

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
ORDINANCE NUMBER 2555, ADOPTED SEPTEMBER 23, 1982, AND
ORDINANCE 4088 ADOPTED OCTOBER 19, 1995
GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT**

(PC 04-21: 1103-1177 South Main Street and 150 East Roosevelt Road)
(Lombard Pines Shopping Center Planned Development/Culver'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, on September 23, 1982, the President and Board of Trustees adopted Ordinance 2555, granting a conditional use for a planned development for the property legally described herein pursuant to Title 15, Chapter 155, Section 155.501 et seq. of the Code of Lombard (hereinafter the "Subject Property"); and

WHEREAS, on October 19, 1995, the President and Board of Trustees adopted Ordinance 4088, amending the planned development for the Subject Property; and

WHEREAS, Title 15, Chapter 155, Section 155.504 allows for amendment of an ordinance granting a conditional use for a Planned Development after a public hearing before the Village's Plan Commission; and

WHEREAS, pursuant to an application to amend Ordinances 2555 and 4088 to provide for a new fast-food restaurant with conditional use approvals for outdoor dining, multiple principal buildings on a lot of record and for a drive-through restaurant with signage deviations, proper and legal notice was provided and a public hearing was held before the Lombard Plan Commission on August 16, 2004; and

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the amendment 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 the following amendments to Ordinances 2555 and 4088 are hereby approved, as follows:

1. That Section A of Ordinance 4088 adopted October 19, 1995 shall be amended to read as follows for the property legally described in Section 3 below:
 1. That the petitioner shall submit a revised landscape plan to the Village for review and approval and shall undertake the following landscape improvements per the proposed plan:
 - a. Any evergreen pine trees that have been topped shall be removed;
 - b. That replacement deciduous trees shall be provided per Code along the perimeter of the parking lot;
 - c. That where suggested by the Director of Community Development, the petitioner shall provide xeriscape plantings, consisting of native and salt-tolerant grasses and plantings in lieu of shrubs.
 - d. That installation of the new plantings shall occur within twelve months of the date of approval of this Ordinance.
2. That Section A. 2.e. of Ordinance 4088 adopted October 19, 1995 shall be amended to remove the reference to Long John Silver's.
3. That Section A 2. of Ordinance 4088 adopted October 19, 1995 shall be amended to include the following:
 - f. That the property identified as Parcels V and W shall be permitted to be improved with a new Culver's fast-food restaurant. That the petitioner shall develop the site essentially in accordance with the submitted plans prepared by Roscoe Engineering and Ollman

Associates Architects and made part of this petition and attached as Exhibit A.

- g. That as part of the approval for the outdoor dining activity, the petitioner shall provide fencing around the perimeter of the dining area, with the design of the fence subject to the approval of the Director of Community Development.
 - h. That the Culver's free-standing sign shall not exceed 117 square feet in overall sign size, with the proposed Culver's oval sign not to exceed 98 square feet and the automatic changeable copy sign shall not exceed 29 square feet in size, as depicted on the submitted plans created by Jones Signs, dated July 28, 2004 and as amended by the petitioner.
 - i. That any trash enclosure screening as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the proposed restaurant building.
4. That Section 11 of Ordinance 4088 adopted October 19, 1995 be replaced in its entirety and shall read as follows:
- 11. That the conditional use for a drive-through establishment for Culver's shall be subject to the following conditions:
 - a. That the proposed barrier island dividing the access drive from the drive-through lane shall be modified to extend along the north side of the drive-through lane from the east property line of Parcel V to Main Street.
 - b. The Main Street entrance drive into the planned development shall be redesigned as a right-in, right-out facility.
5. That Section B of Ordinance 4088 adopted October 19, 1995 shall be amended to read in its entirety as follows:
- 1. That within six months of the date of approval of this Ordinance, the shopping center owner shall submit an application and plans to the Plan Commission for a new shopping center sign along Roosevelt Road. Said sign can be reviewed and approved by the Plan Commission as part of the site plan approval process.
 - 2. In conjunction with the proposed shopping center sign, the center shall erect a compatible sign replacing the existing pylon sign at Main Street and Edward Street with a new sign compatible to the sign to be erected on Roosevelt Road. However, the Main Street sign shall not exceed 27 feet in height or 150 square feet in sign surface area.

3. Said signs shall be erected within two years of the date of approval of this Ordinance.
6. That Section 3. a. of Ordinance 2555 adopted September 23, 1982, shall be deleted in its entirety.

SECTION 2: That per Section 155.208 (C) of the Zoning Ordinance, a conditional use to allow for more than one principal structure on a lot of record is hereby approved for the property described in Section 3 below.

SECTION 3: That the aforementioned planned development amendments and the conditional use to allow for more than one principal structure on a lot of record is limited and restricted to the property legally described as follows:

Lot 3 of Owner's Assessment Plat of part of the southwest 1/4 of Section 17, Township 39 North, Range 11 East of the Third Principal Meridian according to the Plat thereof recorded December 20, 1943, as Document 457027, except that part, described as follows: Beginning at the point of intersection of a line drawn parallel with and 100 feet east of the west line of Main Street as dedicated by the Plat of Roosevelt Crest, with a line drawn parallel with and 50 feet north of the center line of Roosevelt Road as now paved and running hence north parallel with said west line of Main Street 150 feet, hence east parallel with said center line of Roosevelt Road 150 feet henceforth parallel with said west line of Main Street 150 feet, hence west parallel with said center line of Roosevelt Road 150 feet to the point of beginning in DuPage County, Illinois, known as NE corner of Roosevelt Road and Main Street, Lombard, Illinois.

Parcel Identification Numbers: 06-17-305-012, 017, 021, 029, 030, 031, 032, 033, 038, 039, 041, 042, 043, 044, 045, and 046

SECTION 4: That per Section 155.414 (C)(7) of the Zoning Ordinance, a conditional use for a drive-through establishment is hereby approved for the property described in Section 7 below.

SECTION 5: That per Section 155.414 (C)(18) of the Zoning Ordinance, approve a conditional use for an outdoor service area (outdoor dining) for a drive-through establishment is hereby approved for the property described in Section 7 below.

SECTION 6: That the following deviations from the Sign Ordinance are hereby approved for the property described in Section 7 below:

- a. a deviation from Section 153.234 (G) of the Sign Ordinance providing for an additional free-standing sign in conjunction with a shopping center sign;
- b. a deviation from Section 153.505 (B)(5)(b) of the Sign Ordinance to allow for a free-standing sign of greater than fifty square feet; and
- c. a deviation from Section 153.505 (B)(17)(b)(2) of the Sign Ordinance to allow for more than two wall signs are allowed for exterior tenants per Section 155.414 (C)(18) of the Zoning Ordinance, approve a conditional use for an outdoor service area (outdoor dining) for a drive-through establishment

SECTION 7: That the zoning actions expressed in Sections 4 through 6 are limited and restricted to the property legally described as follows:

Parcels "V" and "W" of Lot 3 of Owner's Assessment Plat of part of the southwest 1/4 of Section 17, Township 39 North, Range 11 East of the Third Principal Meridian according to the Plat thereof recorded December 20, 1943, as Document 457027, except that part, described as follows: Beginning at the point of intersection of a line drawn parallel with and 100 feet east of the west line of Main Street as dedicated by the Plat of Roosevelt Crest, with a line drawn parallel with and 50 feet north of the center line of Roosevelt Road as now paved and running hence north parallel with said west line of Main Street 150 feet, hence east parallel with said center line of Roosevelt Road 150 feet henceforth parallel with said west line of Main Street 150 feet, hence west parallel with said center line of Roosevelt Road 150 feet to the point of beginning in DuPage County, Illinois, known as NE corner of Roosevelt Road and Main Street, Lombard, Illinois.

Parcel Identification Numbers: 06-17-305-042 and 043

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.

Ordinance No. _____
Re: PC 04-21
Page 6

Passed on first reading this ____ day of _____, 2004.

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

Passed on second reading this ____ day of _____, 2004.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____, day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk