

ORDINANCE 6993

PAMPHLET

**PC 14-21: 801 E. BUTTERFIELD ROAD – CONDITIONAL USE
FOR A PHYSICAL CULTURE AND MASSAGE ESTABLISHMENT**



PUBLISHED IN PAMPHLET FORM THIS 5th DAY OF SEPTEMBER, 2014, BY ORDER OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS.

Sharon Kuderna

Sharon Kuderna
Village Clerk

ORDINANCE NO. 6993

**AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO
TITLE 15, CHAPTER 155, SECTION 155.415 (C) OF THE LOMBARD
ZONING ORDINANCE**

PC 14-21: 801 E. Butterfield Road (Asian Paradise Spa, Inc.)

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, as described in Section 2 below, is zoned B3 Community Shopping District; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Title 15, Chapter 155, Section 415 (C) of the Lombard Village Code to provide for a physical culture and massage establishment; and

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on July 28, 2014 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 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 is hereby granted for the Subject Property, as described in Section 2 below, pursuant to Title 15, Chapter 155, Section 415 (C) of the Lombard Village Code to provide for a physical culture and massage establishment.

SECTION 2: That this Ordinance is limited and restricted to the property located at 801 E. Butterfield Road, Lombard, Illinois and legally described as follows:

THAT PART OF SECTIONS 28 AND 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE SOUTH 89 DEGREES 35 MINUTES EAST ALONG THE SOUTH LINE OF SECTION 28, A DISTANCE OF 753.3 FEET; THENCE NORTH 3 DEGREES WEST 1,205.4 FEET TO A POINT ON THE WEST LINE OF BULLINGER ESTATES; THENCE NORTH 89 DEGREES 35 MINUTES WEST 855.0 FEET; THENCE NORTH 12 DEGREES 05 MINUTES WEST 1,490.5 FEET; THENCE NORTH 61 DEGREES 42 MINUTES EAST 446.0 FEET FOR A POINT OF BEGINNING;

THENCE NORTH 30 DEGREES WEST 332.5 FEET TO THE SOUTHERLY LINE OF F.A. HIGHWAY ROUTE 131 (BUTTERFIELD ROAD); THENCE NORTH 61 DEGREES 42 MINUTES EAST ALONG SAID SOUTHERLY LINE 225.0 FEET TO A POINT IN LINE WITH AN OLD FENCE LINE; THENCE SOUTH 30 DEGREES EAST 332.5 FEET, MORE OR LESS, TO A POINT IN SAID OLD FENCE LINE THAT IS NORTH 61 DEGREES 42 MINUTES EAST FROM THE PLACE OF BEGINNING;

THENCE SOUTH 61 DEGREES 42 MINUTES WEST 225.0 FEET TO THE PLACE OF BEGINNING (EXCEPT THAT PART THEREOF CONVEYED TO NORTHERN ILLINOIS GAS COMPANY BY QUIT CLAIM DEEDS DOCUMENTS 967934 TO 967939, BOTH INCLUSIVE, AND BEING APPROXIMATELY THE SOUTHERLY 82.5 FEET, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE SOUTHERLY LINE, OF PREMISES IN QUESTION), IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-29-201-002; (the "Subject Property").

SECTION 3: The conditional use, as provided for in Section 1 of this Ordinance shall be granted subject to compliance with the following conditions:

1. That this relief is limited to the operation of a physical culture and massage establishment as part of a spa only and any physical site improvement or alterations require approval through the Village;
2. That the operator of the physical culture and massage establishment apply for and receive a physical culture and massage establishment permit, per the provisions of Section 122 of the Village Code, with said permit and operation remaining in good standing;
3. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
4. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the physical culture and massage establishment is not established by said date, this relief shall be deemed null and void; and
5. The petitioner shall be required to apply for and receive a building permit for any improvements to the interior of the space prior to starting the build-out of the tenant space.

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

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Re: PC 14-21
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Passed on first reading this 21st day of August, 2014.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Breen and Fitzpatrick

Nays: None

Absent: Ware

First reading waived by action of the Board of Trustees this _____ day of September, 2014.

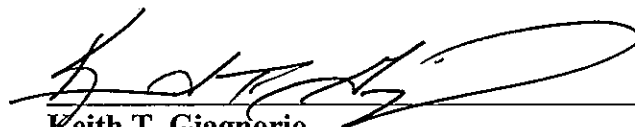
Passed on second reading this 4th day of September, 2014.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Breen, Fitzpatrick and Ware

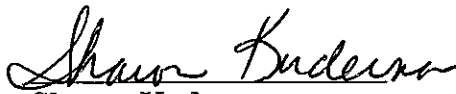
Nays: None

Absent: None

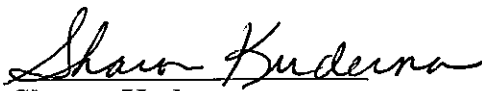
Approved this 4th day of September, 2014.


Keith T. Giagnorio
Village President

ATTEST:


Sharon Kuderna
Village Clerk

Published by me in pamphlet form on this 5th day of September, 2014.


Sharon Kuderna
Village Clerk