

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A CONDITIONAL USE FOR A
PLANNED DEVELOPMENT WITH VARIATIONS AND DEVIATIONS
AND A CONDITIONAL USE FOR OUTDOOR DINING UNDER TITLE
15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

PC 06-27: 101-125 S. Main Street (DuPage Theatre & South Lot)

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 Lombard Village Code; and

WHEREAS, the subject property is zoned B5 Central Business District; and

WHEREAS, an application has been filed with the Village of Lombard requesting approval of a conditional use for a planned development with the following variations and deviations from the Zoning Ordinance:

- a. A deviation from Section 155.416 (G) to allow for an increase in the maximum building height from 45 feet to 48 feet;
- b. A variation from Section 155.416 (K), Section 155.508 (C) (6) (b) and Section 155.707 (A) (3) to allow for a reduction of the required transitional landscape yard from 10 feet to 5 feet;
- c. A variation from Section 155.416 (M) and Section 155.602 to allow for a reduction of the required number of off-street parking spaces for a theater from thirty-seven (37) to zero (0);
- d. A variation from Section 155.508 (C) (6) (a) to allow for a reduction of the required front yard for a planned development abutting the R2 Single-Family Residence District from thirty (30) feet to four (4) feet;
- e. A variation from Section 155.508 (C) (6) (b) and Section 155.707 (B) (3) to allow for the elimination of the required transitional landscape yard improvements;
- f. A variation from Section 155.709 (B) to eliminate the requirement to provide one (1) shade tree for every seventy-five (75) lineal feet of required perimeter lot landscaping; and

WHEREAS, said application also requests approval of a conditional use for a outdoor dining;
and

WHEREAS, a public hearing was conducted by the Plan Commission on November 27, 2006 and February 19, 2007, pursuant to appropriate and legal notice, and the Plan Commission recommended approval of the Petition, subject to conditions; and

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending denial of the requested parking relief; and

WHEREAS, the President and Board of Trustees concurs with the recommendation of the Plan Commission and have determined that it is in the best interest of the Village to approve the Petition, subject to the conditions 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 the ordinance is limited and restricted to the property generally located at 101-125 S. Main Street, Lombard, Illinois, and legally described as follows:

Lot 1 in Big Idea Productions Resubdivision, being a subdivision in the Northwest Quarter of Township 39 North, Range 11, East of the Third Principal Meridian, recorded as Document No. R1999-090133 in DuPage County, Illinois and Lot 1 in Brust's Resubdivision, being a subdivision in the Northwest Quarter of Township 39 North, Range 11, East of the Third Principal Meridian, recorded as Document No. R1999-010668 in DuPage County, Illinois; except for the West 10.00 feet of said Lot 1 in Brust's Resubdivision and the West 10.00 feet of Lot 1 in said Big Idea Productions Resubdivision dedicated according to the plat thereof recorded as Document No. R2006-5718, described as follows:

Beginning at the southwest corner of Lot 1 in said Brust's Resubdivision; thence on an assumed bearing of North 0 degrees 00 minutes 12 seconds West along the west line of Lot 1 in said Brust's Resubdivision and along the west line of Lot 1 in said Big Idea Productions Resubdivision, a distance of 336.53 feet to the northwest corner of Lot 1 in said Big Idea Productions Resubdivision; thence North 68 degrees 59 minutes 10 seconds East along the northerly line of Lot 1 in said Big Idea Productions Resubdivision, a distance of 10.71 feet to a point 10.00 feet normally distant East of the west line of Lot 1 in said Big Idea Productions Resubdivision; thence South 0 degrees 00 minutes 12 seconds East along a line 10.00 feet normally distant of and parallel with the west line of Lot 1 in said Brust's Resubdivision, thence South 88 degrees 58 minutes 13 seconds West along the south line of Lot 1 in said Brust's Resubdivision, a distance of 10.02 feet to the point of beginning.

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SECTION 2: That a conditional use for a planned development with the following deviations and variations is hereby granted for the property legally described in Section 1 above and,

subject to the conditions of approval set forth in Section 5 below:

- a. A deviation from Section 155.416 (G) to allow for an increase in the maximum building height from 45 feet to 48 feet;
- b. A variation from Section 155.416 (K), Section 155.508 (C) (6) (b) and Section 155.707 (A) (3) to allow for a reduction of the required transitional landscape yard from 10 feet to 5 feet;
- c. A variation from Section 155.508 (C) (6) (a) to allow for a reduction of the required front yard for a planned development abutting the R2 Single-Family Residence District from thirty (30) feet to four (4) feet;
- d. A variation from Section 155.508 (C) (6) (b) and Section 155.707 (B) (3) to allow for the elimination of the required transitional landscape yard improvements; and
- e. A variation from Section 155.709 (B) to eliminate the requirement to provide one (1) shade tree for every seventy-five (75) lineal feet of required perimeter lot landscaping.

SECTION 3: That a conditional use for outdoor dining is hereby granted for the property legally described in Section 1 above and, subject to the conditions of approval set forth in Section 5 below.

SECTION 4: That a variation to reduce the number of off-street parking spaces for a theater from thirty-seven (37) to zero (0) is hereby denied.

SECTION 5: That this Ordinance shall be subject to the following conditions of approval:

1. The petitioner shall enter into a development agreement with the Village setting forth the terms and conditions for development on the subject property.
2. As part of the building permit submittal, the petitioner shall satisfactorily address the comments included as part of the Inter-Departmental Review Report.
3. The development shall be constructed in compliance with the plans submitted as part of this petition. Any modification to the petitioner's plans shall be considered a major change to the planned development.

4. In the event there are any conflicts between the building elevations and the interior building layout, the exterior building elevation shall control. If required by interior changes of layout, the aesthetic, compositional and material concepts illustrated in the approved elevation drawings will be adhered to.
5. No box- or cabinet-style wall signage shall be permitted.
6. No parking relief shall be granted.
7. The parking garage lower level shall have a clear ceiling height of no less than nine feet, with adequate electrical supply provided to serve each lower level parking space.
8. Lighting on the residential portion of the building shall be shielded so that all illumination is directed toward the building and away from adjacent properties. Lighting provided for the drive aisle shall not project higher than eight feet above grade level. Parking structure lighting shall be directed downward and shall not cast a glare onto adjacent properties.
9. An 8-foot solid beige PVC or similar fence shall be installed along the eastern property line, subject to the approval of the Director of Community Development.
10. In lieu of transitional landscaping improvements, a cash payment of \$50.80 per linear foot shall be paid to the Village within 60 days of the petitioner's acquisition of the property and prior to the issuance of any building permits. This cash payment shall be allocated amongst the adjacent property owners to the east of the subject property, based upon the length of the shared lot lines.
11. Stormwater detention shall be approved by the Village Engineer and shall be subject to rigorous scrutiny; and
12. The building setbacks shall be at least 80 percent of that required by the Zoning Ordinance.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as required by law.

Passed on first reading this _____ day of _____, 2007.

First reading waived by action of the Board of Trustees this ____ day of _____, 2007.

Passed on second reading this ____ day of _____, 2007, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2007.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this ____ day of _____, 2007.

Brigitte O'Brien
Village Clerk