

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE
FOR A PLANNED DEVELOPMENT WITH VARIATIONS, DEVIATIONS, AND
COMPANION CONDITIONAL USES
IN THE B5A DOWNTOWN PERIMETER DISTRICT**

(PC 05-43; 300-312 South Main Street; Prairie Path Villas)

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, said planned development includes the following companion actions included as part of the petition:

- a) A conditional use from Section 155.417(G) of the Zoning Ordinance to allow for a building of three (3) stories in height and an exception to allow for the building height to be forty-six and one-half feet (46.5') where a maximum of forty-five feet (45') is permitted.
- b) A deviation from Section 155.417(J) and a variation from Section 155.508 (C)(6)(a) of the Zoning Ordinance to allow for a reduction in the transitional building setback from twenty feet (20') to zero feet (0') along the west property line;
- c) A deviation from Section 155.417(K) and a variation from Sections 155.508 (C)(6)(b) and 155.707 (A)(3) of the Zoning Ordinance to allow for a reduction in the transitional landscape setback from ten feet (10') to zero feet (0') along the west property line;
- d) A variation from Section 155.508(C)(6)(a) of the Lombard Zoning Ordinance to allow for a 1-foot corner side yard setback on the perimeter of a planned development where a 30-foot front and/or corner side yard is required in the abutting R5 General Residence District;
- e) A variation from Sections 155.707(B)(3)(a) through (d) of the Zoning Ordinance eliminating the transitional landscape and fence requirements along the west property line;

- f) A variation from Sections 155.205(A)(2)(e) and 155.207 (A) and (C) to allow for building and fence/wall encroachments into the requisite clear line of sight area;
- g) A deviation from Sections 153.211(F) and 153.508(B)(19)(a) of the Sign Ordinance to allow for awning and canopy signs to be displayed in conjunction with wall signs;
- h) A deviation from Section 153.508(B)(19)(c) to allow for more than one wall sign per street frontage; and

WHEREAS, said petition also includes a request to approve a conditional use from Section 155.417(C)(13) and (I) of the Zoning Ordinance to allow for an outdoor service (dining) area; and

WHEREAS, said petition also request that the Lombard Plan Commission be given site plan approval authority for the proposed development; and

WHEREAS, public hearings on such application has been conducted by the Village of Lombard Plan Commission on December 19, 2005 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the petition, subject to conditions; and,

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

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

SECTION 1: That a conditional use for a planned development with the following companion conditional uses, variations and deviations in the B5A Downtown Perimeter District is hereby granted for the Subject Property legally described in Section 3 below, subject to the conditions set forth in Section 4 below:

- a) A conditional use from Section 155.417(G) of the Zoning Ordinance to allow for a building of three (3) stories in height and an exception to allow

for the building height to be forty-six and one-half feet (46.5') where a maximum of forty-five feet (45') is permitted;

- b) A deviation from Section 155.417(J) and a variation from Section 155.508 (C)(6)(a) of the Zoning Ordinance to allow for a reduction in the transitional building setback from twenty feet (20') to zero feet (0') along the west property line;
- c) A deviation from Section 155.417(K) and a variation from Sections 155.508 (C)(6)(b) and 155.707 (A)(3) of the Zoning Ordinance to allow for a reduction in the transitional landscape setback from ten feet (10') to zero feet (0') along the west property line;
- d) A variation from Section 155.508(C)(6)(a) of the Lombard Zoning Ordinance to allow for a 1-foot corner side yard setback on the perimeter of a planned development where a 30-foot front and/or corner side yard is required in the abutting R5 General Residence District;
- e) A variation from Sections 155.707(B)(3)(a) through (d) of the Zoning Ordinance eliminating the transitional landscape and fence requirements along the west property line;
- f) A variation from Sections 155.205(A)(2)(e) and 155.207 (A) and (C) to allow for building and fence/wall encroachments into the requisite clear line of sight area;
- g) A deviation from Sections 153.211(F) and 153.508(B)(19)(a) of the Sign Ordinance to allow for awning and canopy signs to be displayed in conjunction with wall signs;
- h) A deviation from Section 153.508(B)(19)(c) to allow for more than one wall sign per street frontage.

SECTION 2: That a conditional use from Section 155.416(C)(13) of the Zoning Ordinance to allow for an outdoor service (dining) area in the B5A Downtown Perimeter District is hereby granted for the Subject Property legally described in Section 3 below, subject to the conditions set forth in Section 4 below; and

SECTION 3: That the ordinance is limited and restricted to the property generally located at 300-312 South Main Street, Lombard, Illinois, and legally described as follows:

Lots 1, 2 & 3 (except the south 38 feet thereof) in Block 31, in the Town of Lombard, being a Subdivision in Sections 5, 6, 7, 8 and 18, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded April 23, 1868, as document 9483, in DuPage County, Illinois.

Parcel Numbers: 06-07-219-005 and 006

SECTION 4: The zoning actions set forth in Sections 1 and 2 above shall be granted subject to compliance with the following conditions:

1. The petitioner shall enter into a development agreement with the Village setting forth the terms and conditions for development on the subject property, unless the Village Board determines that such an agreement is not necessary.
2. The petitioner shall develop the site in accordance with the Preliminary Engineering Plat Packet, prepared by Sanda Consulting Group, LLC, dated October 26, 2005, the Landscape Plan, prepared by Sublime Design, dated November 14, 2005; the Development Plan Packet,, prepared by SKJN Architekten Corp., dated November 14, 2005; and the submitted Materials Board, prepared by SKJN Architekten Corp., dated December 1, 2005 and made a part of this petition; except as varied by the conditions of approval.
3. As part of the building permit submittal, the petitioner shall satisfactorily address the comments included as part of the Inter-Departmental Review Report.
4. The petitioner shall install fencing along the western property line, no greater than eight (8) feet and no less than six (6) feet in height. Design of the fencing is subject to the approvals of the Director of Community Development. The fencing shall meet all Village setback and clear line of sight requirements.
5. The petitioner shall locate any parking lot lighting at a height and location that minimizes neighborhood impact and shall meet the Village's photometric requirements. Moreover, the lighting within the parking garage area shall be recessed so as to not be visible or create a glare onto neighboring properties. Such additional lighting information shall be reviewed and approved by the Director of the Department of Community Development prior to installation.
6. The petitioner shall incorporate the recommendations of the Village's traffic consultant and Village staff into the final development plans for the site.
7. The right-of-way improvements shall be designed and installed to address the comments raised by engineering staff. The petitioner shall provide a public access easement on the

subject property for any areas in which the constructed sidewalk is less than four feet in width.

8. The petitioner shall submit a Plat of Consolidation to the Village for review and approval. Said plat shall consolidate the subject properties into a single lot of record and shall be required concurrent with the building permit submittal.
9. The proposed wall and awning signs on the building shall be designed and located on the building consistent with the submitted plans.
10. The outdoor dining area shall be designed and operated in a manner that provide for at least four feet of width for pedestrians at all times.
11. The property shall be developed consistent with Village Code.

SECTION 5: That Site Plan Approval authority is hereby granted for the planned development.

SECTION 6: 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 _____, 2006.

First reading waived by action of the Board of Trustees this ____ day of _____, 2006.

Passed on second reading this ____ day of _____, 2006.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2006.

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Re: PC 05-43
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William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

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