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12/2/04

**MEMORANDUM**

**TO:** William T. Lichter  
Village Manager

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

**DATE:** December 2, 2004

**RE:** PC 04-35: 610 S. Main

As requested by Trustee Tross, staff researched a provision included in the original approval of the conditional use granted for the business located at 610 S. Main. The final ordinance, approved May 18, 1995, included the following condition:

“5.) If notified by the Village within five (5) years of the date of this Ordinance that the Village intends to erect a bus shelter for the bus stop on the Main Street side of the property referenced in Section 2 above (hereinafter the “Subject Property), and that for the public safety purposes the bus shelter cannot be entirely located within the dedicated public right-of-way, the property owner shall grant to the Village an easement across that portion of the Subject Property as is necessary for the proper and safe erection of the bus shelter.”

As the five-year time limitation has expired, if the Board desires to reinstate this condition it must include the same condition with the approval of the current petition. Staff has examined the proposed site plan and has determined that the most suitable location for a bus shelter would be at the southeast corner of the property, as the bus currently stops at that location. If the condition were to be included, the anticipated vehicle turning movements may preclude the third pump to be placed at its proposed location.

**Recommendation**

If the Board wishes to retain the right for future placement of a bus shelter at the southeast corner of the subject property, staff recommends that the Board continue the petition and direct the petitioner to submit a modified site plan depicting a configuration that will accommodate the shelter.

Revised 5/19/95

ORDINANCE NO. 4021

AN ORDINANCE APPROVING A CONDITIONAL USE  
OF THE LOMBARD ZONING ORDINANCE  
TITLE XV, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS

PC 95-12; 610 South Main Street, Lombard, IL)

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

WHEREAS, the subject property is zoned B2 General Neighborhood Shopping District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a Conditional Use from Title XV, Chapter 155, Section 103(F)(13) of said Zoning Ordinance, to provide for the expansion of a gasoline service station (canopy); and,

WHEREAS, a public hearing has been conducted by the Plan Commission on May 10, 1995 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 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 is hereby granted from the provisions of Title XV, Chapter 155, Section 103(F)(13) of the Lombard Zoning Ordinance, for the property described in Section 2 below and to provide for the expansion of a gasoline service station (canopy).

Section 2: That this ordinance is limited and restricted to the property generally located at 610 South Main Street, Lombard, Illinois, and legally described as follows:

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Lot 1 in Block 1 in Green Valley, a subdivision in Sections 7 and 18, Township 39 North, East of the Third Principal Meridian, according to the plat thereof, recorded July 25, 1944, in Book 25 of Plats as Document Number 465288, and that part of Madison Street as vacated by Document R70-6437, in the Village of Lombard, DuPage County, Illinois.

Parcel No. 06-18-203-032

Section 3: That this ordinance shall be subject to the following conditions:

1. A six (6) to eight (8) foot board-on-board fence shall be installed along the west and south lot lines adjacent to the residential use properties, provided that within the first thirty (30) feet of the lot along Madison Street and Main Street, the fence shall not be taller than four (4) feet.
2. No wall (canopy) sign shall be installed on the proposed canopy.
3. The proposed conditional use shall become null and void if not substantially underway within one (1) year from the date of Village Board approval.
4. The canopy shall comply with the site plan date stamped March 21, 1995 and prepared by L.S.C.I., Inc.
5. If notified by the Village within five (5) years of the date of this Ordinance that the Village intends to erect a bus shelter for the bus stop on the Main Street side of the property referenced in Section 2 above (hereinafter the "Subject Property"), and that for public safety purposes the bus shelter cannot be entirely located within the dedicated public right-of-way, the property owner shall grant to the Village an easement across that portion of the Subject Property as is necessary for the proper and safe erection of the bus shelter.

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.

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Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

First reading waived by action of the Board of Trustees this  
18th day of May, 1995.


Passed on second reading this 18th day of May, 1995.

Ayes: Trustees Carlson, Tross, Koenig, Jaugilas, Gatz and Mackett


Nayes: None

Absent: None

Approved this 18th day of May, 1995.

  
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William J. Mueller  
Village President

ATTEST:

  
\_\_\_\_\_  
Lorraine G. Gerhardt  
Village Clerk

APPROVAL AS TO FORM:

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Thomas P. Bayer  
Village Attorney