

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: September 27, 2005 (B of T) Date: October 6, 2005

TITLE: PC 05-36: 506 E. St. Charles Place (Scoop's)

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration a petition requesting that the Village take the following actions to allow for an addition to the existing Scoop's building located within the B4 Corridor Commercial Shopping District:

1. Grant a variation from Section 155.415 (F)(1) of the Zoning Ordinance to allow for a variation in the front yard setback from thirty feet (30') to two feet (2');
  2. Grant a conditional use, pursuant to Section 155.208 (C) of the Zoning Ordinance, to allow for two principal buildings to be located on a lot of record; and
  3. Grant an amendment to the conditions of approval associated with Ordinances 5324 and 5691 to allow for the re-establishment of the legal nonconforming status of an existing building on the subject property, if necessary.
- (DISTRICT #5)

The petitioner is requesting a waiver of first reading.

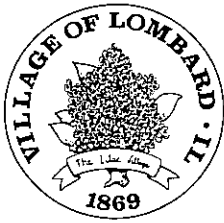
The Plan Commission recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <i>W. T. Lichter</i>	Date <i>9/28/05</i>

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:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP, Director of Community Development *da*

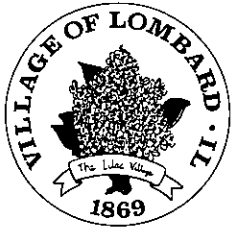
**DATE:** October 6, 2005

**SUBJECT: PC 05-36: 506 E. St. Charles Place (Scoops)**

Attached please find the following items for Village Board consideration as part of the October 6, 2005 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 05-36;
3. An Ordinance granting approval of the petition, subject to conditions.

In order for the petitioner to stay on target with the requisite dates of completion as set forth in Ordinance 5691, the petitioner requests a waiver of first reading of the attached Ordinance. In the event that the provisions of condition #7 are met by the date of Village Board consideration, staff does not object to this request.



## VILLAGE OF LOMBARD

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Lombard, IL 60148-3926  
(630) 620-5700 FAX: (630) 620-8222  
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www.villageoflombard.org

**Village President**  
William J. Mueller

October 6, 2005

**Village Clerk**  
Brigitte O'Brien

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

**Trustees**  
Greg Alan Gron, Dist. 1  
Richard J. Tross, Dist. 2  
John "Jack" T. O'Brien, Dist. 3  
Steven D. Sebby, Dist. 4  
Kenneth M. Florey, Dist. 5  
Rick Soderstrom, Dist. 6

**Subject: PC 05-36: 506 E. St. Charles Place (Scoops)**

Dear President and Trustees:

**Village Manager**  
William T. Lichter

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following actions to allow for an addition to the existing Scoop's building located within the B4 Corridor Commercial Shopping District:

1. Grant a variation from Section 155.415 (F)(1) of the Zoning Ordinance to allow for a variation in the front yard setback from thirty feet (30') to two feet (2');
2. Grant a conditional use, pursuant to Section 155.208 (C) of the Zoning Ordinance, to allow for two principal buildings to be located on a lot of record; and
3. Grant an amendment to the conditions of approval associated with Ordinances 5324 and 5691 to allow for the re-establishment of the legal nonconforming status of an existing building on the subject property, if necessary.

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

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on September 19, 2005. Mike Trombetta, 52 Orchard Terrace, Lombard, the proposed tenant for the Scoops building presented the petition.

He introduced himself and mentioned that he had a business in Downtown Lombard for five years which has been lost by fire and he will not rebuild at that location. He has since entered into a lease for the Scoops building. DuPage County Health Department has told him to install a refrigerator/freezer unit for the business and that the only way the business would work would be to install outside and enter from the inside.

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He then discussed the proposed building elevations. The architectural drawings depict the building addition with a new mansard roof, which should give the run down building a new look.

Randy Pruyn, 407 Edson, Lombard, is the architect for the project. He mentioned the Health Department request for a refrigeration unit and mentioned the Scoops site is small and he needs to fit all the operational units on site. The Health Department requires that they have walk in refrigerator to support their business operations. He mentioned the dimensions of the unit (6'x12'). They positioned it as they did as it is on the backside of St. Charles Road. The west elevation is primarily where all the customer service will be and he explained the reasons for putting the unit it where it is located on the south side, where it is least visible from traffic.

The existing building is located eight feet off of the property line. With the addition, the building will be slightly more than two feet off of the property line. There is still plenty of grass space. When they came in for approval they discussed upgrading the building and making improvements. The adjacent hobby store is run down and they did what they can to improve the site. They will add screening to the rear portion of the roof to hide the mechanicals and make the building more aesthetically pleasant. The have not finalized the color selection yet but everything will tie into it eventually.

Chairperson Ryan then opened the meeting for public comment. There was no one to speak for or against the petition. Chairperson Ryan then requested the staff report.

William Heniff, Senior Planner, presented the staff report. He stated that a traffic accident substantially damaged the Scoop's ice cream building in 2001. To provide for the reconstruction and rehabilitation of the building, the Village Board approved a conditional use to re-establish the legal non-conforming status of the ice cream building and allow the property owner to re-establish the business as it was prior to the auto accident. Amendments to the conditions of approval were adopted by the Village earlier this summer which require specific times for a lease agreement and for issuance of a Certificate of Occupancy and/or Zoning Certificate for the property.

Since the latest approval was granted, the lessee of the Scoop's buildings has developed building plans for a fast-food establishment. However, upon review of the plans by the DuPage County Health Department, they are requiring that the lessee provide a new 6'x12' cooler. The cooler would be attached to the existing building and would constitute a building addition. As the building is located completely within two front setback yards, additional zoning actions are needed from the Village. Moreover, as a building expansion, the petitioner will also need to request conditional use approval to allow for the building expansion of one of the two principal buildings on the lot. Lastly, staff also referenced Ordinance 5691 in the public hearing request if the associated completion dates need to be amended to accommodate this addition.

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Referencing the IDRC comments, he noted that stormwater detention shall be required for the proposed building addition. However, the Director of Community Development may grant, at his discretion, an administrative variance to accept a fee in lieu of on-site detention.

He then discussed comments from the Planning Services Division. As the building is entirely located within setback yards, any expansion to the building would necessitate zoning relief, as it would increase the degree of non-conformity. The addition would encroach six feet further into the St. Charles Place front yard setback, placing the building approximately two feet from the second front property line.

From a design aesthetic standpoint, the placement of the cooler on the south side of the building would decrease its visual prominence along St. Charles Road. It would also preserve the parking lot improvements constructed in 2000 immediately to the east of the Scoop's building – hence no parking spaces would be lost by the cooler expansion.

To minimize the impacts of the addition, the petitioner is proposing façade improvements that include a new seam metal roof, rooftop mechanical screening and an integrated paint scheme to tie the cooler addition with the existing building.

Mr. Heniff then noted that Section 155.208 (C) of the Zoning Ordinance allows for two principal buildings to be located on a lot of record as a conditional use. As no previous relief has been granted, the two principal buildings would constitute an expansion to a non-conformity and zoning relief would be required.

He then noted that Ordinances 5324 and 5691 allow for the re-establishment of the legal nonconforming status of the Scoop's building. Ordinance 5691 set forth specific timelines for improvements to be completed. This request was added to the petition to ensure that if the Village Board needed to further amend the time provisions associated Ordinance 5691, proper notice was provided. If these timelines are not met, the conditional use granted through Ordinance 5324 and 5691 would be null and void and the full provisions of Section 155.305 of the Zoning Ordinance would be in effect. This would also require the property owner to be responsible for razing the structure.

He noted that the Village Board approved two Ordinances setting forth provisions to allow for the Scoop's building to be restored. It must be therefore assumed that it is the desire of the Board to see the existing Scoop's building to be restored and made into a viable business. To implement the desire of the Board, the relief included as part of this petition would also be necessary. The Comprehensive Plan recommends that the subject property be developed for commercial purposes. The ice cream/restaurant sales activity on the premises would be consistent with the Comprehensive Plan.

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However, to ensure compatibility, staff recommends that the Lombard Hobbies building also located on the subject property be improved with façade improvements compatible with the proposed improvements for the Scoops building. Staff suggests that the property owner provide a concept plan for Village Board consideration prior to the final reading of Ordinances. He also noted that all encroachments within the St. Charles Road right-of-way should be removed.

Chairperson Ryan then opened the meeting for discussion among the Plan Commission members. Commissioner Sweetser stated that it is good to see Scoops coming back and she inquired about the proposed building signage. Mr. Heniff noted that signage will meet Village Code.

Commissioner Burke inquired about the requirements for the cooler. Is the size based upon square footage or is it based upon depth? Mr. Pruyn stated that it was a Health Department requirement that it has to be six feet deep due to the door and the storage capacity and if less than six feet, there would not be sufficient room for access.

With regard to the Ordinance extension, Mr. Heniff noted that this provision was added to the public hearing notice so that if there are delays through the public hearing process in the final consideration of the petition, it would not require a new public hearing to amend the previous approval.

Chairperson Ryan then inquired about condition #7 and asked how secure does staff feel that Lombard Hobbies will comply with this condition? Mr. Trombetta stated that he talked to the property owner today and he seemed to understand the condition the Village will place on the approval.

After due consideration of the petition and testimony presented, the Plan Commission found that the petition complies with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5 to 0, accepted the findings of the Inter-departmental Review Report as the findings of the Lombard Plan Commission and recommended to the Corporate Authorities, **approval** of the petition associated with PC 05-36, subject to the following conditions:

1. The property shall be developed in accordance with the site plan and building elevation packet prepared by Randy Pruyn, ALA, dated September 1, 2005 and made a part of this petition, except as varied by the conditions of approval.
2. The petitioner/property owner shall provide foundation landscaping around the building addition consistent with Section 155.708 of the Zoning Ordinance, consisting of shubbery, evergreens and/or hedges placed along the foundation wall areas in addition to approved ground cover, with the final design subject to the Director of Community Development.

October 6, 2005

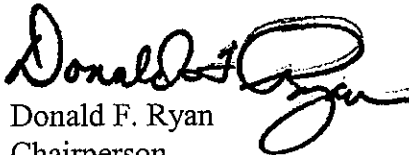
Re: PC 05-36

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3. All private encroachments within the public right-of-way shall be removed.
4. The outdoor dining area shall be fenced, with the design of the fence subject to the approval of the Director of Community Development and pursuant to the fence regulations included within the Zoning Ordinance.
5. All other provisions associated with Ordinances 5324 and 5691 not amended by this Ordinance shall remain in full force and effect.
6. In the event that the provisions of Ordinances 5324 and 5691 are not met, the actions associated with this petition shall also immediately expire. Moreover, in the event that the Scoop's building is razed or is again damaged by more than fifty percent of the value of the building, the relief associated with this petition shall also be null and void.
7. That prior to final consideration of any Ordinances approving the requested actions on the subject property, the property owner shall provide the Village with a building elevation plan to improve the exterior of the Lombard Hobbies building so that it is compatible with the proposed Scoop's building. The Lombard Hobbies building improvements shall be completed within twelve (12) months from the date of approval of the aforementioned Ordinance.

Respectfully,

**VILLAGE OF LOMBARD**



Donald F. Ryan

Chairperson

Lombard Plan Commission

WJH:jd

c      Petitioner  
         Lombard Plan Commission

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

TO: Lombard Plan Commission

HEARING DATE: September 19, 2005

FROM: Department of Community  
Development

PREPARED BY: William J. Heniff, AICP  
Senior Planner

**TITLE**

**PC 05-36; 506 East St. Charles Place:** The petitioner requests that the Village take the following actions to allow for an addition to the existing Scoop's building located within the B4 Corridor Commercial Shopping District:

1. Grant a variation from Section 155.415 (F)(1) of the Zoning Ordinance to allow for a variation in the front yard setback from thirty feet (30') to two feet (2');
2. Grant a conditional use, pursuant to Section 155.208 (C) of the Zoning Ordinance, to allow for two principal buildings to be located on a lot of record; and
3. Grant an amendment to the conditions of approval associated with Ordinances 5324 and 5691 to allow for the re-establishment of the legal nonconforming status of an existing building on the subject property, if necessary.

**GENERAL INFORMATION**

Petitioner: Mike Trombetta  
52 Orchard Terrace  
Lombard, IL 60148

Property Owner: Jeffrey Weinberg  
124 West Jackson  
Villa Park, Illinois 60181

Status of Petitioner: Proposed property tenant

**PROPERTY INFORMATION**

Existing Land Use: Hobby store and Scoop's ice cream parlor (vacant)

Size of Property: Approximately 20,600 sq. ft.

Comprehensive Plan: Recommends community commercial



Existing Zoning: B4 Corridor Commercial District

Surrounding Zoning and Land Use:

- North: R4 General Residence District, Planned Development; under construction as the Oakview Estates condominium development.
- South: CR Conservation/Recreation District; developed as Lombard Common Park
- East: B4 Corridor Commercial District; developed as the Great Western Trail right-of-way and an office building
- West: St. Charles Road and St. Charles Place rights-of-way

## ANALYSIS

### DESCRIPTION

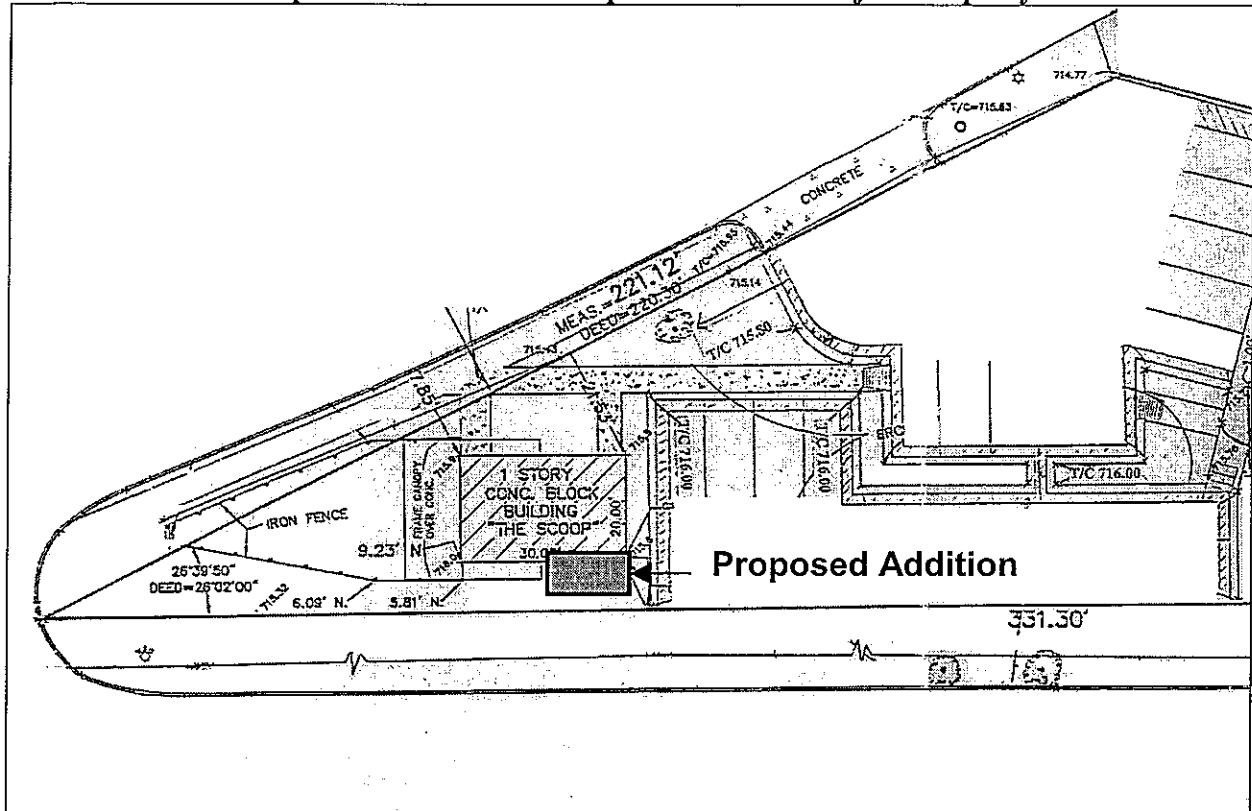
A traffic accident substantially damaged the Scoop's ice cream building in 2001. To provide for the reconstruction and rehabilitation of the building, the Village Board approved a conditional use to re-establish the legal non-conforming status of the ice cream building and allow the property owner to re-establish the business as it was prior to the auto accident (PC 03-11, Ordinance 5324). Amendments to the conditions of approval were adopted by the Village earlier this summer (PC 05-16, Ordinance 5691) which requires specific times for a lease agreement and for issuance of a Certificate of Occupancy and/or Zoning Certificate for the property as follows:

- That a building permit for any requisite interior or exterior improvements shall be applied for no later than forty-five (45) days (i.e., September 22, 2005) from the date of approval of this Ordinance.
- That a Certificate of Occupancy/Zoning Certificate shall be applied for and shall be approved by the Village within one-hundred thirty-five (135) days (i.e., December 31, 2005) from the date of approval of this Ordinance.

Since the latest approval was granted, the lessee of the Scoop's buildings has developed building plans for a fast-food establishment. However, upon review of the plans by the DuPage County Health Department, they are requiring that the lessee provide a new 6'x12' cooler for food products. The additional cooler would be attached to the existing building and would constitute a building addition. As the building is located completely within two front setback yards, additional zoning actions are needed from the Village to accommodate this addition. Moreover, as a building expansion, the petitioner will also need to request conditional use approval to allow for the building expansion of one of the two principal buildings on the lot. Lastly, staff also

referenced Ordinance 5691 in the public hearing request if the associated completion dates need to be amended to accommodate this addition.

### Proposed Site Plan of Scoop's Portion of Subject Property



### INTER-DEPARTMENTAL REVIEW COMMENTS

#### ENGINEERING

The Private Engineering Services Division has the following comment on this petition:

Stormwater detention shall be required for the proposed building addition. However, the Director of Community Development may grant, at his discretion, an administrative variance to accept a fee in lieu of on-site detention per Village Code Section 151.56. *(This fee would be about \$268)*

**FIRE AND BUILDING**

The Fire Department/Bureau of Inspectional Services notes the following items that will need to be addressed as part of the building permit submittal:

1. Prior to occupancy, outstanding building codes must be addressed.
2. DuPage County Health Department has a number of issues that need to be addressed prior to their approval for use.
3. The Fire Department needs to have all Life Safety and Fire Code issues addressed as well.
4. Additional comments will be noted on the building permit application and plans.

**PLANNING**

*Compliance with the Zoning Ordinance*

The subject property has the following existing characteristics (actions required as part of this petition are highlighted):

	Code Requirements	Existing Scoop's building/ property as constructed	Scoop's building/ property with expansion
Front Yard Setback (St. Charles Road)	30 feet	7.85 feet	7.85 feet
Front Yard Setback (St. Charles Place)	30 feet	8.81 feet	2 feet
Number of principal buildings on a lot	1 permitted, more than 1 permitted as a conditional use	2	2
Outdoor dining area	Conditional use	Partially located within St. Charles Road right-of-way	On private property

*Front Yard Setback Variation*

As the building is entirely located within setback yards, any expansion to the existing building would necessitate zoning relief, as it would increase the degree on non-conformity. The proposed addition would encroach six feet further into the St. Charles Place front yard setback, placing the building approximately two feet from the second front property line.

From a design aesthetic standpoint, the placement of the cooler on the south side of the building would decrease its visual prominence along St. Charles Road. It would also preserve the parking lot improvements constructed in 2000 immediately to the east of the Scoop's building – hence no parking spaces would be lost by the cooler expansion.

To minimize the impacts of the cooler addition, the petitioner is proposing façade improvements as depicted on the submitted plans. These improvements include a new seam metal roof, rooftop

mechanical screening and an integrated paint scheme to tie the cooler addition with the existing building.

*Conditional Use for Two Structures on a Lot*

Section 155.208 (C) of the Zoning Ordinance, allows for two principal buildings to be located on a lot of record as a conditional use. As no previous relief has been granted by the Village, the two principal buildings would constitute an expansion to a non-conformity and zoning relief would be required.

*Amendments to Previous Ordinances*

Ordinances 5324 and 5691 allow for the re-establishment of the legal nonconforming status of the Scoop's building. Ordinance 5691 set forth specific timelines for improvements to be completed. This request was added to the petition to ensure that if the Village Board needed to further amend the time provisions associated Ordinance 5691, proper notice was provided.

In the event that any of these timelines are not met, the conditional use granted through Ordinance 5324 and 5691 would be null and void and the full provisions of Section 155.305 of the Zoning Ordinance would be in effect. This would also require the property owner to be responsible for razing the structure.

*Standards for Relief*

The Village Board approved two Ordinances setting forth provisions to allow for the Scoop's building to be restored. It must be therefore assumed that it is the desire of the Board to see the existing Scoop's building to be restored and made into a viable business. To implement the desire of the Board, the relief included as part of this petition would also be necessary.

Appendix A is staff's response to the standards for variations and for conditional uses. These responses are based upon the issues raised by the Village and the County Health Department as well as those expressed by the petitioner.

**Compatibility with the Comprehensive Plan**

The Comprehensive Plan recommends that the subject property be developed for commercial purposes. The ice cream/restaurant sales activity on the premises would be consistent with the Comprehensive Plan.

**Compatibility with Adjacent Land Uses**

The property is bordered by open space recreational uses to the south (Moran Water Park). While the proposed addition will be visible from the park, its overall size will not create a substantial visual impact on the park. The building addition will only been seen from higher elevations within the new Oakview Estates Condominiums north of the subject property.

However, to ensure compatibility within the subject property, staff recommends that the Lombard Hobbies building also located on the subject property be improved with façade improvements compatible with the proposed improvements for the Scoops building. Staff suggests that the property owner provide a concept plan for Village Board consideration prior to the final reading of Ordinances approving the property.

## FINDINGS AND RECOMMENDATIONS

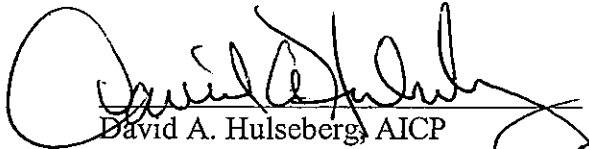
Based on the above findings, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition subject to the conditions as outlined:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance, and, therefore, I move that the Plan Commission accept the findings and responses to the standards for variations and conditional uses included within the Inter-departmental Review Report as the findings and responses of the Lombard Plan Commission and therefore, recommends to the Corporate Authorities **approval** of PC 05-36, subject to the following conditions:

1. The property shall be developed in accordance with the site plan and building elevation packet prepared by Randy Pruyne, ALA, dated September 1, 2005 and made a part of this petition, except as varied by the conditions of approval.
2. The petitioner/property owner shall provide foundation landscaping around the building addition consistent with Section 155.708 of the Zoning Ordinance, consisting of shrubbery, evergreens and/or hedges placed along the foundation wall areas in addition to approved ground cover, with the final design subject to the Director of Community Development.
3. All private encroachments within the public right-of-way shall be removed.
4. The outdoor dining area shall be fenced, with the design of the fence subject to the approval of the Director of Community Development and pursuant to the fence regulations included within the Zoning Ordinance.
5. All other provisions associated with Ordinances 5324 and 5691 not amended by this Ordinance shall remain in full force and effect.
6. In the event that the provisions of Ordinances 5324 and 5691 are not met, the actions associated with this petition shall also immediately expire. Moreover, in the event that the Scoop's building is razed or is again damaged by more than fifty percent of the value of the building, the relief associated with this petition shall also be null and void.

7. That prior to final consideration of any Ordinances approving the requested actions on the subject property, the property owner shall provide the Village with a building elevation plan to improve the exterior of the Lombard Hobbies building so that it is compatible with the proposed Scoop's building. The Lombard Hobbies building improvements shall be completed within twelve (12) months from the date of approval of the aforementioned Ordinance.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP  
Director of Community Development

DAH:WJH

att.

## Appendix A

### Staff Response to Standards for Variations & Conditional Uses

#### SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

*Staff notes that any expansion of this building would necessitate zoning relief. The hardship is created not by the property owner or petitioner but is a function of DuPage County Health Department requirements that necessitate the addition of a larger cooler to the building.*

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

*The property is uniquely shaped and was developed prior to the property's annexation into the Village.*

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

*The relief is requested in order to make the building a viable business enterprise.*

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

*While the addition is created by the petitioner, its addition is necessitated by the requirements of other governmental agencies.*

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

*The addition will be located outside of any clear line of sight areas and will be located away from the more visible and predominant front yard along St. Charles Road.*

6. The granting of the variation will not alter the essential character of the neighborhood; and,

*The addition will be integrated into the proposed building architecture.*

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

*The addition will be required to meet these provisions.*

## STANDARDS FOR CONDITIONAL USES

### SECTION 155.103 (F)(8) OF THE LOMBARD ZONING ORDINANCE:

No conditional use shall be recommended by the Plan Commission unless it finds:

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 two principal structures on this property will not negatively impact the public health, safety, morals, comfort, or general welfare. The property has been developed with two structures for a substantial period of time.*

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, not substantially diminish and impair property values within the neighborhood in which it is to be located;



*The addition will provide value to the existing Scoop's building and will eliminate its deleterious appearance. Therefore, the addition will create an enhancement to the area.*

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 addition is intended to ensure the development of the property with viable commercial uses.*

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

*The addition will not affect utilities or access roads. Drainage issues will be addressed as part of the permit submittal or as part of a fee in-lieu of detention payment.*

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;

*The addition and the two existing principal structures will not impact traffic patterns in the area.*

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

*The addition will advance the Comprehensive Plan's recommendation that the property be used for retail commercial purposes.*

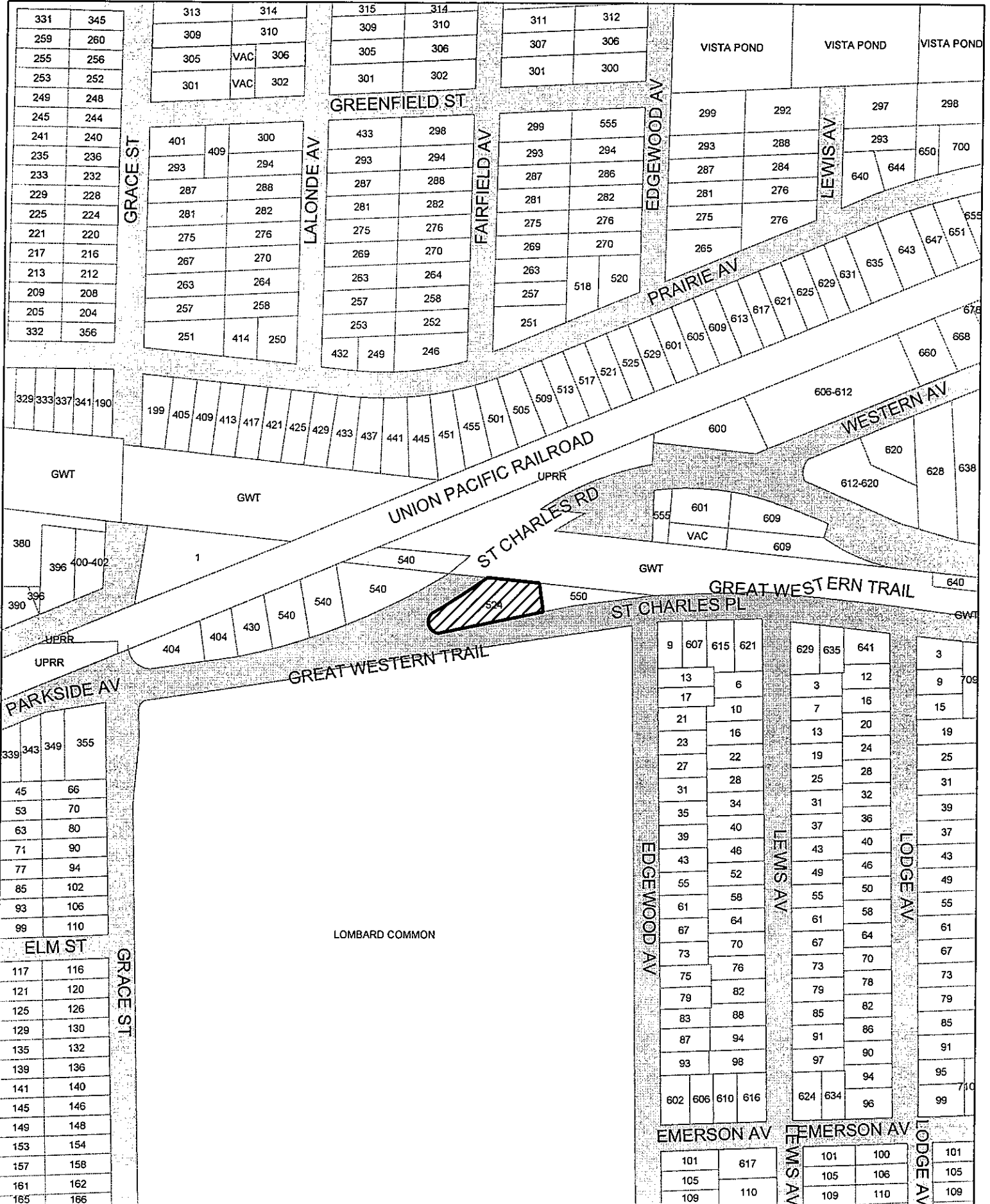
7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission

*This provision will be met.*

# Location Map



## PC 05-36: 506 E. St. Charles Place



Mike Trombetta  
52 Orchard Terrace  
Lombard, IL 60148

September 20, 2005

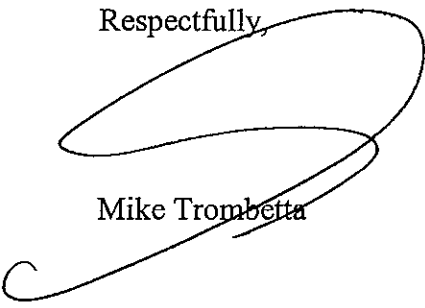
William J. Heniff, AICP  
Senior Planner  
Village of Lombard  
Department of Community Development  
255 East Wilson Avenue  
Lombard, Illinois 60148

**Re: PC 05-36: 506 E. St. Charles Place – Waiver of First Reading**

Dear Mr. Heniff:

I respectfully request a waiver of first reading of the approval Ordinance associated with PC 05-36. This request is being made in order to keep the construction timelines within the deadlines established by the Village Board in Ordinance 5691 and to continue my renovation efforts associated with the Scoop's building.

Respectfully,



Mike Trombetta

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

**AN ORDINANCE GRANTING A FURTHER AMENDMENTS TO  
ORDINANCES 5324 AND 5691, A VARIATION TO THE FRONT YARD SETBACK  
REQUIREMENTS AND A CONDITIONAL USE FOR TWO PRINCIPAL  
SETUCTURES ON A LOT, PURSUANT TO TITLE 15, CHAPTER 155, SECTION  
155.305 OF THE LOMBARD ZONING ORDINANCE**

(PC 05-36: 506 East St. Charles Place)

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 B4 Corridor Commercial District; and,

WHEREAS, a legal non-conforming building located on the subject property was damaged greater than fifty percent of the value of the building as the result of a traffic accident in 1991; and

WHEREAS, Section 155.302 (G) of the Zoning Ordinance states that the legal non-conforming status of a building shall be lost if the damage or destruction caused by any means exceeds fifty percent of the market value of the building; and

WHEREAS, the Village adopted Ordinance 5324 on July 17, 2003 which granted a conditional use pursuant to Section 155.305 of the Zoning Ordinance to allow for the re-establishment of the legal nonconforming status of an existing building for the subject property; and

WHEREAS, the Village further adopted Ordinance 5691 on August 18, 2005 which granted an amendment to the conditions of approval conditional use associated with Ordinance 5324; and

WHEREAS, an application has been received requesting a variation from Section 155.415 (F)(1) of the Zoning Ordinance to allow for a variation in the front yard setback from thirty feet (30') to two feet (2'); and

WHEREAS, said application also requests a conditional use, pursuant to Section 155.208 (C) of the Zoning Ordinance, to allow for two principal buildings to be located on a lot of record; and

WHEREAS, the petition was subject to a public hearing before the Plan Commission on September 19, 2005 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended approval of the petition, subject to conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard hereby adopt the findings and recommendations of the Plan Commission as set forth herein, and make same part hereof, subject to certain revisions as more fully set forth below.

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 Ordinances 5324 and 5691 are hereby amended and that a variation is hereby granted from Section 155.415 (F)(1) of the Zoning Ordinance to allow for a variation in the front yard setback from thirty feet (30') to two feet (2') and a conditional use is hereby granted, pursuant to Section 155.208 (C) of the Zoning Ordinance, to allow for two principal buildings to be located on a lot of record, for the property legally described in Section 2 below (the "Subject Property"), subject to the conditions set forth in Section 3 below.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 506 East St. Charles Place, Lombard, Illinois and legally described as follows:

THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTH LINE OF ST. CHARLES ROAD (NOW KNOWN AS ST. CHARLES PLACE) WHICH IS 726.1 FEET EAST OF THE EAST LINE OF GRACE STREET FOR A POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF THE HIGHWAY (NOW KNOWN AS EAST ST. CHARLES ROAD), MAKING AN ANGLE OF

26 DEGREES 2 MINUTES WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE FOR A DISTANCE OF 220.3 FEET TO AN IRON STAKE; WHICH IS ON THE SOUTH RIGHT OF WAY OF CHICAGO GREAT WESTERN RAILRIAD; THENCE SOUTHEASTERLY ALONG THE SOUTH LINE OF SAID RAILROAD FOR A DISTANCE OF 138.2 FEET TO A STAKE; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 75 DEGREES 26 MINUTES TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 62.6 FEET TO A STAKE ON THE NORTH LINE OF ST. CHARLES ROAD (NOW KNOWN AS ST. CHARLES PLACE); THENCE SOUTHWESTERLY ALONG THE NORTH LINE OF ST. CHARLES ROAD (NOW KNOWN AS ST. CHARLES PLACE) A DISTANCE OF 331.3 FEET, TO THE POINT OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 06-05-427-001

SECTION 3: That the zoning actions set forth in Section 1 above shall be subject to the following conditions:

1. The property shall be developed in accordance with the site plan and building elevation packet prepared by Randy Pruyn, ALA, dated September 1, 2005 and made a part of this petition, except as varied by the conditions of approval.
2. The petitioner/property owner shall provide foundation landscaping around the building addition consistent with Section 155.708 of the Zoning Ordinance, consisting of shrubbery, evergreens and/or hedges places along the foundation wall areas in addition to approved ground cover, with the final design subject to the Director of Community Development.
3. All private encroachments within the public right-of-way shall be removed.
4. The outdoor dining area shall be fenced, with the design of the fence subject to the approval of the Director of Community Development and pursuant to the fence regulations included within the Zoning Ordinance.
5. All other provisions associated with Ordinances 5324 and 5691 not amended by this Ordinance shall remain in full force and effect.
6. In the event that the provisions of Ordinances 5324 and 5691 are not met, the actions associated with this petition shall also immediately expire. Moreover, in the event that the Scoop's building is razed or is again damaged by more than fifty

percent of the value of the building, the relief associated with this petition shall also be null and void.

7. That prior to final consideration of any Ordinances approving the requested actions on the subject property, the property owner shall provide the Village with a building elevation plan to improve the exterior of the Lombard Hobbies building so that it is compatible with the proposed Scoop's building. The Lombard Hobbies building improvements shall be completed within twelve (12) months from the date of approval of the aforementioned Ordinance.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

Nayes: \_\_\_\_\_

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

ATTEST:

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Brigitte O'Brien, Village Clerk