

ORDINANCE NO. 6086

**AN ORDINANCE GRANTING A PLANNED DEVELOPMENT AMENDMENT;
CONDITIONAL USES FOR A SIT-DOWN RESTAURANT, OUTDOOR DINING AND
FOR OFF-SITE PARKING; AND LANDSCAPING AND WALL SIGN VARIATIONS IN
THE OPD OFFICE PLANNED DEVELOPMENT DISTRICT**

(PC 07-27; 601-651 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 President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Sign Ordinance, otherwise known as Title 15, Chapter 153 of the Code of Lombard, Illinois; and,

WHEREAS, an application has heretofore been filed requesting an amendment to the conditional use for Lombard/Yorktown Office Center Planned Development, established by Ordinance 2277, and pursuant to Section 155.504(A) (major changes in a planned development) and Section 155.511 (Site Plan Approvals for planned developments) of the Lombard Zoning Ordinance; and

WHEREAS, said application also requests approval of conditional uses, per Section 155.411 (C) (14), for a restaurant establishment; per Section 155.411 (C) (10), for outdoor dining associated with a restaurant establishment; and per Section 155.411 (C) (9), for off-site parking for property located within the O Office District; and

WHEREAS, said application also requests approval of variations 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') along the western and southern property lines in order to provide for shared cross-access and parking; and

WHEREAS, said application also requests approval of variations from Section 153.503(B) (12)(b) of the Sign Ordinance to allow for three wall signs per street front exposure, where a maximum of one sign is permitted; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 20, 2007 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 planned development amendment, conditional uses, variations 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 the following conditional uses, variations and deviations as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

- a. An amendment to the conditional use for Lombard/Yorktown Office Center Planned Development, established by Ordinance 2277, and pursuant to Section 155.504(A) (major changes in a planned development) and Section 155.511 (Site Plan Approvals for planned developments) of the Lombard Zoning Ordinance
- b. A conditional use, per Section 155.411 (C) (14) of the Zoning Ordinance for a restaurant establishment;
- c. A conditional use, per Section 155.411 (C) (10) of the Zoning Ordinance for outdoor dining associated with a restaurant establishment;
- d. A conditional use, per Section 155.411 (C) (9) of the Zoning Ordinance for off-site parking.
- e. Variations from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance to reduce the perimeter lot landscaping requirements from five feet (5') to zero feet (0') along the western and southern property lines in order to provide for shared cross-access and parking;
- f. A deviation from Section 153.503(B) (12)(b) of the Sign Ordinance to allow for three wall signs per street front exposure, where a maximum of one sign is permitted.

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SECTION 2: That the ordinance is limited and restricted to the properties generally located at 601-651 E. Butterfield Road, Lombard, Illinois, and legally described as follows:

PARCEL 1

LOTS 1 AND 2 IN YORIKTOWN CENTER ASSESMENT PLAT OF TRACT 5 OF THE PLAT OF SURVEY OF THE BOEGER FARM OF PART OF SECTION 28 AND 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID ASSESMENT PLAT RECORDED DECEMBER 10, 1979 AS DOCUMENT R79-110076, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2

LEASEHOLD ESTATE CREATED BY A CERTAIN IDENTURE OF LEASE MADE BY NORTHERN ILLINOIS GAS COMPANY, AN ILLINOIS CORPORATION TO J.R. GOTTLIEB AND ASSOCIATES, AN ILLINOIS CORPORATION, RECORDED AS DOCUMENT R70-51406 AND ASSIGNED TO THE FIRST NATION BANK OF DES PLAINES AS TRUSTEE UNDER TRUST AGREEMENT DATED NOVEMBER 21, 1978 AND KNOWN AS TRUST NUMBER 90572442 BY ASSIGNMENT RECORDED AS DOCUMENT R79-51407 AND ASSIGNED TO K/B OPPORTUNITY FUNI I, L.P., A DELAWARE LIMITED PARTNERSHIP BY ASSIGNMENT RECORDED JUNE 29, 1994 AS DOCUMENT R94-143186 AND ASSIGNED TO DUKE REALTY LIMITED PARTNERSHIP, AN INDIANA LIMITED PARTNERSHIP BY ASSIGNMENT AND ASSUMPTION OF GROUND LEASE RECORDED MAY 22, 1998 AS DOCUMENT R98-097831, AND FURTHER ASSIGNED TO 611 BUTTERFIELD ROAD LLC BY ASSIGNMENT AND ASSUMPTION OF GROUND LEASE RECORDED JUNE 22, 2000 AS DOCUMENT R2000-094961, DEMISING AND LEASING FOR A TERM OF YEARS BEGINNING JUNE 1, 1979 AND ENDING MAY 31, 2014 THE FOLLOWING DESCRIBED LAND TO WIT: ALL THAT PART OF TRACT #5 OF PLAT OF SURVEY OF THE BOEGER FARM SOUTH OF BUTTERFIELD ROAD (RECORDED AS DOCUMENT 789439) IN THE EAST HALF OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS TO WIT: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 29, THENCE SOUTH 88 DEGREES 40 MINUTES WEST ALONG THE SOUTH LINE OF SAID SECTION 29 A DISTANCE OF 1014.30 FEET TO THE WEST LINE OF SAID TRACT #5, BEING ALSO THE EAST LINE OF YORKSHIRE PRIVATE FARMS, YORK TOWNSHIP SUPERVISOR'S ASSESMENT PLAT #3; THENCE NORTH 12 DEGREES 05 MINUTES WEST ALONG THE WEST LINE OF SAID TRACT #5, A DISTANCE OF 1702.74 FEET; THENCE NORTH 12 DEGREES 50 MINUTES WEST ALONG THE WEST LINE OF SAID TRACT #5, A DISTANCE OF 232.27 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 HIGHWAY COMMISSION BY WARRANTY DEED DATED MARCH 1, 1957 RECORDED IN DUPAGE COUNTY, ILLINOIS ON MARCH 12, 1957 IN BOOK 871 ON PAGE 610 AS DOCUMENT 835250; THENCE NORTH 70 DEGREES 25 MINUTES 30 SECONDS EAST ALONG THE NORTHERLY LINE OF THE TRACT OF LAND SO CONBEYED BY DEED DATED MARCH 1, 1957 A DISTANCE OF 233.68 FEET TO A POINT OF CURVE; THENCE EASTERLY ALONG THE NORTHERLY LINE OF THE TRACT OF LAND SO CONVEYED BY DEED DATED

MARCH 1, 1957 BEING A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 11,334.19 FEET A DISTANCE OF 344.18 FEET TO THE EASTERLY LINE OF SAID TRACT #5; THENCE NORTH 12 DEGREES 05 MINUTES WEST ALONG THE EASTERLY LINE OF SAID TRACT #5, A DISTANCE OF 83.41 FEET MORE OR LESS, TO A POINT DISTANCE 82.5 FEET, MEASURED AT RIGHT ANGLES, NORTHERLY FROM THE NORTHERLY LINE OF THE TRACT OF LAND SO CONVEYED BY DEED DATED MARCH 1, 1957 EXTENDED; THENCE WESTERLY PARALLEL WITH THE NORTHERLY LINE OF THE TRACT OF LAND SO CONVEYED BY DEED DATED MARCH 1, 1957, BEING A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 11, 251.69 FEET, A DISTANCE OF 353.97 FEET TO A POINT OF TANGENT; THENCE SOUTH 70 DEGREES 25 ALONG THE WESTERLY LINE OF SAID TRACT #5, A DISTANCE OF 83.07 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: Parcel Numbers: 06-29-402-014, -015, -022

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

1. The petitioner shall develop the site and building in accordance with the following plans submitted as part of this request, except as modified by the conditions of approval:
 - i. Layout and Paving Plan, prepared by V3 Companies and dated June 22, 2007.
 - ii. Parking Lot Landscaping Plan, prepared by V3 Companies and dated July 16, 2007;
 - iii. Foundation Landscaping Plan, prepared by H.C. Klover Architect
 - iv. Building Elevations, prepared by H.C. Klover Architect and dated July 13, 2007.
2. 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.
3. Upon a request by the Village, the petitioner shall provide for a cross access easement between the subject properties and abutting properties.

4. Prior to consideration by the Village Board, the petitioner shall submit modified building elevations that substitute masonry for the buff colored stucco.

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 6th day of September, 2007.

First reading waived by action of the Board of Trustees this ____ day of _____, 2007.


Passed on second reading this 20th day of September, 2007, pursuant to a roll call vote as follows:

Ayes: Trustees Gron, Tross, O'Brien and Fitzpatrick

Nays: None

Absent: Trustees Moreau and Soderstrom

Approved this 20th day of September, 2007


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published by me this 25th of September, 2007

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