

ORDINANCE NO. 6885

**AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO
TITLE 15, CHAPTER 155, SECTION 155.305 OF THE
LOMBARD ZONING ORDINANCE**

(PC 13-18: 540-550 West North 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 B4 Corridor Commercial; and,

WHEREAS, the Subject Property is improved with a gas station approved by the Village Board as a conditional use via Ordinance No. 3880 in 1994; and

WHEREAS, the Subject Property was operated as a gas station until a sub-lessee abandoned the gas station use; and

WHEREAS, legal delays in securing the right to take over the facility precluded the property owner from opening the facility within a one year time frame; and

WHEREAS, Section 155.305 states that the owner of any building, structure or use which is subject to elimination under the terms of this ordinance may apply to the Plan Commission for a conditional use to allow such building, structure or use to continue or be re-established; and

WHEREAS, the property owner has filed an application requesting a conditional use pursuant to Section 155.305 of the Zoning Ordinance to allow for the re-establishment of the use of the existing building for the subject property, in order to allow for the gas station use to be re-established; and

WHEREAS, the petition of the owner was subject to a public hearing before the Plan Commission on October 21, 2013 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of the conditional use, subject to certain terms and conditions; and,

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 is hereby granted to allow for the re-establishment of the gas station use, on the property described in Section 2 below and subject to the conditions noted in Section 3 below.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 540-550 West North Avenue, Lombard, Illinois and legally described as follows:

LOT 1 IN GAUGER'S ASSESSMENT PLAT OF A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCRODING TO THE PLAT THEREOF RECORDED AUGUST 13, 1946 AS DOCUMENT 504356, IN DUPAGE COUNTY, ILLINOIS; EXCEPT THAT PART OF LOT 1 TAKEN FOR HIGHWAY IN CASE NO. 88ED066 IN THE CIRCUIT COURT OF DUPAGE COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1 FOR A POINT OF BEGINNING; THENCE NORTH 0 DEGREES 36 MINUTES 39 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 1, 30.00 FEET; THENCE SOUTH 18 DEGREES 06 MINUTES 51 SECONDS EAST, 31.10 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1; THENCE SOUTH 87 DEGREES 30 MINUTES 09 SECONDS WEST ALONG SAID SOUTH LINE, 10.00 FEET TO THE POINT OF BEGINNING.

\ Parcel Number: 03-31-301-029

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall apply for and receive a Certificate of Occupancy/Zoning Certificate and any other requisite licenses before gas sales resume;
2. That this relief is limited to the operation of a gas station only and any physical site improvements or alterations require approval through the Village and any appropriate governmental agency;

3. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
4. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the gas station is not operating by said date, this relief shall be deemed null and void.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 2013.

First reading waived by action of the Board of Trustees this 7th day of November, 2013.


Passed on second reading this 7th day of November, 2013.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Breen and Fitzpatrick

Nays: None

Absent: Bill Ware

Approved this 7th day of November 2013.




Keith Giagnorio, Village President

ATTEST:



Janet Downer, Deputy Village Clerk

Published in pamphlet form this 8th day of November, 2013.



Janet Downer, Deputy Village Clerk