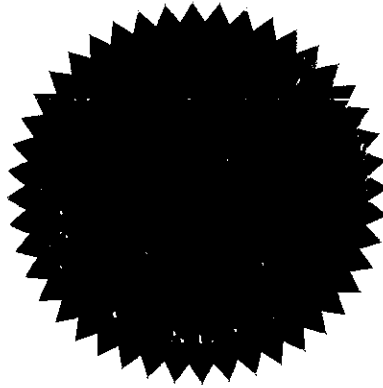


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ORDINANCE 5556

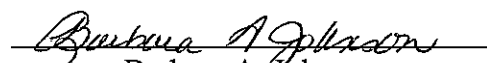
PAMPHLET

AN ORDINANCE APPROVING A REZONING, TITLE 15, CHAPTER 155  
AN ORDINANCE GRANTING A CONDITIONAL USE, DRIVE-THROUGH SERVICES  
AN ORDINANCE GRANTING A CONDITIONAL USE, SIGNAGE AND VARIATIONS  
AN ORDINANCE VACATING A PORTION OF THE ELIZABETH STREET RIGHT-OF-  
WAY SOUTH OF ST. CHARLES ROAD

309 & 315 W. ST. CHARLES ROAD



PUBLISHED IN PAMPHLET FORM THIS 21<sup>st</sup> DAY OF September, 2004  
BY ORDER OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD,  
DUPAGE COUNTY, ILLINOIS.

  
Barbara A. Johnson  
Deputy Village Clerk

**ORDINANCE NO. 5556**

**AN ORDINANCE VACATING A PORTION OF THE ELIZABETH STREET  
RIGHT-OF-WAY SOUTH OF ST. CHARLES ROAD**

**WHEREAS**, the Village of Lombard (hereinafter the "VILLAGE") maintains a right-of-way of eighty feet (80') in width for that portion of Elizabeth Street which is located within the corporate limits of the VILLAGE; and

**WHEREAS**, the VILLAGE finds that a drive-through pharmacy is proposed to be developed at the southwest corner of Elizabeth Street and St. Charles Road, Lombard Illinois; and

**WHEREAS**, said development is subject to a development agreement for Walgreens, 309-315 W. St. Charles Road, approved by the Corporate Authorities of the Village of Lombard on September 16, 2004; and

**WHEREAS**, the VILLAGE finds that a portion of Elizabeth Street between St. Charles Road and the Union Pacific Railroad, as described in Section 2 below (hereinafter referred to as the "SUBJECT RIGHT-OF-WAY") is an amount in excess of what is customarily reserved for Village right-of-way purposes; and

**WHEREAS**, the VILLAGE has determined that the SUBJECT RIGHT-OF-WAY would primarily be for the use and benefit of the owner of the parcel at the southwest corner of Elizabeth Street and St. Charles Road and would not serve the transportation needs of the Village; and

**WHEREAS**, the VILLAGE would benefit by transferring the future maintenance responsibilities of the SUBJECT RIGHT-OF-WAY from the VILLAGE to the owner of the parcel at the southwest corner of Elizabeth Street and St. Charles Road; and

**WHEREAS**, the Corporate Authorities of the VILLAGE have received a Plat of Right of Way Vacation for the SUBJECT RIGHT-OF-WAY, attached hereto as "Exhibit A" and made part hereof; and

**WHEREAS**, the Corporate Authorities of the VILLAGE deem it to be in the best interest of the Village of Lombard to authorize said right-of-way vacation if, as consideration for such vacation, the owner of the property located at the southwest corner of Elizabeth Street and St. Charles Road, completes to the satisfaction of the VILLAGE those improvements noted below;

**NOW THEREFORE BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: The President and Board of Trustees find as follows:

- A. Pursuant to 65 ILCS 5/11-91-1, an ordinance vacating a street can provide that it shall not become effective until the owner of a particular parcel of property abutting upon the street to be vacated pays compensation to the municipality in an amount which, in the judgment of the corporate authorities, shall be the fair market value of the property acquired or of the benefits which will accrue to said owner by reason of the vacation.
- B. That the fair market value of that portion of Elizabeth Street as described in Section 3 below is \$ 123,972 (i.e., sale price of abutting property per square foot of \$32.24 multiplied by 3845.30 square feet in area).
- C. That the developer of Walgreens, 309-315 W. St. Charles Road (hereinafter the "ABUTTING PROPERTY OWNER"), shall make payment to the Village for the entire compensation due relative to the street vacation referenced in Section 2 below, as more specifically set forth in Section 4 below.
- D. That the public interest will be served by vacating the SUBJECT RIGHT-OF-WAY.

SECTION 2: The following described SUBJECT RIGHT-OF-WAY:

THAT PART OF ELIZABETH STREET LYING EASTERLY AND ADJACENT TO LOTS 1 AND 3 OF MARQUARDT'S RESUBDIVISION DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3 IN MARQUARDT'S RESUBDIVISION, THENCE NORTH ALONG THE EAST LINES OF SAID LOTS 3 AND 1 IN MARQUARDT'S RESUBDIVISION 202.28 FEET, THENCE SOUTHEASTERLY AT AN ANGLE 51 DEGREES 02 MINUTES 58 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE 25.72 FEET; THENCE SOUTHPARALLEL WITH THE EAST LINES OF SAID LOTS 3 AND 1 IN MARQUARDT'S RESUBDIVISION 182.88 FEET TO THE NORTHERLY PART OF THE RIGHT OF WAY LINE OF CHICAGO AND NORTH WESTERN RAILROAD; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTH WESTERN RAILROAD 20.18 FEET TO THE POINT OF BEGINNING IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DU PAGE COUNTY, ILLINOIS CONTAINING 3845.30 SQUARE FEET (OR 0.0683 ACRES) MORE OR LESS;

as shown on the plat attached hereto as Exhibit "A" and designated "hereby vacated" be and the

same hereby is vacated subject to the conditions listed in Section 3 below.

**SECTION 3:** That this Ordinance shall be subject to the payment by the ABUTTING PROPERTY OWNER, as set forth in Section 1 above, of compensation in the amount of \$123,972, which shall be paid prior to issuance of any building permits by the VILLAGE for the adjacent property at 309-315 West St. Charles Road, as well as compliance with the following conditions:

- A. The SUBJECT RIGHT-OF-WAY to be vacated shall be improved in conformance with a site plan, in full conformance with all applicable VILLAGE Codes and Ordinances and consistent with the terms and conditions as noted in the "Development Agreement for Walgreens, 309-315 W. St. Charles Road," approved by the Corporate Authorities of the Village of Lombard on September 16, 2004.
- B. All public improvements shall be subject to the requirements of the Subdivision and Development Ordinance (Title 15, Chapter 154 of the Lombard Village Code). The Plat of Vacation shall not be recorded and no building permits for private improvements shall be issued until the Department of Community Development has determined that all required submittals have been made.
- C. Construction of the site improvements described within the aforementioned "Development Agreement for Walgreens, 309-315 W. St. Charles Road" and all public improvements shall be completed within thirty-six (36) months from the date of adoption of this Ordinance. Shall the ABUTTING PROPERTY OWNER not complete the above improvements within thirty-six (36) months from the date of adoption of this Ordinance, the ABUTTING PROPERTY OWNER agrees to transfer title of the SUBJECT RIGHT-OF-WAY back to the Village, at no cost to the VILLAGE.
- D. The ABUTTING PROPERTY OWNER shall indemnify and hold harmless the Village with respect to any claim or loss, including but not limited to, attorney's fees, costs and expenses of litigation, claims and judgments in connection with any and all claims or suits of any kind which may arise, either directly or indirectly, as a result of the VILLAGE's adoption of this Ordinance.

**SECTION 4:** Pursuant to 65ILCS 5/11-91-1, the following parcel(s) shall acquire title to that portion of the vacated SUBJECT RIGHT-OF-WAY that lies immediately adjacent thereto:

Parcel Identification Numbers: 06-07-208-016 and 022

**SECTION 5:** That the costs borne by the ABUTTING PROPERTY OWNER associated with environmental testing within the Elizabeth Street or St. Charles Road rights-of-way, as required by the VILLAGE as part of a Highway Authority Agreement may be applied toward

meeting the compensation requirement as set forth in Section 3 above.

SECTION 6: That the ABUTTING PROPERTY OWNER is in agreement with the terms and conditions of this Ordinance, as evidenced below:

We, the undersigned, being the developer of Walgreens, 309-315 W. St. Charles Road, which abuts the SUBJECT RIGHT-OF-WAY described in Section 2 above, hereby state that I have read this Ordinance and voluntarily agree to the conditions stated herein, and the associated compensation for said street vacation as set forth herein.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION 7: That the Department of Community Development is hereby directed to record a certified copy of this Ordinance, along with the original Plat of Vacation, with the DuPage County Recorder of Deeds, subject to the restriction set forth in Section 3' above.

SECTION 8: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_ 2004.

First reading waived by action of the Board of Trustees this 16th day of September, 2004.

Passed on second reading this 16th day of September, 2004, pursuant to a roll call vote as follows:

AYES Trustees Tross, Koenig, Sebby, Florey and Soderstrom

NAYS None

ABSENT Trustee DeStephano

Ordinance 5556  
September 16, 2004  
Page 5

Approved by me this 16th day of September, 2004.

A handwritten signature in cursive script, appearing to read "William J. Mueller", written over a horizontal line.

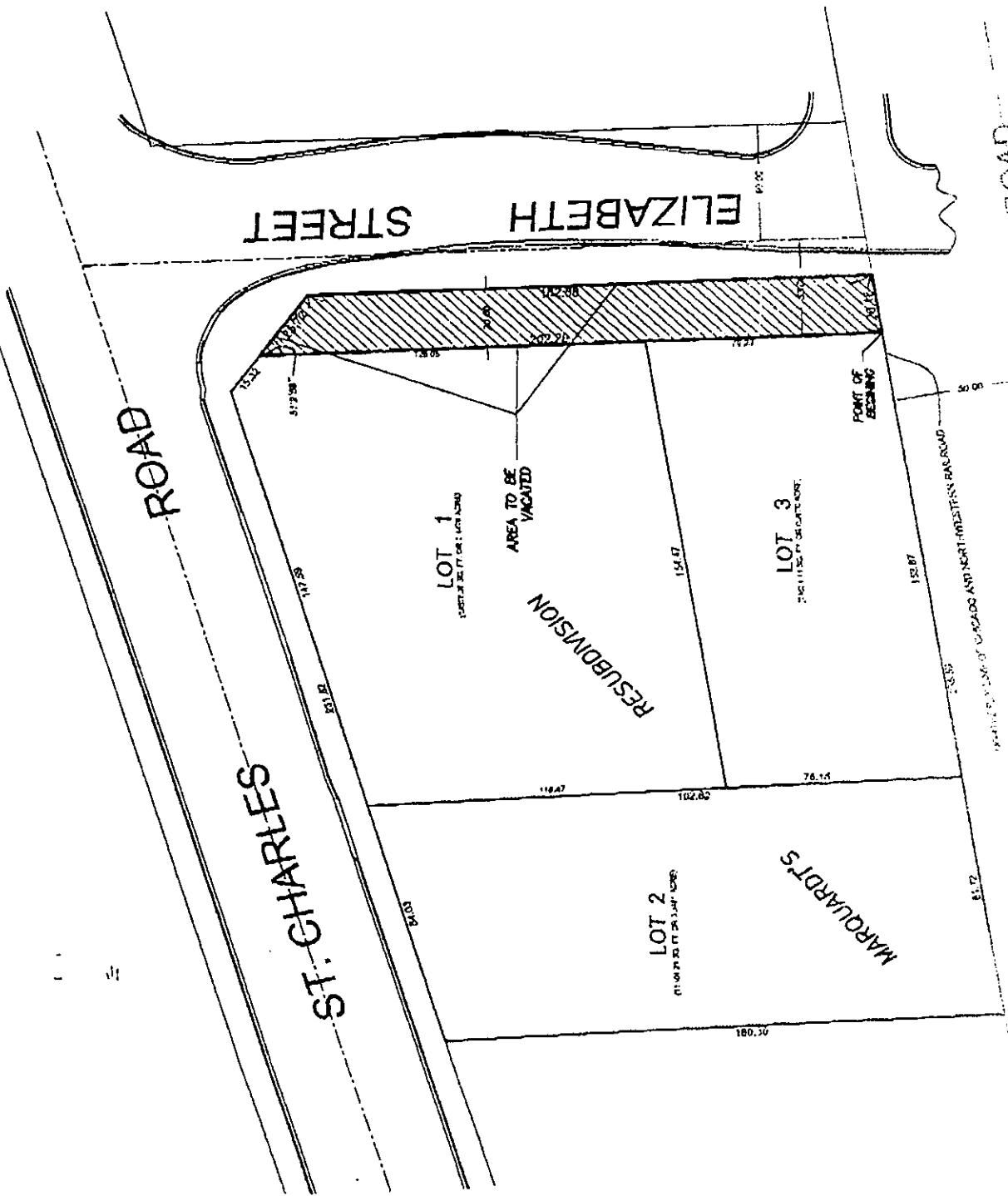
William J. Mueller  
Village President

ATTEST:

A handwritten signature in cursive script, appearing to read "Barbara A. Johnson", written over a horizontal line.

Barbara A. Johnson  
Deputy Village Clerk

**PLAT OF VACATION**  
**OF**  
**PUBLIC STREET**  
 Village of Lombard, DuPage County, Illinois.



ROAD

ELIZABETH STREET

ROAD

ST. CHARLES

LOT 1  
1200 SQ. FT. OR LAR. MORE

AREA TO BE VACATED

RESUBMISSION NOISINS ROAD

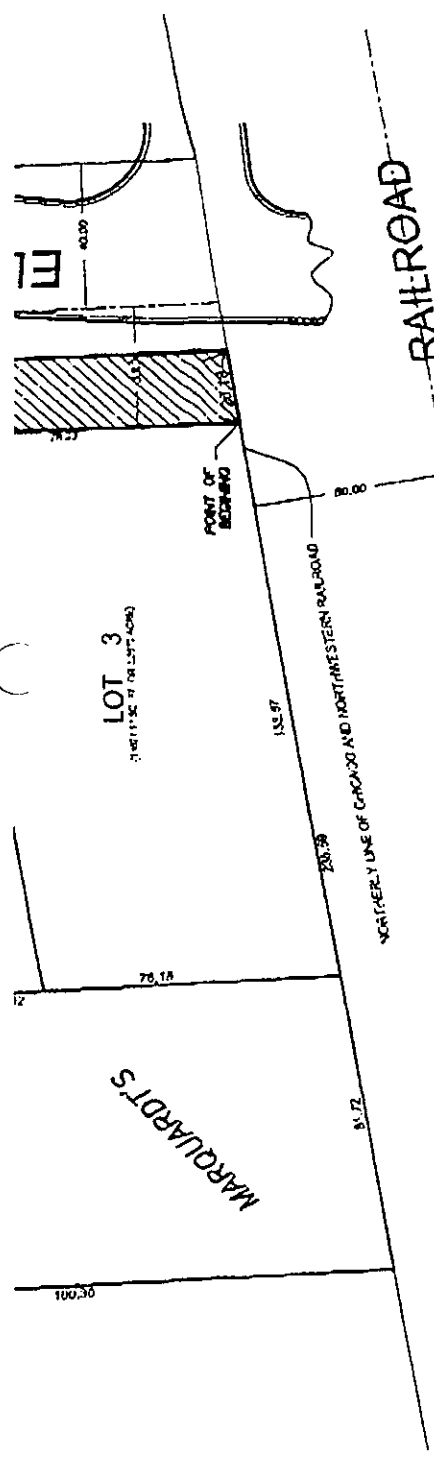
LOT 3  
25,115 SQ. FT. OR MORE

LOT 2  
25,347 SQ. FT. OR LAR. MORE

MARGUARDT'S

POINT OF BEGINNING

CORNER OF USE OF CASCADE AND NORTH-WESTERN RAILROAD



**LEGAL DESCRIPTION:**

THAT PART OF ELIZABETH STREET LYING EASTERLY AND ADJOINING LOTS 1 AND 3 OF MARQUARDT'S RESUBDIVISION DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3 IN MARQUARDT'S RESUBDIVISION THENCE NORTH ALONG THE EAST LINES OF SAID LOTS 3 AND 1 IN MARQUARDT'S RESUBDIVISION 202.28 FEET THENCE SOUTHEASTERLY AT AN ANGLE 51°02'58" MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE 25.72 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINES OF LOTS 3 AND 1 OF MARQUARDT'S RESUBDIVISION 182.88 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF CHICAGO AND NORTHWESTERN RAILROAD; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE OF CHICAGO AND NORTHWESTERN RAILROAD 20.18 FEET TO THE POINT OF BEGINNING, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 30 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, CONTAINING 3946.30 SQUARE FEET (OR 0.0903 ACRES) MORE OR LESS.

**CHICAGO AND NORTHWESTERN RAILROAD**

STATE OF ILLINOIS) SS  
COUNTY OF DUPAGE)

THIS IS TO CERTIFY THAT I, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE PLATTED FROM THE PUBLIC RECORDS THE PROPERTY HEREIN DESCRIBED FOR THE PURPOSE OF VACATION OF PUBLIC STREET AND THAT THE PLAT HEREIN DRAWN IS A CORRECT REPRESENTATION OF THE STREET TO BE VACATED.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY  
\_\_\_\_\_ , A.D. 2004.

NORBERT V. LAMBERT JR.  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 18611



STATE OF ILLINOIS)  
COUNTY OF DUPAGE) SS

APPROVED AND ACCEPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, ILLINOIS, AT A MEETING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2004.

ATTEST: \_\_\_\_\_ VILLAGE CLERK

STATE OF ILLINOIS)  
COUNTY OF DUPAGE) SS

APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF LOMBARD, ILLINOIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2004.

\_\_\_\_\_  
VILLAGE ENGINEER

**LAMBERT & ASSOCIATES**

LAND SURVEYORS  
320 SOUTH REBER ST. WHEATON, ILL. 60187  
PHONE: (630) 653-6331 FAX: (630) 653-6395

THIS PLAT SUBMITTED BY: \_\_\_\_\_



**ORDINANCE NO. 5555**

**AN ORDINANCE GRANTING A CONDITIONAL USE  
FOR A PLANNED DEVELOPMENT WITH SIGNAGE DEVIATIONS AND  
VARIATIONS IN A B5A DOWNTOWN PERIMETER DISTRICT**

(PC 04-07; 309 & 315 W. St. Charles Road)

(See also Ordinance No.(s) 5553, 5554, 5556 )

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 B5A Downtown Perimeter District;  
and,

WHEREAS, an application has heretofore been filed requesting approval of:  
a conditional use for a planned development in a B5A Downtown Perimeter District; and

WHEREAS, said planned development includes a deviation from Section 153.208 (H) of the Lombard Sign Ordinance to allow for a freestanding sign within the clear line of sight area; and

WHEREAS, said planned development includes a deviation from Section 153.239 (F) of the Lombard Sign Ordinance to allow for wall signs to be displayed in conjunction with window signs; and

WHEREAS, said planned development includes a deviation from Section 153.508 (B) (5) (b) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 47 sq. ft. where a maximum of 20 square feet is permitted; and

WHEREAS, said planned development includes a deviation from Section 153.508 (B) (5) (c) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 8 feet 3 inches in height where a maximum of 6 feet is permitted; and

WHEREAS, said planned development includes a deviation from Section 153.508 (B) (17) (b) of the Lombard Sign Ordinance to allow for two 100-square foot wall signs where a maximum of 50 square feet is permitted; and

WHEREAS, said planned development includes a deviation from Section 153.508 (B) (17) (c) of the Lombard Sign Ordinance to allow for a total of eight (8) wall signs where one sign per street front exposure is permitted; and

WHEREAS, said planned development includes a variation from Section 155.417 (J) and Section 155.508 (C) (6) (b) of the Lombard Zoning Ordinance to reduce the transitional building setback from 20 feet to 12 feet to allow for a drive-through canopy; and

WHEREAS, said planned development includes a variation from Sections 155.417 (K), 155.508 (C) (6) (b), and 155.707 of the Lombard Zoning Ordinance to reduce the transitional landscape yard from 10 feet to 0 feet;

WHEREAS, said planned development includes a variation from Section 155.508 (C) (6) (a) of the Lombard Zoning Ordinance to allow for a 9-foot front yard setback on the perimeter of a planned development where a 30-foot front yard is required in the abutting R4 Limited General Residence District; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on June 21, 2004 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 conditional use, signage deviations, and variations 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 a conditional use for a planned development with the following signage deviations and variations is hereby granted for the Subject Property legally described in Section 2 below, subject to the conditions set forth in Section 3 below:

- a) A deviation from Section 153.208 (H) of the Lombard Sign Ordinance to allow for a freestanding sign within the clear line of sight area;

- b) A deviation from Section 153.239 (F) of the Lombard Sign Ordinance to allow for wall signs to be displayed in conjunction with window signs;
- c) A deviation from Section 153.508 (B) (5) (b) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 47 sq. ft. where a maximum of 20 square feet is permitted;
- d) A deviation from Section 153.508 (B) (5) (c) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 8 feet 3 inches in height where a maximum of 6 feet is permitted;
- e) A deviation from Section 153.508 (B) (17) (b) of the Lombard Sign Ordinance to allow for two 100-square foot wall signs where a maximum of 50 square feet is permitted;
- f) A deviation from Section 153.508 (B) (17) (c) of the Lombard Sign Ordinance to allow for a total of eight (8) wall signs where one sign per street front exposure is permitted;
- g) A variation from Section 155.417 (J) and Section 155.508 (C) (6) (b) of the Lombard Zoning Ordinance to reduce the transitional building setback from 20 feet to 12 feet to allow for a drive-through canopy;
- h) A variation from Sections 155.417 (K), 155.508 (C) (6) (b), and 155.707 of the Lombard Zoning Ordinance to reduce the transitional landscape yard from 10 feet to 0 feet; and
- i) A variation from Section 155.508 (C) (6) (a) of the Lombard Zoning Ordinance to allow for a 9-foot front yard setback on the perimeter of a planned development where a 30-foot front yard is required in the abutting R4 Limited General Residence District;

SECTION 2: That the ordinance is limited and restricted to the properties generally located 309 W. St. Charles Road and 315 W. St. Charles Road, Lombard, Illinois, and legally described as follows:

LOT 1, 2, AND 3 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393 AND CORRECTED BY CERTIFICATE RECORDED JUNE 13, 1967 AS DOCUMENT R67-19517, IN DUPAGE COUNTY, ILLINOIS.

EXCEPT:

PLAT OF DEDICATION OF RIGHT OF WAY ON FEBRUARY 23, 1998: THAT PART OF LOT 1 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND

PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 AND HEADING SOUTH ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 12.95 FEET TO A POINT; THENCE NORTH 51 DEGREES 15 MINUTES 50 SECONDS WEST, A DISTANCE OF 15.32 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ST. CHARLES ROAD; THENCE NORTH 74 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 12.41 FEET TO THE POINT OF BEGINNING, CONTAINING 77.3681 SQUARE FEET OR 0.0018 ACRES MORE OR LESS, IN DUPAGE COUNTY, ILLINOIS.

PARCEL NO. 06-07-208-016, -021, -022

SECTION 3: The conditional use set forth in Section 1 above shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the plans prepared by Arcline Associates, Ltd., last revised June 11, 2004 and submitted as part of this request;
2. The petitioner's building improvements shall be designed and constructed consistent with Village Code and all also address the comments included within the IDRC report;
3. The petitioner shall submit a Plat of Consolidation prior to receiving any building permit;
4. The petitioner shall pay for and install a solid masonry wall along the western property line of eight (8) feet in height. Design and material type of the wall is subject to the approvals of the Director of Community Development and the property owners at 321 W. St. Charles Road. In the event the neighboring property owner is unwilling to grant a construction easement, a board-on-board fence shall be constructed;
5. The lighting plan shall be modified as follows:
  - a.) All light fixtures on the west side of the building shall be mounted at a height no greater than the wall along the western property line;
  - b.) All light fixtures on the drive-through canopy shall be recessed so as not to be visible from adjacent properties;
6. The signage plan shall be modified as follows:

- a.) The eight (8) red, channel letter signs noted on the exterior elevations shall be approved;
  - b.) The requested variations for a 47-square foot freestanding sign within the clear line of sight area shall be approved;
  - c.) No neon sign shall be visible on the exterior of the building;
  - d.) That the proposed free-standing sign and support shall not be greater than ten feet (10') in width;  
A free-standing directional sign be placed at the entrance into the drive through along St. Charles Road, and elevated four feet in height with a total size of six square feet; and
  - e.) All other signage relief shall be denied.
7. The building elevations shall be modified as follows:
- a.) The windows at the northeast corners of the covered entry shall be replaced with an analog clock or compatible architectural element, subject to the approval of the Director of Community Development; and
  - b.) The smoothface cast stone noted on the elevations as "3b" shall be replaced with the same rockface cast stone noted as "3a."
8. Approval of the submitted plans shall be subject to the Corporate Authorities of the Village of Lombard vacating a portion of Elizabeth Street immediately adjacent to the subject property that has been deemed surplus right-of-way.
9. That any noise emanating from the rooftop equipment shall meet the provisions of Chapter 93 of the Village Code.

SECTION 4: The Plan Commission shall have Site Plan Approval authority relative to this Planned Development.

SECTION 5: 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 22nd day of July, 2004.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2004.

Passed on second reading this 16th day of September, 2004.

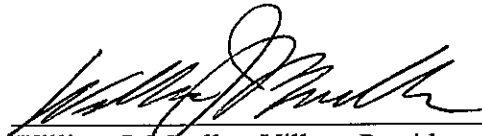
Ordinance No. 5555 Alternate  
Re: PC 04-07  
Page 6

Ayes: Trustees Tross, Koenig, Sebby, Florey and Soderstrom.

Nayes: None

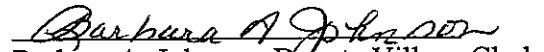
Absent: Trustee DeStephano

Approved this 16th day of September, 2004.



William J. Mueller, Village President

ATTEST:



Barbara A. Johnson, Deputy Village Clerk

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**ORDINANCE NO. 5554**

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR DRIVE-THROUGH SERVICES IN A B5A DOWNTOWN PERIMETER DISTRICT**

(PC 04-07; 309 & 315 W. St. Charles Road)

(See also Ordinance No.(s) 5553, 5555, 5556 )

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 B5A Downtown Perimeter District; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for drive-through services in a B5A Downtown Perimeter District; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on June 21, 2004 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 conditional use, signage deviations, and variations 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 a conditional use for drive-through services is hereby granted for the Subject Property legally described in Section 2 below.

Ordinance No. 5554  
Re: PC 04-07  
Page 2

SECTION 2: That the ordinance is limited and restricted to the properties generally located 309 W. St. Charles Road and 315 W. St. Charles Road, Lombard, Illinois, and legally described as follows:

LOT 1, 2, AND 3 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393 AND CORRECTED BY CERTIFICATE RECORDED JUNE 13, 1967 AS DOCUMENT R67-19517, IN DUPAGE COUNTY, ILLINOIS.

EXCEPT:

PLAT OF DEDICATION OF RIGHT OF WAY ON FEBRUARY 23, 1998: THAT PART OF LOT 1 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 AND HEADING SOUTH ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 12.95 FEET TO A POINT; THENCE NORTH 51 DEGREES 15 MINUTES 50 SECONDS WEST, A DISTANCE OF 15.32 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ST. CHARLES ROAD; THENCE NORTH 74 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 12.41 FEET TO THE POINT OF BEGINNING, CONTAINING 77.3681 SQUARE FEET OR 0.0018 ACRES MORE OR LESS, IN DUPAGE COUNTY, ILLINOIS.

PARCEL NO. 06-07-208-016, -021, -022

SECTION 3: 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 22nd day of July, 2004.



Ordinance No. 5554  
Re: PC 04-07  
Page 3

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_,  
2004.


Passed on second reading this 16th day of September, 2004.

Ayes: Trustees Tross, Koenig, Sebby, Florey and Soderstrom


Nays: None

Absent: Trustee DeStephano

Approved this 16th day of September, 2004.

  
William J. Mueller, Village President

ATTEST:

  
Barbara A. Johnson, Deputy Village Clerk

**ORDINANCE NO. 5553**

**AN ORDINANCE APPROVING A MAP AMENDMENT (REZONING)  
TO THE LOMBARD ZONING ORDINANCE  
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 04-07; 309 & 315 W. St. Charles Road)

(See also Ordinance No.(s) 5554, 5555, 5556 )

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, an application has heretofore been filed requesting a map amendment for the purpose of rezoning the property described in Section 2 hereto from B2 General Neighborhood Shopping District to B5A Downtown Perimeter District; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on June 21, 2004 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 rezoning 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 Title 15, Chapter 155 of the Code of Lombard, Illinois, otherwise known as the Lombard Zoning Ordinance, be and is hereby amended so as to rezone the property described in Section 2 below to B5A Downtown Perimeter District.

Ordinance No. 5553  
Re: PC 04-07  
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SECTION 2: This ordinance is limited and restricted to the properties generally located at 309 W. St. Charles Road and 315 W. St. Charles Road, Lombard, Illinois, and legally described as follows:

LOT 1, 2, AND 3 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393 AND CORRECTED BY CERTIFICATE RECORDED JUNE 13, 1967 AS DOCUMENT R67-19517, IN DUPAGE COUNTY, ILLINOIS.

EXCEPT:

PLAT OF DEDICATION OF RIGHT OF WAY ON FEBRUARY 23, 1998: THAT PART OF LOT 1 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 AND HEADING SOUTH ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 12.95 FEET TO A POINT; THENCE NORTH 51 DEGREES 15 MINUTES 50 SECONDS WEST, A DISTANCE OF 15.32 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ST. CHARLES ROAD; THENCE NORTH 74 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 12.41 FEET TO THE POINT OF BEGINNING, CONTAINING 77.3681 SQUARE FEET OR 0.0018 ACRES MORE OR LESS, IN DUPAGE COUNTY, ILLINOIS.

PARCEL NO. 06-07-208-016, -021, -022

SECTION 3: That the official zoning map of the Village of Lombard be changed in conformance with the provisions of this ordinance.

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.

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Re: PC 04-07  
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Passed on first reading this 22nd day of July, 2004.

Passed on second reading this 16th day of September, 2004.

Ayes: Trustees Tross, Koenig, Sebby, Florey and Soderstrom

Nays: None

Absent: Trustee DeStephano

Approved this 16th, day of September, 2004.

  
William J. Mueller, Village President

ATTEST:

  
Barbara A. Johnson, Deputy Village Clerk

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