subject property are properties zoned for and developed as retail commercial uses. The retail uses anticipated to occupy space on this property are compatible to other commercial properties along St. Charles Road. To the south is the Great Western Trail. With the proposed improvements to the property, the visual impact on the trail is anticipated to be vastly improved over the present conditions.

Staff believes that the proposed use would be compatible with the existing land uses surrounding the site. However, to ensure that the overall impacts of the new development are satisfactorily addressed, staff offers additional comments and recommendations, as noted later in this report.

### **Compliance with the Zoning Ordinance**

The table below shows the existing code requirements, existing conditions and proposed conditions and Ordinance requirements for the site. These areas are depicted on the site plan as areas shaded in gray.

	<b>Ordinance Regulations</b>	<b>Existing Conditions</b>	<b>Proposed Plan</b>
<b>Use</b>			
Commercial/Retail Center	Permitted Use	Conditional Use	Permitted Use
<b>Bulk Requirements (Building)</b>			
Lot Area	40,000 sq. ft.	16,994 sq. ft.	16,994 sq. ft.
Number of Principal Structures	1 permitted; more than 1 permitted by conditional use	1	1
Front Yard (St. Charles Rd.)	30 feet	66 feet	47 feet
Rear Yard	30 feet	1.5 feet	10 feet
West Interior Side Yard	10 feet	33.5 feet	20 feet
East Corner Side Yard	30 feet	61.3 feet	42.5 feet
<b>Parking</b>			
Number of Spaces	4 per 1000 sq. ft. = 14	NA	14
Number of Accessible Spaces	1	NA	1
<b>Landscaping</b>			
Total Minimum Open Space	10%	NA	Approx. 15%
Trash Enclosures	6'; not in front or corner side yards	NA	6'; not in front or corner side yards
<b>Signage</b>			
Wall Signage	1 permitted per street frontage; 1 times frontage of tenant space (100' total)	None	1 wall sign per tenant space, per code requirements.

Staff notes that the two items for which relief is requested are current nonconformities with the site. The variation for the rear yard is intended to facilitate the loading activities as well as site circulation around the building. It is important to note that the proposed building will only be located 1.5 feet closer to the property line than the existing building on the property. However, staff believes that the overall property improvement more than offsets any impact of the development on the Great Western Trail.

Staff finds that the variation request meets the standards for variations and is supportive of the variation for the following reasons. As stated by the petitioner, there is not a feasible way to increase the lot area of the site to meet the minimum required. The property is bounded on three sides by property in public ownership and the fourth side is improved with a commercial structure that is located near on the west property line of the subject property.

Granting the rear yard variation would not be injurious to neighboring properties, as the proposed use is compatible with the neighboring commercial uses and the Great Western Trail serves as a substantial buffer between the subject property and residential uses. Staff believes that the proposed development would be an improvement to the visual and aesthetic character of the neighborhood.

**Compatibility with the Sign Ordinance**

The petitioner is proposing adding channel lettered wall signs for each of the proposed spaces. The petitioner is not requesting any relief associated with this petition – he will be required to meet the underlying Sign Ordinance provisions for the B4 District.

To ensure that the proposed signage and awnings present a favorable appearance to neighboring properties, staff recommends the following items be added as additional conditions of approval:

1. That channel lettering shall only be used for the wall signs.
2. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.

Should the petitioner desire to install any freestanding signage at a later date, it would be subject to the underlying Sign Ordinance provisions.

*Landscaping/Screening*

The site plan also includes landscape improvements consisting of parking lot islands, perimeter lot and parkway tree landscaping, per code. With respect to trash enclosure screening the petitioner is proposing to use the same materials as the principal building.

*Traffic/Parking*

The petitioner's plan proposes the construction of a parking lot on the north and east sides of the building and construction of a service/loading area to the west side. This configuration will minimize the loading operation from the public streets.

To minimize parking conflicts on the property and to minimize impacts on adjacent properties, staff recommends that the following conditions be placed upon the requested relief:

1. No more than fifty (50%) of the proposed building square footage shall be occupied by restaurant uses.
2. That the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.

**Compliance with the Subdivision and Development Ordinance**

The site currently consists of one tract of land. This development would be considered a major development as expressed in the Subdivision and Development Ordinance. Therefore, the petitioner will be required to meet the provisions of Section 154.306. Staff will also require that as a condition of approval that the petitioner provides a plat of resubdivision for the property making the property a lot of record.

**Additional Considerations**

This property serves as a gateway parcel for visitors coming into Lombard in general and the St. Charles road corridor in particular. Staff feels it is critical that any new development on the property presents a positive image of the community. Staff has met

with the petitioner and the petitioner has incorporated staff's suggestions into their proposed building elevations and site plan accordingly.

## **FINDINGS AND RECOMMENDATIONS**

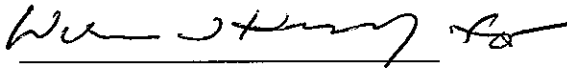
The Department of Community Development has determined that the information presented **affirmed** the Standards for Variations for the requested relief. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the requested variations:

Based on the submitted petition and the testimony presented, the requested side yard setback variation **complies** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 04-06, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the site plans prepared by Ekash Associates, Ltd., dated May 5, 2004 and submitted as part of this request.
2. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
3. That any trash enclosure screening on Lots 1 or 2 as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the principal building.
4. To ensure that the proposed signage and awnings present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
  - a. That channel lettering shall only be used for the wall signs.
  - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
5. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall operate the property, as follows:
  - a. No more than fifty (50%) of the proposed building square footage shall be allowed to be occupied by restaurant uses.
  - b. That the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.

6. That the petitioner shall provide a plat of subdivision for the subject property making the property a lot of record.
7. That the petitioner shall submit a lighting/photometric plan demonstrating that the proposed development will meet the lighting provisions included within the Zoning Ordinance.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP  
Director of Community Development

att-  
c: Petitioner





## **RESPONSE TO VARIATION STANDARDS**

A) 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 lot in question was created prior to the current B-4 lot standards, which made this lot nonconforming to the new B-4 standards. The lot contains approximately 16,994 sq. ft. The lot is bordered to the east and north by streets (Westmore Avenue and St. Charles Road, respectfully) and to the south by the prairie path. There is no reasonable way to increase the size of the lot as the property to the west is improved and not for sale. Therefore without the variations requested by the Petitioner the property is unbuildable.

B) 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 property is a corner lot, which pre-existed the current zoning requirements and is not reasonably Buildable without the variations herein requested.

C) The purpose of the variation is not based primarily upon a desire to increase financial gain;

### **RESPONSE:**

If the variation is not granted the property because of its size and because it is a corner lot could not be built upon.

D) 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 lot was created prior to the current rear lot area requirements and area requirements of the current B-4 zoning district.

E) 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 variation would allow the developer to demolish the existing structure and construct the Commercial Building proposed. This would enhance the general area and allow for redevelopment of this property and the elimination of the existing "eye sore".

F) The granting of the variation will not alter the essential character of the neighborhood; and

**RESPONSE:**

The property is currently zoned B-4 which is certainly consistent with the proposed development and the surrounding properties to the north, east and west which is also, zoned B-4. The demolition of the existing building and the construction of the proposed building would only enhance the general character of the neighborhood and eliminate a structure which is unsightly and which at best impairs the property values of the surrounding properties.

G) The proposed variation will not impair an 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 problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

**RESPONSE:**

As the property borders the prairie path to the south (rear yard) the rear yard variation will have no negative impact upon the adjacent properties.

The undersigned hereby certifies on behalf of the Petitioner that the above statements are true and correct to the best of his knowledge.

---

Salvatore J. Pernice, Petitioner

**SUBSCRIBED and SWORN**  
to before me this \_\_\_\_ day of \_\_\_\_\_, 2004.

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

**AN ORDINANCE APPROVING VARIATIONS  
OF THE LOMBARD ZONING ORDINANCE  
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(ZBA 04-06: 935 E. St. Charles 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, the subject property is zoned B4 Corridor Commercial Shopping District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.415 (D) of the Zoning Ordinance to reduce the required minimum lot area from 40,000 square feet to 16,994 square feet and a variation from Section 155.415 (F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty (30) feet to ten (10) feet to allow for the construction of a commercial strip center; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on May 26, 2004 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings and recommendations to the Board of Trustees with a recommendation of approval of the requested variation; and,

WHEREAS, the President and Board of Trustees does concur with the findings of the Zoning Board of Appeals; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation subject to conditions.

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 variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.415 (D) of the Zoning Ordinance to reduce the required minimum lot area from 40,000 square feet to 16,994 square feet, subject to the conditions noted in Section 4 below.

**SECTION 2:** That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.415 (F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty (30) feet to ten (10) feet subject to the conditions noted in Section 4 below.

**SECTION 3:** This ordinance is limited and restricted to the property generally located at 935 E. St. Charles Road, Lombard, Illinois, and legally described as follows:

LOT 1 (EXCEPT THAT PART BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1 AND RUNNING THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 14.00 FEET; THENCE WEST, PERPENDICULAR TO THE EAST LINE OF SAID LOT 1, A DISTANCE OF 4.00 FEET; THENCE NORTH, PARALLEL WITH THE EAST LINE OF SAID LOT 1, A DISTANCE OF 5.77 FEET, MORE OR LESS TO A POINT OF INTERSECTION WITH A LINE DRAWN FROM A POINT ON THE NORTH LINE OF SAID LOT, 12.00 FEET SOUTH OF THE NORTHEAST CORNER THEREOF TO A POINT ON THE NORTH LINE OF SAID LOT, 13.00 FEET WEST OF THE NORTHEAST CORNER THEREOF; THENCE NORTHWESTERLY, ALONG SAID LAST DESCRIBED LINE, A DISTANCE OF 6.41 FEET, MORE OR LESS, TO A POINT ON A LINE THAT IS 4.0 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1: THENCE WEST ALONG SAID LAST DESCRIBED PARALLEL LINE, A DISTANCE OF 11.41 FEET, MORE OR LESS TO A POINT ON A LINE DRAWN PERPENDICULAR TO THE NORTH LINE OF SAID LOT 1 AT A POINT 20.00 FEET WEST OF THE NORTHEAST CORNER THEREOF; THENCE NORTH ALONG SAID LAST DESCRIBED PERPENDICULAR LINE, A DISTANCE OF 4.00 FEET TO THE NORTH LINE OF SAID LOT 1: THENCE EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 20.00 FEET TO THE PLACE OF BEGINNING) IN SHELL OIL COMPANY ASSESSMENT PLAT OF PART OF THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 15, 1961 AS DOCUMENT 996799, IN DU PAGE COUNTY, ILLINOIS.

Parcel No: 06-09-101-015

**SECTION 4:** This ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with the site plans prepared by Ekash Associates, Ltd., dated May 5, 2004 and submitted as part of this request.
2. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
3. That any trash enclosure screening on Lots 1 or 2 as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the principal building.
4. To ensure that the proposed signage and awnings present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
  - a. That channel lettering shall only be used for the wall signs.
  - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
5. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall operate the property, as follows:
  - a. No more than fifty (50%) of the proposed building square footage shall be allowed to be occupied by restaurant uses.
  - b. That the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.
6. That the petitioner shall provide a plat of subdivision for the subject property making the property a lot of record.
7. That the petitioner shall submit a lighting/photometric plan demonstrating that the proposed development will meet the lighting provisions included within the Zoning Ordinance.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2004.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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

Re: ZBA 04-06

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

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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

ATTEST:

\_\_\_\_\_  
Barbara A. Johnson, Deputy Village Clerk

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