



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
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OTHER 06-17-406-051
007 PAGES R2006-138333

ORDINANCE NO 5825

**GRANTING AN AMENDMENT TO ORDINANCE 5242
APPROVING A CONDITIONAL USE FOR A DRIVE-
THROUGH ESTABLISHMENT AND A VARIATION FROM
THE FREE-STANDING SIGN SETBACK
REQUIREMENTS; LOCATED IN THE B3 COMMUNITY
SHOPPING DISTRICT**

Addresses: 844 E. Roosevelt Road, Lombard

PINs: 06-17-406-051

Return To:

**Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148**

ORDINANCE NO. 5825

**AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE 5242
APPROVING A CONDITIONAL USE FOR A DRIVE THROUGH
ESTABLISHMENT AND A VARIATION FROM
THE FREE-STANDING SIGN SETBACK REQUIREMENTS;
LOCATED IN THE B3 COMMUNITY SHOPPING DISTRICT**

(PC 06-06; 844 E. Roosevelt 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, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Sign Ordinance, otherwise known as Title 15, Chapter 153 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned B3 Community Shopping District; and,

WHEREAS, on February 6, 2003, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5242, which granted approval of a conditional use for a drive through establishment/service on the property located at 844 East Roosevelt road and legally described in Section 1 below (hereinafter the "Subject Property"), subject to conditions of approval; and

WHEREAS, an application has heretofore been filed to amend the approved site plan and drive-through configuration associated with Ordinance 5242; and

WHEREAS, said application also request approval of a variation from Section 153.505(B)(6)(c)(2) of the Lombard Sign Ordinance to allow for a free-standing sign to be located closer than seventy-five (75) feet from the center line of the Roosevelt Road state right-of-way.

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on February 20, 2006 pursuant to appropriate and legal notice; and,

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Re: PC 06-06

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WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the conditional use 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 the ordinance is limited and restricted to the property generally located at 844 E. Roosevelt Road, Lombard, Illinois, and legally described as follows:

Parcel 1: Lot 1 in Shallwani Plat of Subdivision, being a subdivision located in the Southeast Quarter of Section 17, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat recorded April 9, 2003 as Document Number R2003-133821, in DuPage County, Illinois.

Also Parcel 2: A non-exclusive easement appurtenant to Parcel 1 for ingress and egress over and across: A tract of land in the Southeast Quarter of Section 17, Township 39 North, Range 11, East of the Third Principal Meridian, described as follows: Commencing at a point on the North right-of-way line of Roosevelt Road, as dedicated, 28 feet West of the East line of said Section 17, thence North 88 degrees 44 minutes 51 seconds West 25 feet on the last said North line, thence North 0 degrees 00 minutes 35 seconds East 30 feet to a point of curve; thence Northerly on a curve convex to the West having a radius of 95 feet, an arc distance of 55.54 feet and a chord bearing of North 16 degrees 45 minutes 35 seconds East to a point of reverse curve; thence Northerly on a curve convex to the East having a radius of 55 feet, an arc distance of 32.18 feet and a chord bearing of North 16 degrees 52 minutes 53 seconds East; thence South 0 degrees 00 minutes 35 seconds West 113.34 feet to a place of beginning, all in DuPage County, Illinois. Also the West 25 feet of the East 28 feet of the Southeast Quarter of Section 17, Township 39 North, Range 11, lying North of the right-of-way line of Roosevelt Road as dedicated and South of the North 2,320 feet of said Southeast quarter.

Parcel Number: 06-17-406-051

SECTION 2: That Ordinance 5242 granting a conditional use for a drive through establishment is hereby amended and a variation from Section 153.505(B)(6)(c)(2) of the Lombard Sign Ordinance to allow for a free-standing sign to be located closer than seventy-five (75) feet from the center line of the Roosevelt Road state right-of-way is hereby granted for the Subject Property, subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the site plan prepared by Bendetto Reitan Architects, LLC, dated February 8, 2006; the preliminary building elevations, prepared by Bendetto Reitan Architects, LLC, dated January 23, 2006; the sign plan prepared by Bendetto Reitan Architects, LLC, dated February 14, 2006; and the preliminary engineering, lighting and landscape plans, prepared by Loeppert Associates, Inc., dated January 23, 2006 and submitted as part of this request; except where modified to meet IDRC comments and Village Code requirements.
2. The final design and location of all public improvements located within the public right-of-way shall be reviewed and approved by the Village and/or the Illinois Department of Transportation.
3. The owner or subsequent owners of the Subject Property shall not object to adding the owner of the vacant parcel at 850 E. Roosevelt (PIN 06-16-309-019) to the parties with cross-access easement rights on and/or across the Subject Property, upon a request by the Village.

SECTION 3: All conditions of approval set forth herein shall supercede and replace the conditions of approval set forth in Ordinance 5242.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this 2nd day of March, 2006.

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

Passed on second reading this 16th day of March, 2006.

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Re: PC 06-06


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

Nays: None

Absent: None

Approved by me this 16th, day of March, 2006.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this 21st day of March, 2006.


Brigitte O'Brien, Village Clerk

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Re: PC 06-04

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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 2nd day of March, 2006.

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

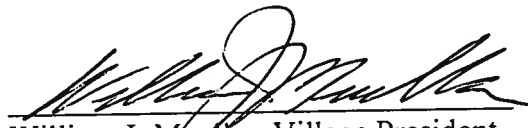
Passed on second reading this 16th day of March, 2006, pursuant to a roll call vote as follows:

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

Nays: None

Absent: None

Approved by me this 16th day of March, 2006.

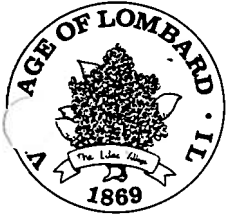

William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published in pamphlet from this 21st day of March, 2006.


Brigitte O'Brien, Village Clerk



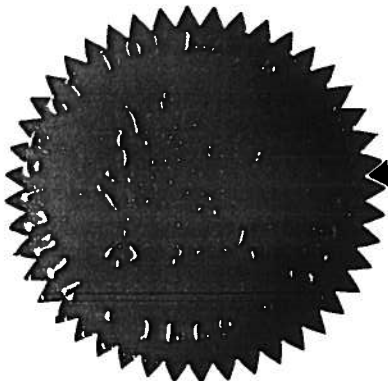
I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

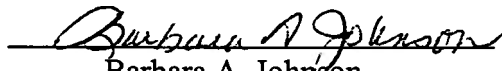
I further certify that attached hereto is a true and correct copy of ORDINANCE 5825

AN ORDINANCE GRANTING AN AMENDMENT
TO ORDINANCE 5242 APPROVING A
CONDITIONAL USE FOR A DRIVE THROUGH
ESTABLISHMENT AND A VARIATION FROM
THE FREE-STANDING SIGN SETBACK
REQUIREMENTS IN REGARD TO THE PROPERTY
LOCATED AT 844 E. ROOSEVELT ROAD,
LOMBARD, DUPAGE COUNTY, ILLINOIS,
PIN 06-17-406-051.

of the said Village as it appears from the official records of said Village duly passed on March 16, 2006.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 20th day of June, 2006.




Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois