

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE
FOR A PLANNED DEVELOPMENT WITH SIGNAGE DEVIATIONS AND
VARIATIONS IN A B5A DOWNTOWN PERIMETER DISTRICT**

(PC 04-07; 309 & 315 W. St. Charles Road)

(See also Ordinance No.(s)_____)

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 B5A Downtown Perimeter District; and,

WHEREAS, an application has heretofore been filed requesting approval of: a conditional use for a planned development in a B5A Downtown Perimeter District; and

WHEREAS, said planned development includes a deviation from Section 153.208 (H) of the Lombard Sign Ordinance to allow for a freestanding sign within the clear line of sight area; and

WHEREAS, said planned development includes a deviation from Section 153.239 (F) of the Lombard Sign Ordinance to allow for wall signs to be displayed in conjunction with window signs; and

WHEREAS, said planned development includes a deviation from Section 153.508 (B) (5) (b) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 47 sq. ft. where a maximum of 20 square feet is permitted; and

WHEREAS, said planned development includes a deviation from Section 153.508 (B) (5) (c) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 8 feet 3 inches in height where a maximum of 6 feet is permitted; and

WHEREAS, said planned development includes a deviation from Section 153.508 (B) (17) (b) of the Lombard Sign Ordinance to allow for two 100-square foot wall signs where a maximum of 50 square feet is permitted; and

WHEREAS, said planned development includes a deviation from Section 153.508 (B) (17) (c) of the Lombard Sign Ordinance to allow for a total of eight (8) wall signs where one sign per street front exposure is permitted; and

WHEREAS, said planned development includes a variation from Section 155.417 (J) and Section 155.508 (C) (6) (b) of the Lombard Zoning Ordinance to reduce the transitional building setback from 20 feet to 12 feet to allow for a drive-through canopy; and

WHEREAS, said planned development includes a variation from Sections 155.417 (K), 155.508 (C) (6) (b), and 155.707 of the Lombard Zoning Ordinance to reduce the transitional landscape yard from 10 feet to 0 feet;

WHEREAS, said planned development includes a variation from Section 155.508 (C) (6) (a) of the Lombard Zoning Ordinance to allow for a 9-foot front yard setback on the perimeter of a planned development where a 30-foot front yard is required in the abutting R4 Limited General Residence District; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on June 21, 2004 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, signage deviations, 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 a conditional use for a planned development with the following signage deviations and variations is hereby granted for the Subject Property legally described in Section 2 below, subject to the conditions set forth in Section 3 below:

- a) A deviation from Section 153.208 (H) of the Lombard Sign Ordinance to allow for a freestanding sign within the clear line of sight area;

- b) A deviation from Section 153.239 (F) of the Lombard Sign Ordinance to allow for wall signs to be displayed in conjunction with window signs;
- c) A deviation from Section 153.508 (B) (5) (b) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 47 sq. ft. where a maximum of 20 square feet is permitted;
- d) A deviation from Section 153.508 (B) (5) (c) (1) of the Lombard Sign Ordinance to allow for a freestanding sign of 8 feet 3 inches in height where a maximum of 6 feet is permitted;
- e) A deviation from Section 153.508 (B) (17) (b) of the Lombard Sign Ordinance to allow for two 100-square foot wall signs where a maximum of 50 square feet is permitted;
- f) A deviation from Section 153.508 (B) (17) (c) of the Lombard Sign Ordinance to allow for a total of eight (8) wall signs where one sign per street front exposure is permitted;
- g) A variation from Section 155.417 (J) and Section 155.508 (C) (6) (b) of the Lombard Zoning Ordinance to reduce the transitional building setback from 20 feet to 12 feet to allow for a drive-through canopy;
- h) A variation from Sections 155.417 (K), 155.508 (C) (6) (b), and 155.707 of the Lombard Zoning Ordinance to reduce the transitional landscape yard from 10 feet to 0 feet; and
- i) A variation from Section 155.508 (C) (6) (a) of the Lombard Zoning Ordinance to allow for a 9-foot front yard setback on the perimeter of a planned development where a 30-foot front yard is required in the abutting R4 Limited General Residence District;

SECTION 2: That the ordinance is limited and restricted to the properties generally located 309 W. St. Charles Road and 315 W. St. Charles Road, Lombard, Illinois, and legally described as follows:

LOT 1, 2, AND 3 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393 AND CORRECTED BY CERTIFICATE RECORDED JUNE 13, 1967 AS DOCUMENT R67-19517, IN DUPAGE COUNTY, ILLINOIS.

EXCEPT:

PLAT OF DEDICATION OF RIGHT OF WAY ON FEBRUARY 23, 1998: THAT PART OF LOT 1 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 AND HEADING SOUTH ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 12.95 FEET TO A POINT; THENCE NORTH 51 DEGREES 15 MINUTES 50 SECONDS WEST, A DISTANCE OF 15.32 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ST. CHARLES ROAD; THENCE NORTH 74 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 12.41 FEET TO THE POINT OF BEGINNING, CONTAINING 77.3681 SQUARE FEET OR 0.0018 ACRES MORE OR LESS, IN DUPAGE COUNTY, ILLINOIS.

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SECTION 3: The conditional use set forth in Section 1 above shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the plans prepared by Arcline Associates, Ltd., last revised June 11, 2004 and submitted as part of this request;
2. The petitioner's building improvements shall be designed and constructed consistent with Village Code and all also address the comments included within the IDRC report;
3. The petitioner shall submit a Plat of Consolidation prior to receiving any building permit;
4. The petitioner shall pay for and install a solid masonry wall along the western property line of eight (8) feet in height. Design and material type of the wall is subject to the approvals of the Director of Community Development and the property owners at 321 W. St. Charles Road. In the event the neighboring property owner is unwilling to grant a construction easement, a board-on-board fence shall be constructed;

5. The lighting plan shall be modified as follows:
 - a.) All light fixtures on the west side of the building shall be mounted at a height no greater than the wall along the western property line;
 - b.) All light fixtures on the drive-through canopy shall be recessed so as not to be visible from adjacent properties;

6. The signage plan shall be modified as follows:
 - a.) The eight (8) red, channel letter signs noted on the exterior elevations shall be approved;
 - b.) The requested variations for a 47-square foot freestanding sign within the clear line of sight area shall be approved;
 - c.) No neon sign shall be visible on the exterior of the building;
 - d.) That the proposed free-standing sign and support shall not be greater than ten feet (10') in width;
A free-standing directional sign be placed at the entrance into the drive through along St. Charles Road, and elevated four feet in height with a total size of six square feet; and
 - e.) All other signage relief shall be denied.

7. The building elevations shall be modified as follows:
 - a.) The windows at the northeast corners of the covered entry shall be replaced with an analog clock or compatible architectural element, subject to the approval of the Director of Community Development; and
 - b.) The smoothface cast stone noted on the elevations as "3b" shall be replaced with the same rockface cast stone noted as "3a."

8. Approval of the submitted plans shall be subject to the Corporate Authorities of the Village of Lombard vacating a portion of Elizabeth Street immediately adjacent to the subject property that has been deemed surplus right-of-way.

9. That the rooftop mechanical equipment shall not be audible from the west property line.

10. That the petitioner shall construct necessary improvements to Elizabeth Street which provides for two northbound lanes north of the railroad tracks.

SECTION 4: The Plan Commission shall have Site Plan Approval authority relative to this Planned 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 ____ day of _____, 2004.

First reading waived by action of the Board of Trustees this ____ day of _____, 2004.

Passed on second reading this ____ day of _____, 2004.

Ayes: _____

Nayes: _____

Absent: _____

Approved this ____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

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