



**J.P. "RICK" CARNEY**  
DUPAGE COUNTY RECORDER  
DEC.29,1999 11:20 AM  
OTHER 06-06-100-047  
007 PAGES R1999-265306

**ORDINANCE NO. 4740**

**AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO TITLE 15, CHAPTER 155, SECTION 413 OF THE LOMBARD ZONING ORDINANCE; A VARIATION PURSUANT TO TITLE 15, CHAPTER 155, SECTION 602(A), A VARIATION PURSUANT TO TITLE 15, CHAPTER 155, SECTION 708 AND A VARIATION PURSUANT TO TITLE 15, CHAPTER 155, SECTION 706(B) OF THE LOMBARD ZONING ORDINANCE, AND A VARIATION PURSUANT TO TITLE 15, CHAPTER 153, SECTION 207(E) OF THE LOMBARD SIGN ORDINANCE**

**PC 99-37: 545 W. North Avenue  
Lombard, Illinois**

**PIN: 06-06-100-047**

**Return To:**

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

**ORDINANCE NO. 4740**

**AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO  
TITLE 15, CHAPTER 155, SECTION 413 OF THE LOMBARD  
ZONING ORDINANCE; A VARIATION PURSUANT TO TITLE 15, CHAPTER 155,  
SECTION 602(A), A VARIATION PURSUANT TO TITLE 15, CHAPTER 155,  
SECTION 708 AND A VARIATION PURSUANT TO TITLE 15, CHAPTER 155,  
SECTION 706(B) OF THE LOMBARD ZONING ORDINANCE, AND A VARIATION  
PURSUANT TO TITLE 15, CHAPTER 153, SECTION 207(E) OF THE LOMBARD  
SIGN ORDINANCE**

(PC 99-37: 545 W. North Avenue, Lombard, Illinois)  
(Burger King)

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 the Lombard Sign Ordinance, otherwise known as Title 15, Chapter 153 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 requesting approval of a conditional use to provide for a drive-through area with variations from the foundation landscaping standards, interior parking lot landscaping standards, reduction in the required number of parking spaces, and the Lombard Sign Ordinance on the property described in Section 2 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on October 18, 1999 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 and variations 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.

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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 for the property described in Section 6 below from Title 15, Chapter 155, Section 413 of the Village of Lombard Zoning Ordinance so as to allow said property to be used as a restaurant with a drive-through area.

SECTION 2: That a variation is hereby granted for the property described in Section 5 below from Title 15, Chapter 155, Section 708 of the Village of Lombard Zoning Ordinance so as to allow for a reduction in the required foundation landscaping.

SECTION 3: That a variation is hereby granted for the property described in Section 6 below from Title 15, Chapter 155, Section 706(B) of the Village of Lombard Zoning Ordinance so as to allow for a reduction in the required interior parking lot landscaping.

SECTION 4: That a variation is hereby granted for the property described in Section 6 below from Title 15, Chapter 155, Section 602(A) of the Village of Lombard Zoning Ordinance so as to allow for twenty-three (23) spaces to be provided, where twenty-four (24) parking spaces are required.

SECTION 5: That a variation is hereby granted for the property described in Section 6 below from Title 15, Chapter 153, Section 207(E) of the Village of Lombard Sign Ordinance so as to allow for a roof sign.

SECTION 6: That this ordinance is limited and restricted to the property generally located at 545 W. North Avenue, Lombard, Illinois and legally described as follows:

That part of Lot 1, bounded and described as follows: Beginning at a point of intersection generated by the south line of said Lot 1 with a line 5.00 feet east of and parallel with the west line of said Lot 1 (said parallel line also being the east line of a parcel of land taken by the Department of Transportation of the State of Illinois by Court Case No. 88 ED 75); thence (the following two courses being along the east and southeasterly lines of said parcel taken by the Department of Transportation) north 00° 00' 00" east, for a distance of 109.89 feet to a point; thence north 05° 38' 35" east, for a distance of 50.70 feet to a point on the northerly line of said Lot 1, distant 10.00 feet east of the northwest corner thereof; thence north 86° 54' 22" east, along the last described line, for a distance of

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112.14 feet to the northeast corner of said Lot 1; thence south 00° 13' 06" west along the east line of said Lot 1, for a distance of 160.11 feet to the southeast corner of said Lot 1; thence 86° 54' 22" west, along the last described line for a distance of 116.52 feet to the point of beginning; and all of Lot 3 in James D. Raine's Resubdivision of Lots 1, 2 and 3 in Block "G" in Lombard Terrace, a Resubdivision in the north ½ of Section 6, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat of said James D. Raine's Resubdivision recorded August 11, 1970 as Document R70-27995, in DuPage County, Illinois.

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SECTION 7: This ordinance shall be granted subject to compliance with the following conditions:

1. The site shall be developed in substantial compliance with the Site Plan, dated September 2, 1999, prepared by Sarfatty Associates, Ltd., with the following changes:
  - a. The monument sign shall not be placed in the clear line of sight area.
  - b. Signs shall not be placed in the right-of-way.
  - c. Cross-access shall be provided to the properties to the east and south. Once cross-access to an entrance drive within one hundred feet (100') to the south is obtained, the entrance drive on Route 53 shall be closed. Once cross-access to an entrance drive within one hundred feet (100') to the east is obtained, the entrance drive on North Avenue shall be closed. The cross-access and the entrance drive closings shall be subject to the following parameters:
    - i. The drive aisles that are to be used as cross-access shall align with the subject property's internal drive aisles.
    - ii. The drive aisles that are to be used as cross-access shall be a minimum of twenty-four feet (24') in width and shall accommodate two-way traffic.

- iii. The Village will allow Informational Signs to be placed on the adjacent property(ies) to direct customers to the subject property. The closure of the Route 53 entrance drive will not be required unless the Village allows adequate signage to direct customers from the entrance drive to the south, and the closure of the North Avenue entrance drive will not be required unless the Village allows adequate signage to direct customers from the entrance drive to the east. Adequate signage shall be considered to be one (1) Informational Sign at the new entrance drive, one (1) Informational Sign at each intersection of drive aisles at which a customer must turn, and one (1) Informational Sign at or near the property line.
- d. The menu board shall be moved a minimum of forty feet (40') to the east.
- e. The number of parking spaces provided may be reduced by one space, based upon the approval of a revised site plan by the Community Development Director.
2. The site shall be landscaped in substantial compliance with the Landscape Plan, dated September 2, 1999, prepared by Sarfatty Associates, Ltd., with the following changes:
  - a. A total of six (6) parkway trees shall be installed per code.
  - b. Perimeter landscaping shall be completed on the western 116.61 feet of the property.
  - c. One shade tree shall be planted along the south property line.
  - d. The landscaping which is proposed behind the menu board may be relocated within the same landscape island in order to allow adequate visibility of the menu board.
3. Signs shall substantially comply with the Channel Building Letters Plan, handstamped September 13, 1999, Directional Signs, handstamped September 13, 1999, Monument Sign Plan, dated September 13, 1999, and Roof Sign Plan, dated September 13, 1999.

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4. The petitioner shall meet all required IDOT requirements for curb cuts and any necessary outlet for detention.
5. The petitioner shall meet all necessary utility standards per Village of Lombard code.
6. Detention shall be provided per Code.

SECTION 8: 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 4th day of November, 1999.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 1999.


Passed on second reading this 18th day of November, 1999.

Ayes: Trustees Borgatell, Tross, Schaffer, Sebby, Florey and Kufrin

Nayes: None

Absent: None

Approved this 18th day of November, 1999.

  
William J. Mueller, Village President

ATTEST:

  
Lorraine G. Gerhardt, Village Clerk



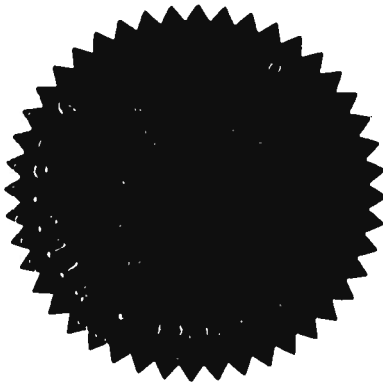
I, **Lorraine G. Gerhardt**, hereby certify that I am the duly qualified Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Village Clerk, I maintain and am safekeeper of the records and files of the President and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

I further certify that attached hereto is a true and correct copy of ORDINANCE 4740  
AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO  
TITLE 15, CHAPTER 155, SECTION 413 OF THE LOMBARD  
ZONING ORDINANCE; A VARIATION PURSUANT TO TITLE 15,  
CHAPTER 155, SECTION 602(A), A VARIATION PURSUANT TO TITLE 15,  
CHAPTER 155, SECTION 708 AND A VARIATION PURSUANT TO TITLE  
15, CHAPTER 155, SECTION 706(B) OF THE LOMBARD ZONING  
ORDINANCE, AND A VARIATION PURSUANT TO TITLE 15, CHAPTER  
153, SECTION 207(E) OF THE LOMBARD SIGN ORDINANCE  
AT 545 W. NORTH AVENUE (BURGER KING)

PARCEL NUMBER 06-06-100-047

of the said Village as it appears from the official records of said Village duly passed on NOVEMBER 18, 1999.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 18TH day of NOVEMBER, 1999.



*Lorraine G. Gerhardt*  
Lorraine G. Gerhardt  
Village Clerk  
Village of Lombard  
DuPage County, Illinois