

ORDINANCE NO. 5651

**AN ORDINANCE GRANTING A
CONDITIONAL USE FOR A DRIVE THROUGH FACILITY;
AND A CONDITIONAL USE FOR OUTDOOR EATING AREAS
AND A VARIATION FOR PERIMETER PARKING LOT LANDSCAPING,
ALL LOCATED IN THE B4 CORRIDOR COMMERCIAL DISTRICT**

(PC 05-08: 330 E. North Avenue)

(See also Ordinance(s) 5652)

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, said application requests a variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance to reduce the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access parking on the Subject Property in a B4 Corridor Commercial District; and,

WHEREAS, said application also requests conditional use approval on the Subject Property pursuant to Section 155.415 (C)(10) of the Zoning Ordinance for a conditional use to allow for a drive-through facility in a B4 Corridor Commercial District; and,

WHEREAS, said application also requests conditional use approval on the Subject Property pursuant to Section 155.415 (C)(20) to allow for two (2) outside service areas in a B4 Corridor Commercial District; and,

WHEREAS, said application also requests approval of a major plat of subdivision in a B4 Corridor Commercial District; and,

WHEREAS, said application requests approval of a development agreement on the property described in Section 1 below; and,

Ordinance No. 5651
Re: PC 05-08
Page 2

WHEREAS, said application requests approval of a aforementioned actions on the property described in Section 1 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on April 18, 2005 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees recommending approval in part of the conditional uses and variations 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 330 E. North Avenue, Lombard, Illinois, and is legally described as:

THE EAST 292.58 FEET OF THE WEST 877.74 FEET, BOTH AS MEASURED ON THE NORTH AND SOUTH LINES THEREOF, OF THE SOUTH 595.92 FEET, AS MEASURED ON THE EAST AND WEST LINES THEREOF, OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,

(EXCEPTING THEREFROM THAT PART TAKEN FOR HIGHWAY, TO WIT:

BEGINNING AT THE SOUTHWEST CORNER OF THE EAST 292.58 FEET OF THE WEST 877.74 FEET (AS MEASURED ON THE NORTH AND SOUTH LINES THEREOF) OF THE SOUTH 595.52 FEET AS MEASURED ON THE EAST AND WEST LINES THEREOF, OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 32; THENCE ON AN ASSUMED BEARING OF NORTH 2 DEGREES 13 MINUTES 23 SECONDS WEST ALONG THE WEST LINE OF SAID EAST 292.58 FEET, 116.43 FEET; THENCE NORTH 88 DEGREES 14 MINUTES 32 SECONDS EAST, 292.58 FEET TO THE EAST LINE OF SAID EAST 292.58 FEET, ALSO BEING THE GRANTOR'S EAST PROPERTY LINE, 116.42 FEET TO THE SOUTH LINE OF

Ordinance No. 5651

Re: PC 05-08

Page 3

SECTION 32; THENCE SOUTH 88 DEGREES 14 MINUTES 24 SECONDS WEST ALONG THE SOUTH LINE OF SECTION 32, 292.58 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

ALSO KNOWN AS:

PART OF THE EAST 292.58 FEET OF THE WEST 877.74 FEET, BOTH AS MEASURED ON THE NORTH AND SOUTH LINES THEREOF, OF THE SOUTH 595.52 FEET, AS MEASURED ON THE EAST AND WEST LINES THEREOF, OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS, TO- WIT: COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 32 WITH EAST LINE OF THE WEST 877.74 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 116.42 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NORTH AVENUE (IL. ROUTE 64), SAID POINT ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89°55'14" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF THE NORTH AVENUE (IL. ROUTE 64), A DISTANCE OF 292.58 FEET; THENCE NORTH 00°31'43" WEST, A DISTANCE OF 479.13 FEET; THENCE NORTH 89°54'50" EAST, A DISTANCE OF 292.58 FEET; THENCE SOUTH 00°31'43" EAST, A DISTANCE OF 479.16 FEET TO THE POINT OF BEGINNING, CONTAINING 3.218 ACRES, MORE OR LESS, ALL BEING SITUATED IN THE COUNTY OF DUPAGE AND THE STATE OF ILLINOIS.

Parcel No. 03-32-301-037

Hereinafter the "Subject Property"

SECTION 2: That conditional uses for two outdoor seating areas and a drive through facility are hereby granted for the Subject Property, subject to compliance with the conditions set forth in Section 6 below.

SECTION 3: That a variation is hereby granted from Section 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscape from five feet (5') to zero feet (0') to provide for shared cross-access and parking.

SECTION 4: That a major plat of subdivision is approved for the Subject Property, subject to compliance with the conditions enumerated in Section 6.

Ordinance No. 5651

Re: PC 05-08

Page 4

SECTION 5: That a development agreement is approved for the Subject Property, subject to compliance with the conditions enumerated in Section 6.

SECTION 6: This ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with the site plan submittal packet prepared by Arc Design Resources, Ives/Ryan Group and Stuart Nosky Associates, dated March 30, 2005 and submitted as part of this request.
2. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report presented to the Plan Commission except as follows:
 - a.) Under the "Planning Comments", in the second paragraph under the section entitled "Compliance with the Subdivision and Development Ordinance", there shall be no street lighting required of this petitioner as same has already been installed by IDOT.
3. That as part of the public improvements, the petitioner shall provide full public improvements as required by Sections 154.304 and 154.306 of the Lombard Subdivision and Development Ordinance. The final design and location of all public improvements shall be reviewed and approved by the Village and/or the Illinois Department of Transportation.
4. The petitioner shall also provide two cross-access easement points for the property to the west of the subject property. The final location of the cross-access easement shall be subject to the Director of Community Development.
5. That the trash enclosure screening as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the principal building.

6. That the petitioner shall construct the building elevation in accordance with the elevations prepared by Stewart Nosky Architects, Ltd, dated May 13, 2005, and submitted as part of this request.
7. Associated with the development of the center, the developer shall remove the existing off-premise sign existing on the 330 E. North Avenue property.
8. That the petitioner shall modify their plans to include the following traffic/parking improvements:
 - a. That the northern ten parking spaces located on the west side of the property be signed for employee use only.
 - b. The "Right turn only" signs be placed at the southern end of the drive-through lane for northbound traffic.
 - c. That the curb at the southwest corner of the building be tapered outward from the drive-through window to a maximum of twelve feet to prevent northbound traffic movements into the drive-through area.

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 _____, 2005.

First reading waived by action of the Board of Trustees this 2nd day of June, 2005.

Passed on second reading this 2nd day of June, 2005.


Ayes: Trustees Gron, Tross, O'Brien, Sebby, Florey and Soderstrom

Nayes: None

Absent: None

Approved this 2nd day of June, 2005.

Ordinance No. 5651
Re: PC 05-08
Page 6



William J. Mueller, Village President

ATTEST:



Brigitte O'Brien, Village Clerk