

ORDINANCE NO. 5447

**AN ORDINANCE GRANTING A
CONDITIONAL USES FOR A PLANNED DEVELOPMENT
WITH ACCESSORY STRUCTURE DEVIATIONS; A PARKING LOT; A
FARMER'S (FRENCH) MARKET; AN ACCESSORY STRUCTURE AND
VARIATIONS TO THE PARKING LOT LANDSCAPING REQUIREMENTS;
ALL LOCATED IN THE B5 CENTRAL BUSINESS DISTRICT**

(PC 04-06: 115 E. St. Charles Road)

(See also Ordinance(s) _____)

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 approval of a conditional use for a planned development on the property described in Section 1 below (hereinafter the "Subject Property") located within the B5 Central Business District; and,

WHEREAS, said application requests a deviation from Section 155.210 (C) (2)(c) to allow an accessory use to be located within twenty (20) feet of the right-of-way of a public street; and,

WHEREAS, said application requests a deviation from Section 155.602 (B) to reduce the required number of accessible parking spaces from five (5) to zero (0); and,

WHEREAS, said application also requests conditional use approval pursuant to Section 155.415 (C)(14) of the Zoning Ordinance for a conditional use for a parking lot;

WHEREAS, said application also requests conditional use approval pursuant to Section 155.415 (C)(19) of the Zoning Ordinance for an accessory building; and

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WHEREAS, said application also requests conditional use approval pursuant to Section 155.415 (C)(7) of the Zoning Ordinance for Farmer's (French) Market; and

WHEREAS, said application also requests a variation from Section 155.706 to reduce the required amount of parking lot landscaping; and

WHEREAS, said application requests approval of the aforementioned actions on the property described in Section 2 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on February 16, 2004 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees recommending approval of the conditional uses, variations and deviations described herein, subject to conditions; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That this ordinance is limited and restricted to the property generally located at 115 E. St. Charles Road, Lombard, Illinois, and is legally described as:

ALL OF BLOCK 15 AND BLOCK 16 OF THE ORIGINAL TOWN OF LOMBARD, A SUBDIVISION OF SECTION 5, 6, 7, AND 18 IN TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NUMBER 9483, IN DU PAGE COUNTY, ILLINOIS.

Parcel No. 06-08-109-002, 06-08-110-002

SECTION 2: That a conditional use for a planned development with a deviation from Section 155.210 (C) (2) (c) to allow an accessory use to be located within twenty (20) feet of the right-of-way of a public street and a deviation from Section 155.602 (B) to reduce the required number of accessible parking spaces from five (5) to zero (0) is hereby granted for the Subject Property, subject to compliance with the conditions set forth in Section 7 below.

SECTION 3: That a conditional use is hereby granted pursuant to Section 155.415 (C)(14) of the Zoning Ordinance for a parking lot on the Subject Property, subject to compliance with the conditions enumerated in Section 7 below.

SECTION 4: That a conditional use is hereby granted pursuant to Section pursuant to Section 155.415 (C)(19) of the Zoning Ordinance for an accessory building on the Subject Property, subject to compliance with the conditions enumerated in Section 7 below.

SECTION 5: That a conditional use is hereby granted pursuant to Section pursuant to Section 155.415 (C)(7) of the Zoning Ordinance for a Farmer's (French) Market on the Subject Property, subject to compliance with the conditions enumerated in Section 7 below.

SECTION 6: That a variation is hereby granted from Section 155.706 to reduce the required amount of parking lot landscaping, subject to compliance with the conditions enumerated in Section 7 below.

SECTION 7: This ordinance shall be granted subject to compliance with the following conditions:

1. That the requested relief shall only be valid upon the Village of Lombard acquiring the subject property.
2. That the property shall be developed in substantial compliance with the Site Plan Submittal, prepared by the Village, dated December 29,

2003 and the concept building elevations for the proposed accessory garage, prepared by the Village.

3. That the Farmer's/French Market shall be operated in accordance with a Market Operator's Agreement approved by the Village of Lombard Board of Trustees. The conditional use for the operation of a Farmer's/French Market shall be for on Saturdays between May 1 and October 31. Moreover, the operator shall designate four (4) spaces for temporary handicapped parking during the hours that the French Market is operating.
4. That associated with the proposed parking lot improvements, the Village shall prepare a final landscape plan for the subject property, consisting of the following elements:
 - a. That parkway trees shall be installed per code along the north property line, with the final species and location to be determined by the Director of Community Development.
 - b. That the open space areas north of the parking lot shall be improved with prairie plantings and shrubbery.
 - c. That a final landscape/garden plan be developed and installed for the areas east of the proposed accessory building on the subject property.

SECTION 8: 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 4th day of March, 2004.

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

Passed on second reading this 18th day of March, 2004.


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

Nayes: None


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Absent: None

Approved this 18th, day of March, 2004.


William J. Mueller, Village President

ATTEST:


Barbara A. Johnson, Deputy Village Clerk