

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: October 26, 2011 (BOT) Date: November 3, 2011

TITLE: PC 11-22: 777 W Butterfield Rd

SUBMITTED BY: Department of Community Development *WLO*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The petitioner requests that the Village approve the following relief for the subject property, located within the O Office District:

1. A conditional use (per Section 155.412(C) of the Zoning Ordinance) to allow for a restaurant; and
2. A conditional use (per Section 155.412(C) of the Zoning Ordinance) to allow for an outside service area (outdoor dining); and
3. A conditional use (per Section 155.305 of the Zoning Ordinance) to reestablish a nonconforming parking lot; and
4. A conditional use (per Section 155.412(C) of the Zoning Ordinance) to allow for off-site parking.

The Plan Commission recommended approval of this petition with conditions.

Please place this item on the November 3, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X _____	Date _____

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:** David A. Hulseberg, Village Manager

**FROM:** William Heniff, AICP  
Director of Community Development *WH*

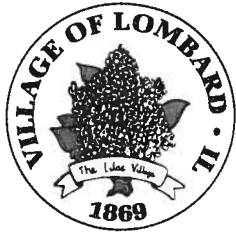
**DATE:** November 3, 2011

**SUBJECT:** **PC 11-22: 777 E. Butterfield Road**

Attached please find the following items for Village Board consideration as part of the November 3, 2011 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 11-22; and
3. An Ordinance granting four conditional uses, located in the O Office Zoning District.

The Plan Commission recommended approval of this petition with conditions.



## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org

November 3, 2011

**Village President**  
William J. Mueller

**Village Clerk**  
Brigitte O'Brien

**Trustees**  
Greg Alan Gron, Dist. 1  
Keith T. Giagnorio, Dist. 2  
Zachary C. Wilson, Dist. 3  
Peter Breen, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
David A. Hulseberg

*"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses 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."*

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

### **Subject: PC 11-22: 777 E. Butterfield Road**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village approve the following relief for the subject property, located within the O Office District:

1. A conditional use (per Section 155.412(C) of the Zoning Ordinance) to allow for a restaurant; and
2. A conditional use (per Section 155.412(C) of the Zoning Ordinance) to allow for an outside service area (outdoor dining); and
3. A conditional use (per Section 155.305 of the Zoning Ordinance) to reestablish a nonconforming parking lot; and
4. A conditional use (per Section 155.412(C) of the Zoning Ordinance) to allow for off-site parking.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on October 17, 2011.

Matt Lewandowski presented the petition. They purchased the building from the bank and wish to remodel and reopen the restaurant as an affordable, high-end dining establishment.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition. No one was present to speak on the petition.

Jennifer Henaghan, Senior Planner, presented the staff report. The petitioner wishes to re-open the restaurant building including an outdoor dining area on the subject property. As the property has been vacant for more than 12 months, the restaurant will require a new conditional use. The parking lot does not meet current code requirements. However, the nonconforming associated parking

may be re-established through a conditional use. An additional conditional use is being sought to formally establish the off-site parking relationship between the restaurant and the adjacent Nicor parcel.

The property at 777 E. Butterfield Road was annexed into the Village in 1981 and granted development approvals together with the restaurant to the west. The public hearing at that time rezoned the property to the O/I District and granted a conditional use for two restaurants. Only 64 on-site parking spaces were provided on the restaurant parcel, creating a nonconforming situation. The Nicor parcel has been used for off-site parking for the restaurant since 1982, pursuant to a lease agreement that runs through June 2024. Although the Homestead Village Planned Development granted a conditional use for off-site parking in 1998, that approval did not specifically tie the off-site parking to the restaurant parcel. The requested conditional use will memorialize the parking rights for the restaurant and add 51 additional parking spaces for a total of 115 spaces provided.

The subject property has been in use as a restaurant with associated parking and outdoor dining since 1983. The requested conditional uses are necessary only because the restaurant has been vacant for more than 12 months, which caused the original conditional use approvals to expire. There is no space on the restaurant parcel to physically accommodate any additional parking.

The outdoor dining area will have approximately 64 seats, and customers will be segregated from the parking lot by a decorative wrought iron-style fence. No other changes are proposed for the exterior of the building, aside from the removal of an existing rooftop deck. Staff is recommending that a condition of approval be added to require the removal of the deck, which will reduce the amount of parking required by code. Any wall or freestanding signage will meet code. No changes of any kind are proposed to the Nicor parcel, and it will remain as an off-site parking lot serving the restaurant as it has been since 1982.

Staff finds that all of the Standards for Conditional Uses have been met, in that no new development is proposed and the existing buildings and structures are complementary to the surrounding commercial district.

The proposed uses and relief are consistent with the Comprehensive Plan and the surrounding land uses. Staff is recommending approval of this petition, subject to the conditions noted in the staff report.

Chairperson Ryan then opened the meeting for comments among the Commissioners. The Commissioners had no comments.

On a motion by Commissioner Sweetser and a second by Commissioner Olbrysh, the Plan Commission voted 5 to 0 that the Village Board **approve** the requested relief, subject to the following conditions:

November 3, 2011

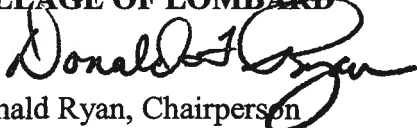
PC 11-22

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1. The petitioner shall develop the space in substantial conformance with the Proposed Floor Plan and Building Exterior/Signage Sketch, prepared by Ridgeland Associates, Inc., dated September 27, 2011.
2. The existing rooftop deck shall be removed prior to the issuance of a Certificate of Occupancy and/or Zoning Certificate.
3. If, for any reason, the Nicor parcel becomes unavailable for off-site parking related to 777 E. Butterfield Road, an amendment to the conditional use and/or any necessary variations must be obtained in order to continue the restaurant use.

Respectfully,

**VILLAGE OF LOMBARD**



Donald Ryan, Chairperson  
Lombard Plan Commission

c. Petitioner  
Lombard Plan Commission

**VILLAGE OF LOMBARD  
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission                      HEARING DATE: October 17, 2011  
FROM: Department of                                      PREPARED BY: Jennifer Henaghan, AICP  
          Community Development                                      Senior Planner

**TITLE**

**PC 11-22; 777 E. Butterfield Road (The Ugly Duck)**: The petitioner requests that the Village approve the following relief for the subject property, located within the O Office District:

1. A conditional use (per Section 155.412(C) of the Zoning Ordinance) to allow for a restaurant; and
2. A conditional use (per Section 155.412(C) of the Zoning Ordinance) to allow for an outside service area (outdoor dining); and
3. A conditional use (per Section 155.305 of the Zoning Ordinance) to reestablish a nonconforming parking lot; and
4. A conditional use (per Section 155.412(C) of the Zoning Ordinance) to allow for off-site parking.

**GENERAL INFORMATION**

Petitioner/Property Owner: Darwin Realty  
970 N. Oak Lawn Ave., Ste. 100  
Elmhurst, IL 60126

**PROPERTY INFORMATION**

Existing Zoning: O Office District (restaurant parcel); O Office District/Homestead Village Planned Development (Nicor parcel)

Existing Land Use: Vacant restaurant building and associated open parking lot

Size of Property: 1.1 acres (restaurant parcel); 0.9 acres (Nicor parcel)

Comprehensive Plan: Office

**Surrounding Zoning and Land Use:**

North:	O – Office District; developed as office buildings
South:	OPD – Office District/Homestead Village Planned Development; developed as Homestead Studio Suites
East:	B3 – Community Shopping District; developed as a retail center
West:	O – Office District; developed as Benihana

**ANALYSIS**

**SUBMITTALS**

This report is based on the following documentation:

1. Petition for Public Hearing.
2. Response to Standards for Conditional Uses.
3. ALTA/ASCM Land Title Survey, prepared by Krisch Land Surveying, LLC (no date).
4. Proposed Floor Plan and Building Exterior/Signage Sketch, prepared by Ridgeland Associates, Inc., dated September 27, 2011.
5. Second Floor Plan (no date).
6. Nicor Parking Lease, dated November 1, 1981.

**DESCRIPTION**

The petitioner wishes to re-open the restaurant building (including an outdoor dining area) on the subject property. As the property has been vacant for more than 12 months, the restaurant will require a new conditional use. The parking lot does not meet current code requirements. However, the nonconforming associated parking may be re-established through a conditional use (pursuant to Section 155.305 of the Zoning Ordinance). An additional conditional use is being sought to formally establish the off-site parking relationship between the restaurant and the adjacent Nicor parcel.

## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **ENGINEERING**

Private Engineering Services has no comments.

### **PUBLIC WORKS**

The Engineering Division of the Public Works Department has no comments on the petition.

### **FIRE DEPARTMENT**

The Fire Department has reviewed the petition and has no comments on the proposed plans. However, sprinkler protection would be required in the event that the outdoor seating area were to be enclosed, covered with a combustible canopy, or used to store or handle combustible goods.

### **BUILDING DIVISION**

The Building Division has no comments in relation to the petition. All issues the Building Division had at his site have been addressed in the submitted floor plans.

### **PLANNING**

#### **Background**

The property at 777 E. Butterfield Road was annexed into the Village in 1981 and granted development approvals together with the restaurant to the west (Benihana). The public hearing at that time rezoned the property to the O/I District and granted a conditional use for two restaurants. (At that time, the Plan Commission specifically chose to zone the subject property to the O/I District instead of the B3 District because it felt that Office zoning would better maintain the overall character of the corridor.)

The property at 777 E. Butterfield Road was developed as a 10,000 sq. ft. (+/-) restaurant in 1983 ("The Rusty Pelican"). The parking requirement at that time was 10 spaces per 1,000 sq. ft. of gross floor area plus one space per employee, meaning that 100+ parking spaces would have been required. However, only 64 on-site parking spaces were provided, creating a nonconforming situation. The restaurant was later operated as Magnum's Prime Steakhouse (1996-2008) and Topo Gigio (2008-2009).

The Nicor parcel has been used for off-site parking for the restaurant since 1982, pursuant to a lease agreement that runs through June 2024. Although the Homestead Village Planned Development granted a conditional use for off-site parking in 1998, that approval did not specifically tie the off-site parking (which is within the planned development) to the restaurant



parcel (which is not within the planned development). The requested conditional use will memorialize the parking rights for the restaurant and add 51 additional parking spaces for a total of 115 spaces provided.

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

The subject property has been in use as a restaurant with associated parking and outdoor dining since 1983. The requested conditional uses are necessary only because the restaurant has been vacant for more than 12 months, which caused the original conditional use approvals to expire (per Section 155.103(F)(12) of the Zoning Ordinance). There is no space on the restaurant parcel to physically accommodate any additional parking.

The outdoor dining area will have approximately 64 seats, and customers will be segregated from the parking lot by a decorative wrought iron-style fence. No other changes are proposed for the exterior of the building, aside from the removal of an existing rooftop deck. Staff is recommending that a condition of approval be added to require the removal of the deck, which will reduce the amount of parking required by code. Any wall or freestanding signage will meet code.

As discussed earlier, the conditional use for off-site parking will serve to memorialize the parking rights for the restaurant on the Nicor parcel. No changes of any kind are proposed to the Nicor parcel, and it will remain as an off-site parking lot serving the restaurant as it has been since 1982.

Staff finds that all of the Standards for Conditional Uses have been met, in that no new development is proposed and the existing buildings and structures are complementary to the surrounding commercial district.

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

The Comprehensive Plan recommends office uses for the subject property. The proposed restaurant is consistent with this recommendation, as the Comprehensive Plan does not exclude non-office uses within general office areas and the proposed restaurant use is complementary to the office uses that are dominant in the overall Butterfield Road/22<sup>nd</sup> Street corridor.

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

The proposed use is compatible with the surrounding uses. Restaurant uses are located along the Butterfield Road corridor, notably on the two properties immediately to the west of the subject property and within the adjacent retail center to the east.

### **Findings and Recommendations**

The Department of Community Development finds that the information presented **meets** the Standards for Conditional Uses as set forth in the Zoning Ordinance. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the proposal **complies** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of PC 11-22, subject to the following conditions:

1. The petitioner shall develop the space in substantial conformance with the Proposed Floor Plan and Building Exterior/Signage Sketch, prepared by Ridgeland Associates, Inc., dated September 27, 2011.
2. The existing rooftop deck shall be removed prior to the issuance of a Certificate of Occupancy and/or Zoning Certificate.
3. If, for any reason, the Nicor parcel becomes unavailable for off-site parking related to 777 E. Butterfield Road, an amendment to the conditional use and/or any necessary variations must be obtained in order to continue the restaurant use.

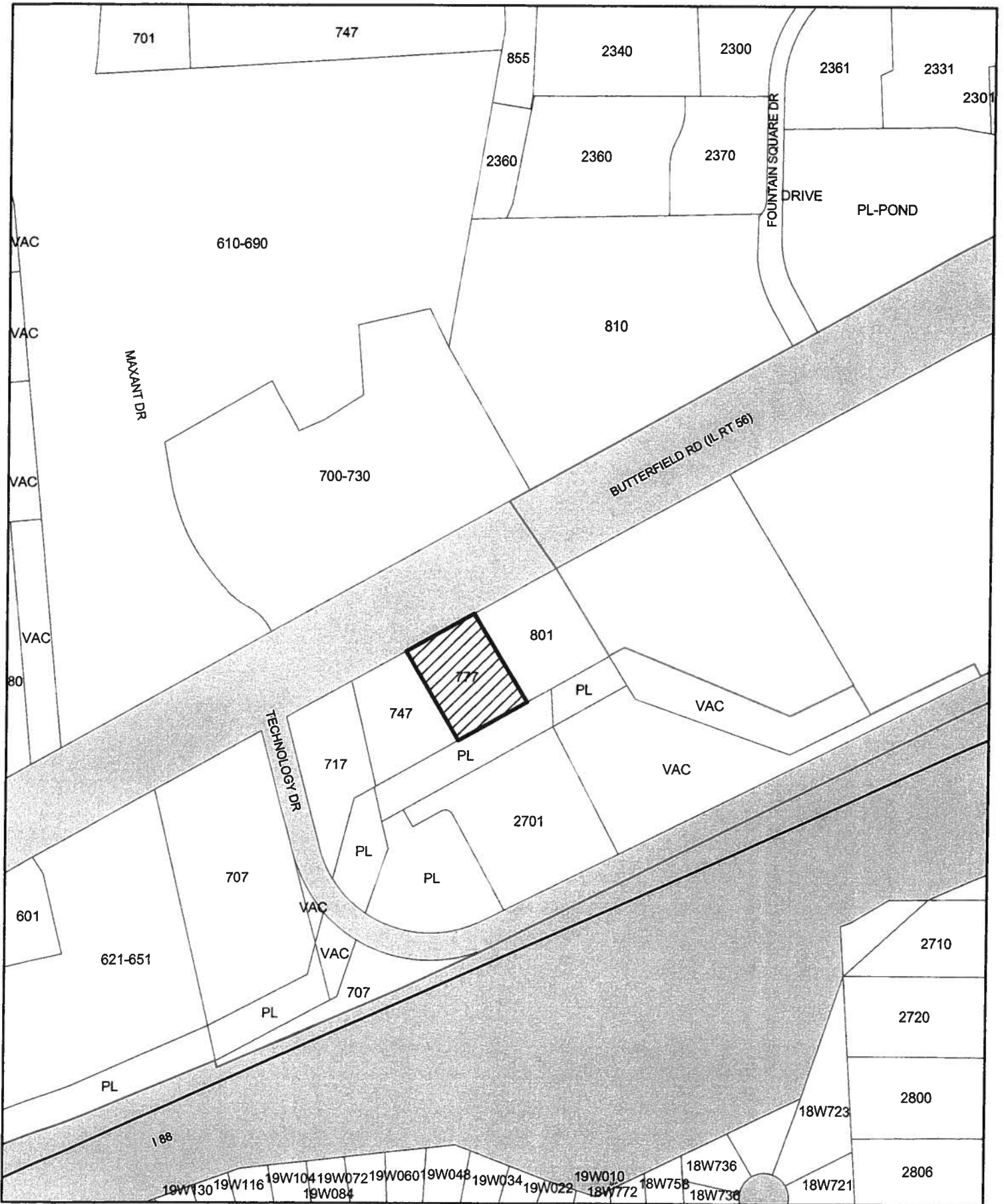
Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP  
Director of Community Development

# Location Map

777 E Butterfield Rd



The Ugly Duck - 777 E. Butterfield Road, Lombard, Illinois

Response to Standards for Conditional Uses

This is a response to the Village of Lombard Petitioners' Guide To The Plan Commission page 11; Section VII Standards for Conditional Uses, SECTION 155.103(F)(8) of the Lombard Zoning Ordinance.

1. *That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;*

The proposed use is as a restaurant and off site parking lot will not have an impact or endanger the public health, safety, morals, comfort, or general welfare. The restaurant is a pre-existing establishment and the use is consistent with other uses along the corridor. The concept of off -site parking is consistent with what other businesses have in place. Any potential negative impacts of the activity (i.e., trash, noise, etc.) will be continually overseen and managed.

2. *That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.*

The properties to the east and west of the subject property are also zoned in the Office District and will not be injurious to the uses and enjoyment of other properties in the immediate vicinity. The proposed use and off site parking is consistent with how other businesses operate in the area. Since the off site parking will be in the evening weekend hours when the office uses are not being used, there will be no impact on adjacent properties.

3. *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*

The proposed use and off site parking will not impact overall redevelopment activity along the Butterfield Road corridor. We believe that the repurposed restaurant use could be considered an asset to the corridor.

4. *That adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;*

The use does have adequate public utilities. The restaurant already exists and the proposed improvements will meet current codes.

5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;*

We believe that the proposed use and off site parking has suitable ingress and egress designed to minimize traffic congestion.

6. *That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and*

The proposed use, while not specifically office in nature, complements and is compatible with the surrounding offices and restaurant uses. The proposed use will be in compliance with Business Regulations XI Chapter 112 Alcoholic Beverages & 119 Restaurant and Food for The City of Lombard. We believe that the use is consistent with the retail objectives in the Comprehensive Plan.

7. *That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

The proposed use will be in compliance with Business Regulations XI Chapter 112 Alcoholic Beverages & 119 Restaurant and Food for The City of Lombard. We believe that the use is consistent with the retail objectives in the Comprehensive Plan.

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

**AN ORDINANCE GRANTING FOUR CONDITIONAL USES,  
LOCATED IN THE O OFFICE ZONING DISTRICT**

(PC 11-22: 777 E. Butterfield 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 property legally described in Section 5 below is located at 777 E. Butterfield Road is zoned O Office District; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional for a restaurant; and

WHEREAS, said application also requests approval of a conditional use for an outdoor service area (outdoor dining) associated with the proposed restaurant; and

WHEREAS, said application also requests approval of a conditional use to reestablish a nonconforming parking lot; and

WHEREAS, said application also requests approval of a conditional use to allow for off-site parking; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on October 17, 2011 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees recommending approval of the petition, subject to conditions of approval; 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 to allow for a restaurant is hereby granted; subject to the conditions included within Section 6 below.

SECTION 2: That a conditional use to allow for an outdoor service area (outdoor dining) associated with the proposed restaurant is hereby granted; subject to the conditions included within Section 6 below.

SECTION 3: That a conditional use to reestablish a nonconforming parking lot is hereby granted; subject to the conditions included within Section 6 below.

SECTION 4: That a conditional use to allow for off-site parking is hereby granted; subject to the conditions included within Section 6 below.

SECTION 5: This ordinance is limited and restricted to the property generally located at 777 E. Butterfield Road, Lombard, Illinois and legally described as follows:

LOT 2 IN FREED SUBDIVISION, BEING A SUBDIVISION IN SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1982 IN DUPAGE COUNTY, ILLINOIS; and

THE LEASEHOLD ESTATE (SAID LEASEHOLD ESTATE BEING DEFINED IN PARAGRAPH 1C. OF THE ALTA LEASEHOLD ENDORSEMENT ATTACHED HERETO), CREATED BY THE INSTRUMENT HEREIN REFERRED TO AS THE LEASE, EXECUTED BY: NORTHERN ILLINOIS GAS COMPANY, AN ILLINOIS CORPORATION, AS LESSOR, AND EXCHANGE NATIONAL BANK OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 1, 1980 AND KNOWN AS TRUST NUMBER 37795 AS LESSEE, DATED NOVEMBER 1, 1981, WHICH MEMORANDUM OF LEASE WAS RECORDED OCTOBER 27, 1981 AS DOCUMENT R84-57997 AND RE-RECORDED AS DOCUMENT R82-30526 AND ASSIGNED FROM EXCHANGE NATIONAL BANK OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 1, 1980 AND KNOWN AS TRUST NUMBER 37795 TO RUSTY PELICAN RESTAURANTS,

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

Re: PC 11-22

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INC., A CALIFORNIA CORPORATION, DATED JULY 2, 1982 AND RECORDED ON JULY 19, 1982 AS DOCUMENT R82-30527 AND ASSIGNMENT OF LEASE TO FRED R. HOFFMAN RECORDED APRIL 9, 1996 AS DOCUMENT R96-057953 AND ASSIGNMENT OF LEASE TO 777 E. BUTTERFIELD LLC, AN ILLINOIS LIMITED LIABILITY COMPANY RECORDED MARCH 4, 2008 AS DOCUMENT R2008-34323 WHICH DEMISES THE FOLLOWING DESCRIBED LAND FOR A TERM OF YEARS BEGINNING JULY 1, 1982 AND ENDING ON JUNE 30, 2024: ALL THOSE PARTS OF SECTIONS 28 AND 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE SOUTH 89 DEGREES 35 MINUTES EAST ALONG THE SOUTH LINE OF SAID SECTION 28 A DISTANCE OF 91.95 FEET; THENCE NORTH 12 DEGREES 05 MINUTES WEST ALONG THE WESTERLY LINE OF TRACT NO. 2 OF PLAT OF SURVEY OF THE BOEGER FARM SOUTH OF BUTTERFIELD ROAD, RECORDED AS DOCUMENT 789439, AND THE SAME EXTENDED, A DISTANCE OF 2722.70 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREBY CONVEYED, SAID POINT BEING IN THE NORTHERLY LINE OF THAT CERTAIN TRACT OR PARCEL OF LAND CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION BY WARRANTY DEED DATED JUNE 24, 1958 AND RECORDED IN DUPAGE COUNTY RECORDS ON JULY 11, 1958 IN BOOK 921 ON PAGE 515 AS DOCUMENT 886497; THENCE EASTERLY ALONG THE NORTHERLY LINE OF THE LAND SO CONVEYED BY DEED DATED JUNE 24, 1958, FORMING AN ANGLE OF 73 DEGREES 47 MINUTES TO THE RIGHT WITH THE LAST DESCRIBED COURSE EXTENDED, A DISTANCE OF 671.0 FEET; THENCE NORTHERLY ALONG A LINE FORMING AN ANGLE OF 91 DEGREES 42 MINUTES TO THE LEFT WITH THE LAST DESCRIBED COURSE EXTENDED A DISTANCE OF 82.54 FEET TO A POINT DISTANT 62.5 FEET NORTHERLY MEASURED AT RIGHT ANGLES. FROM THE NORTHERLY LINE OF THE TRACT OF LAND SO CONVEYED BY DEED DATED JUNE 24, 1958; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 86 DEGREES 13 MINUTES TO THE LEFT WITH THE LAST DESCRIBED COURSE EXTENDED, A DISTANCE OF 644.56 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 73 DEGREES 47 MINUTES TO THE LEFT WITH THE LAST DESCRIBED COURSE EXTENDED, A DISTANCE OF 85.92 FEET TO THE POINT OF BEGINNING; (EXCEPTING THEREFROM ANY PART LYING EASTERLY OF THE EASTERLY LINE OF LOT 3 OF PLAT OF SURVEY OF THE BOEGER FARM SOUTH OF BUTTERFIELD ROAD FOR ASSESSMENT PURPOSES



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

Re: PC 11-22

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ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 14, 1956 AS DOCUMENT 769439; ALSO EXCEPTING THEREFROM ANY PART LYING WESTERLY OF A LINE DRAWN 167 FEET WESTERLY OF AND PARALLEL WITH SAID EASTERLY LINE OF LOT 3 OF SAID BOEGER FARM ASSESSMENT PLAT) ALL IN DU PAGE COUNTY, ILLINOIS.

PIN: 06-29-201-007, -008

SECTION 6: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the space in substantial conformance with the Proposed Floor Plan and Building Exterior/Signage Sketch, prepared by Ridgeland Associates, Inc., dated September 27, 2011.
2. The existing rooftop deck shall be removed prior to the issuance of a Certificate of Occupancy and/or Zoning Certificate.
3. If, for any reason, the Nicor parcel becomes unavailable for off-site parking related to 777 E. Butterfield Road, an amendment to the conditional use and/or any necessary variations must be obtained in order to continue the restaurant use.

SECTION 7: 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 \_\_\_\_\_, 2011.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2011.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2011.

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

Nays: \_\_\_\_\_

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

Ordinance No. \_\_\_\_\_  
Re: PC 11-22  
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Approved this \_\_\_\_\_, day of \_\_\_\_\_, 2011.

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

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk