

ORDINANCE NO. _____

**AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE 5695
GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT
IN THE I LIMITED INDUSTRIAL DISTRICT,
GRANTING AN AMENDMENT TO THE PERMITTED USE LIST
AND GRANTING A FENCE VARIATION
TO THE LOMBARD ZONING ORDINANCE**

(PC 05-41: 1301 North Lombard Road)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, on August 18, 2005, the President and Board of Trustees adopted Ordinance 5695, granting a conditional use for a planned development with deviations, variations and use exceptions for the property legally described herein pursuant to Title 15, Chapter 155, Section 155.501 et. seq. of the Code of Lombard (hereinafter the "Subject Property"); and

WHEREAS, the below described property is zoned IPD Limited Industrial District, Planned Development; and

WHEREAS, a petition has been received by the Village to amend the previously approved conditional use for a planned development, in the following respects:

1. Amend Ordinance 5695 to allow for temporary retail sales associated with warehouse/distribution activities located on the subject property.
2. Grant a variation to Section 155.205 (A)(3)(c)(1) of the Zoning Ordinance to allow for a twelve-foot (12') solid fence where a maximum ten-foot (10') high fence is permitted.
3. Pursuant to Ordinance 5695, grant site plan approval for the development on the Subject Property, based upon the petitioner's submitted plans; and

WHEREAS, Title 15, Chapter 155, Sections 155.504 and 155.103(F)(13) allow for ordinance amendments granting a conditional use for a planned development and for previously established conditional uses after a public hearing before the Village's Plan Commission; and

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the amendment described herein; and,

WHEREAS, a public hearing on such application have been conducted by the Village of Lombard Plan Commission on November 21, 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 amendment to the conditional use for a planned development and the variation and use exceptions as 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; and

WHEREAS, the President and Board of Trustees of the Village of Lombard have reviewed the request and find it would be in the best interest of the Village to grant said conditional use amendment, variations and use exceptions, subject to the terms and conditions established by this ordinance; and

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

SECTION 1: That this ordinance is limited and restricted to the property generally located at 1301 North Lombard Road, Lombard, Illinois, and legally described as follows:

Lot 1 in Lombard Business Center, Unit Two, being a subdivision of that part of the east ½ of the west ½ of the northeast ¼ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, lying south of the southerly right-of-way of the Illinois Central Railroad (except the south 210 feet thereof), according to the plat thereof recorded November 6, 1974 as Document R74-56524, in DuPage County, Illinois; also

A tract of land legally described as follows: Commencing at the southeast corner of Lot 1 in Lombard Business Center, Unit Two, being a subdivision of that part of the east ½ of the west ½ of the northeast ¼ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, lying south of the southerly right-of-way of the Illinois Central Railroad, according to the plat thereof recorded November 6, 1974 as Document R74-56524, in DuPage County, Illinois, thence east along the south line of said Lot 1, a distance of 624.98 feet, thence south 210.0 feet to a point along the south line of the northeast ¼ of Section 31 Township 40 North, Range 11 East of the Third Principal Meridian, thence westerly along the south line of the northeast ¼ of Section 31 Township 40 North, Range 11 East of the Third Principal Meridian, a distance of 624.98 feet, thence north 210.0 feet to a point of beginning, in DuPage County, Illinois; also

That part of Lombard Road lying south of the south line of the Illinois Central Railroad Right-of-Way and north of the north line of the Commonwealth Edison Right-of-Way, in the Northeast ¼ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, in DuPage County,

Illinois; and

That part of Lombard Road lying south of the north line of the Commonwealth Edison Right-of-Way and north of the south line of the Commonwealth Edison Right-of-Way, in the Northeast ¼ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois.

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SECTION 2: That a conditional use for a planned development is hereby granted for the Subject Property, subject to compliance with the conditions set forth in Section 5 below.

SECTION 3: A conditional use is hereby granted to allow more than one principal building on the Subject Property, subject to compliance with the conditions set forth in Section 5 below.

SECTION 4: The following variations, deviations and exceptions are hereby granted relative to the Subject Property, subject to the conditions set forth in Section 5 below:

1. That a variation be and hereby is granted from the requirements of Section 154.506 (D) of the Subdivision and Development Ordinance requiring that all lots front on a public street.
2. That a variation be and hereby is granted from the requirements of Section 154.602 (D)(3)(e)(f) and (g) of the Subdivision and Development Ordinance requiring that no building permits be issued prior to the completion of the water distribution system, sanitary sewer system and public right-of-way improvements.
3. That a variation be and hereby is granted from the requirements of Section 155.103 (C)(10) of the Zoning Ordinance providing that all variations shall become null and void unless work thereon is substantially under way within 12 months of issuance.
4. That a variation be and hereby is granted from the requirements of Section 155.103(F)(11) of the Zoning Ordinance providing that authorization for a conditional use shall be null and void if construction is not substantially underway within 18 months of grant of approval for the development.
5. That a variation be and hereby is granted from the requirements of Section 155.205(A)(2)(e) of the zoning Ordinance regulating fences or walls in the Clear Line of Sight Area.
6. That a variation be and hereby is granted from the requirements of Section 155.212 of the

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Zoning Ordinance limiting Obstructions in Required Yards to occupy no more than 30 percent of a Required Yard.

7. That a variation and use exception be and hereby is granted from the requirements of Section 155.418 (B) and (C) of the Zoning Ordinance identifying and establishing permitted, conditional and prohibited uses within the planned development.
8. That a variation be and hereby is granted from the requirements of Section 155.418 (E) of the Zoning Ordinance requiring that all uses have a minimum lot width of 80 feet.
9. That variations and deviations be and hereby is granted from the requirements of Section 155.418 (F) of the Zoning Ordinance providing for minimum 25 foot front yards, 25 foot corner side yards, 15 foot interior side yards, and 15 foot rear yards (or 1 foot yards along railroad rights-of-way) for principal buildings and structures.
10. That a variation be and hereby is granted from the requirements of Section 155.418(H) of the Zoning Ordinance requiring that the minimum open space for each use be not less than 10 percent of the lot.
11. That a variation be and hereby is granted from the requirements of Section 155.418 (K) and 155.707(A)(4) of the Zoning Ordinance requiring a 30 foot transitional landscape yard abutting a CR District.
12. That a variation be and hereby is granted from the requirements of Sections 155.503 and 155.507 of the Zoning Ordinance specifying certain plan submittal requirements for planned developments.
13. That a variation be and hereby is granted from the requirements of Section 155.508 (C)(6)(b) of the Zoning Ordinance requiring planned developments with exceptions to satisfy all transitional landscape yard requirements.
14. That a variation and a deviation be and hereby is granted from the requirements of Section 155.602 (A)(3), (4) and (7) of the Zoning Ordinance regulating off-site and collective parking.
15. That a variation be and hereby is granted from the requirements of Sections 155.706 (B) and (C) and 155.709 requiring that lot interiors, perimeters and perimeter parking lots provide a minimum of five feet of landscaped area.
16. That a deviation be and hereby is granted from the requirements of Section 153.507 (D) of the Sign Ordinance limiting to one (1) the number of freestanding signs on any one parcel.

17. That a deviation be and hereby is granted from the requirements of Section 153.507 (B)(5)(b) and (c) of the sign Ordinance allowing for signage to exceed 6 feet in height and 30 square feet in area.
18. That a deviation be and hereby is granted from the requirements of Section 153.507(B)(11)(a) and (b) allowing for more than one wall sign per street front exposure.

SECTION 5: The conditional uses, variations, deviations and exceptions set forth in Sections 2, 3 and 4 above shall be granted subject to compliance with the following conditions:

1. That the petitioner shall enter into a development agreement with the Village (attached as Exhibit A and incorporated into this Ordinance) to address any future development of the subject property and which includes the following provisions:
 - a. Uses on the I Limited Industrial Property shall be permitted, allowed as a conditional use only, or prohibited, all in accordance with the use listings set forth on the Use Chart incorporated into the development agreement.
 - b. Approval of any principal buildings or structures consistent with the Concept Site Plans shall be submitted to the Village's Plan Commission for site plan approval.
 - c. Any outside storage of motor vehicles, including truck trailers, equipment or product associated with a legally permitted business establishment operating on the Subject Property, shall be permitted to be located on the Commonwealth Edison Property and/or the Subject Property provided that said storage is ancillary to a permitted use established on the Subject Property. However, storage of bulk landscape material on the Commonwealth Edison Property shall be prohibited. The final design of the Commonwealth Edison Property storage area must comply with all applicable provisions of Village Code, except as varied by this Agreement or the Planned Development Ordinance. Owner and Developer shall submit final plans for any improvements on the Commonwealth Edison Property as part of a site plan approval application to the Village.
 - d. Off-street parking facilities for different buildings, structures or uses, or for a mixed-use building or structure, may be provided collectively and permitted for two (2) or more users. In the event two (2) or more users with complementary parking demand apply for site plan approval which includes a total number of parking spaces less than cumulatively required for all uses on such sites, or where the parking on any one (1) of the sites proposed for a shared parking arrangement is less than required by the

Village's Zoning Ordinance, site plan approval may be denied on such grounds unless the applicants provide satisfactory evidence to the Director of Community Development that (a) the cumulative parking proposed to be provided will be sufficient for all proposed uses, and (b) that appropriate agreements and protections, subject to approval as to form and content by the Director of Community Development and the Village's attorney, will be made to ensure the continued availability of adequate parking for all proposed and future users of all such sites.

- e. In lieu of Section 155.418.E of the Village's Zoning Ordinance, the Village has agreed to vary the minimum lot width of eighty (80) feet as required in the I Limited Industrial District to seventy (70) feet in width to provide for the consolidation of the Grant Property and the Vacation Properties into a single lot of record.
- f. In lieu of the provisions of Section 155.418.F of the Village's Zoning Ordinance, providing for minimum twenty-five (25) foot front yards, twenty-five (25) foot corner side yards, fifteen (15) foot interior side yards, and fifteen (15) foot rear yards (or one (1) foot yards along railroad rights-of-way) for principal buildings and structures, the Village has agreed to a deviation where these yards will not be at the perimeter of the proposed planned development boundaries (i.e., along the Commonwealth Edison right-of-way line or the proposed wetland outlot), or along the existing west property line of the Lombard Road right-of-way subject to the vacation.
- g. In lieu of the provisions of Section 155.418.H of the Village's Zoning Ordinance, the Village has agreed to a deviation requiring that the minimum open space for each use be not less than ten percent (10%) of the site provided that the overall percentage of open space for the entire I Limited Industrial Property is not less than twelve and one half percent (12.5%).
- h. In the event that the Village annexes the property owned by the DuPage County Forest Preserve District Property abutting and immediately east of the Subject Property and approves a map amendment to rezone the Forest Preserve Property to the Village's C/R Conservation District, the transitional landscape yard and building setback requirements of Sections 155.418.K and 155.707.A.4 of the Village's Zoning Ordinance shall not be applicable to the Subject Property.
- i. In lieu of Sections 155.706.B and C and 155.709 of the Village's Zoning Ordinance requiring that lot interiors, perimeters and perimeter parking lots provide a minimum of five (5) feet of landscaped area, the Village has agreed to a deviation, subject to site plan approval, to eliminate the five (5) foot perimeter landscape requirement for the south property line of the Subject Property and for the north property line of the Commonwealth Edison Property. In addition, interior parking lot landscape islands

shall not be required on the Commonwealth Edison Property.

- j. In the site plan approval process, the Village may consider the compatibility of the architecture, design and materials proposed for development of a site with the design and materials used or proposed to be used for other sites. Exclusive of window areas, exterior facades shall consist of stone, brick, split face block, precast concrete, glass or cedar. All buildings shall meet the full provisions of the Village's Building Code and any amendments thereto. For purposes of this Agreement, a metal pre-fabricated building with an exterior building façade comprised of the building materials noted above shall be deemed as meeting the requirements of this subsection.
- k. All outdoor trash collection areas shall be screened on all four (4) sides, with a masonry or concrete wall constructed with the same materials as the principal building; with such areas being located no closer than fifteen (15) feet to any other structure, unless protected with approved automatic fire sprinklers.
- l. Concurrent with a site plan approval application, the Owner and Developer shall submit a companion landscape plan for review and approval. The plan shall comply with the provisions of the Village's Zoning Ordinance, except as varied by this Agreement.
- m. The same lighting fixtures shall be utilized for all private roadway lighting and parking lot lighting on the Subject Property or the Commonwealth Edison Property. The Developer shall provide complete specifications and photometric plans for the proposed fixtures. Such additional information shall be reviewed and approved by the Director of Community Development and the Director of Public Works prior to installation.
- n. The common signage for the Subject Property shall be compatible with the entry feature signage proposed for the development entrance subject to review and approval by the Plan Commission as part of a Site Plan Approval application.
- o. To the extent that the Village's Sign Ordinance bases signage rights and regulations on street frontage, any frontage on perimeter drive aisles on the Subject Property shall be considered to satisfy public street frontage criteria or requirements. Signs need not be legible from the nearest right-of-way if they are legible from a private street or perimeter drive aisle, whichever is nearer the sign.
- p. In lieu of Section 153.507 (D) of the Village's Sign Ordinance limiting to one (1) the number of freestanding signs on any single parcel in an I Limited Industrial District, the Village has agreed to a deviation to allow more than one (1) freestanding sign and

to allow for the combination of signs to be allowed to be determined as part of the site plan approval process.

- q. In lieu of Sections 153.507 (B)(5)(b) and (c) of the Village's Sign Ordinance providing that signage shall not exceed six (6) feet in height or thirty (30) square feet in area in the I Limited Industrial District, the Village has agreed to a deviation to allow for a height deviation to be approved for the main entrance sign, proposed to be located at the entrance to the Subject Property, as part of the site plan approval process.
 - r. In lieu of Sections 153.507(B)(11)(a) and (b) of the Village's Sign Ordinance, the Village has agreed to a deviation to allow for more than one (1) wall sign per street front exposure to be approved as part of the site plan approval process.
 - s. The clear line of sight triangle at the entrance to the Subject Property shall be represented on all plans, as appropriate, and no deviations are permitted unless the Plan Commission, through the site plan approval process, determines that public safety will not be compromised.
 - t. That a thirty foot (30') cross-access easement shall be provided for use and benefit of the Village to access any outlots, stormwater facilities or wetland areas.
 - u. That all stormwater improvements associated with each phase of the development of the subject property shall be constructed and be fully operational prior to starting construction of any buildings.
2. That the petitioner shall apply for and receive site plan approval for the development of the subject property prior to starting construction of any new buildings, parking lot improvements or development signage on the subject property.
 3. That the petitioner shall amend the conceptual site plans to reflect the correct right-of-way width for the proposed Lombard Road vacation area.
 4. As set forth in Section 20 of Exhibit A, in the event the Grant Property is not sold and conveyed to the developer or its assignee within four (4) months from the date hereof, this Ordinance shall automatically terminate. Upon conveyance of the Grant Property to the developer or its assignee, the Developer or its assignee shall notify the Village in writing of said conveyance.

SECTION 6: That Site Plan Approval Authority is hereby granted to the Lombard Plan

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Commission for review and approval of any proposed buildings or structures, signage deviations or parking deviations proposed within the planned development, pursuant to this Ordinance and the provisions of the Zoning Ordinance.

SECTION 7: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2005.

First reading waived by action of the Board of Trustees this _____ day of _____, 2005.

Passed on second reading this _____ day of _____, 2005.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2005.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk