

**ORDINANCE NO. 5198**

**AN ORDINANCE GRANTING A CONDITIONAL USE,  
AS PART THE FINAL DEVELOPMENT AGREEMENT FOR THE PROPERTY,  
TO ALLOW FOR A DRIVE-THROUGH ESTABLISHMENT WITHIN THE  
HIGHLANDS OF LOMBARD B3 PLANNED DEVELOPMENT AND GRANTING OF  
WALL SIGN DEVIATIONS**

(PC 02-28: 2700 Highland Avenue; Pier One Center)

WHEREAS, the below described property is zoned B3 PD Community Shopping District Planned Development; and

WHEREAS, the President and Board of Trustees of the Village of Lombard approved Ordinance 4833 on June 15, 2000 providing for a Planned Development for the below described property; and

WHEREAS, the President and Board of Trustees of the Village of Lombard approved Ordinance 4834 on June 15, 2000 authorizing the execution of a Second Amendment to the Development Agreement for the below described property; and

WHEREAS, a condition of the terms of the a Second Amendment to the Development Agreement requires conditional use approval to allow for a retail store having a drive through establishment/service, to be located within the Highlands of Lombard Planned Development; and

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for a drive through establishment/service associated with a 21,000 square foot retail center, all on the property described in Section 1 below; and,

WHEREAS, associated with the petition is a request for Site Plan Approval for a 21,000 square foot retail center with a deviation from Section 153.505 (B)(16)(b)(2) to allow for more than one wall sign for interior tenants; and

WHEREAS, a public hearing on such application was conducted by the Village of Lombard Plan Commission on August 19, 2002 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 drive through

Ordinance 5198

establishment/service, to be located within the Highlands of Lombard B3 Planned Development;  
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; and

WHEREAS, the President and Board of Trustees of the Village of Lombard have reviewed the request and find it would be in the best interest of the Village to grant said conditional use subject to the terms and conditions established by this ordinance.

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 this ordinance is limited and restricted to the property generally located at the northwest corner of Butterfield Road and Highland Avenue, Lombard, Illinois, and legally described as follows:

LOT 3 OF THE RESUBDIVISION OF LOTS 2 AND 6 IN THE AMENDED AND RESTATED HIGHLANDS OF LOMBARD, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED APRIL 4, 2001 AS DOCUMENT 2001-058808, IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 06-29-308-014

**SECTION 2:** That a conditional use for a drive-through establishment/service is hereby granted subject to compliance with the conditions set forth in Section 4.

**SECTION 3:** That Site Plan Approval for a 21,000 square foot retail center with a deviation from Section 153.505 (B)(16)(b)(2) to allow for more than one wall sign for interior tenants is hereby granted subject to compliance with the conditions set forth in Section 4.

**SECTION 4:** The conditional use set forth in Sections 2 and 3 shall be granted subject to compliance with the following conditions:

Ordinance No. 5198

Re: PC 02-28

Page 3

1. That the site improvements be constructed in substantial compliance with the petitioner's document submittal with the Department of Community Development included as part of the petitioner's submittal.
2. That the petitioner submit a photometric plan to the Village for review and approval. The photometric plan shall include any parking or driveway lighting on the subject property. The plan shall also depict a combination of up lighting and down lighting on the building and landscaping.
3. That the petitioner shall address the issues in the Inter-departmental Report section of the staff report and the development shall meet all development and building codes of the Village of Lombard.
4. All tenant signage on the proposed building must be of a channel sign design.
5. That the design and color of any retaining walls of the property shall be consistent with the overall approved design for retaining walls within the Highlands of Lombard Planned Development.
6. That any associated fencing required as part of this development adjacent to the retaining walls shall also be consistent with the existing fencing already installed within the Highlands of Lombard.
7. That the development shall be constructed consistent with the standards required by the Highlands of Lombard Planned Development and the provisions of the Lombard Zoning and Sign Ordinances.

**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 5th day of September, 2002.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

Ordinance No. 5198  
Re: PC 02-28  
Page 4

Passed on second reading this 19th day of September, 2002.

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


Nays: None

Absent: None


Approved this 19th day of September, 2002.

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

ATTEST:

  
\_\_\_\_\_  
Suzan L. Kramer, Village Clerk

Published by me in pamphlet form this 23rd day of September, 2002.

  
\_\_\_\_\_  
Suzan L. Kramer, Village Clerk