

FRED BUCHOLZ

DUPAGE COUNTY RECORDER

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R2016-056895

ORDINANCE 7201

**GRANTING CONDITIONAL USE APPROVAL FOR A
PLANNED DEVELOPMENT WITH COMPANION
CONDITIONAL USES, DEVIATIONS, AND VARIATIONS
FROM THE LOMBARD SIGN AND ZONING ORDINANCES**

**PIN(S): 06-29-402-014, 06-29-402-030 and 06-29-402-031
ADDRESS: 601-621 E. Butterfield Road, Lombard, IL 60148**

And

PIN: 06-29-402-017

ADDRESS: 2801-2821 S. Fairfield Avenue, Lombard, IL 60148

And

PIN: 06-29-402-007

ADDRESS: Vacant land on Fairfield Road, Lombard, IL 60148

**Prepared by and Return To:
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148**

156380



I, **Janet Downer**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy 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 copy of

ORDINANCE 7201

GRANTING CONDITIONAL USE APPROVAL FOR A PLANNED DEVELOPMENT
WITH COMPANION CONDITIONAL USES, DEVIATIONS, AND VARIATIONS FROM
THE LOMBARD SIGN AND ZONING ORDINANCES

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PIN: 06-29-402-007
ADDRESS: Vacant land on Fairfield Road, Lombard, IL 60148

of the said Village as it appears from the official records
of said Village duly approved this 17th
day of March, 2016.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate
Seal of said **Village of Lombard**, Du Page County, Illinois this 26th
day of May, 2016.

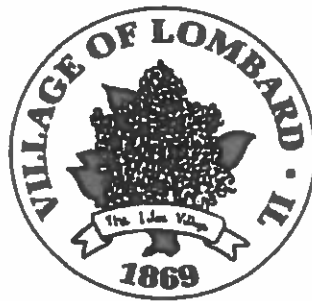




Janet Downer
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois

**ORDINANCE 7201
PAMPHLET**

**PC 15-21: 611 E. BUTTERFIELD ROAD - SAM'S CLUB
CONDITIONAL USE PLANNED DEVELOPMENT**



**PUBLISHED IN PAMPHLET FORM THIS 18th DAY OF MARCH, 2016, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.**


**Sharon Kuderna
Village Clerk**

ORDINANCE NO. 7201

**AN ORDINANCE GRANTING CONDITIONAL USE APPROVAL FOR A
PLANNED DEVELOPMENT WITH COMPANION CONDITIONAL USES,
DEVIATIONS, AND VARIATIONS FROM THE LOMBARD SIGN AND ZONING
ORDINANCES**

(PC 15-21: 611 E. Butterfield Road, Sam's Club)

(See also Ordinance No(s).7200 and 7202)

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, 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 and pursuant to companion Ordinance No.7200, which approved a map amendment to the Subject Property, is zoned B3 Community Shopping District; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for a planned development with companion conditional uses, deviations, and variations from the Lombard Sign Ordinance (Title 15, Chapter 153 of the Village Code) and Zoning Ordinance (Title 15, Chapter 155 of the Village Code) as set forth in Section 1 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 17, 2015 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 for a planned development with companion conditional uses, 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 companion conditional uses, deviations, and variations from the Lombard Sign and Zoning Ordinances 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:

1. Approve a Major Plat of Subdivision (Pursuant to Section 154.203 (C) of the Lombard Subdivision and Development Ordinance, the consolidation of lots of any size into a single lot-of-record, which does not involve any new streets, extensions of existing streets, or easements of access, and complies with all other applicable provisions can be approved administratively. Therefore, the request to approve a Major Plat of Subdivision was withdrawn by the petitioner concurrent with the public hearing and the petitioner will submit a Plat of Consolidation for administrative approval);
2. Approval of a conditional use for a planned development for the subject property; with the following companion conditional uses, deviations, and variations:
 - a. A conditional use pursuant to Section 155.208 (C) of the Lombard Zoning Ordinance to increase the maximum number of principal structures on a lot-of-record from one (1) to two (2) to allow for a gasoline sales facility;
 - b. A conditional use pursuant to Section 155.415 (C)(9) of the Lombard Zoning Ordinance for gasoline sales;
 - c. A conditional use pursuant to Section 155.415 (C)(17) of the Lombard Zoning Ordinance for motor vehicle service;
 - d. A conditional use pursuant to Section 155.415 (C)(18) of the Lombard Zoning Ordinance for off-site parking;
 - e. A conditional use pursuant to Section 155.415 (C)(19) of the Lombard Zoning Ordinance for outside display and sales of products the sale of which is a permitted or conditional use in this district;
 - f. A variation from Section 155.205 (A)(c)(i) of the Lombard Zoning Ordinance to increase the maximum fence height in a business district from eight feet (8') to ten feet (10') for a loading dock screening wall;
 - g. A variation from Section 155.210 (D)(1) of the Lombard Zoning Ordinance to allow for garbage dumpsters and recycling bins to be located within a corner side yard;
 - h. A variation from Section 155.508 (C)(6)(a) and a deviation from Section 155.415 (F)(2) of the Lombard Zoning Ordinance to reduce the minimum corner side yard setback from thirty feet (30') to twenty-five feet (25');
 - i. A variation from Section 155.706 (B)(1) of the Lombard Zoning Ordinance to reduce the minimum required landscaping of the interior of a parking lot from five percent (5%) to four percent (4%);

- j. A variation from Section 155.706 (B)(2)(c)(ii) of the Lombard Zoning Ordinance to reduce the required number of shade trees within the parking lot from 125 shade trees to fifty-five (55) shade trees;
- k. A variation from Section 155.706 (C)(1) of the Lombard Zoning Ordinance to reduce the minimum required perimeter parking lot landscape area width from five feet (5') to zero feet (0');
- l. A variation from Section 155.708 (A) of the Lombard Zoning Ordinance to reduce the minimum required building foundation landscape area width from ten feet (10') to zero feet (0');
- m. A variation from Section 155.710 of the Lombard Zoning Ordinance to increase the maximum height of refuse disposal and recycling bin fence screening from eight feet (8') to ten feet (10') and to allow for masonry screening where solid wood or an equivalent material is required;
- n. A deviation from Section 155.415 (G) of the Lombard Zoning Ordinance to increase the maximum building height from thirty feet (30') to thirty-five feet and four inches (35'4");
- o. A deviation from Section 155.508 (C)(7) of the Lombard Zoning Ordinance to reduce the minimum required open space in a planned development with deviations from twelve and one-half percent (12.5%) to eight percent (8%);
- p. A deviation from Section 155.602 (A)(5) of the Lombard Zoning Ordinance to reduce the required length of a parallel parking space from twenty-four feet (24') to twenty feet (20') (Request withdrawn by the petitioner concurrent with the public hearing and is therefore not granted);
- q. A deviation from Section 155.602 (A)(10)(d)(ii) of the Lombard Zoning Ordinance to decrease the minimum parking lot lighting average intensity from 2.0 foot-candles to 1.0 foot-candles;
- r. A deviation from Section 155.602 (A)(10)(d)(iv) of the Lombard Zoning Ordinance to increase the maximum height for light poles used for a parking lot from forty feet (40') to forty-two feet (42');
- s. A deviation from Section 155.602 (C)(Table 6.3) of the Lombard Zoning Ordinance to reduce the minimum required parking spaces for freestanding stores and neighborhood and community centers (up to 200,000 square feet) from four (4) parking spaces per 1,000 square feet of gross floor area to 3.93 parking spaces per 1,000 square feet of gross floor area;

- t. A deviation from Section 155.603 (A)(1) of the Lombard Zoning Ordinance to not fully screen loading berths from adjacent property in an O Office District;
- u. A deviation from Section 153.208 (H) of the Lombard Sign Ordinance to allow for a freestanding sign within a clear line of sight area (Request withdrawn by the petitioner concurrent with the public hearing and is therefore not granted);
- v. A deviation from Section 153.505 (B)(6)(c)(ii) of the Lombard Sign Ordinance to reduce the setback from the property line for the leading edge of a freestanding sign from five feet (5') to one foot (1') (Request withdrawn by the petitioner concurrent with the public hearing and is therefore not granted); and
- w. A deviation from Section 153.505 (B)(19)(a)(i)(a) of the Lombard Sign Ordinance to allow for a sixty-four (64) square foot wall sign on a façade without a street front exposure (south façade).

SECTION 2: That this ordinance is limited and restricted to the subject property generally located at 611 E. Butterfield Road, Lombard, Illinois, and legally described as follows:

PARCEL 1:

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

PARCEL 2:

LOTS 1 AND 2 IN 641 BUTTERFIELD ROAD ASSESSMENT PLAT OF LOT 2 IN YORKTOWN CENTER ASSESSMENT PLAT OF TRACT 5 OF THE PLAT OF SURVEY OF THE BOEGER FARM OF PART OF SECTIONS 28 AND 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID ASSESSMENT PLAT RECORDED FEBRUARY 27, 2007 AS DOCUMENT R2007-035602, IN DUPAGE COUNTY, ILLINOIS.

Parcel Nos.: 06-29-402-014
06-29-402-030
06-29-402-031

Address: 601-621 E. Butterfield Road

AND PARCEL 3:

LOT 3 (EXCEPT THAT PART OF LOT 3 LYING WESTERLY OF A STRAIGHT LINE THAT INTERSECTS THE WEST LINE OF SAID LOT 3, 102.59 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 3, AND INTERSECTS THE NORTH LINE OF SAID LOT 3, 22.20 FEET (22.25 FEET RECORD) EAST OF THE NORTHWEST CORNER OF SAID LOT 3) AND THAT PART OF LOTS 1 AND 2 (TAKEN AS A TRACT) DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 14 DEGREES 01 MINUTE WEST ALONG THE EAST LINE OF SAID LOT 2, 38.50 FEET; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 77 DEGREES 50 MINUTES 12 SECONDS WEST AND HAVING A RADIUS OF 840.00 FEET FOR A DISTANCE OF 359.60 FEET ARC MEASURE, TO A POINT ON A LINE CONVEYED FOR A HIGHWAY FROM LOT 1, (SAID LINE CONVEYED FOR A HIGHWAY HAVING A BEARING OF SOUTH 57 DEGREES 59 MINUTES WEST, A DISTANCE OF 100.14 FEET), SAID POINT ON SAID HIGHWAY LINE BEING 17.50 FEET FROM THE WESTERLY END OF SAID HIGHWAY LINE AS MEASURED ALONG SAID LINE; THENCE SOUTH 57 DEGREES 59 MINUTES WEST ALONG SAID HIGHWAY LINE 17.50 FEET; THENCE SOUTH 1 DEGREE 28 MINUTES EAST ALONG A LINE TAKEN FOR HIGHWAY 44.95 FEET (44.74 FEET RECORD), TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF SAID LOT 1 AND THE SOUTH LINE OF SAID LOT 2, 382.48 FEET TO THE PLACE OF BEGINNING, IN NAEGELE'S RESUBDIVISION, BEING A RESUBDIVISION OF PARTS OF LOT 2 AND 3 IN NAEGELE'S ASSESSMENT PLAT IN SECTIONS 29 AND 32, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1959 AS DOCUMENT 940835 IN DU PAGE COUNTY, ILLINOIS.

Parcel No.: 06-29-402-017

Address: 2801-2821 S. Fairfield Avenue

AND

PART OF LOT 3 LYING WESTERLY OF A STRAIGHT LINE THAT INTERSECTS THE WEST LINE OF SAID LOT 3, 102.59 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 3 AND INTERSECTS THE NORTH LINE OF SAID LOT 3, 22.20 FEET (22.25 FEET RECORD) EAST OF THE NORTHWEST CORNER OF SAID LOT 3, IN NAEGELE'S RESUBDIVISION, BEING A RESUBDIVISION OF PARTS OF LOTS 2 AND 3 IN NAEGELE'S ASSESSMENT PLAT IN SECTIONS 29 AND 32, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1959 AS DOCUMENT 940835 IN DUPAGE COUNTY, ILLINOIS.

Parcel No.: 06-29-402-007

Address: Vacant land on Fairfield Road, Lombard, Illinois 60148

SECTION 3: This Ordinance is approved subject to compliance with the following conditions:

- A. The petitioner shall develop the site in accordance with the plans and the material board submitted as part of this petition, and referenced in the Inter-Departmental Review Committee Report dated August 17, 2015, and which are incorporated herein by reference, (the "General Plans"), except as said General Plans may be changed to conform to Village Codes and/or Ordinances, and except as may be changed pursuant to Sections 155.504(B) or 155.712 of the Village Code. In this regard, the following changes have been approved pursuant to said Sections 155.504(B) and/or 155.712 of the Village Code, as of the date of this Ordinance:
 - i. Revised site plan and parking lot improvements, as necessitated by NiCor and associated with the final parking lot plans; and
 - ii. Landscaping Plan for the adjacent NiCor property and the 611 E. Butterfield Road property, as necessitated by the redesign of the parking lot;
- B. Pursuant to the Zoning Ordinance, project construction shall commence within one (1) year from the date of approval of the ordinance, unless a time extension has been granted by the Village Board. This conditional use approval shall become null and void eighteen (18) months from the date of approval if the proposed site improvements are not completed or an extension has been granted;
- C. The petitioner shall be required to apply for and receive building permits for any improvements to the site;
- D. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report, including but not limited to providing the following:
 - i. Final Engineering Plan for review and approval for the proposed site improvements for the project;
 - ii. Revised plans depicting a public sidewalk along the entire north property line on Frontage Road, pursuant to Section 154.304 of the Subdivision and Development Ordinance;

- iii. Revised Plat of Resubdivision based on the comments included within the IDRC Report;
 - iv. Evidence of deed or long-term lease for off-site parking;
 - v. Revised Site Plan depicting a twenty-four foot (24') long parallel parking space;
 - vi. Full Photometric Plan, to be in compliance with Village Code, which may incorporate existing light emanating from adjacent properties;
 - vii. Revised Landscape Plan depicting landscape along the eastern property line that screens the adjacent parking lot from the loading docks in compliance with Section 155.707 (B)(4)(c) and incorporating existing landscaping.
- E. The petitioner will incorporate the recommendations of KLOA, Inc., subject to staff and Illinois Department of Transportation (IDOT) approval.

SECTION 4: That Ordinances 2273, 4390, and 6086, pertaining to a previous planned development for the subject property, are hereby repealed in their entirety for the subject properties legally described in Section 2 above.

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 1st day of October, 2015.

First reading waived by action of the Board of Trustees this _____ day of March, 2016.

Passed on second reading this 17th day of March, 2016.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

Nays: None

Absent: None

Approved this 17th day of March, 2016.


Keith T. Giagnorio
Village President

Ordinance No. 7201
Re: PC 15-21
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ATTEST:


Sharon Kuderna
Village Clerk

Published by me in pamphlet form on this 18th day of March, 2016.


Sharon Kuderna
Village Clerk