

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda


 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: January 27, 2016 (B of T) Date: February 4, 2016

TITLE: PC 16-02; 610 S. Main Street

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. This petition requests approval of an amendment to Ordinances 4021, 4022, and 5594 along with a variance from Section 155.414(E)(1) to allow for a front yard setback of eighteen (18) feet where thirty (30) feet is required to provide for the expansion of the existing canopy; an amendment to the conditions of approval associated with Ordinances 4021 and 4022 to allow for wall (canopy) signage on the canopy; a variance from Section 153.208 (H) to allow for an existing freestanding sign to remain in the clear line of sight area; and a variance from Section 153.223 (E) to allow for a reader board of twelve (12) square feet in area, where nine (9) square feet in area is allowed.

The Plan Commission recommended approval of this petition by a vote of 5-0.

The petitioner requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

DATE: February 4, 2016

SUBJECT: **PC 16-02; 610 S. Main Street**

Please find the following items for Village Board consideration as part of the February 4, 2016 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 16-02; and
3. An Ordinance granting approval of an amendment to Ordinances 4021, 4022, and 5594 along with a variance from Section 155.414(E)(1) to allow for a front yard setback of eighteen (18) feet where thirty (30) feet is required to provide for the expansion of the existing canopy; an amendment to the conditions of approval associated with Ordinances 4021 and 4022 to allow for wall (canopy) signage on the canopy; a variance from Section 153.208 (H) to allow for an existing freestanding sign to remain in the clear line of sight area; and a variance from Section 153.223 (E) to allow for a reader board of twelve (12) square feet in area, where nine (9) square feet in area is allowed.

The Plan Commission recommended approval of this petition by a vote of 5-0. Please place this petition on the February 4, 2016 Board of Trustees agenda with a waiver of first reading as requested by the petitioner.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

February 4, 2016

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill T. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 16-02, 610 S. Main Street

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. This petition requests approval of an amendment to Ordinances 4021, 4022, and 5594 along with a variance from Section 155.414(E)(1) to allow for a front yard setback of eighteen (18) feet where thirty (30) feet is required to provide for the expansion of the existing canopy; an amendment to the conditions of approval associated with Ordinances 4021 and 4022 to allow for wall (canopy) signage on the canopy; a variance from Section 153.208 (H) to allow for an existing freestanding sign to remain in the clear line of sight area; and a variance from Section 153.223 (E) to allow for a reader board of twelve (12) square feet in area, where nine (9) square feet in area is allowed.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 25, 2016. Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development and the petitioner David Sweis.

Chairperson Ryan read the Plan Commissions procedures and asked if anyone other than the petitioner intended to cross examine, and, hearing none, he proceeded with the petition.

Mr. Sweis introduced himself as an attorney representing the gas station. He noted they purchased the business in September 2015. They are requesting a canopy expansion to cover all the pumps, as one pump is currently isolated. Signage will be added to the north and south ends of the canopy. The freestanding sign will also be replaced. He said all the lights will be LED lights that will emit a soft light so as to not shine on the neighboring properties.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, Chairperson Ryan asked for the staff report.

Ms. Ganser submitted the IDRC report into the public record in its entirety as well as a letter from a resident received after the Plan Commission mailing was sent. The petitioner is requesting approvals to expand the existing canopy over existing gas pumps, and adding signage on the canopy. Based on Village Code and past approvals at 610 S. Main Street, these requests require a Plan Commission public hearing. The canopy will extend into the front yard, which is along Main Street. No other yard variances are required. There will be new LED lighting under the new canopy that will need to comply with Village photometric standards. No additional gas pumps are part of this proposal. The freestanding sign is also proposed to be replaced. A variance was never granted for the current location; therefore the petitioner is requesting the variance. The freestanding sign is proposed at approximately fifteen (15) feet above grade and therefore does not impact vehicle or pedestrian safety in the clear line of sight. Staff is not aware of any previous safety concerns with the current sign. There is also a large section of right-of-way on Madison Avenue, which allows a vehicle extra space to position their vehicle before they make a turn. Also, much of the Main Street frontage is in the clear line of sight triangle due to the canopy being close to the street. A new sign will be added, and a portion of the sign will be a motor fuel reader sign that exceeds the allowable nine (9) square feet in area. Staff supports the requested twelve (12) square feet. The B2 District is intended to accommodate neighborhood shopping, which a gas station and convenience store do. This property was a gas station and convenience store previously, but recently the owner/operator has changed. Staff received one letter in opposition to the project. Staff notes that the gas station itself is not expanding, and no additional pumps are proposed. As for the lighting, that will need to meet the Village's photometric codes and will be checked when a permit is submitted.

Chairperson Ryan opened the meeting for questions or comments among the Commissioners.

Commissioner Cooper clarified the size of the freestanding sign. Ms. Ganser noted that the variance for the twelve (12) square feet is only for the motor fuel reader board and not the entire sign. Commissioner Cooper asked if both the canopy signage and freestanding sign are needed. Mr. Sweis said the signs will attract drivers coming from different directions. Mr. Heniff clarified that the freestanding sign is for those driving on Main Street and Mr. Sweis said yes. Commissioner Cooper asked if the canopy signage will be on the south façade. Mr. Sweis said yes and noted that the petitioner is willing to move that sign to the east, but it requires approval by Mobil. He noted that an existing fence along the property line will shield the residential property.

Commissioner Sweetser said if the sign was moved east, it could be more visible. Commissioner Cooper felt there was a lot of light on the property. Mr. Heniff said the lights will be subject to the Village's photometric standard. Mr. Sweis said the lights at the gas station are LED and designed not to glare.

On a motion by Commissioner Sweetser, and a second by Commissioner Mrofcza, the Plan Commission voted 5-0 that the Village Board approve the petition associated with PC 16-02, subject to the following six (6) conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request from MacKenzie Sales Inc dated 12/9/15 and ImageFX dated 12/21/15 and 1/19/16;
2. The petitioner shall satisfactorily address all comments noted with the Inter-Departmental Review Committee Report;
3. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the building expansion and site modification are not constructed and operating by said date, this relief shall be deemed null and void;
4. The freestanding sign on must be completely enclosed within the airspace of the petitioner's property and shall not project into the public;
5. All lighting must conform to the Village's photometric standards; and
6. All other conditions of approval as set forth in Ordinances 4021, 4022, and 5594 not amended by this petition shall remain in full force and effect.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink, appearing to read "Donald Ryan", written over a faint circular stamp.

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

January 25, 2016

Title

PC 16-02

Petitioner

610 Building, LLC
610 S. Main Street
Lombard IL 60148

Property Owner

Same

Property Location

610 S. Main Street (Trustee
District #6)

Zoning

B2, General Neighborhood
Shopping District

Existing Land Use

Gas station

Comprehensive Plan

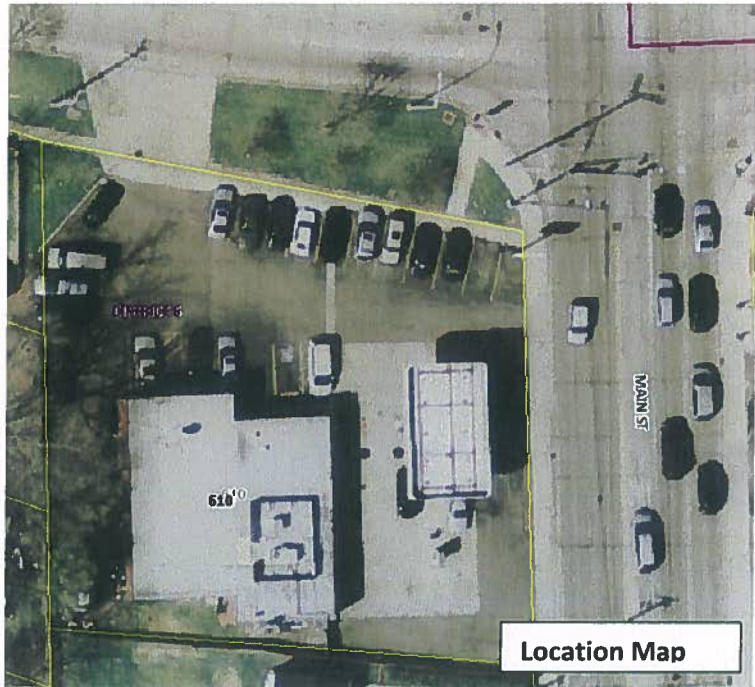
Neighborhood Commercial

Approval Sought

Amendment to prior approvals
and two sign variances

Prepared By

Jennifer Ganser
Assistant Director



PROJECT DESCRIPTION

The petitioner is requesting approvals to expand the existing canopy over existing gas pumps, including signage on the canopy. The freestanding sign is also proposed to be replaced. The pole will remain in the same location, but the sign and motor fuel reader sign will be new. Based on Village Code and past approvals at 610 S. Main Street, these requests require a Plan Commission public hearing. No changes are proposed for the companion convenience store and vehicle repair facility.

APPROVAL(S) REQUIRED

The petitioner, 610 Building, LLC requests that the Village grant:

1. An amendment to Ordinances 4021, 4022, and 5594 along with a variance from Section 155.414(E)(1) to allow for a front yard setback of eighteen (18) feet where thirty (30) feet is required to provide for the expansion of the existing canopy;
2. An amendment to the conditions of approval associated with Ordinances 4021 and 4022 to allow for wall (canopy) signage on the canopy;
3. A variance from Section 153.208 (H) to allow for an existing freestanding sign to remain in the clear line of sight area;
4. A variance from Section 153.223 (E) to allow for a reader board of twelve (12) square feet in area, where nine (9) square feet in area is allowed.

PROJECT STATS

Lot & Bulk

Parcel Size 0.45 acres

Submittals

1. Petition for Public Hearing;
2. Response to Standards;
3. Site Plan, prepared by MacKenzie Sales Inc., dated 12/9/15;
4. Proposed sign plans, prepared by ImageFX, and dated 12/21/15 and 1/19/16;
5. Plat of Survey, dated 1/12/5;
6. Ordinances 4021, 4022, and 5594.

EXISTING CONDITIONS

The subject property is currently improved with a gas station, convenience center, and muffler shop.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments.

Fire Department:

The Fire Department has no issues or concerns.

Private Engineering Services (PES):

PES has no comments.

Public Works:

The Department of Public Works notes that the freestanding sign shall be completely enclosed with the airspace of the petitioner's property.

Planning Services Division:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	B2	commercial
South	R2	single family residential
East	B2	commercial
West	R2	single family residential

The B2 District is intended to accommodate neighborhood shopping, which a gas station and convenience store do. This property was a gas station and convenience store previously, but recently the owner/operator has changed.

2. Comprehensive Plan Compatibility

A gas station and convenience store are consistent with Neighborhood Commercial.

3. Zoning Ordinance Compatibility

The petitioner proposes to expand the existing canopy over existing gas pumps. The canopy expansion would be 24' x 24' and extend to the south. Due to the existing canopy encroaching into the front yard setback, a variance is needed for the expansion. The side yard setback meets Code. There will be new LED lighting under the new canopy that will need to comply with Village photometric standards. No additional gas pumps are part of this proposal.

4. Sign Ordinance Compatibility

Signage is proposed to be added to the canopy expansion. This will be typical of what is commonly found on gas station canopies in Lombard and elsewhere. A condition of previous approvals (Ordinance 4021) said no signage shall be installed on the canopy; therefore the request needs Village Board action. The petitioner is proposing to add the word "Mobil" to the canopy. The proposed signage would meet the size requirements of the Sign Ordinance. Two signs of thirteen (13) square feet are proposed for the north and south elevations.

Lastly, the freestanding sign is proposed to be replaced. The existing base will be used, which currently is located in the clear line of sight triangle. A variance was never granted for the current location; therefore the petitioner is requesting the variance. The freestanding sign is proposed at approximately fifteen (15) feet above grade and therefore does not impact vehicle or pedestrian safety. Staff is not aware of any previous safety concerns with the current sign. There is also a large section of right-of-way on Madison Avenue, which allows a vehicle extra space to position their vehicle before they make a turn. Also, much of the Main Street frontage is in the clear line of triangle due to the canopy being close to the street. A new sign will be added, and a portion of the sign will be a motor fuel reader sign that exceeds the allowable nine (9) square feet in area. Staff supports the requested twelve (12) square feet.

HISTORY

610 S. Main received approvals to expand the gas station and construct the canopy in 1995 via Ordinances 4021 and 4022. A fence was required on the west and south lot lines; and that condition will stay in effect. In 2004, approval was granted to allow for the addition of one (1) fuel dispenser via Ordinance 5594.

FINDINGS & RECOMMENDATIONS

Staff finds that the gas station with associated ordinance amendments and variances is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance.

The Inter-Departmental Review Committee has reviewed the standards for the requested amendment and variances and finds that they **comply** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Department Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 16-02.

Based on the submitted petition and the testimony presented, the proposed request for an amendment and associated variances does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting said request is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 16-02, subject to the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request from MacKenzie Sales Inc dated 12/9/15 and ImageFX dated 12/21/15 and 1/19/16;
2. The petitioner shall satisfactorily address all comments noted with the Inter-Departmental Review Committee Report;

3. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the building expansion and site modification are not constructed and operating by said date, this relief shall be deemed null and void;
4. The freestanding sign on must be completely enclosed within the airspace of the petitioner's property and shall not project into the public ;
5. All lighting must conform to the Village's photometric standards; and
6. All other conditions of approval as set forth in Ordinances 4021, 4022, and 5594 not amended by this petition shall remain in full force and effect.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development
c. Petitioner

Petitioner: 610 Building, LLC

Petitioner Address: 610 South Main Street, Lombard 60148

Petitioner's Objective: Replace existing canopy currently resting over the gasoline service station pumps and expand the canopy to cover all of the gasoline pumps. Add "Mobile" branding to the street side of the canopy as shown in the rendering submitted herewith. Petitioner also proposes replacing the free standing "Citgo" signage with price display for a "Mobile" branded free standing sign with price display. The new free standing sign will be 15ft feet high.

STANDARDS FOR CONDITIONAL USES

1. The establishment, maintenance and operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare. To the contrary, the canopy expansion will provide the public with convenience and protection from rain, snow and ice. The free standing sign will also prominently display pricing for the public to see from the thoroughfares running alongside the gasoline service station.
2. The conditional use will not be injurious to the use and enjoyment of other property as the conditional uses are simply modification of a presently existing use. There will be no impairment of property values in the immediate vicinity.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The conditional use only affects presently existing uses at the subject property, which have not had any adverse effect on development.
4. There are presently existing public utilities, access roads and drainage at the site. The conditional use will not require further installation of public utilities, drainage or access roads.
5. Measures have already been taken to ensure proper ingress and egress so as to minimize traffic congestion on the public streets. No further ingress or egress will be necessary.
6. The proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard as it only modifies a presently existing use.
7. The conditional use will conform to the applicable regulations of the district in which it is located, except as modified pursuant to the recommendations of the Plan Commission.

STANDARDS FOR VARIATIONS

1. Due to the present shape and physical surroundings of the current canopy, the owner stands to suffer a particular hardship in that the canopy fails to provide coverage over all of the existing pumps, contrary to most every other gasoline service station in the vicinity of 610 S. Main Street. This will have an adverse effect on business operations, especially instances where the Village experiences storms, snow and other weather elements. The current free standing sign poses a particular hardship on the owner as it is not generally visible at its current height. Passersby will not be able to take advantage of the gas pricing if they are unable to view the signage.
2. The conditions giving rise to the variation is unique to the property in that most retailers and convenient stores do not conduct outdoor sales as does a gas station. Further, most retailers do not need or require the use of a canopy outside of the place of business. As a result, the variation is not generally applicable to other businesses in the B2 district. Further, free standing signs with price displays are unique to gas stations and are not generally applicable to other properties in the B2 district.
3. The purpose of the variation is not primarily for financial gain. The primary purpose of the variation concerning the canopy is to provide the customer with protection from the outside elements as well as bring the property into uniformity with other gasoline service stations in the area. The free standing sign with price display is to provide the public with information concerning gasoline prices and to inform the public of the existence of a gasoline service station.
4. The hardship to the petitioner was caused or created by the previous owner. Nobody with a present interest in the property brought about the conditions creating the hardship or the basis for this application.
5. Allowing the proposed variations to the property will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. In fact, the modifications may improve the public welfare and traffic to other property.
6. The granting of the variation will not alter the essential character of the neighborhood and is only applying variations to the presently existing character of the neighborhood.
7. The proposed variation will not impair an adequate supply of light and air to adjacent property as the present use already allows for adequate supply of light and air. The variation will not substantially increase congestion in the public streets as it is only modifying presently existing signage. The variations do not increase the risk of fire, impair the natural drainage or affect the drainage at adjacent properties. The public safety will not be threatened through the proposed variation and property values will not be diminished.

Signs and canopy fascia will be marked with manufacturers name .

Lighted signs are UL listed and labeled.

Lighted signs will be grounded.

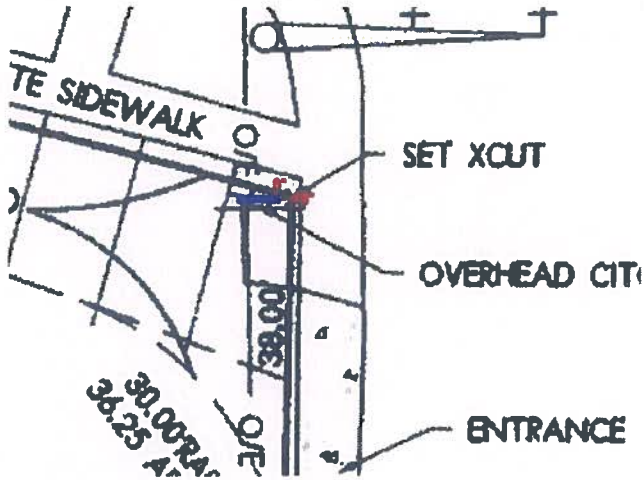
All lighted signs will have a external disconnect visible from the ground.

20.66 square foot total

**48" x 25.5"
8.5 sq. ft.**



**48" x 36.5"
12.16 sq. ft.**



**32 sq. ft.
20' from grade**



Existing

sign 15' from grade
6" x 6" poles mounted to existing base
sign cabinet to be set back 16" from property line on Main
6" from property line on side street

Proposed

IMAGEFX

creative branding

16W 109 83rd Street
Burr Ridge, IL 60527

Phone: 630.655.2850 Fax: 630.655.2857
www.imagefxcorp.com

Start Date: 1.19.16

Last Revision:

Job#: Drawing#: 4

Page:

Sales Rep: Designer:

Location: **State Oil MOBIL**

610 Main St. Lombard Il.

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Signs and canopy fascia will be marked with manufacturers name.

Lighted signs are UL listed and labeled.

Lighted signs will be grounded.

All lighted signs will have an external disconnect visible from the ground.



65'



IMAGEFX
creative branding

16W 109 83rd Street
Burr Ridge, IL 60577

Phone: 630.655.2850 Fax: 630.655.2857
www.imagefxcorp.com

Start Date: 12.21.15

Last Revision:

Job#: Drawing#: 1

Page:

State Oil CITEGO to MOBIL

Location:

610 Main St. Lombard IL.

Sales.Rep:

Designer:



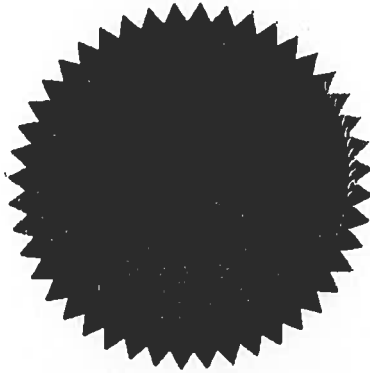
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ORDINANCE 4021
4022

PAMPHLET

FRONT OF PAMPHLET

APPROVING A CONDITIONAL USE FOR THE
EXPANSION OF A GASOLINE SERVICE STATION
AT 610 S. MAIN STREET



PUBLISHED IN PAMPHLET FORM THIS 14TH DAY OF MAY, 1995.
BY ORDER OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD,
DUPAGE COUNTY, ILLINOIS.

Lorraine G. Gerhardt

Lorraine G. Gerhardt
Village Clerk

Revised 5/19/95

ORDINANCE NO. 4021

**AN ORDINANCE APPROVING A CONDITIONAL USE
OF THE LOMBARD ZONING ORDINANCE
TITLE XV, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

PC 95-12; 610 South Main Street, Lombard, IL)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title XV, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned B2 General Neighborhood Shopping District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a Conditional Use from Title XV, Chapter 155, Section 103(F)(13) of said Zoning Ordinance, to provide for the expansion of a gasoline service station (canopy); and,

WHEREAS, a public hearing has been conducted by the Plan Commission on May 10, 1995 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 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 is hereby granted from the provisions of Title XV, Chapter 155, Section 103(F)(13) of the Lombard Zoning Ordinance, for the property described in Section 2 below and to provide for the expansion of a gasoline service station (canopy).

Section 2: That this ordinance is limited and restricted to the property generally located at 610 South Main Street, Lombard, Illinois, and legally described as follows:

Lot 1 in Block 1 in Green Valley, a subdivision in Sections 7 and 18, Township 39 North, East of the Third Principal Meridian, according to the plat thereof, recorded July 25, 1944, in Book 25 of Plats as Document Number 465288, and that part of Madison Street as vacated by Document R70-6437, in the Village of Lombard, DuPage County, Illinois.

Parcel No. 06-18-203-032

Section 3: That this ordinance shall be subject to the following conditions:

1. A six (6) to eight (8) foot board-on-board fence shall be installed along the west and south lot lines adjacent to the residential use properties, provided that within the first thirty (30) feet of the lot along Madison Street and Main Street, the fence shall not be taller than four (4) feet.
2. No wall (canopy) sign shall be installed on the proposed canopy.
3. The proposed conditional use shall become null and void if not substantially underway within one (1) year from the date of Village Board approval.
4. The canopy shall comply with the site plan date stamped March 21, 1995 and prepared by L.S.C.I., Inc.
5. If notified by the Village within five (5) years of the date of this Ordinance that the Village intends to erect a bus shelter for the bus stop on the Main Street side of the property referenced in Section 2 above (hereinafter the "Subject Property"), and that for public safety purposes the bus shelter cannot be entirely located within the dedicated public right-of-way, the property owner shall grant to the Village an easement across that portion of the Subject Property as is necessary for the proper and safe erection of the bus shelter.

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.

Ordinance No. 4021
Re: PC 95-12
Page 3

Passed on first reading this _____ day of _____, 1995.

First reading waived by action of the Board of Trustees this
18th day of May, 1995.


Passed on second reading this 18th day of May, 1995.

Ayes: Trustees Carlson, Tross, Koenig, Jaugilas, Gatz and Mackett

Nayes: None

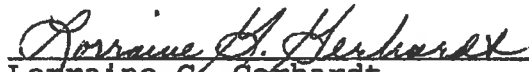
Absent: None

Approved this 18th day of May, 1995.



William J. Mueller
Village President

ATTEST:



Lorraine G. Gerhardt
Village Clerk

APPROVAL AS TO FORM:

Thomas P. Bayer
Village Attorney

Revised 5/19/95

ORDINANCE NO. 4022

**AN ORDINANCE APPROVING A VARIATION
OF THE LOMBARD ZONING ORDINANCE
TITLE XV, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

PC 95-12; 610 South Main Street, Lombard, IL)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title XV, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned B2 General Neighborhood Shopping District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title XV, Chapter 155, Section 413(F)(1) of said Zoning Ordinance, to provide for the construction of a gasoline canopy ten (10) feet from the front property line (30 required); and,

WHEREAS, a public hearing has been conducted by the Plan Commission on May 10, 1995 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 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 variation is hereby granted from the provisions of Title XV, Chapter 155, Section 413(F)(1) of the Lombard Zoning Ordinance, for the property described in Section 2 below and to provide for the construction of a gasoline canopy ten (10) feet from the front property line (30 required).

Section 2: That this ordinance is limited and restricted to the property generally located at 610 South Main Street, Lombard, Illinois, and legally described as follows:

Lot 1 in Block 1 in Green Valley, a subdivision in Sections 7 and 18, Township 39 North, East of the

Third Principal Meridian, according to the plat thereof, recorded July 25, 1944, in Book 25 of Plats as Document Number 465288, and that part of Madison Street as vacated by Document R70-6437, in the Village of Lombard, DuPage County, Illinois.

Parcel No. 06-18-203-032

Section 3: That this ordinance shall be subject to the following conditions:

1. A six (6) to eight (8) foot board-on-board wooden fence shall be installed along the west and south lot lines adjacent the residential use properties, provided that within the first thirty (30) feet of the lot along Madison Street and Main Street, the fence shall not be taller than four (4) feet.
2. No wall (canopy) signs shall be installed on the proposed canopy.
3. The proposed variation shall become null and void if not substantially underway within one (1) year from the date of Village Board approval.
4. The canopy shall comply with the site plan date stamped March 21, 1995 and prepared by L.S.C.I., Inc.
5. If notified by the Village within five (5) years of the date of this Ordinance that the Village intends to erect a bus shelter for the bus stop on the Main Street side of the property referenced in Section 2 above (hereinafter the "Subject Property"), and that for public safety purposes the bus shelter cannot be entirely located within the dedicated public right-of-way, the property owner shall grant to the Village an easement across that portion of the Subject Property as is necessary for the proper and safe erection of the bus shelter.

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.

Passed on first reading this _____ day of _____, 1995.

First reading waived by action of the Board of Trustees this

Ordinance No. 4022
Re: PC 95-12/Variation
Page 3

18th day of May, 1995.


Passed on second reading this 18th day of May, 1995.

Ayes: Trustees Carlson, Tross, Koenig, Jaugilas, Gatz and Mackett

Nayes: None

Absent: None

Approved this 18th day of May, 1995.



William J. Mueller
Village President

ATTEST:



Lorraine G. Gerhardt
Village Clerk

APPROVAL AS TO FORM:

Thomas P. Bayer
Village Attorney

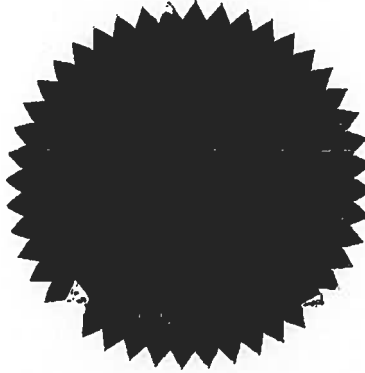
ORDINANCE 5594

PAMPHLET

AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE 4021
FOR THE EXPANSION OF A CONDITIONAL USE IN THE B2 GENERAL
NEIGHBORHOOD SHOPPING DISTRICT

ADDITION OF ONE FUEL DISPENSER

610 S. MAIN STREET



PUBLISHED IN PAMPHLET FORM THIS 6th DAY OF December, 2004
BY ORDER OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD,
DUPAGE COUNTY, ILLINOIS.



Barbara A. Johnson
Deputy Village Clerk

ORDINANCE NO. 5594

**AN ORDINANCE GRANTING
AN AMENDMENT TO ORDINANCE 4021
FOR THE EXPANSION OF A CONDITIONAL USE IN THE B2 GENERAL
NEIGHBORHOOD SHOPPING DISTRICT**

(PC 04-35; 610 S. Main Street)

(See also Ordinance 4021)

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 B2 General Neighborhood Shopping District; and,

WHEREAS, companion Ordinance 4021 granted approval for the expansion of a conditional use; and

WHEREAS, said application requests an amendment to Ordinance 4021 to include the addition of one fuel dispenser on the subject property; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on November 15, 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 expansion of the conditional use, subject to the conditions outlined in Section 2 below; 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 the ordinance is limited and restricted to the property generally located at 610 S. Main Street, Lombard, Illinois, and legally described as follows:

LOT 1 IN BLOCK 1 IN GREEN VALLEY, A SUBDIVISION IN SECTIONS 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED JULY 25, 1944, IN BOOK 25 OF PLATS AS DOCUMENT NUMBER 465288, AND THAT PART OF MADISON STREET AS VACATED BY DOCUMENT R70-6437, IN THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS.

Parcel No. 06-18-203-032

SECTION 2: That an amendment to Ordinance 4021 to include the addition of one fuel dispenser be hereby granted for the Subject Property, subject to compliance with the following conditions:

1. The property shall be developed in substantial compliance with the site plans and building elevations prepared by Petroleum Equipment General Contractors, dated October 11, 2004.
2. The petitioner shall meet all codes and ordinances of the Village of Lombard.
3. That the petitioner shall submit a landscape plan which increases the amount of perimeter parking lot landscaping and right of way landscaping on the subject property, with said plan being subject to the approval of the Department of Community Development.
4. That the petitioner shall keep and maintain a solid fence of at least six (6) feet in height along the southern and western property lines in conformance with Village Code.
5. That fuel truck unloading shall not occur on the subject property between 7:00 p.m. and 7:00 a.m.

6. That the petitioner will secure a permanent wall sign consisting of appropriate materials and construction as defined by Village Code for the automotive repair business.

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 _____ day of _____, 2004.

First reading waived by action of the Board of Trustees this 2nd day of December, 2004.

Passed on second reading this 2nd day of December, 2004.

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

Nayes: None

Absent: None

Approved this 2nd day of December, 2004.


William J. Mueller, Village President

ATTEST:


Barbara A. Johnson, Deputy Village Clerk

1/22/16
1 OF 2

SUBJ: COMBARD PLAN. COMM. 1/25/16 MEETING
REF: 610 S. MAIN ST.

DEAR SIR:

I BOUGHT MY HOME 44 YEARS AGO UPON MY RETURN FROM 6 YEARS IN THE MARINE CORPS IN 1972. I KNEW I WAS BUYING A HOME NEXT TO A SMALL SERVICE STATION. I HAD NO IDEA THAT AFTER SEVERAL OWNERS (ALL FAILED) THAT THEY WOULD TRY TO LIGHT THE PROPERTY LIKE LAS VEGAS.


WHEN WE GRANTED THE EXISTING CANOPY WE WERE TOLD THAT THERE WOULD BE NO SIGNAGE. NOW THEY WANT THE SIGNAGE ON IT. WE WERE TOLD THAT STREET SIGN WAS GRANDFATHERED IN, AND IF IT EVER CAME DOWN IT COULD BE REINSTALLED USING CURRENT CODES. NOW THEY WANT TO ENLARGE IT. WHEN WE GRANTED THE THIRD PUMP (SOUTH) ISLAND WE WERE TOLD IT WOULD NEVER BE CANOPIED. NOW THEY WANT TO EXPAND CURRENT

1/2/16
2 OF 2

CANOPY TO COVER THE POND.

OUR 600 S. MAIN ST BLOCK, FOR
SOME REASON IS STILL ZONED
RESIDENTIAL, WHILE WE ARE COM-
PLETELY SURROUNDED BY BUSINESSES.
WHILE WE REMAIN RESIDENTIAL,
THE VILLAGE SHOULD GRANT US
SPECIAL CONSIDERATION AND
CONCESSIONS WHEN IT COMES TO
FURTHER EXPANSIONS OF BUSINESSES
AND HELP US RETAIN OR PROTECT
VALUES

I DON'T WANT A CANOPY EX-
TENDING ALMOST INTO MY DRIVEWAY
AND DON'T WANT MY KITCHEN +
LIVING ROOM LIT UP 24/7/365.
PLEASE HELP US PROTECT OUR
HOUSING INVESTMENTS AND DENY
THEIR REQUESTS FOR FURTHER
EXPANSION

SINCERELY


PETER D. ZAKOS #3004
7167 E RANCHO VISTA DR.
SCOTTSDALE, AZ 85251-1667

PETER D. ZAKOS
618 S MAIN ST
LOMBARD IL 60148-3342
CELL 630.542.1999

CC: W. HENIFF, DEU
W. WARE TRUSTEE

PETERZ@AMARANO.COM

Nowakowski, Tamara

From: Ganser, Jennifer
Sent: Tuesday, January 26, 2016 8:04 AM
To: Nowakowski, Tamara
Subject: FW: PC 16-02; 610 S. Main, Lombard

From: David Sweis [<mailto:david@sweislaw.com>]
Sent: Tuesday, January 26, 2016 7:35 AM
To: Ganser, Jennifer; jjebrin@yahoo.com
Subject: RE: PC 16-02; 610 S. Main, Lombard

Hi Jennifer,

It was a pleasure meeting you yesterday. My client would like to request waiver of first, so they can begin to implement the modifications to the station and cover the exposed pump.

Please advise.

Regards,

David

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: "Ganser, Jennifer" <GanserJ@villageoflombard.org>
Date: 1/22/2016 2:19 PM (GMT-06:00)
To: jjebrin@yahoo.com, David Sweis <david@sweislaw.com>
Subject: PC 16-02; 610 S. Main, Lombard

Joseph and David,

We received one letter from a resident. Please read and review and call me with any questions. We will ask you to respond to the letter (verbally) at the Plan Commission meeting on Monday.

Jennifer

ORDINANCE NO. _____

AN ORDINANCE GRANTING APPROVAL OF AN AMENDMENT TO ORDINANCES 4021, 4022, AND 5594 ALONG WITH A VARIANCE FROM SECTION 155.414(E)(1) TO ALLOW FOR A FRONT YARD SETBACK OF EIGHTEEN (18) FEET WHERE THIRTY (30) FEET IS REQUIRED TO PROVIDE FOR THE EXPANSION OF THE EXISTING CANOPY; AN AMENDMENT TO THE CONDITIONS OF APPROVAL ASSOCIATED WITH ORDINANCES 4021 AND 4022 TO ALLOW FOR WALL (CANOPY) SIGNAGE ON THE CANOPY; A VARIANCE FROM SECTION 153.208 (H) TO ALLOW FOR AN EXISTING FREESTANDING SIGN TO REMAIN IN THE CLEAR LINE OF SIGHT AREA; AND A VARIANCE FROM SECTION 153.223 (E) TO ALLOW FOR A READER BOARD OF TWELVE (12) SQUARE FEET IN AREA, WHERE NINE (9) SQUARE FEET IN AREA IS ALLOWED

(PC 16-02; 610 S. Main Street)

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, 610 S. Main Street, the Subject Property, is zoned B2 General Neighborhood Shopping District; and,

WHEREAS, an application has been filed requesting approval of an amendment to Ordinances 4021, 4022, and 5594 along with a variance from Section 155.414(E)(1) to allow for a front yard setback of eighteen (18) feet where thirty (30) feet is required to provide for the expansion of the existing canopy; an amendment to the conditions of approval associated with Ordinances 4021 and 4022 to allow for wall (canopy) signage on the canopy; a variance from Section 153.208 (H) to allow for an existing freestanding sign to remain in the clear line of sight area; and a variance from Section 153.223 (E) to allow for a reader board of twelve (12) square feet in area, where nine (9) square feet in area is allowed; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on January 25, 2016 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 petition as 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 follow:

SECTION 1: That the following relief is hereby granted for the Subject Property, as described in Section 2 below:

1. An Ordinance granting approval of an amendment to Ordinances 4021, 4022, and 5594 along with a variance from Section 155.414(E)(1) to allow for a front yard setback of eighteen (18) feet where thirty (30) feet is required to provide for the expansion of the existing canopy;
2. An amendment to the conditions of approval associated with Ordinances 4021 and 4022 to allow for wall (canopy) signage on the canopy; a variance from Section 153.208 (H) to allow for an existing freestanding sign to remain in the clear line of sight area; and
3. A variance from Section 153.223 (E) to allow for a reader board of twelve (12) square feet in area, where nine (9) square feet in area is allowed.

SECTION 2: That this Ordinance is limited and restricted to the property located at 610 S. Main Street, Lombard, Illinois and legally described as follows:

LOT 1 IN BLOCK 1 OF GREEN VALLEY SUBDIVISION BEING A PART OF SECTIONS 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED JULY 25, 1944 IN BOOK 25 OF PLATS AS DOCUMENT NUMBER 469238 IN THE DUPAGE COUNTY RECORDER'S OFFICE, ILLINOIS AND THAT PART OF MADISON STREET AS VACATED BY DOCUMENT R70-6437, IN VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS.

Parcel Identification Number(s): 06-18-203-032; (the "Subject Property")

SECTION 3: The relief, as provided for in Section 1 of this Ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request from MacKenzie Sales Inc dated 12/9/15 and ImageFX dated 12/21/15 and 1/19/16;
2. The petitioner shall satisfactorily address all comments noted with the Inter-Departmental Review Committee Report;
3. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the building expansion and site modification are not constructed and operating by said date, this relief shall be deemed null and void;
4. The freestanding sign on must be completely enclosed within the airspace of the petitioner's property and shall not project into the public ;
5. All lighting must conform to the Village's photometric standards; and
6. All other conditions of approval as set forth in Ordinances 4021, 4022, and 5594 not amended by this petition shall remain in full force and effect.

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.

Passed on first reading this _____ day of _____, 2016.

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

Passed on second reading this _____ day of _____, 2016, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2016.

Keith T. Giagnorio, Village President

Ordinance No. _____
Re: PC 16-02
Page 4

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2016.

Sharon Kuderna, Village Clerk