



J. P. "RICK" CARNEY

Du Page County Recorder
421 N. County Farm Road
Wheaton, IL 60187

(630) 682-7200



J.P. "RICK" CARNEY
DUPAGE COUNTY RECORDER
SEP.09,1999 10:55 AM
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Recording Cover Page

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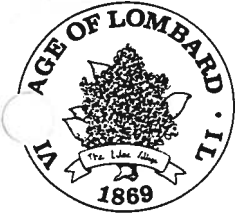
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Remarks: _____



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.

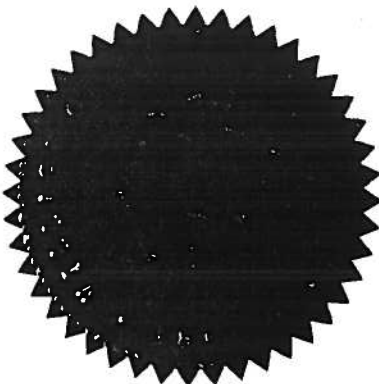
I further certify that attached hereto is a true and correct copy of ORDINANCE 4636

GRANTING A CONDITIONAL USE APPROVAL FOR A PLANNED DEVELOPMENT WITH EXCEPTIONS FROM THE LOMBARD ZONING ORDINANCE AND THE LOMBARD SIGN ORDINANCE, CONDITIONAL USE APPROVAL TO ALLOW MULTIPLE PRINCIPLE STRUCTURES ON ONE LOT-OF-RECORD, CONDITIONAL USE APPROVAL FOR A DRIVE-THROUGH FACILITY, AND CONDITIONAL USE APPROVAL FOR OUTDOOR DISPLAY AND SALES PURSUANT TO THE LOMBARD ZONING ORDINANCE, TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS FOR EASTGATE SHOPPING CENTER 837 SOUTH WESTMORE-MEYERS

PIN 06-16-117-007

of the said Village as it appears from the official records of said Village duly passed on MAY 20, 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 9th day of July, 1999.



Lorraine G. Gerhardt
Lorraine G. Gerhardt *Richard J. Jensen*
Village Clerk *Deputy Clerk*
Village of Lombard
DuPage County, Illinois

RETURN TO:
DEPARTMENT OF
COMMUNITY DEVELOPMENT
255 E. WILSON AVENUE
LOMBARD, IL 60148

ORDINANCE 4636

AN ORDINANCE GRANTING CONDITIONAL USE APPROVAL FOR A PLANNED DEVELOPMENT WITH EXCEPTIONS FROM THE LOMBARD ZONING ORDINANCE AND LOMBARD SIGN ORDINANCE, CONDITIONAL USE APPROVAL TO ALLOW MULTIPLE PRINCIPAL STRUCTURES ON ONE LOT-OF-RECORD, CONDITIONAL USE APPROVAL FOR A DRIVE-THROUGH FACILITY, AND CONDITIONAL USE APPROVAL FOR OUTDOOR DISPLAY AND SALES PURSUANT TO THE LOMBARD ZONING ORDINANCE, TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS

(PC 99-11: 837 South Westmore-Meyers (Eastgate Shopping Center))

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 Lombard Village Code; and,

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

WHEREAS, an application has been filed requesting conditional use approval for a Planned Development with exceptions from the Lombard Zoning Ordinance (Title 155 of the Village Code) and Sign Ordinance (Title 153 of the Village Code), conditional use approval to allow multiple principal structures on one lot-of-record, conditional use approval for a three-lane drive-through facility, and conditional use approval for outdoor display and sales 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 April 19, 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 Planned Development, exceptions, and conditional uses described herein; and

WHEREAS, the President and Board of Trustees of the Village of Lombard have reviewed the request and find it would be in the best interest of the Village to grant said approval subject to the terms and conditions established by this ordinance, and in accordance with the findings and recommendations of the Plan Commission which are incorporated herein by reference.

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 conditional use approval is hereby granted for a Planned Development, six (6) principal structures on one lot-of-record, a three (3) lane drive-through facility, and outdoor display and sales for the property described in Section 2 below and pursuant to Sections 103.F and 501-510 of the Lombard Zoning Ordinance (Title 15, Chapter 155 Sections 155.103F and 155.501-155.510 of the Lombard Village Code).

Section 2: That this ordinance is limited and restricted to the property generally located at 837 South Westmore-Meyers, Lombard, Illinois, and legally described as follows:

LOT 1 IN RAYMOND W. MACDONALD COUNTY CLERK'S EASTGATE SHOPPING CENTER ASSESSMENT PLAT IN PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 7, 1976 AS DOCUMENT R76-72686, IN DUPAGE COUNTY, ILLINOIS.

PIN Number: 06-16-117-007

Section 3: The following exceptions from the Lombard Village Code are hereby granted in conjunction with the Conditional Use for a Planned Development, subject to the conditions set forth in Section 4 below:

- A. That an exception is granted to Section 155.414.F.4 of the Lombard Village Code to reduce the required rear setback from thirty feet (30') to twenty-three feet (23').
- B. That an exception is granted to Section 155.414.J of the Lombard Village Code to reduce the required transitional building setback from forty feet (40') to twenty-three feet (23').
- C. That an exception is granted to Sections 155.414.K and 155.707 of the Lombard Village Code to reduce the required transitional landscape yard from thirty feet (30') to zero (0) and to waive the required transitional landscape yard improvements.

- D. That an exception is granted to Section 155.414.H of the Lombard Village Code to reduce the required open space from ten percent (10%) to six percent (6%).
- E. That an exception is granted to Section 155.603 of the Lombard Village Code to waive the screening and size requirements for off-street loading berths.
- F. That an exception is granted to Section 155.709 to waive the required perimeter lot landscaping requirements.
- G. That an exception is granted to Section 153.505.B.5 of the Lombard Village Code to allow a freestanding sign seventeen feet six inches (17'6") in height and seven feet one half inch (7' 0½") in width and two (2) twenty-foot (20') tall, one-hundred (100) square foot freestanding signs.
- H. That an exception is granted to Section 153.505.B.15 of the Lombard Village Code to establish criteria for wall signs which shall supersede the provisions of said Section 153.505.B.15 and which are attached hereto as Exhibit A.

Section 4: That the aforementioned approval is subject to the following terms and conditions:

- A. The site shall be developed in substantial compliance with the site plans, titled "Redevelopment Plat," "Landscape Plan," and "Future Possible Improvements," prepared by Land Development Services, dated October 18, 1998, last revised March 15, 1999, except as modified below.
- B. An appropriate loading area for the White Hen shall be identified. This loading area shall not obstruct any drive aisles (two-way drive aisles must be a minimum of twenty-four feet (24') wide) or interfere with traffic circulation or pedestrian safety. Plans for this loading area shall be submitted for approval to the Community Development Director, and the loading area shall be appropriately marked with signs and pavement markings. Every effort shall be made to require delivery vehicles to load from this loading area only.
- C. Those drive aisles which are to the south of and within one-hundred forty feet (140') of the White Hen which are not designated as loading areas shall

be appropriately marked with signs, curb paint, and pavement markings as “no parking.”

- D. If a drive-by mailbox and/or FedEx box is to be provided on-site, that (those) box(es) shall be placed in a location which will not interfere with traffic movement and which will accommodate any future outbuildings.
- E. The drive-through windows for the bank shall be located as far to the south as practicable.
- F. A stop sign and a “Watch for pedestrians” sign shall be installed at the bank drive-throughs.
- G. A barrier to pedestrians shall be installed at the west edge of the existing sidewalk on the south side of the north wing of the shopping center (adjacent to the bank). A new five-foot (5') wide sidewalk shall be installed to move pedestrians further south, and then across the drive aisles to the sidewalk along Westmore-Meyers. This sidewalk shall be installed from the west end of this shopping center sidewalk to the south end of the adjacent landscape island, with a depressed curb provided at the end of this sidewalk, facing west. Pavement markings shall then take this walk west to the sidewalk along Westmore-Meyers, with sidewalk provided whenever the walk crosses a landscape island.
- H. The possibility of closing the drive aisle between the White Hen and bank shall be considered. If it is closed, it shall be closed with a curbed landscape island with a minimum width of ten feet (10').
- I. At such time that the State of Illinois Drivers Services Facility moves out of the shopping center, the southeast corner of the property shall be improved in substantial compliance with the “Future Possible Improvements” plans.
- J. One (1) of every three (3) evergreen trees which are proposed along the north property line shall be removed from the plans. An evergreen species shall be selected which will not ultimately interfere with the overhead power lines.
- K. The evergreen trees shall be eliminated from the site control area for the easternmost Jackson drive, and the shrubs in this area replaced with low-lying species.

- L. The spruce trees which are proposed around the Ace Hardware storage area shall be replaced with a species, such as an upright arborvitae, which will not grow to be too large for the area.
- M. A shrub species which will not cause sight problems shall be selected for the landscape islands. The species and cultivar of the shrubs shall be specified on the landscaping plans.
- N. Trees used in the landscape islands shall be single-stem and upright.
- O. The birch and plums which are proposed in the parking lot islands shall be replaced with species which are salt-tolerant.
- P. The White Hen dumpster enclosure shall either be painted to match the building or replaced with an enclosure constructed of materials which match the building.
- Q. Eight foot (8') solid wood fencing shall be used for screening the Ace Hardware outdoor storage area.
- R. Materials shall not be stored outside of the outdoor storage area or be visible above the fence. Violation may result in revocation of the conditional use approval for outdoor storage by the Village Board of Trustees.
- S. No outdoor display shall be permitted in front of any store without a temporary event permit from the Village of Lombard.
- T. A minimum five foot (5') clear area for pedestrians shall be maintained around the outdoor seating area.
- U. Additional outbuildings may be constructed on the site if the existing on-site public water mains are replaced with new public water mains. These water mains must be installed per Village standards and will be accepted and maintained by the Village of Lombard.
- V. Additional outbuildings are subject to Site Plan Approval by the Plan Commission and must follow the following criteria:
 - 1. No more than two (2) additional outbuildings shall be permitted.
 - 2. Outbuildings shall be single-story.

3. The total floor area of all new outbuildings shall not exceed 13,500 square feet.
 4. A minimum of four (4) parking spaces per 1000 square feet shall be provided for the shopping center at all times.
 5. Applicable landscaping requirements shall be met.
 6. The exterior of buildings shall complement existing architecture.
 7. The outbuildings shall not interfere with fire truck access to the shopping center, and plans shall be subject to review by the Lombard Fire Chief.
 8. On-site traffic conflicts shall be minimized.
- W. The sign criteria shall be changed to specify that a maximum of two lines of text can be provided, to specify a maximum separation between lines of text, to take into consideration special sign needs for the outbuildings and the bank, and to specify that the sign criteria shall prevail in conflicts between the Sign Ordinance and the sign criteria.
- X. The existing freestanding sign (formerly used by LaSalle Bank) which is to the west of the north wing of the shopping center shall be allowed to remain only if no tenant identification sign is provided on the proposed bank canopy. If a tenant identification sign is provided on the canopy of the bank, then the freestanding sign for the bank shall be removed and only two (2) freestanding signs shall be allowed on the site. The installation of up to three (3) informational signs, each up to four (4) square feet in area, on the north side of the canopy, however, shall not constitute cause for the removal of the freestanding sign.
- Y. A five-foot (5') sidewalk shall be installed along Jackson Street, between the two entrance drives.

Section 5: That 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 May, 1999.

First reading waived by action of the Board of Trustees this _____ day of _____ 1999.

Ordinance No. 4636
Re: PC 99-11
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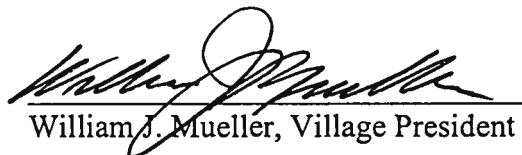
Passed on second reading this 20th day of May, 1999.

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

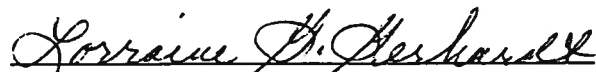
Nayes: None

Absent: None

Approved this 20th, day of May, 1999.


William J. Mueller, Village President

ATTEST:


Lorraine G. Gerhardt, Village Clerk