

ORDINANCE NO. 5289

**AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO
TITLE 15, CHAPTER 155, SECTION 155.416 (C)
AND VARIATION FOR REQUISITE PARKING TO THE
LOMBARD ZONING ORDINANCE**

(PC 03-12: 10-12 South Park 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, the subject property is zoned B5 Central Business District; and,

WHEREAS, an application has been filed requesting approval of a conditional use to provide for an outside service area for a restaurant on the property described in Section 2 below; and,

WHEREAS, the petitioner also requests approval of a variation from Section the parking requirements (Section 155.602, Table 6.3) for an outdoor dining area, and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on April 21, 2003 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of the conditional use, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard hereby adopt the findings and recommendations of the Plan Commission as set forth herein, and make same part hereof, subject to certain revisions as more fully set forth below.

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

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SECTION 1: That a Conditional Use is hereby granted for the property described in Section 3 below and pursuant to Title 15, Chapter 155, Section 416 (C) of the Village of Lombard Zoning Ordinance so as to allow said property to provide for an outside service area for a restaurant.

SECTION 2: That a variation from the parking requirements (Section 155.602, Table 6.3) for an outdoor dining area hereby granted for the property described in Section 3 below.

SECTION 3: That this ordinance is limited and restricted to the property generally located at 10-12 South Park Avenue, Lombard, Illinois and legally described as follows:

THAT PART OF LOT 1 IN BLOCK 19 IN TOWN OF "LOMBARD", DESCRIBED AS COMMENCING IN THE EAST LINE OF SAID LOT, 29.16 FEET NORTH OF THE SOUTHEAST CORNER THEREOF, THE SAME BEING THE CENTER OF A BRICK WALL, AS A POINT OF BEGINNING; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 1, 52.68 FEET TO THE JOINT IN THE BRICK WALL; THENCE WESTERLY ALONG A STRAIGHT LINE THROUGH SAID WALL, FOLLOWING THE LOT; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 54.88 FEET TO A POINT INTERSECTING A STRAIGHT LINE DRAWN WESTERLY FROM THE POINT OF BEGINNING THROUGH THE CENTER OF BRICK WALL TO THE WEST LINE OF SAID LOT; THENCE EASTERLY IN A STRAIGHT LINE 87.57 FEET TO A POINT OF BEGINNING, BEING A SUBDIVISION IN SECTIONS 5, 6, 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1868 AS DOCUMENT 9483 IN DU PAGE COUNTY, ILLINOIS.

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SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The outdoor dining activity shall be limited to Fridays, Saturdays, Sundays, or federal holidays between May 1 and September 30.

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2. The outdoor dining activity shall not be open past 11:00 p.m.
3. Associated with the outdoor dining area, the petitioner shall erect a removable wrought iron fence along the west side of the dining area. Said fence shall be in place during any outdoor dining periods.
4. That prior to opening the outdoor dining area, the petitioner shall receive a final Certificate of Occupancy for the Texan Restaurant. The Village can issue a certificate of occupancy at such time that the petitioner has satisfactorily installed a sanitary cleanout on the repaired sanitary service line for the 105 W. St. Charles Road building.
5. That dumpsters shall not be physically located or visually seen from the dining area and this shall be overseen by the Director of Community Development

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

Passed on first reading this 1st day of May, 2003.

First reading waived by action of the Board of Trustees this _____ day of _____, 2003.

Passed on second reading this 15th day of May, 2003.

Ayes: Trustees DeStephano, Koenig, Sebby, Florey, Soderstrom

Nayes: None

Absent: Trustee Tross

Approved this 15th day of May, 2003.

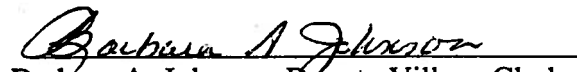
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William J. Mueller, Village President

ATTEST:


Barbara A. Johnson, Deputy Village Clerk