

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

**AN ORDINANCE GRANTING AN AMENDMENT TO A CONDITIONAL USE  
FOR A PLANNED DEVELOPMENT WITH DEVIATIONS,  
OUTDOOR DINING AND A DRIVE THROUGH ESTABLISHMENT IN A  
B3 COMMUNITY SHOPPING DISTRICT**

(PC 04-25; 201, 205 and 211 E. Roosevelt Road; 1200 S. Highland Avenue; and 112-116 & 120-124 E. 13<sup>th</sup> Street (Southwest Corner of Roosevelt Road & Highland Avenue))

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 approval of an amendment to a previously approved conditional use for a planned development in a B3PD Community Shopping District, Planned Development; and

WHEREAS, said planned development includes deviations from Section 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking; and a variation from Sections 155.706 and 155.709 of the Zoning Ordinance to reduce requisite parking lot and perimeter landscaping requirements; and

WHEREAS, said planned development includes Sign Ordinance deviations from Section 153.505 (B)(17)(a)(2) to allow for more than one wall sign on a street frontage, a deviation from Section 153.505 (B)(17)(b)(2) to allow for more than one wall sign for interior tenants, as well as a deviation from Section 153.234(F) to allow for a free-standing sign to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way; and

WHEREAS, said application also requests approval of a conditional uses for a drive-through facility and for an outdoor dining/service establishment; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on April 17, 2006 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 uses and deviations 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 an amendment to a conditional use for a planned development, as approved by Ordinance 5560, with the following deviations as well as a conditional use for outdoor dining and for a drive-through establishment as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

1. For Lot 1 of the proposed resubdivision:
  - a. A conditional use pursuant to Section 155.414 (C)(18) of the Zoning Ordinance for an outdoor dining/service establishment;
  - b. A deviation from Section 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking;
  - c. A deviation from Section 153.234(F) of the Lombard Sign Ordinance to allow for a free-standing sign to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way; and
  - d. A deviation from deviation from Section 153.505 (B)(17)(b)(2) of the Sign Ordinance to allow for more than one wall sign for interior tenants.
2. For Lot 2 of the proposed resubdivision:
  - a. A conditional use pursuant to Section 155.414 (C)(7) of the Zoning Ordinance for a drive-through facility;

- b. A variation from Sections 155.706 and 155.709 of the Zoning Ordinance to reduce requisite parking lot and perimeter landscaping requirements;
- c. A deviation from Section 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking;
- d. A deviation from Section 153.505 (B)(17)(a)(2) of the Sign Ordinance to allow for more than one wall sign on a street frontage; and

SECTION 2: That the ordinance is limited and restricted to the properties generally located at 201, 205 and 211 E. Roosevelt Road; 1200 S. Highland Avenue; and 112-116 & 120-124 E. 13<sup>th</sup> Street, Lombard, Illinois, and legally described as follows:

Lots 1 through 5 in V-Land Lombard Highland Subdivision, being a subdivision of part of the west one-half of the northwest quarter of Section 20, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded November 18, 2005 as Document R2005-258891, in DuPage County, Illinois.

Parcel Numbers: 06-20-110-001, 002, 003, 004, and 005

SECTION 3: The conditional uses, variations and deviations set forth in Section 1 above shall be granted subject to compliance with the following conditions:

- 1. That the petitioner shall develop the site in accordance with the site and development plan packet prepared by Woolpert LLC, dated April 5, 2006, except as modified as part of the final engineering review and approval for the proposed development.
- 2. The petitioner shall enter into a second amendment to the annexation agreement for the subject property.

3. The petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
4. That any trash enclosure screening required by Section 155.710 of the Zoning Ordinance shall be constructed of material consistent with the principal building in which the enclosure is located.
5. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall allow for cross-access and cross parking between each lot within the proposed development.
6. The developer shall provide requisite fees to cover the cost of providing parkway trees around the perimeter of the site, consistent with Section 155.705 (C) of the Village Code. Where proposed trees are within an area proposed for an environmental barrier, a vault shall be provided for the trees. Where insufficient right-of-way width precludes placement of parkway trees within the right-of-way itself, the petitioner shall install the plantings on the adjacent private property.
7. Should construction on the project not commence within ninety days from the date of approval of the annexation/development agreement amendment, the petitioner shall provide 4" of graded topsoil over the property and shall seed the property.
8. The west end-cap tenant space within the shopping center shall be developed as a single sit-down restaurant of at least 5,491 square feet in size. The remainder of the center shall not be subdivided or partitioned to have more than five separate tenant spaces or business establishments.
9. Upon a request by the Village, the developer shall provide for an easement for a future bus shelter to be located adjacent Roosevelt Road, with the final location to be determined by the Village.
10. To ensure that the proposed signage, awnings and building elevations present a favorable appearance to neighboring properties and are consistent with the planned development objectives, the property shall be developed and operated as follows:
  - a. That channel lettering shall only be used for the wall signs.

- b. That the perimeter of the proposed dining area for the retail building shall be fenced, with the design of the fence subject to the approval of the Director of Community Development.
  - c. That all rooftop mechanical equipment shall be screened pursuant to Section 155.221 of the Zoning Ordinance.
  - d. The petitioner shall submit final building elevations to the Village for review and approval prior to final consideration of the petition by the Village Board.
  - e. The north, west and east elevations of the proposed shopping center shall be constructed and maintained to not have any additional exterior doors other than those necessary for customer/employee access or as required by the Lombard Fire Department.
11. That the proposed bank facility shall be design essentially in accordance with the submitted building elevations dated April 14, 2006 and submitted as part of this petition.

SECTION 4: That all provisions of Ordinance 5560 not amended by this petition shall remain in full force and effect.

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 \_\_\_\_\_, 2006.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2006.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

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

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

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

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Re: PC 06-13  
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Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

Published by me this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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Brigitte O'Brien, Village Clerk