

FRED BUCHOLZ
DUPAGE COUNTY RECORDER
NOV. 18, 2005 11:29 AM
OTHER 06-16-310-022
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ORDINANCE NO 5721

**GRANTING A VARIATION TO SECTION 155.602(C),
TABLE 603 OF THE LOMBARD ZONING ORDINANCE
AND A CONDITIONAL USE PURSUANT TO TITLE 15,
CHAPTER 155, SECTION 155.414(C)(5) OF THE
LOMBARD ZONING ORDINANCE**

Address: 912-916 E. Roosevelt Road

PIN: 06-16-310-022

Return To:

**Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148**

ORDINANCE NO. 5721

**AN ORDINANCE GRANTING A VARIATION TO SECTION 155.602 (C),
TABLE 6.3 OF THE LOMBARD ZONING ORDINANCE
AND A CONDITIONAL USE PURSUANT TO
TITLE 15, CHAPTER 155, SECTION 155.414 (C)(5)
OF THE LOMBARD ZONING ORDINANCE**

(PC 05-32: 912-916 East Roosevelt Road)

(See also Ordinance 5620)

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 as defined below is zoned B3 Community Commercial District; and,

WHEREAS, an application has been filed requesting approval of a variation from Section 155.602 (C), Table 6.3 of the Lombard Zoning Ordinance so as to reduce the requisite number of parking spaces on the Subject Property as defined below from thirty-six (36) parking spaces to twenty-one (21) parking spaces for a fast-food restaurant (without seating) at 912 East Roosevelt Road; and

WHEREAS, said application also requests approval of a conditional use pursuant to Section 155.414 (C)(5) of the Zoning Ordinance to provide for a catering establishment in relation to the existing building at 912 East Roosevelt Road on the Subject Property as defined below; and,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on August 15, 2005 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 variation and conditional use described herein, subject to conditions; 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 variation is hereby granted for the property described in Section 3 below to reduce the requisite number of parking spaces as required by Title 15, Chapter 155, Section 155.602 (C), Table 6.3 of the Lombard Village Code from thirty-six (36) parking spaces to twenty-one (21) parking spaces for a fast-food restaurant (without seating) at 912 East Roosevelt Road in conjunction with an existing fast-food restaurant at 916 East Roosevelt Road, subject to the conditions set forth in Section 4 below.

SECTION 2: That a Conditional Use is hereby granted for the owner of the Subject Property, as described in Section 3 below, pursuant to Title 15, Chapter 155, Section 414 (C)(5) of the Lombard Village Code to provide for a catering establishment in relation to the existing building at 912 East Roosevelt Road, subject to the conditions set forth in Section 4 below.

SECTION 3: That this Ordinance is limited and restricted to the property located at 912-916 East Roosevelt Road, Lombard, Illinois and legally described as follows:

THE SOUTH 132.0 FEET OF LOT 7 (MEASURED ALONG THE WEST LINE AND PARALLEL TO THE SOUTH LINE OF SAID LOT 7 IN BLOCK 8 IN A.T. McINTOSH AND CO'S WESTLANDS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 12, 1951 AS DOCUMENT 625824, IN DU PAGE COUNTY, ILLINOIS;

Parcel Number: 06-16-310-022; (the "Subject Property").

SECTION 4: The variation and conditional use, as provided for in Section 1 and 2 of this Ordinance shall be granted subject to compliance with the following conditions:

1. The Subject Property shall be modified to incorporate all of the parking and site improvements as depicted on the site plan prepared by the Village, attached hereto as Exhibit "A" and made a part of this Ordinance.
2. Upon a written request of the Village, the owner of the Subject Property shall remove the perpendicular parking spaces along the east side of the Subject Property and/or within the School Street right-of-way as depicted on Exhibit "A" and made a part of this Ordinance and replace the asphalt surface with sod.
3. Accessible parking spaces shall be provided in compliance with the provisions of the Illinois Accessibility Code. One space shall be provided immediately south of the 912 E. Roosevelt Road building, as depicted on Exhibit "A", while the second space shall be provided at the closest parking space to the entrance to the Steve's Gyros restaurant.
4. Upon a request by the Village, the petitioner shall enter into a cross-access agreement between with the owner of the property immediately to the west, with the owner of the Subject Property being required to remove the fence barrier upon approval of said cross-access agreement.
5. Refuse disposal areas for both business establishments located on the Subject Property shall be screened in accordance with Section 155.710 of the Lombard Village Code.
6. Any business vehicles associated with the existing business establishment at 912 E. Roosevelt Road shall be parked to the north of and behind the building at all times.
7. The owner of the Subject Property shall satisfactorily address the comments included within the IDRC report, consisting of the following:
 - a. A fast food establishment shall provide at least one restroom if the total occupancy count is no more than ten persons, patrons and employees.
 - b. Any catering facility shall provide at least one restroom for employees only, if the total employee count is less than five persons.

If five or more employees, two restrooms are required, male and female, per code.

- c. Any construction to the structure, exterior or interior will have to follow the new International Building Codes, along with any fire and life safety issues that would need to be addressed.

- 8. The foregoing conditions shall be completed with, and all provisions of Village Code applicable to the proposed restaurant/food preparation uses shall be complied with, prior to issuance of a Certificate of Occupancy for any restaurant/food preparation use on the Subject Property.

SECTION 5: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 6: 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 1st day of September, 2005.

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


Passed on second reading this 15th day of September, 2005, pursuant to a roll call vote as follows:

Ayes: Trustees Gron, Tross, O'Brien, Sebby, Florey and Soderstrom

Nays: None

Absent: None

Approved by me this 15th day of September, 2005.


William J. Mueller, Village President

Ordinance No. 5721
Re: PC 05-32
Page 5

ATTEST:



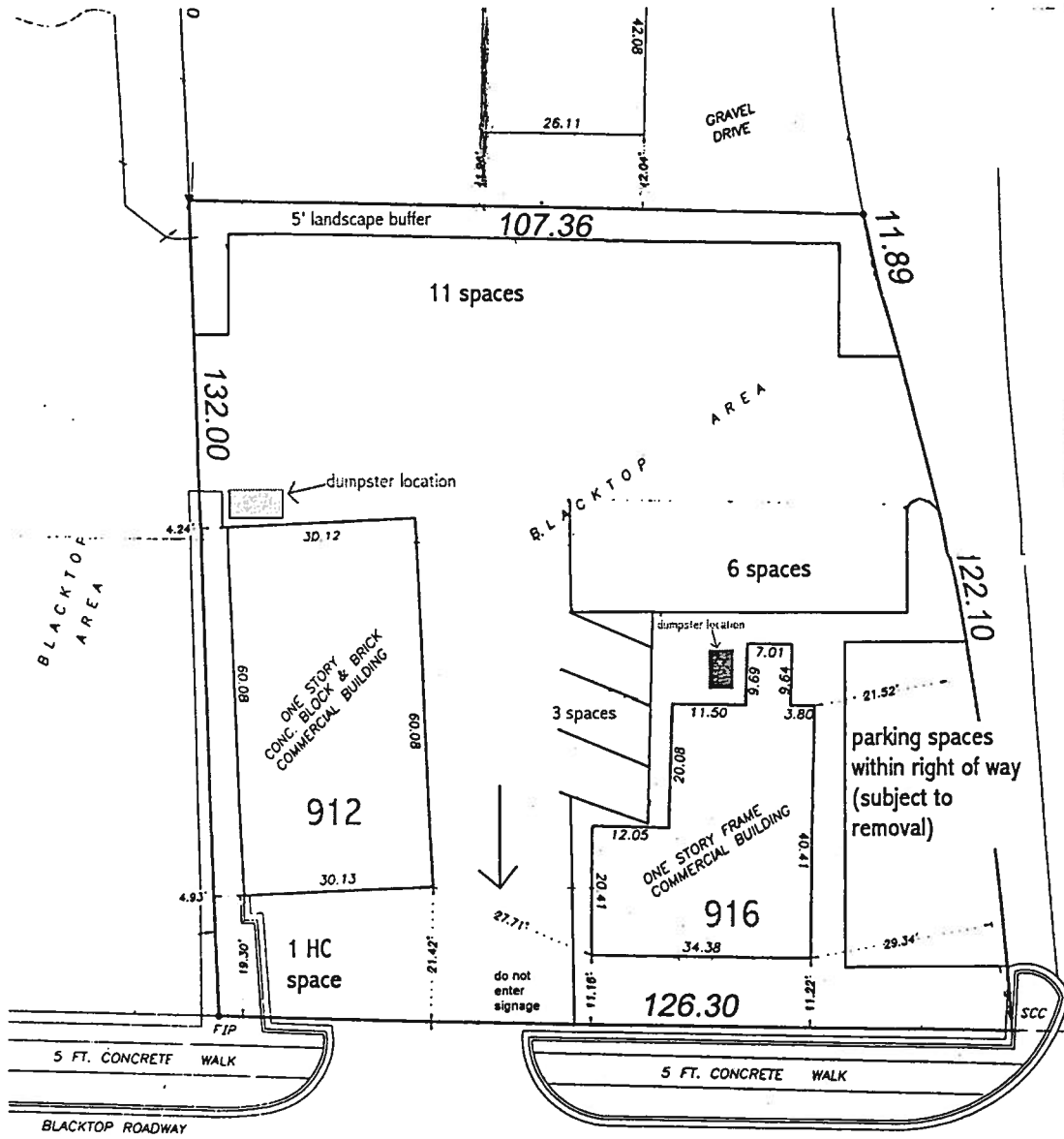
Brigitte O'Brien, Village Clerk

Published in pamphlet from this 19th day of September, 2005.



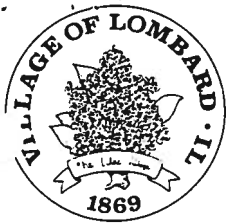
Brigitte O'Brien, Village Clerk

Exhibit "A"



~~ROOSEVELT~~

(ROUTE 38)



I, **Brigitte O'Brien**, hereby certify that I am the duly qualified Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.


I further certify that attached hereto is a true and correct copy of ORDINANCE 5721

AN ORDINANCE GRANTING A VARIATION TO SECTION 155.602 (C), TABLE 6.3 AND A CONDITIONAL USE PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.414 (C)(5), FOR THE PROPERTY LOCATED AT 912-916 E. ROOSEVELT ROAD, LOMBARD, DUPAGE COUNTY, ILLINOIS PIN #06-16-310-022

of the said Village as it appears from the official records of said Village duly passed on September 15, 2005.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 4th day of October, 2005.




Brigitte O'Brien
Village Clerk
Village of Lombard
DuPage County, Illinois