

**ORDINANCE NO. 6085**

**AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW FOR A  
DRIVE-THROUGH ESTABLISHMENT WITHIN THE HIGHLANDS OF  
LOMBARD B3 PLANNED DEVELOPMENT  
AND GRANTING OF WALL SIGN DEVIATIONS**

**PC 07-26 2800 S. Highland (The Patio Restaurant)**

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 B3PD Community Shopping District - Planned Development; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard approved Ordinance 4833 on June 15, 2000 providing for a Planned Development for the below described property; and

WHEREAS, the President and Board of Trustees of the Village of Lombard approved Ordinance 4834 on June 15, 2000 authorizing the execution of a Second Amendment to the Development Agreement for the below described property; and

WHEREAS, a condition of the terms of the a Second Amendment to the Development Agreement requires conditional use approval to allow for a retail store having a drive through establishment/service, with a deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow more than one wall sign on a single-tenant building, to be located within the Highlands of Lombard Planned Development; and

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for a drive through establishment/service associated with a fast-food restaurant establishment, all on the property described in Section 1 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 20, 2007 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 planned development amendment 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;

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 2800 S. Highland, Lombard, Illinois and legally described as follows:

LOT 1 IN THE HIGHLANDS OF LOMBARD PHASE 2 BEING A RESUBDIVISION IN PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF RESUBDIVISION RECORDED SEPTEMBER 22, 2005 AS DOCUMENT NUMBER R2005-211041, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-29-308-020

SECTION 2: That a conditional use for a drive-through establishment/service is hereby granted subject to compliance with the conditions set forth in Section 4.

SECTION 3: That Site Plan Approval for a fast-food restaurant with a deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance for more than one wall sign per street frontage is hereby granted subject to compliance with the conditions set forth in Section 4.

SECTION 4: The conditional use and relief set forth in Sections 2 and 3 shall be granted subject to compliance with the following conditions:

1. The site improvements shall be constructed in compliance with the submitted plans included within the plan submittal packet prepared by James Papaoutsis Design Architect, updated August 10, 2007 (includes site plans, interior layouts, concept exterior elevations and freestanding sign proposal); the Preliminary Engineering Plans, prepared by Hoefflerle-Butler Engineering, Inc, dated July 12, 2007; the Landscape Development Plan, prepared by Trippiedi Design Landscape Architect, dated July 13, 2007; the Plat of Resubdivision, prepared by Spaceco Inc., dated July 2, 2007; and the Photometric Plan, prepared by Zolter Electric, dated June 7, 2007 (sic.) and made a part of this petition, except as amended by the conditions of approval.
2. The petitioner shall meet all development and building codes of the Village of Lombard and shall follow the provisions set forth within the Highlands of Lombard planned development approval.
3. The proposed freestanding sign shall be placed outside of any easement areas. The freestanding sign exterior shall be of a limestone/fieldstone material, consistent with the signage previously approved within the planned development. Moreover, the sign cabinets shall be designed in a manner that minimizes exterior light glare.
4. The wall signage approval shall only be for the four exterior "The Patio" signs as depicted on the exterior elevations. All wall signs on the proposed buildings must be of a channel letter design.
5. If in the event that the proposed restaurant is not developed concurrent with the proposed Highlands III development, the petitioner shall install requisite parking stalls and drive aisles to ensure full access and circulation around the proposed center.
6. The approved masonry materials for the building shall be:
  - a. Sioux City Brick – Cinnamon Ironspot
  - b. Yankee Hill – Light Red Small
  - c. Belden Brick – Modular 470-479 Medium
  - d. Fieldstone sample as submitted by the petitioner.Any deviation from this material shall be subject to the review and approval by the Director of Community Development.

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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 6th day of September, 2007.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2007.


Passed on second reading this 20th day of September, 2007, pursuant to a roll call vote as follows:

Ayes: Trustees Gron, Tross, O'Brien and Fitzpatrick

Nays: None

Absent: Trustees Moreau and Soderstrom

Approved this 20<sup>th</sup> day of September, 2007.

  
William J. Mueller, Village President

ATTEST:

  
Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this 25<sup>th</sup> day of September, 2007.

  
Brigitte O'Brien, Village Clerk