

ORDINANCE NO. _____

**AN ORDINANCE GRANTING CONDITIONAL USES FOR A
PLANNED DEVELOPMENT WITH DEVIATIONS, OUTDOOR DINING AND A
DRIVE THROUGH ESTABLISHMENT IN A
B3 COMMUNITY SHOPPING DISTRICT**

(PC 04-25; 201, 205 and 211 E. Roosevelt Road; 1200 S. Highland Avenue; and 112-116 & 120-124 E. 13th Street (Southwest Corner of Roosevelt Road & Highland Avenue))

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 B3 Community Shopping District; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for a planned development in a B3 Community Shopping District; and

WHEREAS, said planned development includes deviations from Section 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking; and

WHEREAS, said planned development includes deviations from Section 153.505 (B)(17)(a)(2) of the Sign Ordinance to allow for more than one wall sign on a street frontage and a deviation from Section 153.505 (B)(17)(b)(2) of the Sign Ordinance to allow for more than one wall sign for interior tenants; and

WHEREAS, said application also requests approval of a conditional uses for a drive-through facility and for an outdoor dining/service establishment; and

WHEREAS, said application also requests that the Village Board grant site plan approval authority to the Lombard Plan Commission; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 16, 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 uses and deviations 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 conditional uses for a planned development with the following deviations as well as a conditional use for outdoor dining and for a drive-through establishment as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 4:

1. For Lot 1 of the proposed subdivision, the following deviations are hereby granted:
 - a. A deviation from Section 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.
 - b. A deviation from Section 153.505 (B)(17)(a)(2) of the Sign Ordinance to allow for more than one wall sign on a street frontage.
2. Pursuant to Section 155.414 (C)(7) of the Zoning Ordinance, a conditional use for a drive-through facility on Lot 1 of the proposed subdivision.
3. For Lot 2 of the proposed subdivision, the following deviations are hereby granted:
 - a. A deviation from Section 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.
 - b. A deviation from deviation from Section 153.505 (B)(17)(b)(2) of the Sign Ordinance to allow for more than one wall sign for interior tenants.

4. Pursuant to Section 155.414 (C)(18) of the Zoning Ordinance, a conditional use for an outdoor dining/service establishment on Lot 2 of the proposed subdivision is hereby granted.
5. For Lot 3 of the proposed subdivision, a deviation from Section 155.706 (C) and 155.709 (B) reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking is hereby granted.

SECTION 2: That the ordinance is limited and restricted to the properties generally located at 201, 205 and 211 E. Roosevelt Road; 1200 S. Highland Avenue; and 112-116 & 120-124 E. 13th Street, Lombard, Illinois, and legally described as follows:

LOTS 1, 2, 3 AND 4 IN ROOSEVELT HIGHLANDS SHOPPING CENTER, BEING A SUBDIVISION OF PART OF THE WEST ½ OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 26, 1954 AS DOCUMENT 738449, IN DU PAGE COUNTY, ILLINOIS.

ALSO,

LOTS 1 AND 2, IN MERL'S RESUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST ½ OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 22, 1976 AS DOCUMENT R-76-84675, IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 06-20-100-008, 009, 010, 021, 060 and 061

SECTION 3: The Village Board hereby and authorizes the Plan Commission to have Site Plan Approval authority relative to this Planned Development.

SECTION 4: The conditional uses and deviations set forth in Section 1 above 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 Woolpert LLC, updated August 5, 2004, the landscape plan, prepared by Arcline Associates, updated July 2, 2004, the building elevations for proposed retail center, prepared by Arcline Associates, updated July 28, 2004, the building elevations for

proposed bank, prepared by Griskelis Young Harnell, updated August 9, 2004, submitted as part of this request and as amended by the conditions of approval for the project.

2. That the petitioner shall enter into a first amendment to the annexation agreement for the subject property.
3. 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.
4. That any trash enclosure screening required by Section 155.710 of the Zoning Ordinance shall be constructed of material consistent with the principal building in which the enclosure is located.
5. To ensure that the proposed signage, awnings and building elevations 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.
 - c. That the tower peak shall be modified in a manner so that the roof element is consistent and/or compatible with the adjacent retail building, as determined by the Director of Community Development.
 - d. That wall signage shall only be located on the north, east and west sides of the proposed tower on the bank building.
 - e. That the watercourse brick at the foundation each of the proposed buildings shall be compatible.
 - f. That the perimeter of the proposed dining area for the retail building shall be fenced, with the design of the fence subject to the approval of the Director of Community Development.
 - g. That all rooftop mechanical equipment shall be screened pursuant to Section 155.221 of the Zoning Ordinance.
6. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall allow for cross-access and cross parking between each lot within the proposed development.
7. That the landscape plan and/or the grading plan shall be revised as follows:

- a. Additional landscape plantings, meeting the transitional landscape yard requirements be provided along the south property line and that the landscaping be installed as part of the Phase 1 improvements.
 - b. The property immediately south of Reilly's Pub shall be graded and seeded until such time that the property is developed.
 - c. A post and rail fence be installed along the north and west side of the property to prevent trespassing, with the final placement of the fencing subject to the Director of Community Development.
 - d. Additional trees shall be placed around the perimeter of the proposed detention pond, consistent with Section 154.508 of the subdivision and Development Ordinance.
 - e. Additional landscape plantings consisting of a shade tree and approved ground cover shall be placed on the landscape island south of the proposed outdoor dining area.
8. That the redevelopment of the Reilly's Pub site shall be subject to site plan approval of the Village.

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.

Ayes: _____

Nayes: _____

Absent: _____

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Re: PC 04-25 Amended
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Approved this _____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

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