

J.P. "RICK" CARNEY
DUPAGE COUNTY RECORDER
SEP 24, 2004 11:08 AM
OTHER 06-08-200-002
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ORDINANCE 5488

**GRANTING A CONDITIONAL USE FOR A PLANNED
DEVELOPMENT WITH DEVIATIONS AND VARIATIONS,
VARIATIONS FROM THE LANDSCAPE STANDARDS IN
A R4 LIMITED GENERAL RESIDENCE DISTRICT**

**PIN: ~~06-08-200-001~~ now known as 06-08-200-003;
06-08-200-002 and 06-05-426-001 through 005**

**Common Address: 400-540 E. St. Charles Road
Lombard, Illinois**

Return To:

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

ORDINANCE NO. 5488

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR A
PLANNED DEVELOPMENT WITH DEVIATIONS AND VARIATIONS,
VARIATIONS FROM THE PLANNED DEVELOPMENT STANDARDS,
AND VARIATIONS FROM THE LANDSCAPE STANDARDS IN A
R4 LIMITED GENERAL RESIDENCE DISTRICT**

(PC 04-10; 400-540 E. St. Charles Road)

(See also Ordinance No.(s) 5486, 5487, 5489 & 5490)

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 R4 Limited General Residence District; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for a planned development in a R4 Limited General Residence District; and

WHEREAS, said planned development includes a deviation from Section 155.408 (D) (4) of the Lombard Zoning Ordinance to reduce the minimum required lot area for an 80-unit multiple-family dwelling from 224,000 sq. ft. to 96,205 sq. ft.; and

WHEREAS, said planned development includes a deviation from Section 155.408 (G) of the Lombard Zoning Ordinance to increase the maximum allowable building height from 4 stories (50 feet) to 5 stories (51 feet); and

WHEREAS, said planned development includes a deviation from Section 155.408 (F) (4) (a) and Section 155.508 (C) (6) of the Lombard Zoning Ordinance to reduce the minimum required front yard setback from 30 feet 2 feet for the western building and 4 feet for the eastern building; and

WHEREAS, said planned development includes a deviation from Section 155.408 (F) (4) (d) and Section 155.508 (C) (6) of the Lombard Zoning Ordinance to reduce the minimum required rear yard setback from 30 feet to 29 feet for the western building; and

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WHEREAS, said planned development includes a deviation from Section 155.408 (D) and Section 155.508 (C) (7) of the Lombard Zoning Ordinance to reduce the minimum required open space from 40% to 25%; and

WHEREAS, said planned development includes a deviation from Section 155.210 (B) (2) (b) and Section 155.508 (C) (6) of the Lombard Zoning Ordinance to reduce the minimum required rear yard setback for a detached garage from 3 feet to 1 foot; and

WHEREAS, said planned development includes a variation from Section 155.508 (C) (4) of the Lombard Zoning Ordinance allowing for an increase in the maximum number of dwelling units from 48 to 80 units; and

WHEREAS, said planned development includes a variation from Section 155.508 (C) (6) of the Lombard Zoning Ordinance to vary the front and rear yard on the perimeter of the development as depicted on the submitted site plans and as referenced within the petitioner's request for a conditional use for a planned development; and

WHEREAS, said planned development includes a variation from Section 155.508 (C) (7) of the Lombard Zoning Ordinance to vary the area of open space provided in a planned development as depicted on the submitted site plans and as referenced within the petitioner's request for a conditional use for a planned development; and

WHEREAS, said planned development includes a variation from Section 155.706 (C) (1) of the Lombard Zoning Ordinance reducing the required perimeter parking lot landscaping area;

WHEREAS, said planned development includes a variation from Section 155.709 (B) of the Lombard Zoning Ordinance reducing the required perimeter lot landscaping area;

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on March 15, 2004 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, 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 deviations and variations is hereby granted for the Subject Property legally described in Section 2 below, subject to the conditions set forth in Section 3 below:

- a) A deviation from Section 155.408 (D) (4) to reduce the minimum required lot area for an 80-unit multiple-family dwelling from 224,000 sq. ft. to 96,205 sq. ft.;
- b) A deviation from Section 155.408 (G) to increase the maximum allowable building height from 4 stories (50 feet) to 5 stories (51 feet);
- c) A deviation from Section 155.408 (F) (4) (a) and Section 155.508 (C) (6) to reduce the minimum required front yard setback from 30 feet 2 feet for the western building and 4 feet for the eastern building;
- d) A deviation from Section 155.408 (F) (4) (d) and Section 155.508 (C) (6) to reduce the minimum required rear yard setback from 30 feet to 29 feet for the western building;
- e) A deviation from Section 155.408 (D) and Section 155.508 (C) (7) to reduce the minimum required open space from 40% to 25%;
- f) A deviation from Section 155.210 (B) (2) (b) and Section 155.508 (C) (6) to reduce the minimum required rear yard setback for a detached garage from 3 feet to 1 foot;
- g) A variation from Section 155.508 (C) (4) allowing for an increase in the maximum number of dwelling units from 48 to 80 units;
- h) A variation from Section 155.508 (C) (6) to vary the front and rear yard on the perimeter of the development as depicted on the submitted site plans and as referenced within the petitioner's request for a conditional use for a planned development;
- i) A variation from Section 155.508 (C) (7) to vary the area of open space provided in a planned development as depicted on the submitted site plans and

as referenced within the petitioner's request for a conditional use for a planned development;

- j) A variation from Section 155.706 (C) (1) of the Zoning Ordinance reducing the required perimeter parking lot landscaping area;
- k) A variation from Section 155.709 (B) of the Zoning Ordinance reducing the required perimeter lot landscaping area;

SECTION 2: That the ordinance is limited and restricted to the properties generally located 400-540 E. St. Charles Road, Lombard, Illinois, and legally described as follows:

PARCEL 1: THAT PART OF THE SOUTHEAST QUARTER OF SECTION 5 AND THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF ST. CHARLES ROAD, WHICH IS 275 FEET EAST OF A POINT WHERE SAID ROAD TURNS EASTERLY NEAR THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 8; THENCE NORTHERLY AT RIGHT ANGLES WITH ST. CHARLES ROAD TO THE SOUTH LINE OF THE RIGHT OF WAY OF CHICAGO AND NORTHWEST RAILROAD COMPANY; THENCE EASTERLY ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF CHICAGO AND NORTHWEST RAILROAD COMPANY TO THE WEST LINE OF THE PROPERTY CONVEYED TO AUGUSTA BIRR, (SAID WEST LINE BEING DRAWN NORTH 8 ½ DEGREES WEST AND SOUTH 8 ½ DEGREES EAST THROUGH A POINT 7.64 CHAINS EAST OF QUARTER SECTION POST BETWEEN SECTIONS 5 AND 8 AFORESAID); THENCE SOUTHERLY ALONG THE WEST LINE OF THE AUGUSTA BIRR PROPERTY TO NORTH LINE OF ST. CHARLES ROAD; THENCE WESTERLY ALONG THE NORTH LINE OF ST. CHARLES ROAD, 200 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 5 AND PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, COMMENCING AT A STAKE IN SECTION LINE 764 LINKS EAST OF THE QUARTER SECTION POST BETWEEN SECTIONS 5 AND 8 AND RUNNING THENCE NORTH 8 ½ DEGREES WEST 1.86 CHAINS TO THE SOUTH BOUNDARY OF THE CHICAGO AND NORTHWEST RAILROAD LAND; THENCE NORTH 68 DEGREES EAST 1.52 CHAINS TO A STAKE; THENCE SOUTH 8 ½ DEGREES EAST

2.48 CHAINS TO A STAKE IN THE CENTER OF SECTION LINE; THENCE SOUTH 8 ½ DEGREES EAST 1.07 CHAINS TO A STAKE IN THE CENTER OF ST. CHARLES AND CHICAGO STATE ROAD ON SECTION 8; THENCE SOUTH 82 ¼ DEGREES WEST 1.52 CHAINS ALONG CENTER OF SAID STATE ROAD TO A STAKE; THENCE NORTH 8 ½ DEGREES WEST 1.26 CHAINS TO THE NORTH LINE OF SECTION 8 AND THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3: THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTH LINE OF ST. CHARLES ROAD WHICH IS 565.62 FEET EAST OF THE EAST LINE OF GRACE STREET; THENCE NORTH MAKING AN ANGLE OF 268 DEGREES 14 MINUTES TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 34.3 FEET FOR A PLACE OF BEGINNING; THENCE EXTENDED NORTHERLY, ALONG THE SAME LINE A DISTANCE OF 153.1 FEET, TO A STAKE IN THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO GREAT WESTERN RAILROAD RIGHT OF WAY; THENCE SOUTH EASTERLY ALONG THE SOUTH LINE OF SAID RAILROAD RIGHT OF WAY, A DISTANCE OF 250.33 FEET TO A STAKE IN THE WEST LINE OF THE HIGHWAY; THENCE SOUTHWESTERLY, ALONG THE NORTHWEST PROPERTY LINE OF THE HIGHWAY, A DISTANCE OF 255.4 FEET, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 4: THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AS FOLLOWS: ON THE NORTHERLY SIDE BY A LINE PARALLEL WITH AND DISTANT 50 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF THE MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY (FORMERLY THE CHICAGO AND GREAT WESTERN RAILWAY COMPANY), AS SAID MAIN TRACK IS NOW LOCATED; ON THE WESTERLY OR NORTHWESTERLY SIDE BY A LINE PARALLEL WITH AND DISTANT 50 FEET SOUTHEASTERLY, MEASURED AT RIGHT ANGLES OR RADIALLY, FROM THE CENTERLINE OF THE MOST SOUTHEASTERLY MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY, AND ORIGINALLY THE GALENA AND CHICAGO UNION RAILROAD COMPANY), AS NOW LOCATED, ON THE SOUTHERLY SIDE BY A LINE PARALLEL WITH AND DISTANCE 100 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM THE

CENTERLINE OF THE MAIN TRACK OF THE MINNESOTA AND NORTHWESTERN RAILROAD COMPANY (LATER THE CHICAGO GREATWESTERN RAILWAY COMPANY, NOW THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY) AS SAID MAIN TRACK CENTERLINE WAS ORIGINALLY LOCATED AND ESTABLISHED ACROSS SAID SECTION 5; AND ON THE EASTERLY OR SOUTHEASTERLY SIDE BY THE NORTHWESTERLY LINE OF ST. CHARLES ROAD, AS PRESENTLY LOCATED, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 5: THAT PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8 AND THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF ST. CHARLES ROAD, WHERE THE SAME INTERSECTS THE SOUTHERLY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY, NEAR THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN: THENCE IN A SOUTHERLY DIRECTION ALONG THE EAST LINE OF ST. CHARLES TO A POINT WHERE SAID ROAD TURNS EASTERLY; THENCE FOLLOWING THE NORTH LINE OF ST. CHARLES ROAD EASTERLY 275 FEET; THENCE NORTHERLY AT A RIGHT ANGLE WITH ST. CHARLES ROAD TO THE SOUTHERLY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY'S RIGHT OF WAY TO A PLACE OF BEGINNING, EXCEPTING THEREFROM THAT PART TAKEN FOR HIGHWAY PER DOCUMENT R2002-072762, IN DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: 06-08-200-001^{*}, 06-08-200-002, 06-05-426-001 through -005
^{*}now known as 06-08-200-003

SECTION 3: The conditional use with deviations and variations set forth in Section 1 above shall be granted subject to compliance with the following conditions:

1. The Subject Property shall be developed substantially in accordance with the site plans prepared by Neri Architects, dated February 11, 2004 and last revised March 1, 2004.
2. During the construction phase, the Developer shall construct a temporary access drive between the proposed buildings to ensure unobstructed access around the site. The design of the driveway shall be subject to review and approval by the Director of Community Development and the Fire Chief.

3. All comments in the Inter-Departmental Review Committee Report, dated March 15, 2004, shall be complied with by Developer as part of the building permit application process.
4. Accessible parking spaces shall be provided in compliance with the provisions of the Illinois Accessibility Code.
5. The Developer shall provide a photometric plan to the Village showing compliance with the provisions of the Village Code relative to lighting on the Subject Property.
6. The Developer shall either:
 - a. grant a cross-access easement over the eastern corner of the property for pedestrian/bike access; or
 - b. exchange with DuPage County the eastern corner of the property for DuPage County-owned property to the rear of the site.
7. The Developer shall provide a public access and landscape easement over the western corner of the Subject Property and install thereon, at Developer's sole cost and expense, a sidewalk and pocket park.
8. In addition to the planting depicted on the submitted landscape plan, the Developer shall provide the following additional landscape improvements, subject to the approval by the Director of Community Development:
 - a. continuous shrubbery along the eastern boundary of the public access and landscape easement; and
 - b. low-growth plantings in the public access and landscape easement along St. Charles Road and Grace Street.
9. Any existing and proposed public overhead utility lines located on the Subject Property or within the St. Charles Road right-of-way adjacent to the Subject Property shall be buried.
10. The petitioner shall be enter into a Development Agreement with the Village after the petitioner has acquired title to the subject property.

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SECTION 4: The Village Board hereby and authorizes the Plan Commission to have Site Plan Approval authority relative to this Planned Development.

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 15th day of April, 2004.

First reading waived by action of the Board of Trustees this ____ day of _____, 2004.

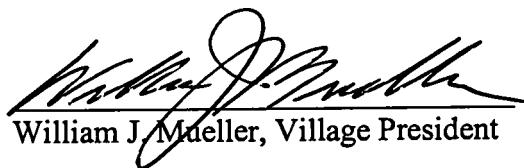
Passed on second reading this 6th day of May, 2004.

Ayes: Trustees Tross, Koenig, Sebby, Florey, Soderstrom

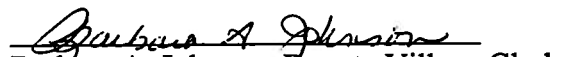
Nayes: None

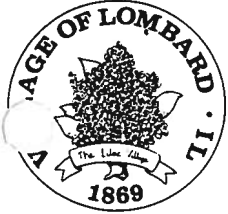
Absent: Trustee DeStephano

Approved this 6th day of May, 2004.


William J. Mueller, Village President

ATTEST:


Barbara A. Johnson, Deputy Village Clerk

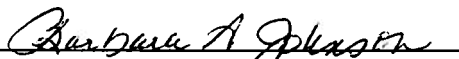


I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Village Clerk, I maintain and am safekeeper of the records and files of the President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

I further certify that attached hereto is a true and correct copy of ORDINANCE 5488, AN ORDINANCE GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT WITH DEVIATIONS AND VARIATIONS, VARIATIONS FROM THE LANDSCAPE STANDARDS IN A R4 LIMITED GENERAL RESIDENCE DISTRICT FOR THE PROPERTY LOCATED AT 400-540 EAST ST. CHARLES ROAD, PIN 06-08-200-001, 06-08-200-002, 06-05-426-001 THROUGH -005 of the said Village as it appears from the official records of said Village duly passed on May 6, 2004.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 13th day of July, 2004.




Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois