

**ORDINANCE NO. 6849**

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

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

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

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

WHEREAS, construction has not commenced and the associated building permits are not anticipated to be issued by September 6, 2013, as required by Ordinance 6746; and

WHEREAS, the Village has received a letter requesting a further time extension of said Ordinance; and,

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

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: Ordinance 6746 are hereby further amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twelve (12) months of the expiration date of this Ordinance (i.e., September 6, 2014).

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

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

THAT PART OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF NORTH AVENUE, (STATE ROUTE 64) WHICH POINT IS 90 FEET EAST OF THE WEST LINE OF GRACE STREET; THENCE EAST ON THE SOUTH LINE OF NORTH AVENUE, A DISTANCE OF 195 FEET; THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF GRACE STREET, A DISTANCE OF 182 FEET; THENCE WEST PRALLEL WITH THE SOUTH LINE OF NORTH AVENUE, A DISTANCE OF 195 FEET; THENCE NORTH ON A LINE 90 FEET EAST OF AND PARALLEL TO THE WEST LINE OF GRACE STREET 182 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PART OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF NORTH AVENUE (ROUTE 64) WHICH POINT IS 90.0 FEET EAST OF THE WEST LINE OF GRACE STREET; THENCE ON AN ASSUMED BEARING NORTH 88 DEGREES 14 MINUTES 45 SECONDS EAST ALONG THE SOUTH LINE OF NORTH AVENUE 5.00 FEET; THENCE SOUTH 12 DEGREES 17 MINUTES 42 SECONDS WEST, 25.74 FEET TO THE EAST LINE OF GRACE STREET, BEING 90.0 FEET EAST OF AND PARALLEL TO THE WEST LINE OF GRACE STREET; THENCE NORTH 1 DEGREE 06 MINUTES 28 SECONDS EAST ALONG THE EAST LINE OF GRACE STREET, 25.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

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

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

First reading waived by action of the Board of Trustees this 15th day of August, 2013.

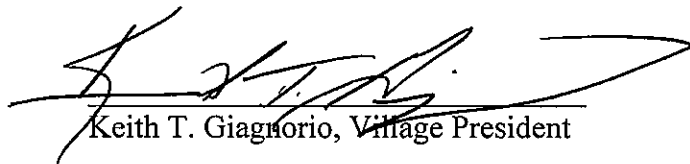
Passed on second reading this 15th day of August, 2013, pursuant to a roll call vote as follows:

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

Nays: None

Absent: None

Approved by me this 15th day of August, 2013.

  
Keith T. Giagnorio, Village President

ATTEST:

  
Sharon Kuderna, Village Clerk

Published in pamphlet form this 16th day of August, 2013.

  
Sharon Kuderna, Village Clerk