

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES  
FROM: William T. Lichter, Village Manager  
DATE: September 9, 2004 (BOT) Date: September 16, 2004  
TITLE: PC 04-07: 309-315 W. St. Charles Road  
SUBMITTED BY: Department of Community Development *JLL*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation the above-referenced petition.

The petitioner requests that the Village take the following actions on the subject property:

1. Approve a map amendment from the B2 General Neighborhood Shopping District to the B5A Downtown Perimeter District;
2. Approve a conditional use for drive-through services;
3. Approve a conditional use for a planned development with the following signage deviations:
  - a) A deviation from Section 153.208 (H) of the Lombard Sign Ordinance to allow for a freestanding sign within the clear line of sight area
  - b) A deviation from Section 153.239 (F) of the Lombard Sign Ordinance to allow for wall signs to be displayed in conjunction with window signs;
  - c) A deviation from Section 153.508 (B) (5) (b) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 47 sq. ft. where a maximum of 20 square feet is permitted;
  - d) A deviation from Section 153.508 (B) (5) (c) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 8 feet 3 inches in height where a maximum of 6 feet is permitted;
  - e) A deviation from Section 153.508 (B) (17) (b) of the Lombard Sign Ordinance to allow for two 100-square foot wall signs where a maximum of 50 square feet is permitted;

- f) A deviation from Section 153.508 (B) (17) (c) of the Lombard Sign Ordinance to allow for a total of eight (8) wall signs where one sign per street front exposure is permitted;
- 4. Approve a variation from Section 155.417 (J) and Section 155.508 (C) (6) (b) of the Lombard Zoning Ordinance to reduce the transitional building setback from 20 feet to 12 feet to allow for a drive-through canopy;
- 5. Approve a variation from Sections 155.417 (K), 155.508 (C) (6) (b), and 155.707 of the Lombard Zoning Ordinance to reduce the transitional landscape yard from 10 feet to 0 feet;
- 6. Approve a variation from Section 155.508 (C) (6) (a) of the Lombard Zoning Ordinance to allow for a 9-foot front yard setback on the perimeter of a planned development where a 30-foot front yard is required in the abutting R4 Limited General Residence District; and
- 7. The petitioner also requests Site Plan Approval authority to the Lombard Plan Commission.

The Plan Commission recommended approval of this petition with amended conditions. The Board approved a first reading of Ordinances associated with the aforementioned items at the July 22, 2004 Board meeting.

In addition to the actions above, please find the following additional items associated with the petition:

- 8. A Resolution authorizing signature of the Village President and Deputy Village Clerk on a Development Agreement; and
- 9. An Ordinance vacating portions of Elizabeth Street right-of-way (*waiver of 1<sup>st</sup> reading requested*).

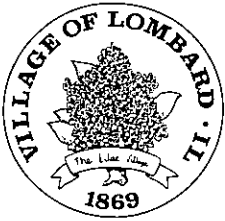
(DISTRICT # 1)

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <u>W. H. S. Lichter</u>	Date <u>9/9/04</u>

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:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP, Director of Community Development

**DATE:** September 16, 2004

**SUBJECT: PC 04-07: 309 & 315 W. St. Charles Road (Walgreens)**

At the July 22, 2004 Village Board meeting, the Board approved a first reading of Ordinances associated with the zoning actions for the proposed Walgreens development at 309-315 West St. Charles Road. The second reading of Ordinances was continued at the August 19 and September 2, 2004 meetings in order to finalize the terms of the companion development agreement and vacation Ordinance.

In the July 22, 2004 correspondence to the Village Board, staff noted two recommended conditions of approval from the Plan Commission that raised concerns with the petitioner. With respect to the noise issue, staff and Counsel do not have a problem with a condition modification that states "any noise emanating from the rooftop equipment shall meet the provisions of Chapter 93 of the Village Code."

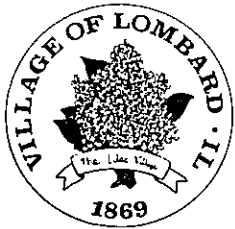
Regarding the proposed improvements on Elizabeth Street, the Plan Commission wanted to make sure that excessive queuing did not occur as the result of the development proposal and recommended two northbound lanes along Elizabeth Street. Staff has been reviewing this issue with Public Works to determine appropriate engineering improvements. Rather than construction additional northbound lanes, Public Works has received a quote for a vehicle sensor to be placed immediately north of the railroad tracks. Should any vehicle remain on the tracks for more than three seconds, the traffic light at St. Charles and Elizabeth will be activated to clear the Elizabeth Street approach. The developer has agreed to pay for this cost. In lieu of making the two northbound lanes a condition of approval of the redevelopment project, staff recommends that condition number 10 be removed from the planned development ordinance.

As more than two Board meetings have passed since this item was first placed on the agenda, staff is providing the Board with a copies of the reports and correspondence associated with the petition, including:

1. Plan Commission referral letter;
2. IDRC report for PC 04-07;
3. An Ordinance rezoning a portion of the subject property into the B5A Downtown Perimeter District;

4. An Ordinance granting a conditional use for drive-through services in a B5A Downtown Perimeter District;
5. An Ordinance granting a conditional use for a planned development with deviations and variations. (This Ordinance incorporates the changes noted above).
6. An Ordinance vacating portions of the Elizabeth Road right-of-way.
7. A Resolution approving the companion development agreement for the project.

With approval of these items, the only remaining issue to be considered by the Village Board is a companion Highway Authority Agreement that will address environmental remediation within the public rights-of-way. Once this agreement has been finalized, it will be placed on a future Board agenda.



**VILLAGE OF LOMBARD**

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Lombard, Illinois 60148  
630/620-5700 FAX: 630/620-8222  
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www.villageoflombard.org

**Village President**  
William J. Mueller

**Trustees**

Joan DeStefano, Dist. 1  
Richard J. Tross, Dist. 2  
Karen S. Koenig, Dist. 3  
Steven D. Sebby, Dist. 4  
Kenneth M. Florey, Dist. 5  
Rick Soderstrom, Dist. 6

**Village Manager**  
William T. Lichter

July 15, 2004

Mr. William J. Mueller,  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: PC 04-07; 309 & 315 W. St. Charles Road**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. This petition was heard at the June 21, 2004 Plan Commission meeting.

The petitioner requests that the Village take the following actions on the subject property:

1. Approve a map amendment from the B2 General Neighborhood Shopping District to the B5A Downtown Perimeter District;
2. Approve a conditional use for drive-through services;
3. Approve a conditional use for a planned development with the following signage deviations:
  - a) A deviation from Section 153.208 (H) of the Lombard Sign Ordinance to allow for a freestanding sign within the clear line of sight area
  - b) A deviation from Section 153.239 (F) of the Lombard Sign Ordinance to allow for wall signs to be displayed in conjunction with window signs;
  - c) A deviation from Section 153.508 (B) (5) (b) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 47 sq. ft. where a maximum of 20 square feet is permitted;
  - d) A deviation from Section 153.508 (B) (5) (c) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 8 feet 3 inches in height where a maximum of 6 feet is permitted;
  - e) A deviation from Section 153.508 (B) (17) (b) of the Lombard Sign Ordinance to allow for two 100-square foot wall signs where a maximum of 50 square feet is permitted;

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

- f) A deviation from Section 153.508 (B) (17) (c) of the Lombard Sign Ordinance to allow for a total of eight (8) wall signs where one sign per street front exposure is permitted;
4. Approve a variation from Section 155.417 (J) and Section 155.508 (C) (6) (b) of the Lombard Zoning Ordinance to reduce the transitional building setback from 20 feet to 12 feet to allow for a drive-through canopy;
5. Approve a variation from Sections 155.417 (K), 155.508 (C) (6) (b), and 155.707 of the Lombard Zoning Ordinance to reduce the transitional landscape yard from 10 feet to 0 feet;
6. Approve a variation from Section 155.508 (C) (6) (a) of the Lombard Zoning Ordinance to allow for a 9-foot front yard setback on the perimeter of a planned development where a 30-foot front yard is required in the abutting R4 Limited General Residence District; and
7. The petitioner also requests Site Plan Approval authority to the Lombard Plan Commission.

Eric Stach, attorney for Bradford Real Estate, stated that the proposed Walgreens is at the southwest corner of St. Charles Road and Elizabeth Street. He summarized their request and noted that the site is 1.15 acres and the store will be approximately 13,000 square feet. The surrounding properties are transitional in nature, with single-family residences to the north and west, a shopping center to the east, and railroad tracks to the south. The existing gas station and office building on the site will be demolished and the site will be cleaned and environmentally remediated. He then introduced Wayne Marth of Arcline Associates in Downers Grove.

Mr. Marth presented the landscape plan for the property and proceeded to highlight site design, building elevation, and circulation issues. Typical Walgreens stores have a double drive-through, no canopy, and a glass tower with a neon sign. However, Walgreens did not feel that their standards urban design was appropriate for this site and they attempted to make it sensitive to the adjacent residence. Design elements that were added to soften the building include shingles, a hip roof, stone, arches, capitals, and a continuous cornice.

Mr. Stach concluded their presentation by stating that this proposal would be compatible with the Central Business District. Bradford Real Estate would be very pleased to move ahead with this project and they are happy with the considerable materials upgrades proposed for this downtown cornerstone property.

Chairperson Ryan then opened the meeting for public comment.

Ed Roberts, 321 W. St. Charles Road, stated that he is not against the concept of a Walgreens on this site, but he does have a number of concerns. He would prefer the drive-through be located along St. Charles Road so that it would not be along his property line. He noted that the existing office building is very quiet and he would like the rooftop mechanicals to be on the eastern side of the roof. He also wants all landscaping to be protected. He noted that most of the lighting concerns seem to have been addressed.

Mr. Stach responded that they would be happy to work with the neighbor on any excavation and landscaping issues.

Chairperson Ryan then requested the staff report. William Heniff, Senior Planner, explained that the Village's traffic consultant would present a summary of the traffic study after the staff report is presented. Jennifer Backensto, Planner I, reviewed the petitioner's request and described the proposed development.

Ms. Backensto addressed the IRDC comments, noting that all comments will need to be addressed prior to the issuance of any building permits. The Comprehensive Plan recommends that this site be developed as part of the Central Business District – Mixed Use Area.

The property is bordered by commercial uses to the east, railroad tracks to the south, and R4-zoned residential uses to the north and west. Staff finds that the proposed use is compatible with surrounding land uses. The petitioner is requesting rezoning of the property to B5A to be consistent with the Comprehensive Plan. Staff believes this designation is appropriate.

Ms. Backensto explained that eight wall signs and additional window signs are requested. Staff recommends approval of the wall signs only, as the property is more oriented toward automobile traffic than most downtown uses. Staff supports the request to place the freestanding sign within the clear line of sight area, as the sign should not negatively impact traffic sight lines because most of the functional clear line of sight area at corner of the property was dedicated as public right-of-way in 1998.

Staff can also support the requested variation to increase the size of the monument size, as there is and will continue to be a larger freestanding sign at the southeast corner of Elizabeth and St. Charles. However, staff does not feel that there is any justification for an increase in the permitted height of the monument sign. Furthermore, staff suggests that the entire sign structure (including elements outside of the sign cabinet area) should be limited to no more than 10 feet in width.

Ms. Backensto summarized the request for a conditional use for drive-through services, noting that a number of other drive-through facilities are located within the downtown, including Fifth Third Bank and West Suburban Bank. Precautions must be taken to minimize any visual or auditory impact on the neighboring property. This may be accomplished through construction of a masonry wall and careful placement of lights along the western edge of the property.

By creating a planned development, this provides the petitioner with greater design flexibility while providing the Village with a mechanism to review and approve the design elements associated with the petition. Staff is supportive of the planned development request, as well as

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the requests to reduce the transitional building setback, transitional landscape yard, and front yard setback.

The proposed project will meet the required number of parking spaces for retail uses (four spaces per 1,000 square feet of floor area). This site plan assumes the vacation of a surplus portion of the Elizabeth Street right-of-way, which is necessary to meet parking and perimeter landscaping requirements. In the event the right-of-way vacation does not proceed, this site plan will not be functional.

Ms. Backensto noted that staff has been working with the petitioner for several months to develop building elevations that are both compatible with the surrounding neighborhood and aesthetically pleasing. The proposed elevations combine the typical design for Walgreens stores with more residential, "neighborhood"-style architectural elements to soften its appearance. These elements include the extensive use of brick instead of cast stone, as well as a covered walkway with a pitched roof.

Staff suggests that the smoothface cast stone shown on the upper portion of the building be replaced with the same rockface cast stone that is used on the lower portion of the building. This will avoid an appearance of concrete block that would detract from the overall design and quality of the building. Also, staff would prefer a clock in place of the keystone window over the building entrance, as was done for the Walgreens on Roosevelt Road in Glen Ellyn.

Staff recommends approval of the petition, subject to the conditions noted in the staff report. Ms. Backensto then introduced Tim Doron of Kenig, Lindgrem, O'Hara, and Aboona to present the traffic study that was performed in conjunction with this petition.

Mr. Doron stated that they evaluated the petitioner's site plan, which will eventually play a role in a larger study of traffic movements along St. Charles Road. Their analysis included circulation, access, and the general amount of trips that would be generated by the project. He noted that this is an unusual site and proceeded to explain the existing road network. Traffic flows are significant but not overly heavy. The intersection functions well and will continue to function well after the Walgreens is opened. Vehicles entering the site will likely be primarily from eastbound pass-by traffic. Drive-throughs are not heavy users, which was confirmed by observations of the Walgreens on St. Charles Road in Villa Park. The proposed number of parking spaces should be more than adequate, and he is satisfied that the site will function.

Elsa Roberts, 321 W. St. Charles Road, asked for more information on the drive-through traffic and stated that a drive-through should not be part of a neighborhood establishment. She stated that she is not opposed to the Walgreens, but she is opposed to a drive-through.



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Mr. Doron explained that over a 12-hour period, there were only 40 cars that used the drive-through in Villa Park. The study was performed to capture peak hour traffic, and the longest stacking occurred with a maximum of two cars at 5:30 p.m. and at noon.

Chairperson Ryan asked if those results held true with other pharmacies. Mr. Doron said that was very consistent with other pharmacies.

Commissioner Burke asked for clarification on truck circulation. Mr. Doron conformed that the truck will use the main entrance, not the drive-through.

Commissioner Flint asked how the drives along Elizabeth would function. Mr. Doron stated that vehicles will come in at the north drive and exit at the south drive.

Commissioner Burke discussed the appropriateness of one-way versus two-way traffic circulation on the site and asked if the two northeastern parking spaces would present a conflict. Mr. Doron stated that the circulation could be two-way if it was signed properly, and the parking spaces will work.

Commissioner Sweetser asked how trash pickup would occur on the site. Mr. Marth stated that the truck will back in and it will be a front-load vehicle.

Commissioner Sweetser asked about the existing number of lanes on northbound Elizabeth Street between the railroad tracks and St. Charles Road. Mr. Doron stated that there is one lane that transitions into two lanes as it approaches the intersection.

Commissioner Burke asked if the driveway is lined up with that of the neighboring property. Mr. Heniff stated that it was.

Commissioner Olbrysh asked about drive-through traffic coming off of St. Charles. Mr. Doron stated that it will function properly for the site.

Commissioner Burke stated that he was surprised no drive-through entrance sign was proposed along the street. Mr. Heniff stated that a six-square foot directional sign could be erected as a matter of right.

Commissioner Burke noted that the site plan shows a six-foot wall, but the staff report recommends a six- to eight-foot wall be constructed. Mr. Stach noted that the retention wall could be the cause for the confusion, and Mr. Heniff noted that an eight-foot wall was permitted by code. Commissioner Burke stated that the site plan should say that the wall would be eight feet above the elevation of the neighboring property.

Commissioner Sweetser asked if there was flexibility regarding the materials for the wall. Mr. Heniff noted that the condition in the staff report references the approval of the adjacent property owner.

Commissioner Sweetser expressed concern over the wall's impact on the drive-through entrance, noting that there is an existing drive-through in the downtown that does not function well. Mr. Heniff stated that the wall will be pulled back from the street to comply with code and final engineering has not yet been done for the site.

Commissioner Burke asked if the drive-through would use a loudspeaker. Mr. Stach confirmed that there would not be a loudspeaker.

Commissioner Burke stated that there were visual and auditory concerns regarding the rooftop mechanicals and they should be placed as far away from the residence as possible. Mr. Marth explained that there will be a five-foot high parapet wall that is higher than any of the rooftop equipment. None of the mechanicals will be closer than 10 feet to the parapet wall, and the refrigeration unit will be at least 15 feet from the parapet wall. Chairperson Ryan noted that that would place the mechanicals at least 31 feet away from the neighboring property line.

Commissioner Burke asked about noise generation. Mr. Marth stated that the equipment will not be noise-producing, and the parapet wall would block any minimal sound.

Commissioner Sweetser noted that great pains were taken to camouflage the rooftop equipment at Fountain Square. Commissioner Burke noted that even though the residence must experience noise from St. Charles Road and the adjacent railroad tracks, the mechanicals should be moved as far away as possible. Mr. Marth stated that all but the refrigeration unit could be moved and there will be zero decibels at the property line in addition to zero light pollution. He added that they will work with the resident to improve the driveway apron.

Commissioner Sweetser spoke about the possibility of traffic signage to warn vehicles of an upcoming drive-through entrance.

Commissioner Burke asked if everyone was comfortable with the location of the monument sign.

Commissioner Melarkey asked if a right-in, right-out driveway was considered on Elizabeth Street. Mr. Doron said the driveways were one-way due to their width and the need for parking spaces.

Commissioner Burke moved to approve the petition, subject to the amended petitions. The motion was seconded by Commissioner Melarkey.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed request complies with the standards of the Zoning Ordinance. Therefore, the

Plan Commission, by a roll call vote of 6 to 0, recommended to the Corporate Authorities **approval** of PC 04-07, subject to the following conditions, as amended:

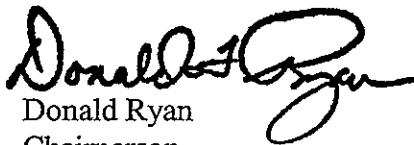
1. The petitioner shall develop the site in accordance with the plans prepared by Arcline Associates, Ltd., last revised June 11, 2004 and submitted as part of this request;
2. The petitioner's building improvements shall be designed and constructed consistent with Village Code and all also address the comments included within the IDRC report;
3. The petitioner shall submit a Plat of Consolidation prior to receiving any building permit;
4. The petitioner shall pay for and install a solid masonry wall along the western property line of eight (8) feet in height. Design and material type of the wall is subject to the approvals of the Director of Community Development and the property owners at 321 W. St. Charles Road. In the event the neighboring property owner is unwilling to grant a construction easement, a board-on-board fence shall be constructed;
5. The lighting plan shall be modified as follows:
  - a.) All light fixtures on the west side of the building shall be mounted at a height no greater than the wall along the western property line;
  - b.) All light fixtures on the drive-through canopy shall be recessed so as not to be visible from adjacent properties;
6. The signage plan shall be modified as follows:
  - a.) The eight (8) red, channel letter signs noted on the exterior elevations shall be approved;
  - b.) The requested variations for a 47-square foot freestanding sign within the clear line of sight area shall be approved;
  - c.) No neon sign shall be visible on the exterior of the building;
  - d.) That the proposed free-standing sign and support shall not be greater than ten feet (10') in width;  
A free-standing directional sign be placed at the entrance into the drive through along St. Charles Road, and elevated four feet in height with a total size of six square feet; and
  - e.) All other signage relief shall be denied.
7. The building elevations shall be modified as follows:
  - a.) The windows at the northeast corners of the covered entry shall be replaced with an analog clock or compatible architectural element, subject to the approval of the Director of Community Development; and
  - b.) The smoothface cast stone noted on the elevations as "3b" shall be replaced with the same rockface cast stone noted as "3a."

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8. Approval of the submitted plans shall be subject to the Corporate Authorities of the Village of Lombard vacating a portion of Elizabeth Street immediately adjacent to the subject property that has been deemed surplus right-of-way.
9. That the rooftop mechanical equipment shall not be audible from the west property line.
10. That the petitioner shall construct necessary improvements to Elizabeth Street which provides for two northbound lanes north of the railroad tracks.

Respectfully,

**VILLAGE OF LOMBARD**



Donald Ryan  
Chairperson  
Lombard Plan Commission

DR:JB

attachments

c. Petitioner  
Lombard Plan Commission

**VILLAGE OF LOMBARD**  
**INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission

HEARING DATE: June 21, 2004

FROM: Department of  
Community Development

PREPARED BY: Jennifer Backensto  
Planner I

**TITLE**

**PC 04-07; 309 & 315 W. St. Charles Road:** The petitioner requests that the following actions be taken on the subject property:

1. Approve a map amendment from the B2 General Neighborhood Shopping District to the B5A Downtown Perimeter District;
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6. Approve a variation from Section 155.508 (C) (6) (a) of the Lombard Zoning Ordinance to allow for a 9-foot front yard setback on the perimeter of a planned development where a 30-foot front yard is required in the abutting R4 Limited General Residence District; and
7. The petitioner also requests Site Plan Approval authority to the Lombard Plan Commission.

**GENERAL INFORMATION**

Petitioner: Bradford Real Estate  
1 N. Franklin  
Chicago, IL 60606

Property Owner: MacIntyre & Kehoe  
309-315 W. St. Charles Road  
Lombard, IL 60148

Relationship of Petitioner: Contract Purchaser

**PROPERTY INFORMATION**

Existing Land Use: Gas station; office building

Size of Property: Approximately 1.06 acres

Comprehensive Plan: Recommends Central Business District – Mixed Use Area

Existing Zoning: B2 General Neighborhood Shopping District

Surrounding Zoning and Land Use:

North: R4 Limited General Residence District – multi-family and single-family homes

South: Union Pacific Railroad Tracks; R2 Single-Family Residence District – Sacred Heart

East: B5 Central Business District – strip shopping center

West: R4 Limited General Residence District – single-family home

**ANALYSIS**

**SUBMITTALS**

This report is based on the following documents filed on May 18, 2004 with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to Standards.
3. ALTA/ACSM Land Title Survey, prepared by Lambert & Associates, dated May 13, 2004.
4. Site Plan, prepared by Arcline Associates, Ltd., dated January 26, 2004 and last revised May 17, 2004.

5. Site Plan Overlay, prepared by Arcline Associates, Ltd., dated May 17, 2004.
6. Landscape Plan, prepared by Arcline Associates, Ltd., dated May 14, 2004 and last revised May 17, 2004.
7. Photometric Plan, prepared by Arcline Associates, Ltd., dated May 17, 2004.
8. Monument Sign Elevations, prepared by Arcline Associates, Ltd., dated May 17, 2004.
9. Color Building Elevations, prepared by Arcline Associates, Ltd., dated April 9, 2004 and last revised May 17, 2004.

## **DESCRIPTION**

The petitioner proposes to demolish the existing office building and gas station structures for the purpose of constructing a Walgreens store with a drive-through window. The petitioner is requesting approval of a map amendment to the B5A Downtown Perimeter District, as well as conditional use approvals for drive-through services and a planned development with deviations and variations.

Although not a part of the public hearing request, staff is also developing a companion development agreement that will be heard before the Board of Trustees.

## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **Public Works**

Public Works has no comments at this time.

### **Private Engineering Services**

From an engineering or construction perspective, PES has the following comments:

- An 8" watermain shall be looped in front of the building, it shall run from St. Charles Rd. south along the east side of the building and then out to Elizabeth St.
- Where is the stormwater detention vault or facility going to be placed? If an underground system is proposed it shall be located out side of the drive isles where a fire truck could put down it's outriggers.
- The Siamese connection shall be on the front of the building and a fire hydrant shall be placed within 75ft of it.
- The fire suppression and domestic services shall be separate and each shall run from the watermain to the building.

**Building and Fire**

The Fire Department/Bureau of Inspectional Services has the following comments:

We require by ordinance an outdoor-only access to the fire sprinkler valve room. Due to limited access to the back of the building, we suggest that this room access and the Fire Department Connection be located on the east side of the building closest to the back of the building. We would like to see the Fire Department connection (siamese connection) be located at the front of the building near the front entrance. Also, the nearby landscape area will be an ideal location for the fire hydrant location that is required near the siamese connection.

**Planning**

**Compatibility with the Comprehensive Plan**

The Comprehensive Plan recommends that the subject property be developed as part of the Central Business District – Mixed Use Area. The proposed Walgreens store would incorporate streetscape improvements and off-street parking elements that are suggested in the Comprehensive Plan, as well as providing a commercial use that is mutually supportive of both neighboring residential and commercial land uses. The proposed building design is also in compliance with the recommended image appearance criteria for the Central Business District. Therefore, this petition is consistent with the provisions of the Comprehensive Plan.

**Compatibility with the Surrounding Land Uses**

The property is bordered by commercial uses to the east, railroad tracks to the south, and R4-zoned residential uses to the north and west. Staff finds that the proposed use is compatible with surrounding land uses for the following reasons:

- The property has historically been developed with commercial uses.
- The proposed building and activities are closer to Elizabeth Street than the existing commercial uses;
- There will be a solid masonry wall between the subject property and the residential property to the west;
- The building has been designed with residential design elements for aesthetic compatibility; and
- The area is within the Central Business District – Mixed Use Area.

**Compatibility with the Sign Ordinance**

*Building Signage*

The following wall signage is proposed:

	<b>Permitted in B5</b>	<b>Permitted in B2</b>	<b>Proposed</b>
“Walgreens” (2)	Two 50 sq. ft.	Two 100 sq. ft.	Two 100.16 sq. ft.
“Pharmacy” (2)	-	-	Two 19.25 sq. ft.
“1-Hr Photo” (2)	-	-	Two 21 sq. ft.
“Drive Thru Pharmacy” & Arrow	-	-	One 24.75 sq. ft.
“Drive Thru Pharmacy”	-	-	One 2.5 sq. ft.
<b>Total Wall Signs</b>	<b>2</b>	<b>2</b>	<b>8</b>



Also proposed are window signs, including a neon mortar and pestle logo. As this Walgreens is more oriented towards automobile traffic and has significantly more street frontage than most other downtown businesses, staff is supportive of the requested wall sign variations. However, given the relief for increased size and numbers for wall signage, there is no reason to allow additional window signage to be displayed in conjunction with the wall signs. It is staff's opinion that eight wall signs on the building should be adequate to serve the petitioner's needs, as this sign package is typical of that found on other Walgreens stores.

#### *Freestanding Signage*

The proposed monument sign within the clear line of sight area is 8'3" high and 47 square feet, where code restricts freestanding signs to 20 square feet and 6 feet in height. Staff supports the request to place the sign within the clear line of sight area, as the sign should not negatively impact traffic sight lines because most of the functional clear line of sight area at corner of the property was dedicated as public right-of-way in 1998.

Staff can also support the requested variation to increase the size of the monument size. The primary sign panel is 24 square feet, where 20 square feet is the maximum permitted by code. The proposed manual reader board would add an additional 22-square foot sign to the bottom of the primary sign panel. Staff feels that the addition of a manual reader board is justified, given that such signs are commonplace for pharmacies in and beyond Lombard. Both of these signs have minimum letter heights of approximately six to eight inches, which is the minimum height recommended for visibility on four-lane roads with traffic speeds of 25 miles per hour.

Although the total area of the combined signs is 47 square feet, this would not be incompatible with existing signage on adjacent properties. The shopping center immediately east of the subject property has a freestanding sign that far exceeds the 20 square foot maximum. In the future, staff will seek to have this sign replaced with a smaller monument sign, but a variation for sign area will still be necessary in order to accommodate all of the businesses in the shopping center. Since there is and will continue to be a larger freestanding sign at the southeast corner of Elizabeth and St. Charles, staff can support a variation in sign area for the subject property.

However, staff does not feel that there is any justification for an increase in the permitted height of the monument sign. The proposed monument sign is 8'3" high where 6 feet is the maximum permitted by Code. As more and more bulk is added to the sign, the potential for impairing sight lines increases. Staff therefore cannot support any increase to the height of the freestanding sign. Furthermore, staff suggests that the entire sign structure (including elements outside of the sign cabinet area) should be limited to no more than 10 feet in width.

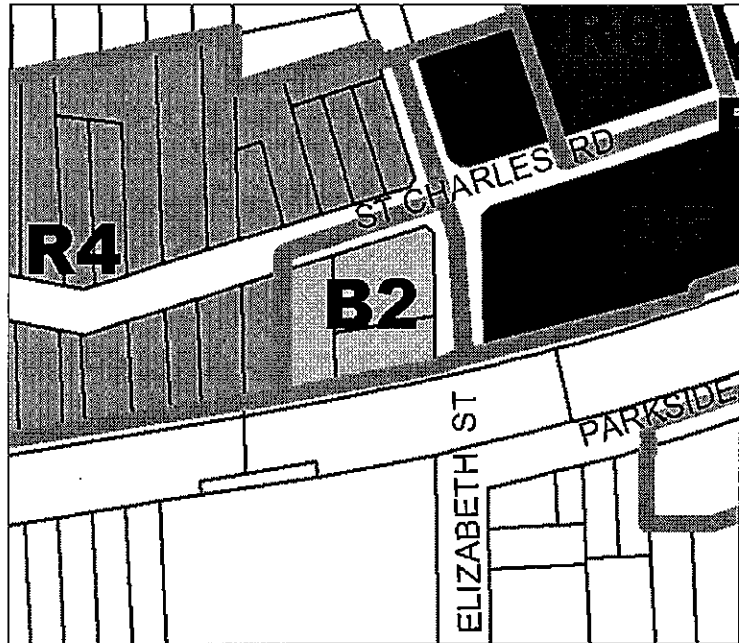
#### Compatibility with the Zoning Ordinance

##### *Rezoning*

The site is presently an "island" of B2 zoning surrounded by the B5 and R4 districts. The property as it is currently developed does not fit the regulations of the underlying B2 District, including nonconformities relating to the front yard setback, interior side yard setback, transitional building

setback, and transitional landscape yard (see chart on following page). Rezoning the property to B5A will bring the site into closer compliance with the Zoning Ordinance.

Also, the B5A Downtown Perimeter District was created to serve as a buffer from the higher-intensity B5 Central Business District. Unlike the B5 District, B5A addresses the proximity of commercial uses to residential uses. In this case, B5A zoning will allow the site to continue the pedestrian feel of the Central Business District while also maintaining building setbacks and scale that are more compatible with the adjacent R4 District.



	Required in B2	Existing	Proposed	Required in B5A
Front Yard Setback	30 feet	13 feet	20 feet (building) 9 feet (canopy)	None
Corner Side Yard Setback	30 feet	40 feet	107 feet	None
Interior Side Yard Setback	10 feet	5 feet	21 feet (building) 12 feet (canopy)	None
Rear Yard Setback	20 feet	62 feet		None
Building Height	2 stories or 30 feet	1 story	1 story - 29 feet (33'4" peak, 24'8" eave)	2 stories or 30 feet
Open Space	10%			None
Transitional Building Setback	20 feet	5 feet	21 feet (building) 12 feet (canopy)	20 feet
Transitional Landscape Yard	10 feet	0 feet	1.5 feet	10 feet
Off-Street Parking	4 spaces per 1,000 sq. ft.		4 spaces per 1,000 sq. ft.	4 spaces per 1,000 sq. ft.

*Conditional Use – Drive-Through Services*

The proposed drive-through window on the west side of the building would be compatible with the surrounding commercial uses. A number of other drive-through facilities are located within the downtown, including Fifth Third Bank, TCF Bank, and West Suburban Bank.

Precautions must be taken to minimize any visual or auditory impact on the neighboring property. The drive-through will be screened from the neighboring residential property by a solid, 6-8 foot high masonry wall. If the neighboring property owner does not wish to grant a construction easement for the erection of a wall, a board-on-board-fence may be substituted.

To prevent light spillover, all light fixtures on the western side of the building should be placed below the height of the wall/fence. Also, any lighting in the drive-through canopy should be recessed so as not to protrude below the bottom of the canopy.

*Conditional Use – Planned Development*

By creating a planned development, this provides the petitioner with greater design flexibility while providing the Village with a mechanism to review and approve the design elements associated with the petition. Staff is supportive of the planned development request.

On the perimeter of planned developments, the building setbacks are required to be no less than those of the adjacent zoning districts. In this case, the required front yard setback would be 30 feet due to the adjacent R4-zoned property. The petitioner is requesting a variation to this requirement in order to accommodate a covered walkway, which is 9 feet from the property line at its closest point. Although earlier site plans showed the building at a 20-foot setback, staff did not believe that the building's flat, masonry walls would be compatible with the surrounding area. Staff believes that the covered, pitched-roof walkway is a worthwhile design element. Furthermore, given that the existing office building is only 13 feet from the front property line, the impact of the proposed variation would be negligible.

*Transitional Yard*

Although the transitional yard will not be eliminated entirely, its narrow width (1.5 feet) prevents full compliance with the required transitional landscape yard improvements (shade trees, shrub rows, etc). Currently, the existing office building is set back only 5 feet from the neighboring property and there is no transitional yard. In addition to providing a transitional yard, the proposed site plan would increase the building setback to 12 feet. The building wall will actually be 21 feet from the property line, however, the 12-foot setback would accommodate a canopy for the drive-through. As this proposal would greatly increase the amount of space between the residential and commercial uses, staff supports the requested transitional yard variations.

*Parking, Circulation, and Traffic*

The proposed project will meet the required number of parking spaces for retail uses (four spaces per 1,000 square feet of floor area). This site plan assumes the vacation of a surplus portion of the Elizabeth Street right-of-way, which is necessary to meet parking and perimeter landscaping requirements. In the event the right-of-way vacation does not proceed, this site plan will not be functional.

To better estimate what impact this development will have on the surrounding roadways, the Village's traffic consultant Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA) has performed an evaluation of the proposed project. Although KLOA will present their findings in detail at the Plan Commission meeting, a draft copy of the preliminary traffic study is included as Appendix A for reference purposes.

The petitioner has largely modified the proposed site plan to comply with KLOA's recommendations, which include a full-access driveway and an entrance-only drive-through lane on St. Charles Road, in addition to two, one-way access drives on Elizabeth Street. The proposed Walgreens is anticipated to be a relatively low peak-hour traffic generator. Pass-by traffic will also account for a number of trips, which further reduces the amount of trips generated by the Walgreens store itself.

KLOA recommends that the site function in a one-way, counterclockwise fashion to accommodate vehicle and delivery truck movements. With optimization of the traffic signals along St. Charles Road, the existing roadways can accommodate traffic generated by the proposed development.

#### *Image and Appearance*

In accordance with the recommendations of the Comprehensive Plan, staff has been working with the petitioner for several months to develop building elevations that are both compatible with the surrounding neighborhood and aesthetically pleasing. The proposed elevations combine the typical design for Walgreens stores with more residential, "neighborhood"-style architectural elements to soften its appearance. These elements include the extensive use of brick instead of cast stone, as well as a covered walkway with a pitched roof.

Staff suggests that the smoothface cast stone shown on the upper portion of the building be replaced with the same rockface cast stone that is used on the lower portion of the building. This will avoid an appearance of concrete block that would detract from the overall design and quality of the building.

Also, staff would prefer a clock in place of the keystone window over the building entrance, as was done for the Walgreens on Roosevelt Road in Glen Ellyn.

#### Glen Ellyn Walgreens



*Other Concerns*

This property will function as a gateway to downtown Lombard. With that in mind, the petitioner has agreed to improve the general appearance of this property and its surroundings by burying the overhead utility lines. Additionally, the petitioner will use the same materials as used for the Walgreens store to construct the base for a "Welcome to Downtown Lombard" sign.

**FINDINGS AND RECOMMENDATIONS**

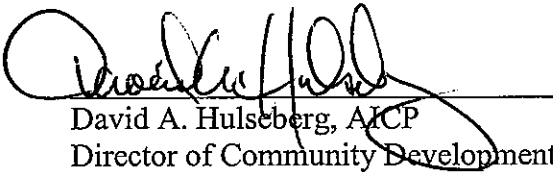
Based on the above findings, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested relief complies with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 04-07, subject to the following conditions:

1. The petitioner shall develop the site in accordance with the plans prepared by Arcline Associates, Ltd., last revised June 11, 2004 and submitted as part of this request;
2. The petitioner's building improvements shall be designed and constructed consistent with Village Code and all also address the comments included within the IDRC report;
3. The petitioner shall submit a Plat of Consolidation prior to receiving any building permit;
4. The petitioner shall pay for and install a solid masonry wall along the western property line, no greater than eight (8) feet and no less than six (6) feet in height. Design of the wall is subject to the approvals of the Director of Community Development and the property owners at 321 W. St. Charles Road. In the event the neighboring property owner is unwilling to grant a construction easement, a board-on-board fence shall be constructed;
5. The site shall have a one-way, counterclockwise circulation pattern;
6. The lighting plan shall be modified as follows:
  - a.) All light fixtures on the west side of the building shall be mounted at a height no greater than the wall along the western property line;
  - b.) All light fixtures on the drive-through canopy shall be recessed so as not to be visible from adjacent properties;

7. The signage plan shall be modified as follows:
  - a.) The eight (8) red, channel letter signs noted on the exterior elevations shall be approved;
  - b.) The requested variations for a 47-square foot freestanding sign within the clear line of sight area shall be approved;
  - c.) No neon sign shall be visible on the exterior of the building; and
  - d.) All other signage relief shall be denied; and
8. The building elevations shall be modified as follows:
  - a.) The windows at the northeast corners of the covered entry shall be replaced with an analog clock or compatible architectural element, subject to the approval of the Director of Community Development; and
  - b.) The smoothface cast stone noted on the elevations as "3b" shall be replaced with the same rockface cast stone noted as "3a."
9. Approval of the submitted plans shall be subject to the Corporate Authorities of the Village of Lombard vacating a portion of Elizabeth Street immediately adjacent to the subject property that has been deemed surplus right-of-way.

Inter-Departmental Review Group Report Approved By:

  
David A. Hulseberg, AICP  
Director of Community Development

DAH:JB:jd

### **Appendix A – Preliminary Traffic Study**

Attached is a preliminary traffic study performed for the Walgreens at the southwest corner of St. Charles Road and Elizabeth Street, minus all charts and figures. (The final traffic report was not yet available at the time the staff report was written.) The final study shall be submitted to the public record and presented by staff members of KLOA at the public hearing.



MEMORANDUM TO: William Heniff  
Village of Lombard

FROM: Timothy J. Doron, Principal  
Javier Millan, Senior Consultant

DATE: June 15, 2004

SUBJECT: Preliminary Walgreens Evaluation  
Lombard, Illinois

This memorandum summarizes the results of a preliminary traffic evaluation conducted by Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) in connection with a proposed Walgreens pharmacy development to be located in the southwest quadrant of the St. Charles Road signalized intersection with Elizabeth Street in Lombard, Illinois (the site). The scope of this study includes an analysis of the above and a review of nearby street operations.

The site is currently occupied by a Marathon gas station and a general office building and their parking lot. The plans call for replacing the gas station and the general office building with the development of a ±14,280 square feet Walgreens pharmacy with one drive-through window and approximately 57 parking spaces. Ingress and egress will be provided on Elizabeth Street and St. Charles Road. **Figure 1** shows the site location.

The purpose of this preliminary study is to (1) examine existing traffic conditions, (2) identify problems and deficiencies, (3) determine what kind of improvements can be implemented along St. Charles Road to mitigate any deficiencies, (4) assess the impact that the proposed development would have on traffic conditions in the area, and (5) determine any roadway or access improvements necessary to accommodate development-generated traffic.

### **Existing Conditions**

Transportation conditions in the vicinity of the site were inventoried to obtain a database for projecting future conditions. Three general components of existing conditions were considered: (1) the geographical location of the site; (2) the characteristics of the area street system, including lane usage and traffic control devices; and (3) existing traffic volumes.



Figure 1

## **Existing Roadway System Characteristics**

A description of the principal roadways in the vicinity of the site follows.

*St Charles Road* is an east-west regional arterial that runs from Klein Road in Wayne Township east to its terminus at 5<sup>th</sup> Avenue in Maywood, Illinois. However, near the site the road becomes more urban in nature as it transitions into the downtown area.

At its signalized intersection with Elizabeth Street, St. Charles Road provides one through/left-turn lane and an exclusive right-turn lane on the west approach. A combined through/right-turn lane and a combined through/left-turn lane are provided on the east approach. St. Charles Road, immediately east of Elizabeth Street, narrows down to provide one lane in each direction with a parking lane on both sides of the street

*Elizabeth Street* is a two-lane north-south residential roadway. At its signalized intersection with St Charles Road, Elizabeth Street provides a combined through/left-turn lane and an exclusive right-turn lane on both approaches. Elizabeth Street has a posted speed limit of 25 mph.

## **Existing Traffic Volumes**

Traffic counts were conducted in May, 2004 during the morning (7:00 to 9:00 A.M.) and afternoon (4:00 to 6:00 P.M ) peak commuter periods at the intersection of St. Charles Road with Elizabeth Street. These periods were chosen to coincide with the peak periods of traffic

The traffic count data indicates that the weekday morning peak hour occurs from 7 00 to 8.00 A.M while the weekday afternoon peak hour occurs from 4:45 to 5:45 P.M. The existing weekday morning and evening peak-hour traffic volumes are shown in **Figure 2**.

## **Existing Condition Evaluation**

Intersection capacity analyses were performed for the study area intersection to determine the operation of the existing roadway system and determine what improvements should be considered to mitigate existing deficiencies, if any.

The traffic analyses were performed using the Synchro 5 computer software, which is based on the methodologies outlined in the Transportation Research Board's Highway Capacity Manual (HCM), 2000. In addition, and in order to better gauge the existing traffic condition in the area, the data was simulated using the Sim Traffic software. By virtue of using this simulation program, a better understanding of the downstream and/or upstream intersection's effects on a roadway segment can be achieved.

Figure 2

The ability of an intersection to accommodate traffic flow is expressed in terms of level of service, which is assigned a letter grade from A to F based on the average delay experienced by vehicles passing through the intersection. Delay includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. Level of Service A is the highest grade (best traffic flow and least delay), Level of Service E represents saturated or at-capacity conditions, and Level of service F is the lowest grade (oversaturated conditions, extensive delays). Typically, Level of Service D is the lowest acceptable grade for peak-hour conditions in a suburban environment.

For signal-controlled intersections, levels of service are calculated in three ways: Lane groups, intersection approaches; and intersections as a whole. For two-way stop controlled (TWSC) intersections, such as site driveways, levels of service are only calculated for the approaches controlled by a stop sign (not for the intersection as a whole). Level of Service F at a TWSC intersection occurs when there are not enough suitable gaps in the flow of traffic on the major (uncontrolled) street to allow minor-street traffic to efficiently enter the major street flow or cross the major street. Summaries of the capacity analysis results are presented in **Table 1**.

Table 1  
EXISTING TRAFFIC CONDITIONS

Intersection	Weekday A.M. Peak Hour		Weekday P.M. Peak Hour	
	LOS	Delay	LOS	Delay
St. Charles Road/Elizabeth Street <sup>1</sup>	B	13.9	B	16.9

LOS - Level of Service  
 Delay is measured in seconds  
<sup>1</sup>Signalized Intersection

As can be seen from **Table 1**, the site intersection, from a capacity point of view, is operating at an acceptable level of service.

As part of a larger study, KLOA, Inc. reviewed the signal operations along St. Charles Road in a synchronized system. The results of that study will be in a separate report. However, for the purposes of evaluating the St. Charles Road-Elizabeth Street intersection, this synchronized system was used and the site intersection was evaluated as part of it. Based on the optimization, the most efficient cycle length for the Signals along St. Charles Road is 100 seconds. It should be noted that with the optimization and coordination of the signals there will be a great improvement to the traffic flow.

## Walgreens Pharmacy Development

### Directional Distribution

The directional distribution of future site-generated trips on the external streets by the subject site is a function of several variables, including the operational characteristics of the roadway system and the ease with which drivers can travel over various sections of the system without encountering congestion. The directional distribution of traffic that will be generated by the proposed development was based primarily on market area and existing travel patterns as determined from the traffic counts. The estimated directional distribution is shown in **Figure 3** and **Table 2**.

Table 2

ESTIMATED DIRECTIONAL DISTRIBUTION OF SITE-GENERATED TRAFFIC

Direction	Percent
To and from the north on Elizabeth Street	5%
To and from the south on Elizabeth Street	15%
To and from the east of St. Charles Road	35%
To and from the west on St. Charles Road	<u>45%</u>
Total	100%

### Site Traffic Generation

The estimate of the traffic volumes that will be generated by the proposed Walgreens pharmacy was based on a survey of a Walgreens pharmacy in Villa Park on the northeast quadrant of the St. Charles Road intersection with Ardmore Avenue as well as other KLOA, Inc. data. KLOA, Inc. counted the number of vehicles entering and exiting the Walgreens store as well as the vehicles utilizing the drive-through lane from 8:00 A.M. to 6:00 P.M. on Wednesday April 14, 2004. Additionally we reference the Institute of Transportation Engineers (ITE) Trip Generation Manual, 7<sup>th</sup> Edition for drive-through pharmacies. Even though the survey results and the ITE numbers were close, the higher of the two volumes was used. **Table 3** provides a summary of the total trips that will be generated by the proposed Walgreens pharmacy based on the Villa Park Walgreen's survey.

Table 3

PEAK-HOUR SITE-GENERATED TRAFFIC VOLUMES

Land Use	A.M. Peak Hour		P.M. Peak Hour	
	In	Out	In	Out
Walgreens Pharmacy (14,280 square feet)	27	22	67	60

Figure 3

It should be noted that the trip generation shown in **Table 3** includes the traffic to be generated by the drive-through lane as recorded in our counts in Villa Park (one (1) during the A.M. peak hour and four (4) vehicles during the P.M. peak hour). As can be seen from the summary presented in **Table 3**, the Walgreens pharmacy is a relatively low generator even if the numbers were rounded up to the nearest five vehicles. It should also be noted that, as is typical of a pharmacy with a drive-through facility, a significant portion of the vehicles entering and exiting the site will be from existing traffic that is already on the adjacent roads. This “pass-by” traffic will divert into the site to patronize Walgreens en route to other destinations. Based on extensive survey data contained in the Institute of Transportation Engineers (ITE) Trip Generation Manual, approximately 35 percent or more of the vehicles entering and exiting the site will be pass-by traffic. However, to present a conservative analysis, no reductions in the trip generation for this factor were taken into account

### **Site Traffic Assignment**

The weekday A.M. and P.M. peak-hour trips projected to be generated by the proposed Walgreens pharmacy were assigned to the area roadway system based on the directional distribution shown in **Table 2** and **Figure 3**. **Figure 4** shows the assignment of the new site-generated peak hour traffic volumes. The site traffic that would be generated during the peak hours was added to the existing traffic volumes and is shown in **Figure 5**. These volumes (**Figure 5**) were analyzed to determine the impact of the proposed facility on area roadways and the requirements for the design of an efficient site access system.

## **Future Conditions Evaluation and Recommendations**

### **Access**

#### *St. Charles Road*

There will be two access drives along St. Charles Road. Based on our analyses, field observations, and consultation with Village Staff, the eastern access drive on St. Charles Road (closest to Elizabeth Street) should be allowed full traffic movements. This is due in part to the existing land use (gas station) which has drives at that location. Additionally, pass-by trips will primarily be in the eastbound stream of traffic and exit the same way. Vehicles approaching the site from the east that are not planning to use the drive-through will most likely turn left on Elizabeth Street and then turn right at the access drive.

The drive-through access drive (west drive) will be located approximately 265 feet west of Elizabeth Street and will only allow inbound movements. As such and based on the fact that during the peak hours there will be very little traffic using the drive-through lane, this driveway can remain as it is planned.

Figure 4



Figure 5

## Elizabeth Street

Two access drives will be allowed on Elizabeth Street. The northerly drive located approximately 130 feet south of St. Charles Road will allow inbound movements only. The southerly drive will be for outbound movements only. This configuration accomplishes two objectives: (1) it moves northbound traffic desiring to turn left into the site away from the rail crossing which is located approximately 170 feet to the south of this northerly drive and; (2) it allows for exiting truck movements to leave the site without intruding into the parking areas. The southerly drive, as previously mentioned, should allow outbound movements only, and should be located approximately 80 feet south of the northerly drive. The drive should be signed in accordance with the *Manual of Uniform Traffic Control Devices* (MUTCD) Signs W10-4 and R8-8 (railroad cautionary). Trucks should be prohibited from outbound right turns at the Elizabeth Street drive.

*A slight modification to the curb line on the east side of Elizabeth Street should be made to allow through vehicles the option of a by-pass lane around northbound left turning vehicles into the site.*

## **Circulation and Parking**

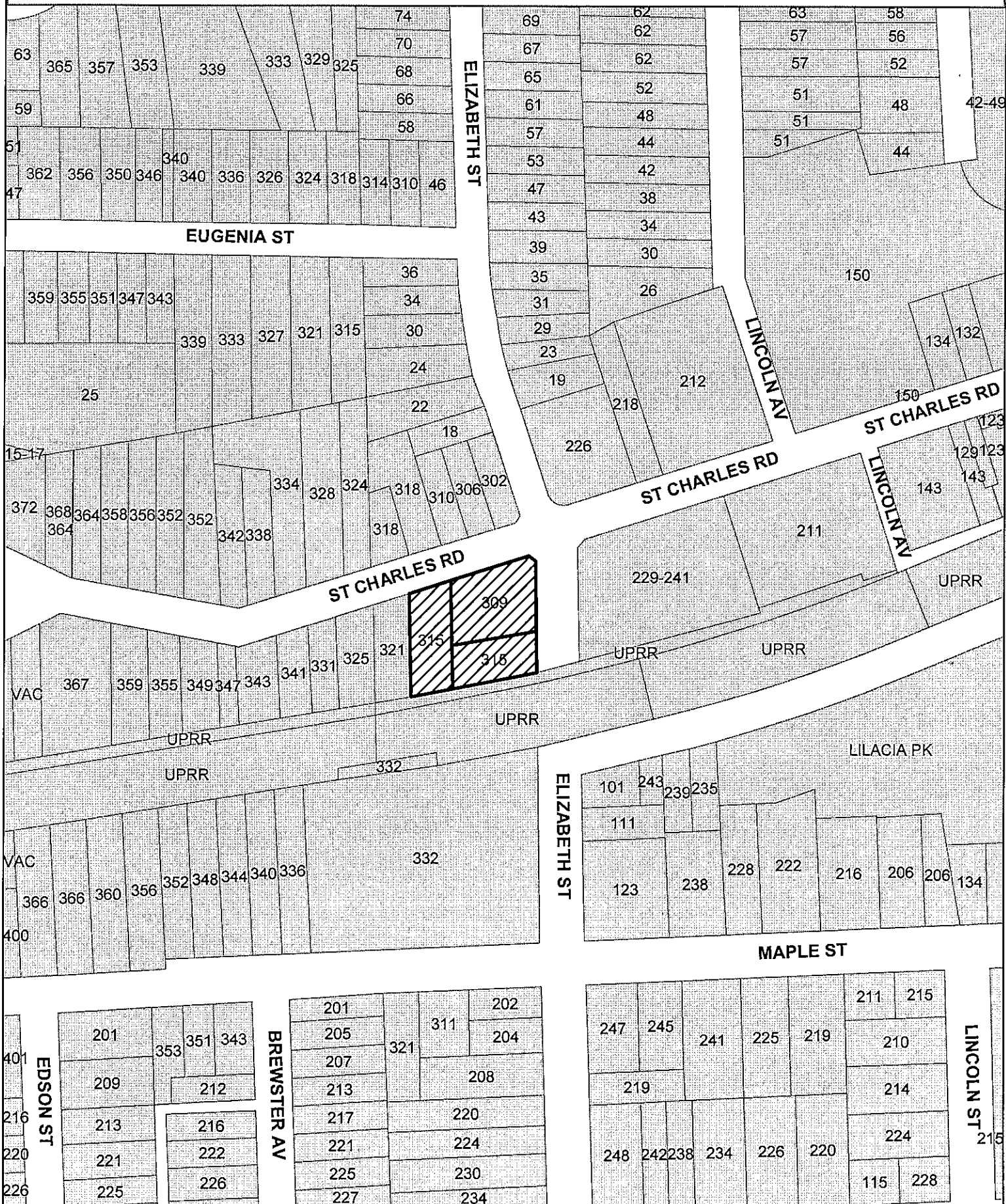
The site should function in a one-way counterclockwise fashion. This will allow the exiting truck vehicle lane on the south side of the site to be designed with one way standards for aisle width. Vehicles entering along St. Charles Road will turn west to circulate through the lot. The Elizabeth Street inbound drive (north drive) intersection should be signed "No Left Turn" as vehicles can only turn right (north) and circulate to the parking areas. Exiting movements are at two locations—one along Elizabeth Street and one along St. Charles Road. The drive through lane should be one way southbound and utilize other access points for exiting. The 57 parking spaces meet code in number and design. The drive aisles are adequate to accommodate the 90° parking.

## **Conclusion**

Based on the preceding traffic evaluation, the proposed development traffic can be accommodated by the adjacent roadway system with the recommendations discussed above. The access system as recommended will provide sufficient capacity to accommodate the development traffic. The amount of traffic generated by a Walgreens pharmacy is relatively small as shown on the Villa Park Walgreens survey and the new traffic to the roadway system will be accommodated efficiently. Site circulation and access, as described in preceding sections will maximize efficiency and control on the site.

# Location Map

PC 04-07: SW corner of St. Charles Road & Elizabeth Street  
Walgreens drive-through with variations



## PETITIONER'S RESPONSE TO VILLAGE STANDARDS

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### VII. STANDARDS FOR CONDITIONAL USES

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards is provided for all conditional uses of the Lombard Zoning Ordinance.

#### SECTION 155.103 (F)(8) OF THE LOMBARD ZONING ORDINANCE

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;  
Response: The use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located;  
Response: The use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted and it will not substantially diminish or impair property values within the neighborhood in which it is to be located.
3. That 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;  
Response: The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;  
Response: Adequate public utilities, access roads, drainage and/or necessary facilities will be provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;  
Response: We shall comply.
6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and,  
Response: We do not believe the conditional use is contrary to the objectives of the Comprehensive Plan.
7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.  
Response: We shall conform as noted.

## PETITIONER'S RESPONSE TO VILLAGE STANDARDS

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### VIII. STANDARDS FOR MAP AMENDMENTS (REZONINGS)

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards is provided for all map amendments (rezonings) of the Lombard Zoning Ordinance.

#### SECTION 155.103 (E)(8)(a) OF THE LOMBARD ZONING ORDINANCE

1. Compatibility with existing uses of property within the general area of the property in question;  
Response: We shall be compatible.
2. Compatibility with the zoning classification of property within the general area of the property in question;  
Response: We shall be compatible.
3. The suitability of the property in question to the uses permitted under the existing zoning classification;  
Response: We shall be suitable.
4. Consistency with the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification;  
Response: We shall be consistent.
5. The compatibility of the surrounding property with the permitted uses listed in the proposed zoning classification;  
Response: We shall be compatible.
6. The objectives of the current Comprehensive Plan for the Village of Lombard and the impact of the proposed amendment of the said objectives;  
Response: We are compatible with current Comprehensive Plan.
7. The suitability of the property in question for permitted uses listed in the proposed zoning classification.  
Response: We are suitable and consistent with permitted uses.

## PETITIONER'S RESPONSE TO VILLAGE STANDARDS

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### IX. STANDARDS FOR PLANNED DEVELOPMENTS

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards is provided for all requests for Planned Developments.

#### SECTION 155.508 (A)(B)(C) OF THE LOMBARD ZONING ORDINANCE

##### A. General Standards

1. Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.

Response: We shall comply with regulations of the district as modified by approved in the final development plan.

2. Community sanitary sewage and potable water facilities connected to a central system are provided.

Response: Community sanitary sewage and potable water facilities to central system are provided.

3. The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.

Response: The use is consistent with the recommendations of the Village Comprehensive Plan.

4. That the proposed planned development is in the public interest and is consistent with the purpose of this Zoning Ordinance.

Response: The proposed development is in the public interest and is consistent with the purpose of this Zoning Ordinance.

5. That the streets have been designed to avoid:

- a. Inconvenient or unsafe access to the planned development;

Response: The development will not have inconvenient or unsafe access.

- b. Traffic congestion in the streets which adjoin the planned development;

Response: We are designed to avoid traffic congestion in the streets.

- c. An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.

Response: We shall not be a burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.

B. Standards for Planned Developments with Use Exceptions

The ordinance approving the Final Development Plan for the planned development may provide for uses in the planned development not allowed in the underlying district, provided the following conditions are met:

1. Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses.

Response: The use exception shall enhance the quality of the planned development and are compatible with the primary uses.

2. Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties.

Response: The use exception will not be a detrimental influence in the surrounding properties.

3. Proposed use of exceptions shall not represent more than 40% of the site area or more than 40% of the total floor area, whichever is less. However, in a residential planned development no more than 10% of the site area or the total floor area shall be devoted to commercial use; furthermore, no industrial use shall be permitted.

Response: The use exception shall comply with the above.

C. Standards for Planned Developments with Other Exceptions

The Village Board may approve planned developments which do not comply with the requirements of the underlying district regulations governing lot area, lot width, bulk regulations, parking and sign regulations, or which require modification of the subdivision design standards when such approval is necessary to achieve the objectives of the proposed planned development, but only when the Board finds such exceptions are consistent with the following standards:

1. Any reduction in the requirements of this Ordinance is in the public interest.

Response: We believe the use is in the public interests and the reductions in requirements is also in the public interest.

2. The proposed exceptions would not adversely impact the value or use of any other property.

Response: Proposed exceptions would not adversely impact the value or use of any other property.

3. That such exceptions are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding properties.

Response: We agree with the above.

4. That the overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district.

Response: We shall comply with floor area requirements.

5. That in residential planned developments the maximum number of dwelling units allowed shall not exceed by more than 40% the number of dwelling units permitted in the underlying district.

Response: Not applicable.

6. That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:

- a. The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.

Response: We shall comply, as applicable.

- b. All transitional yards and transitional landscape yards of the underlying zoning district are complied with.

Response: We shall comply, as applicable.

- c. If required transitional yards and transitional landscape yards are not adequate to protect the privacy and enjoyment of property adjacent to the development, the Plan Commission shall recommend either or both of the following requirements:

- 1) All structures located on the perimeter of the planned development must set back a distance sufficient to protect the privacy and amenity of adjacent existing uses;

Response: We agree, as necessary.

- 2) All structures located along the entire perimeter of the planned development must be permanently screened with sight-proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.

Response: We shall comply.

7. That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zone district.

Response: Not applicable.



## PETITIONER'S RESPONSE TO VILLAGE STANDARDS

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### X. STANDARDS FOR TEXT AMENDMENTS

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards is provided for all text amendments of the Lombard Zoning Ordinance.

#### SECTION 155.103 (E)(8)(b) OF THE LOMBARD ZONING ORDINANCE

1. The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;

Response: The amendments are in the public interest and not intended to solely benefit this property.

2. The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;

Response: We shall comply, as applicable.

3. The degree to which the proposed amendment would create nonconformity;

Response: We shall comply, as applicable.

4. The degree to which the proposed amendment would make this ordinance more permissive;

Response: We understand and shall comply, as required.

5. The consistency of the proposed amendment with the Comprehensive Plan;

Response: We shall comply, as applicable.

6. The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.

Response: We shall comply, as applicable.

## PETITIONER'S RESPONSE TO VILLAGE STANDARDS

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### XI. STANDARDS FOR VARIATIONS

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards is provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance. –

#### SECTION 155.103 C.7 OF THE LOMBARD ZONING ORDINANCE

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

Response: Variations have been requested because of the particular physical surroundings, shape and topographical conditions of the specific property involved, a particular hardship to the owner will result, if the strict letter of the regulations were to be applied.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

Response: We agree to the above.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

Response: We agree and attest to the above.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

Response: We agree to the above.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Response: It shall not be detrimental.

6. The granting of the variation will not alter the essential character of the neighborhood; and,

Response: It shall not alter the essential character of the neighborhood.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Response: It shall not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING A MAP AMENDMENT (REZONING)  
TO THE LOMBARD ZONING ORDINANCE  
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 04-07; 309 & 315 W. St. Charles Road)

(See also Ordinance No.(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 a map amendment for the purpose of rezoning the property described in Section 2 hereto from B2 General Neighborhood Shopping District to B5A Downtown Perimeter District; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on June 21, 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 rezoning 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 Title 15, Chapter 155 of the Code of Lombard, Illinois, otherwise known as the Lombard Zoning Ordinance, be and is hereby amended so as to rezone the property described in Section 2 below to B5A Downtown Perimeter District.

Ordinance No. \_\_\_\_\_  
Re: PC 04-07  
Page 2

SECTION 2: This ordinance is limited and restricted to the properties generally located at 309 W. St. Charles Road and 315 W. St. Charles Road, Lombard, Illinois, and legally described as follows:

LOT 1, 2, AND 3 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393 AND CORRECTED BY CERTIFICATE RECORDED JUNE 13, 1967 AS DOCUMENT R67-19517, IN DUPAGE COUNTY, ILLINOIS.

EXCEPT:

PLAT OF DEDICATION OF RIGHT OF WAY ON FEBRUARY 23, 1998: THAT PART OF LOT 1 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 AND HEADING SOUTH ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 12.95 FEET TO A POINT; THENCE NORTH 51 DEGREES 15 MINUTES 50 SECONDS WEST, A DISTANCE OF 15.32 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ST. CHARLES ROAD; THENCE NORTH 74 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 12.41 FEET TO THE POINT OF BEGINNING, CONTAINING 77.3681 SQUARE FEET OR 0.0018 ACRES MORE OR LESS, IN DUPAGE COUNTY, ILLINOIS.

PARCEL NO. 06-07-208-016, -021, -022

SECTION 3: That the official zoning map of the Village of Lombard be changed in conformance with the provisions of this ordinance.

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. \_\_\_\_\_  
Re: PC 04-07  
Page 3

Passed on first reading 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

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR DRIVE-THROUGH SERVICES IN A B5A DOWNTOWN PERIMETER DISTRICT**

(PC 04-07; 309 & 315 W. St. Charles Road)

(See also Ordinance No.(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, the subject property is zoned B5A Downtown Perimeter District; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for drive-through services in a B5A Downtown Perimeter District; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on June 21, 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 conditional use, signage deviations, and variations 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 for drive-through services is hereby granted for the Subject Property legally described in Section 2 below.

Ordinance No. \_\_\_\_\_

Re: PC 04-07

Page 2

SECTION 2: That the ordinance is limited and restricted to the properties generally located 309 W. St. Charles Road and 315 W. St. Charles Road, Lombard, Illinois, and legally described as follows:

LOT 1, 2, AND 3 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393 AND CORRECTED BY CERTIFICATE RECORDED JUNE 13, 1967 AS DOCUMENT R67-19517, IN DUPAGE COUNTY, ILLINOIS.

EXCEPT:

PLAT OF DEDICATION OF RIGHT OF WAY ON FEBRUARY 23, 1998: THAT PART OF LOT 1 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 AND HEADING SOUTH ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 12.95 FEET TO A POINT; THENCE NORTH 51 DEGREES 15 MINUTES 50 SECONDS WEST, A DISTANCE OF 15.32 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ST. CHARLES ROAD; THENCE NORTH 74 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 12.41 FEET TO THE POINT OF BEGINNING, CONTAINING 77.3681 SQUARE FEET OR 0.0018 ACRES MORE OR LESS, IN DUPAGE COUNTY, ILLINOIS.

PARCEL NO. 06-07-208-016, -021, -022

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.

Ordinance No. \_\_\_\_\_  
Re: PC 04-07  
Page 3

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



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING A CONDITIONAL USE  
FOR A PLANNED DEVELOPMENT WITH SIGNAGE DEVIATIONS AND  
VARIATIONS IN A B5A DOWNTOWN PERIMETER DISTRICT**

(PC 04-07; 309 & 315 W. St. Charles Road)

(See also Ordinance No.(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, the subject property is zoned B5A Downtown Perimeter District;  
and,

WHEREAS, an application has heretofore been filed requesting approval of:  
a conditional use for a planned development in a B5A Downtown Perimeter District; and

WHEREAS, said planned development includes a deviation from Section 153.208 (H) of the Lombard Sign Ordinance to allow for a freestanding sign within the clear line of sight area; and

WHEREAS, said planned development includes a deviation from Section 153.239 (F) of the Lombard Sign Ordinance to allow for wall signs to be displayed in conjunction with window signs; and

WHEREAS, said planned development includes a deviation from Section 153.508 (B) (5) (b) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 47 sq. ft. where a maximum of 20 square feet is permitted; and

WHEREAS, said planned development includes a deviation from Section 153.508 (B) (5) (c) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 8 feet 3 inches in height where a maximum of 6 feet is permitted; and

WHEREAS, said planned development includes a deviation from Section 153.508 (B) (17) (b) of the Lombard Sign Ordinance to allow for two 100-square foot wall signs where a maximum of 50 square feet is permitted; and

WHEREAS, said planned development includes a deviation from Section 153.508 (B) (17) (c) of the Lombard Sign Ordinance to allow for a total of eight (8) wall signs where one sign per street front exposure is permitted; and

WHEREAS, said planned development includes a variation from Section 155.417 (J) and Section 155.508 (C) (6) (b) of the Lombard Zoning Ordinance to reduce the transitional building setback from 20 feet to 12 feet to allow for a drive-through canopy; and

WHEREAS, said planned development includes a variation from Sections 155.417 (K), 155.508 (C) (6) (b), and 155.707 of the Lombard Zoning Ordinance to reduce the transitional landscape yard from 10 feet to 0 feet;

WHEREAS, said planned development includes a variation from Section 155.508 (C) (6) (a) of the Lombard Zoning Ordinance to allow for a 9-foot front yard setback on the perimeter of a planned development where a 30-foot front yard is required in the abutting R4 Limited General Residence District; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on June 21, 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 conditional use, signage deviations, and variations 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 for a planned development with the following signage deviations and variations is hereby granted for the Subject Property legally described in Section 2 below, subject to the conditions set forth in Section 3 below:

- a) A deviation from Section 153.208 (H) of the Lombard Sign Ordinance to allow for a freestanding sign within the clear line of sight area;

- b) A deviation from Section 153.239 (F) of the Lombard Sign Ordinance to allow for wall signs to be displayed in conjunction with window signs;
- c) A deviation from Section 153.508 (B) (5) (b) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 47 sq. ft. where a maximum of 20 square feet is permitted;
- d) A deviation from Section 153.508 (B) (5) (c) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 8 feet 3 inches in height where a maximum of 6 feet is permitted;
- e) A deviation from Section 153.508 (B) (17) (b) of the Lombard Sign Ordinance to allow for two 100-square foot wall signs where a maximum of 50 square feet is permitted;
- f) A deviation from Section 153.508 (B) (17) (c) of the Lombard Sign Ordinance to allow for a total of eight (8) wall signs where one sign per street front exposure is permitted;
- g) A variation from Section 155.417 (J) and Section 155.508 (C) (6) (b) of the Lombard Zoning Ordinance to reduce the transitional building setback from 20 feet to 12 feet to allow for a drive-through canopy;
- h) A variation from Sections 155.417 (K), 155.508 (C) (6) (b), and 155.707 of the Lombard Zoning Ordinance to reduce the transitional landscape yard from 10 feet to 0 feet; and
- i) A variation from Section 155.508 (C) (6) (a) of the Lombard Zoning Ordinance to allow for a 9-foot front yard setback on the perimeter of a planned development where a 30-foot front yard is required in the abutting R4 Limited General Residence District;

SECTION 2: That the ordinance is limited and restricted to the properties generally located 309 W. St. Charles Road and 315 W. St. Charles Road, Lombard, Illinois, and legally described as follows:

LOT 1, 2, AND 3 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393 AND CORRECTED BY CERTIFICATE RECORDED JUNE 13, 1967 AS DOCUMENT R67-19517, IN DUPAGE COUNTY, ILLINOIS.

EXCEPT:

PLAT OF DEDICATION OF RIGHT OF WAY ON FEBRUARY 23, 1998: THAT PART OF LOT 1 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND

PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 AND HEADING SOUTH ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 12.95 FEET TO A POINT; THENCE NORTH 51 DEGREES 15 MINUTES 50 SECONDS WEST, A DISTANCE OF 15.32 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ST. CHARLES ROAD; THENCE NORTH 74 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 12.41 FEET TO THE POINT OF BEGINNING, CONTAINING 77.3681 SQUARE FEET OR 0.0018 ACRES MORE OR LESS, IN DUPAGE COUNTY, ILLINOIS.

PARCEL NO. 06-07-208-016, -021, -022

SECTION 3: The conditional use set forth in Section 1 above shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the plans prepared by Arcline Associates, Ltd., last revised June 11, 2004 and submitted as part of this request;
2. The petitioner's building improvements shall be designed and constructed consistent with Village Code and all also address the comments included within the IDRC report;
3. The petitioner shall submit a Plat of Consolidation prior to receiving any building permit;
4. The petitioner shall pay for and install a solid masonry wall along the western property line of eight (8) feet in height. Design and material type of the wall is subject to the approvals of the Director of Community Development and the property owners at 321 W. St. Charles Road. In the event the neighboring property owner is unwilling to grant a construction easement, a board-on-board fence shall be constructed;
5. The lighting plan shall be modified as follows:
  - a.) All light fixtures on the west side of the building shall be mounted at a height no greater than the wall along the western property line;
  - b.) All light fixtures on the drive-through canopy shall be recessed so as not to be visible from adjacent properties;
6. The signage plan shall be modified as follows:

- a.) The eight (8) red, channel letter signs noted on the exterior elevations shall be approved;
  - b.) The requested variations for a 47-square foot freestanding sign within the clear line of sight area shall be approved;
  - c.) No neon sign shall be visible on the exterior of the building;
  - d.) That the proposed free-standing sign and support shall not be greater than ten feet (10') in width;  
A free-standing directional sign be placed at the entrance into the drive through along St. Charles Road, and elevated four feet in height with a total size of six square feet; and
  - e.) All other signage relief shall be denied.
7. The building elevations shall be modified as follows:
- a.) The windows at the northeast corners of the covered entry shall be replaced with an analog clock or compatible architectural element, subject to the approval of the Director of Community Development; and
  - b.) The smoothface cast stone noted on the elevations as "3b" shall be replaced with the same rockface cast stone noted as "3a."
8. Approval of the submitted plans shall be subject to the Corporate Authorities of the Village of Lombard vacating a portion of Elizabeth Street immediately adjacent to the subject property that has been deemed surplus right-of-way.
9. That any noise emanating from the rooftop equipment shall meet the provisions of Chapter 93 of the Village Code.

SECTION 4: The Plan Commission shall have Site Plan Approval authority relative to this Planned Development.

SECTION 5: 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 \_\_\_\_ day of \_\_\_\_\_, 2004.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2004.

Ordinance No. \_\_\_\_\_ Alternate  
Re: PC 04-07  
Page 6

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Barbara A. Johnson, Deputy Village Clerk

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**RESOLUTION**  
**R \_\_\_\_\_05**

**A RESOLUTION AUTHORIZING SIGNATURE OF  
PRESIDENT AND CLERK ON A DEVELOPMENT AGREEMENT**

WHEREAS, the Corporate Authorities of the Village of Lombard have received a Development Agreement, as attached hereto and marked Exhibit "A": and,

WHEREAS, the Corporate Authorities deem it to be in the best interest of the Village of Lombard to authorize the development agreement.

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

SECTION 1: That the Village President be and hereby is authorized to sign on behalf of the Village of Lombard said document as attached hereto.

SECTION 2: That the Village Clerk be and hereby is authorized to attest said Agreement as attached hereto.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Barbara A. Johnson, Deputy Village Clerk

## **DEVELOPMENT AGREEMENT**

### **AN AGREEMENT RELATING TO THE APPROVAL OF A MAJOR DEVELOPMENT, THE MAKING OF REQUIRED IMPROVEMENTS, AND PROVIDING FUNDS, THEREFOR, FOR WALGREENS, 309-315 W. ST. CHARLES ROAD, LOMBARD, IL**

**This Agreement**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2004 by and between Bradford Lombard LLC, an Illinois limited liability company (hereinafter referred to as the "Developer") and the VILLAGE OF LOMBARD, a municipal corporation, located in DuPage County, Illinois, (hereinafter referred to as the "Village").

#### **WITNESSETH:**

**Whereas**, the Developer has entered into agreements to purchase certain property situated within the corporate limits of the Village, legally described in Exhibit 1 attached hereto and made a part hereof and known as 309-315 W. St. Charles Road (the "Property"); and,

**Whereas**, Developer desires to build a Walgreen Drug Store and related facilities on the Property pursuant to a Site Plan dated July 1, 2004 attached hereto as Exhibit 2 and made a part hereof (the "Site Plan") prepared by Arcline Associates, Ltd. ("Arcline") which has been approved by the President and Board of Trustees of the Village (the "Corporate Authorities"); and

**Whereas**, the Developer has prepared final plans as referenced in this Agreement which have been approved by the Corporate Authorities and subject to receipt by the Village of an Irrevocable Letter of Credit or Bond in the amount specified in this Agreement as security for the construction of certain improvements, and for such other purpose or purposes herein mentioned if any; and,

**Whereas**, plans and specifications for the making of the required improvements to the Property, as described in the Elevations dated April 7, 2004 last revised August 16, 2004 (the "Elevations") prepared by Arcline, attached hereto as Exhibit 3 and made a part hereof, have been approved by the Corporate Authorities of the Village, and plans for sidewalks, parkway trees, and street lighting have been approved by the Corporate Authorities of the Village as shown on the Site Plan and the landscape plans dated May 17, 2004 ("Landscape Plans") prepared by Arcline and attached hereto as Exhibit 4 and made a part hereof; and,

**Whereas**, the Developer has entered into contracts or will enter into contracts for the work and improvements required to be made to the Property to build the Walgreen Drug Store and related improvements in accordance with the applicable requirements of the Lombard Village Code;

**Now, therefore**, for and in consideration of the foregoing, the premises and the mutual covenants and agreements hereinafter set forth and other good and valuable consideration, the



receipt and sufficiency of which is hereby acknowledged by the parties hereto, the parties hereto agree as follows:

**Section 1:** As part of the construction of the Walgreen Drug Store, Developer shall construct related public improvements and site improvements described on Exhibit 5 attached hereto and made a part hereof (the "Public Improvements and Site Improvements"). Commencement of construction of the Public Improvements and Site Improvements detailed herein may begin only after the Developer has delivered one Irrevocable Letter of Credit or Bond (the "Initial Letter of Credit") in a form satisfactory to the Village and issued by a bank or financial institution approved by the Village in an amount equal to 115% of the Developer's Engineer's estimate of cost of construction of the Public Improvements and Site Improvements as approved by the Village's engineer or 115% of actual construction cost of the Public Improvements and Site Improvements if such actual cost is known.

**Section 2:** The Developer agrees to cause the construction of the Walgreen Drug Store to be completed with due dispatch and diligence, in accordance with Chapter 154 of the Lombard Village Code, the Site Plan, the Landscape Plans, and the Elevations. The Developer will, when required to bring about progress in the work with due dispatch, take aggressive steps to enforce each contract connected with the construction of the Walgreen Drug Store, to the end that said improvements will be completed within the time or times herein mentioned. The Developer agrees that all work in the construction of the Walgreen Drug Store shall be done in a good and workmanlike manner, that all manufactured materials used therein shall be new and of good quality, that same shall at all times be subject to inspection by the Village, shall all be satisfactory to the Village and shall be subject to its approval to conform with applicable Village codes and ordinances. The Developer will at its expense furnish all necessary engineering services for the construction by Developer of the Walgreen Drug Store.

**Section 3:** The Public Improvements and Site Improvements and the Walgreen Drug Store shall begin within twelve (12) months of the recording of this Agreement and completed within thirty-six (36) months of the recording of this Agreement unless otherwise extended by amendment to this Agreement, consented to by the Corporate Authorities of the Village. All Letters of Credit, Bonds, assurances, guarantees, acceptances, and related matters shall comply with the Lombard Village Code. The construction of improvements by the Developer and issuance of approvals by the Village for the development shall comply with the following schedule:

A. Sediment and Erosion Control

Sediment and Erosion control measures shall be implemented as per Chapter 154 of the Lombard Village Code prior to the issuance of building permits or authorization to proceed with mass grading or other improvements to the Property. Said measures shall be maintained during the entire construction process and shall be inspected and repaired as necessary after each significant rainfall. Failure to do so may result

in the issuance of a stop work order for any outstanding Public Improvement and Site Improvements or building permits.

**B. Authorization to proceed with the Public Improvements and Site Improvements.**

Upon approval of the final engineering plans for the Public Improvements and Site Improvements, receipt of all required fees, approval of the Letter of Credit or Bond, recording of this Agreement, and completion of item "A" above, authorization to begin the Public Improvements and Site Improvements will be given by the Village.

**C. Construction of Stormwater Control System**

In lieu of constructing stormwater control systems, the Developer shall pay the Village \$162,000 per acre foot of detention multiplied by .5 acre feet for a total payment of \$81,000.00. In exchange for this payment, the Village agrees to provide off-site stormwater detention for the Property into the municipal storm water system at no additional cost to Developer.

**D. Issuance of Building Permits**

**1) Foundation-Only Permits**

Foundation-only permits may be issued upon completion of adequate construction access to the Property. Adequate access shall mean a maintained gravel access road.

**2) Building Permits**

Building permits may be issued upon provision of adequate emergency access to the Property (gravel sub base) and an operational fire hydrant within three hundred (300) feet of the Walgreen Drug Store building.

**E. Certificates of Occupancy**

Issuance of a Certificate of Occupancy shall take place upon satisfactory completion of the following:

1) Inspection and approval by the Village's Bureau of Inspectional Services;

2) Completion of the water distribution system including testing and chlorination;

3) Completion of the sanitary sewer system to the Walgreen Drug Store;

- 4) Sidewalks must be installed across the frontage of the Property on St. Charles Road and Elizabeth Street;
- 5) Landscaping of the Property must be substantially completed pursuant to the Landscape Plans. This includes parkway trees, final grading and ground cover. This condition will be waived by the Department of Community Development if a hardship exists on account of winter conditions provided a Letter of Credit or Bond in favor of the Village is posted by the Developer; and
- 6) Record drawings (as built) of the sanitary sewer and domestic water facilities required to serve the Walgreen Drug Store shall be submitted and approved prior to the first Certificate of Occupancy.

F. Other Improvements

- 1) All other landscaping and other Public Improvements and Site Improvements required under this Agreement shall be completed within 36 months of the recording of this Agreement or prior to acceptance of the Public Improvements, whichever date occurs first.
- 2) Developer will construct the base for a Village "Greeting" Ground Sign (the "Sign Base") for the Village at the location shown on the Site Plan. The Sign Base shall be similar to the sign base for Walgreen's monument sign. The Village shall prepare and install, at the Village's cost, a sign to be installed upon the Sign Base. The sign and location of the Sign Base shall be subject to the approval of Developer and Walgreen Co. The Village shall submit the "Village Sign" indicated on the approved Site Plan to the Developer for approval.

G. Acceptance of Public Improvements

- 1) Final Record Drawings (as built), including final grading and all utilities, shall be submitted for the review and approval of the Director of Community Development prior to acceptance of the Public Improvements.
- 2) Engineer's Certification. The Developer's Design Engineer is to certify that the project was constructed in accordance with Chapter 151 of the Lombard Village Code, and that the project was constructed substantially to the approved plans.
- 3) All deficiencies described in the final punch list shall be satisfactorily completed and approved by the Directors of Public Works and Community Development
- 4) A maintenance guarantee in the form of a Letter of Credit or Bond ("Maintenance Guarantee Letter of Credit or Bond") shall be submitted and

approved. The Maintenance Guarantee Letter of Credit or Bond shall be for two (2) years and shall be in the amount of 10% of the Initial Letter of Credit and shall comply with Chapter 154 of the Lombard Village Code.

- 5) The Public Improvements to be dedicated to the Village shall be accepted by the Corporate Authorities of the Village, subject to Section 12 below. The Village shall accept such dedication if constructed by Developer in accordance with this Agreement and the applicable requirements of the Village Code. Upon acceptance by the Corporate Authorities of the Village, the installation guarantee (Letter of Credit or Bond) shall be returned to the Developer.
- 6) The Maintenance Guarantee Letter of Credit or Bond shall be returned to Developer at the time of its expiration upon inspection of the Public Improvements and determination that no deficiencies exist.

**Section 4: Construction Damage to Public Improvements:**

Care shall be taken to avoid damage to existing public improvements, including utilities and curbs, during construction. Any existing public improvement damaged during construction shall be repaired to the satisfaction of the Village and in substantial compliance with this Agreement and all relevant Village codes and ordinances.

**Section 5: Dedication of Public Improvements:**

Upon approval and acceptances of the Public Improvements by the Village, the Public Improvements shall become the property of the Village and subject to its control, and if deemed necessary or desirable by the Corporate Authorities of the Village, a formal dedication or conveyance to the Village shall be made by Developer.

**Section 6: Letter of Credit or Bond:**

It is expressly understood that this Agreement is conditional upon and subject to the delivery to the Village of the Letter of Credit or Bond described in Section 1 above from a financial institution approved by the Village in its reasonable judgment.

**Section 7: Notices:**

All notices or demands to be given hereunder shall be in writing, and served by either personal service or the mailing of such notice or demand by Certified or Registered Mail. Said notices shall be provided to the Developer at:

Bradford Lombard LLC  
1 N. Franklin, Suite 3602  
Chicago, Illinois 60606

Attn: Eric Dams;

and to the Village at:

Village of Lombard  
255 East Wilson Avenue  
Lombard, IL 60148  
Attn: Director of Community Development

or to such other place for any of them as it may in writing designate. Service of any such notice shall be deemed given on the date of personal service or three (3) days from the date of mailing.

**Section 8:** Site Access

Developer (and its contractors) shall keep all streets which provide access to the Property reasonably clean from all mud, gravel and other debris, at all times during and after construction hours.

**Section 9:** Elizabeth Street Right-of-Way

The Developer has made an application to the Village for the vacation of a portion of the Elizabeth Street right-of-way (hereinafter referred to as the "Subject Vacation") as depicted in Exhibit 6 attached hereto and made a part hereof. Developer shall pay the Village \$112,000 for the Subject Vacation upon the recording of the Plat of Vacation conveying title to Developer. The Village acknowledges that Developer needs the Subject Vacation in order to complete the development of the Property. As part of the Subject Vacation and in consideration of development of the Subject Property, the Developer shall be responsible for the following:

A. Plat of Vacation

The Developer shall provide the Village with a Plat of Vacation for the Subject Vacation for review and consideration of approval.

B. Burial of Overhead Electric Lines

The Developer shall bury overhead electric lines adjacent to the Property along St. Charles Road and along Elizabeth Street. The Village agrees to reimburse the Developer for fifty percent (50%) of the burial cost within thirty (30) days after Developer completes said work and provides the Village with an invoice and lien waiver for said work.

**Section 10:** Highway Authority

The Village agrees to enter into a highway authority agreement with Thomas Kehoe and Kathleen Kehoe, the current owners of 309 W. St. Charles Road, Lombard, which constitutes a portion of the Property, the terms and conditions of which must be negotiated with the Village and be acceptable to Developer.

**Section 11:** Traffic Controls

The Developer shall install traffic signs and other devices as required by the Village for proper control of vehicles and pedestrians on the Property. These control devices shall meet the specifications of the Village Engineer. In lieu of Developer performing any off site road work improvements or installing any traffic signals, Developer agrees to pay the Village up to, but not to exceed, \$8,500.00, to reimburse the Village for the actual cost incurred by the Village for installing or altering the existing traffic signal at St. Charles Road and Elizabeth Street as such alterations relate to a queuing sensor installation.

**Section 12:** Acceptance:

Public Improvements shall be accepted by the Corporate Authorities of the Village after certification by the Village Engineer and Director of Community Development that the Public Improvements are in compliance with previously approved plans, specifications, and relevant codes and ordinances. All required fees and procedures shall be provided prior to such acceptance. The Developer shall hold the Village free and harmless and indemnify the Village, its agents, officers and, employees from any and all claims, damages, judgments, costs and settlements including, but not limited to attorneys' fees that may arise from construction, use, repair, or maintenance of said Public Improvements before they are accepted by the Village.

**Section 13:** Binding Effect and Term and Covenants Running with the Land:

The Village agrees that the Village will not and the Village will prohibit its residents and occupants from using the ground water located within 2,000 feet of the Property and will agree to comply with any restriction on ground water usage requested by the Illinois Environmental Protection Agency concerning the groundwater within 2,000 feet of the Property.

This Agreement has been executed on behalf of the Village pursuant to action adopted by the Corporate Authorities of said Village at a meeting of said Corporate Authorities duly held on September 16, 2004.

This Agreement has been executed by the Developer and shall be binding on the heirs and assigns of the Developer.

This Agreement shall automatically expire upon the expiration of the Maintenance Guarantee Letter of Credit or Bond required at the time of acceptance of the Public Improvements as set forth above.

This Agreement and the obligations of Developer under this Agreement are contingent upon Developer acquiring title to the Property.

Upon Developer requiring title to the Property, this Agreement shall be recorded with the DuPage County Recorder of Deeds at the sole cost and expense of the Developer.

**In witness thereof**, the parties hereto have caused these presents to be duly executed on their behalf respectively and corporate signors have caused their respective Corporate Seals to be affixed hereto, all as of the day and year first above written.

Developer:

BRADFORD LOMBARD, LLC

By: \_\_\_\_\_

Village of Lombard:

By: \_\_\_\_\_ (Village President)

Attest: \_\_\_\_\_ (Village Clerk)

**EXHIBIT 1**

**DEVELOPMENT AGREEMENT DATED AUGUST 19, 2004 FOR  
WALGREENS, 309-315 W. ST. CHARLES ROAD, LOMBARD, ILLINOIS**

**LEGAL DESCRIPTION**

LOT 1, 2, AND 3 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393 AND CORRECTED BY CERTIFICATE RECORDED JUNE 13, 1967 AS DOCUMENT R67-19517, IN DUPAGE COUNTY, ILLINOIS.

**EXCEPT:**

PLAT OF DEDICATION OF RIGHT OF WAY ON FEBRUARY 23, 1998: THAT PART OF LOT 1 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 AND HEADING SOUTH ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 12.95 FEET TO A POINT; THENCE NORTH 51 DEGREES 15 MINUTES 50 SECONDS WEST, A DISTANCE OF 15.32 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ST. CHARLES ROAD; THENCE NORTH 74 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 12.41 FEET TO THE POINT OF BEGINNING, CONTAINING 77.3681 SQUARE FEET OR 0.0018 ACRES MORE OR LESS, IN DUPAGE COUNTY, ILLINOIS.

**PARCEL NUMBERS:** 06-07-208-016, 06-07-208-021, 06-07-208-022



**EXHIBIT 2**

**SITE PLAN FOR WALGREENS**

**EXHIBIT 3**

**BUILDING ELEVATIONS FOR WALGREENS**

**EXHIBIT 4**

**LANDSCAPE PLANS FOR WALGREENS**

**EXHIBIT 5**

**PUBLIC IMPROVEMENTS AND SITE IMPROVEMENTS  
FOR WALGREENS**

**Walgreens (309-315 W. St. Charles Road)**

**Development Agreement**

**Page 14**

**EXHIBIT 6**

**PLAT OF VACATION FOR PORTIONS OF ELIZABETH STREET**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE VACATING A PORTION OF THE ELIZABETH STREET  
RIGHT-OF-WAY SOUTH OF ST. CHARLES ROAD**

**WHEREAS**, the Village of Lombard (hereinafter the "VILLAGE") maintains a right-of-way of eighty feet (80') in width for that portion of Elizabeth Street which is located within the corporate limits of the VILLAGE; and

**WHEREAS**, the VILLAGE finds that a drive-through pharmacy is proposed to be developed at the southwest corner of Elizabeth Street and St. Charles Road, Lombard Illinois; and

**WHEREAS**, said development is subject to a development agreement for Walgreens, 309-315 W. St. Charles Road, approved by the Corporate Authorities of the Village of Lombard on September 16, 2004; and

**WHEREAS**, the VILLAGE finds that a portion of Elizabeth Street between St. Charles Road and the Union Pacific Railroad, as described in Section 2 below (hereinafter referred to as the "SUBJECT RIGHT-OF-WAY") is an amount in excess of what is customarily reserved for Village right-of-way purposes; and

**WHEREAS**, the VILLAGE has determined that the SUBJECT RIGHT-OF-WAY would primarily be for the use and benefit of the owner of the parcel at the southwest corner of Elizabeth Street and St. Charles Road and would not serve the transportation needs of the Village; and

**WHEREAS**, the VILLAGE would benefit by transferring the future maintenance responsibilities of the SUBJECT RIGHT-OF-WAY from the VILLAGE to the owner of the parcel at the southwest corner of Elizabeth Street and St. Charles Road; and

**WHEREAS**, the Corporate Authorities of the VILLAGE have received a Plat of Right of Way Vacation for the SUBJECT RIGHT-OF-WAY, attached hereto as "Exhibit A" and made part hereof; and

**WHEREAS**, the Corporate Authorities of the VILLAGE deem it to be in the best interest of the Village of Lombard to authorize said right-of-way vacation if, as consideration for such vacation, the owner of the property located at the southwest corner of Elizabeth Street and St. Charles Road, completes to the satisfaction of the VILLAGE those improvements noted below;

**NOW THEREFORE BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: The President and Board of Trustees find as follows:

- A. Pursuant to 65 ILCS 5/11-91-1, an ordinance vacating a street can provide that it shall not become effective until the owner of a particular parcel of property abutting upon the street to be vacated pays compensation to the municipality in an amount which, in the judgment of the corporate authorities, shall be the fair market value of the property acquired or of the benefits which will accrue to said owner by reason of the vacation.
- B. That the fair market value of that portion of Elizabeth Street as described in Section 3 below is \$ 123,972 (i.e., sale price of abutting property per square foot of \$32.24 multiplied by 3845.30 square feet in area).
- C. That the developer of Walgreens, 309-315 W. St. Charles Road (hereinafter the "ABUTTING PROPERTY OWNER"), shall make payment to the Village for the entire compensation due relative to the street vacation referenced in Section 2 below, as more specifically set forth in Section 4 below.
- D. That the public interest will be served by vacating the SUBJECT RIGHT-OF-WAY.

SECTION 2: The following described SUBJECT RIGHT-OF-WAY:

THAT PART OF ELIZABETH STREET LYING EASTERLY AND ADJACENT TO LOTS 1 AND 3 OF MARQUARDT'S RESUBDIVISION DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3 IN MARQUARDT'S RESUBDIVISION, THENCE NORTH ALONG THE EAST LINES OF SAID LOTS 3 AND 1 IN MARQUARDT'S RESUBDIVISION 202.28 FEET, THENCE SOUTHEASTERLY AT AN ANGLE 51 DEGREES 02 MINUTES 58 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE 25.72 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINES OF SAID LOTS 3 AND 1 IN MARQUARDT'S RESUBDIVISION 182.88 FEET TO THE NORTHERLY PART OF THE RIGHT OF WAY LINE OF CHICAGO AND NORTH WESTERN RAILROAD; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTH WESTERN RAILROAD 20.18 FEET TO THE POINT OF BEGINNING IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DU PAGE COUNTY, ILLINOIS CONTAINING 3845.30 SQUARE FEET (OR 0.0683 ACRES) MORE OR LESS;

as shown on the plat attached hereto as Exhibit "A" and designated "hereby vacated" be and the

same hereby is vacated subject to the conditions listed in Section 3 below.

**SECTION 3:** That this Ordinance shall be subject to the payment by the ABUTTING PROPERTY OWNER, as set forth in Section 1 above, of compensation in the amount of \$123,972, which shall be paid prior to issuance of any building permits by the VILLAGE for the adjacent property at 309-315 West St. Charles Road, as well as compliance with the following conditions:

- A. The SUBJECT RIGHT-OF-WAY to be vacated shall be improved in conformance with a site plan, in full conformance with all applicable VILLAGE Codes and Ordinances and consistent with the terms and conditions as noted in the "Development Agreement for Walgreens, 309-315 W. St. Charles Road," approved by the Corporate Authorities of the Village of Lombard on September 16, 2004.
- B. All public improvements shall be subject to the requirements of the Subdivision and Development Ordinance (Title 15, Chapter 154 of the Lombard Village Code). The Plat of Vacation shall not be recorded and no building permits for private improvements shall be issued until the Department of Community Development has determined that all required submittals have been made.
- C. Construction of the site improvements described within the aforementioned "Development Agreement for Walgreens, 309-315 W. St. Charles Road" and all public improvements shall be completed within thirty-six (36) months from the date of adoption of this Ordinance. Shall the ABUTTING PROPERTY OWNER not complete the above improvements within thirty-six (36) months from the date of adoption of this Ordinance, the ABUTTING PROPERTY OWNER agrees to transfer title of the SUBJECT RIGHT-OF-WAY back to the Village, at no cost to the VILLAGE.
- D. The ABUTTING PROPERTY OWNER shall indemnify and hold harmless the Village with respect to any claim or loss, including but not limited to, attorney's fees, costs and expenses of litigation, claims and judgments in connection with any and all claims or suits of any kind which may arise, either directly or indirectly, as a result of the VILLAGE's adoption of this Ordinance.

**SECTION 4:** Pursuant to 65ILCS 5/11-91-1, the following parcel(s) shall acquire title to that portion of the vacated SUBJECT RIGHT-OF-WAY that lies immediately adjacent thereto:

Parcel Identification Numbers: 06-07-208-016 and 022

**SECTION 5:** That the costs borne by the ABUTTING PROPERTY OWNER associated with environmental testing within the Elizabeth Street or St. Charles Road rights-of-way, as required by the VILLAGE as part of a Highway Authority Agreement may be applied toward



meeting the compensation requirement as set forth in Section 3 above.

SECTION 6: That the ABUTTING PROPERTY OWNER is in agreement with the terms and conditions of this Ordinance, as evidenced below:

We, the undersigned, being the developer of Walgreens, 309-315 W. St. Charles Road, which abuts the SUBJECT RIGHT-OF-WAY described in Section 2 above, hereby state that I have read this Ordinance and voluntarily agree to the conditions stated herein, and the associated compensation for said street vacation as set forth herein.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION 7: That the Department of Community Development is hereby directed to record a certified copy of this Ordinance, along with the original Plat of Vacation, with the DuPage County Recorder of Deeds, subject to the restriction set forth in Section 3 above.

SECTION 8: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

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, pursuant to a roll call vote as follows:

AYES \_\_\_\_\_

NAYS \_\_\_\_\_

ABSENT \_\_\_\_\_

Ordinance \_\_\_\_\_  
September 16, 2004  
Page 5

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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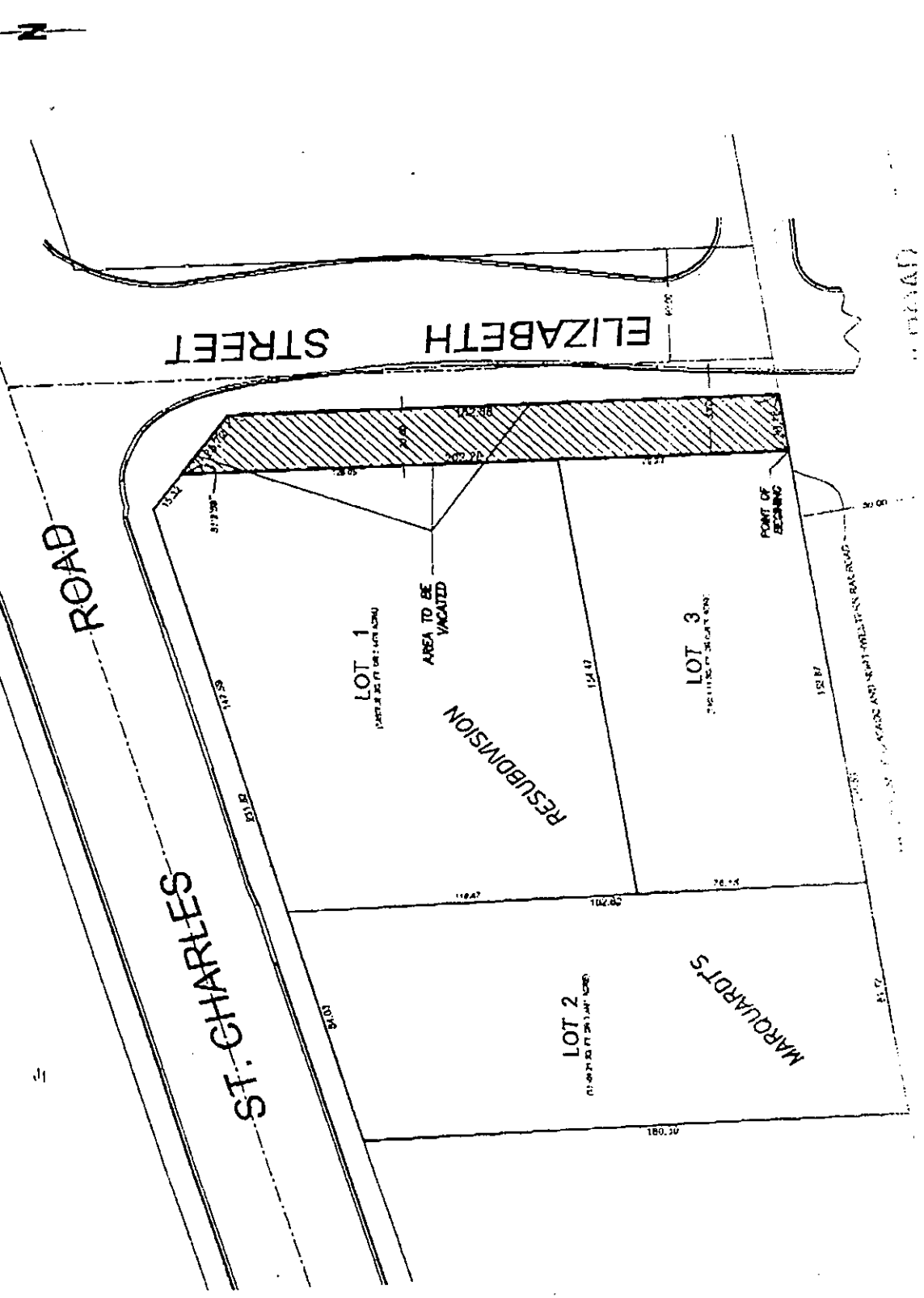
William J. Mueller  
Village President

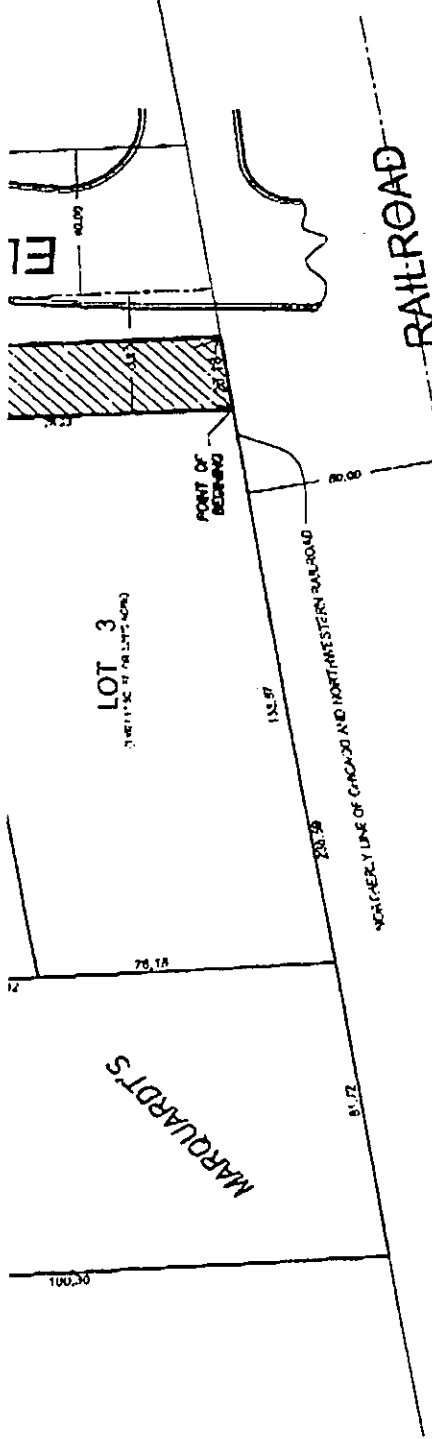
ATTEST:

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Barbara A. Johnson  
Deputy Village Clerk

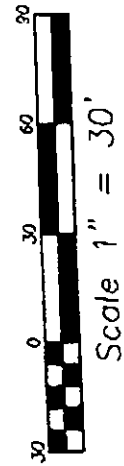
**PLAT OF VACATION**  
**OF**  
**PUBLIC STREET**  
 Village of Lombard, DuPage County, Illinois.





**LEGAL DESCRIPTION:**

THAT PART OF ELIZABETH STREET LYING EASTERLY AND ADJOINING LOTS 1 AND 3 OF MARQUARDT'S RESUBDIVISION DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3 IN MARQUARDT'S RESUBDIVISION THENCE NORTH ALONG THE EAST LINES OF SAID LOTS 3 AND 1 IN MARQUARDT'S RESUBDIVISION 202.28 FEET THENCE SOUTHEASTERLY AT AN ANGLE 51°02'58" MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE 25.72 FEET, THENCE SOUTH PARALLEL WITH THE EAST LINES OF LOTS 3 AND 1 OF MARQUARDT'S RESUBDIVISION 182.28 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF CHICAGO AND NORTHWESTERN RAILROAD; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE OF CHICAGO AND NORTHWESTERN RAILROAD 20.18 FEET TO THE POINT OF BEGINNING IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, CONTAINING 3846.30 SQUARE FEET (OR 0.0883 ACRES) MORE OR LESS.



STATE OF ILLINOIS) SS  
COUNTY OF DUPAGE)

THIS IS TO CERTIFY THAT I, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE PLATTED FROM THE PUBLIC RECORDS THE PROPERTY HEREON DESCRIBED FOR THE PURPOSE OF VACATION OF PUBLIC STREET AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF THE STREET TO BE VACATED.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY  
\_\_\_\_\_ , A.D. 2004.

ROBERT V. LAMBERT, JR.  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 18403



STATE OF ILLINOIS)  
COUNTY OF DUPAGE) SS

APPROVED AND ACCEPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, ILLINOIS, AT A MEETING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2004.

ATTEST: \_\_\_\_\_  
VILLAGE CLERK

STATE OF ILLINOIS)  
COUNTY OF DUPAGE) SS

APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF LOMBARD, ILLINOIS THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_ A.D. 2004.

\_\_\_\_\_  
VILLAGE ENGINEER

**LAMBERT & ASSOCIATES**  
LAND SURVEYORS

320 SOUTH REBER ST. WHEATON, ILL. 60187  
PHONE: (630) 653-6331 FAX: (630) 653-6326

THIS PLAT SUBMITTED BY: \_\_\_\_\_