

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) \_\_\_\_\_  
Waiver of First Requested  
Recommendations of Boards, Commissions & Committees (Green)  
Other Business (Pink)

\_\_\_\_\_  
X  
\_\_\_\_\_

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David Hulseberg, Village Manager

DATE: May 27, 2008 (BOT) Date: June 5, 2008

TITLE: PC 08-13: 19W471 Roosevelt Road and 351 E. Roosevelt Road  
(Lombard Crossing)

SUBMITTED BY: Department of Community Development *WHD*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village take the following actions on the subject property:

- A. Approve an annexation agreement. (2/3 of Corporate Authorities Vote Required)
- B. Annex the portion of the subject property not currently within the Village of Lombard.
- C. Approve a map amendment rezoning the entire property to the B4A Roosevelt Road Corridor District.
- D. Approve a conditional use for a planned development, with the following companion conditional uses, deviations and variations, as follows:

1. For Lot 1 (Parcel A):

- a. Conditional uses pursuant to Sections 155.417(G)(2)(b)(2) and 155.417(G)(2)(b)(6) of the Zoning Ordinance for a bank/financial institution with a drive-through facility;
- b. A deviation from Section 153.505(B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;
- c. A deviation from Section 155.417(G)(3) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 36,400 square feet;

2. For Lot 2 (Parcel B):
  - d. A deviation from Section 155.417(G)(4) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 137 feet.
  
3. For Lot 3 (Parcel C):
  - a. A conditional use pursuant to Section 155.417(G)(2)(a)(5) of the Zoning Ordinance for a restaurant outside service/dining area;
  - b. A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;
  - c. A deviation from Section 155.417(G)(5)(c) of the Zoning Ordinance reducing the required east interior side yard from ten feet (10') to five feet (5').
  
4. For Lot 4 (Parcel D):
  - a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow for a lot without public street frontage;
  - b. A planned development use exception for a storage center in the B4A District with a variation from Section 155.508 (B)(3) of the Zoning Ordinance to allow a use exception to exceed 40% of the total floor area for the overall planned development.
  - c. A conditional use pursuant to Section 155.417(G)(2)(c)(6) of the Zoning Ordinance for a four story building, between 40 and 45 feet in height;
  
5. For Lot 5 (detention outlet Parcel E):
  - a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow a lot without public street frontage;
  - b. A deviation from Section 154.507 (D) of the Subdivision and Development Ordinance requiring an outlet to have at least thirty feet (30') of frontage along a public street;
  - c. A deviation from Section 155.417 (G)(3) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 19,000 square feet for a detention outlet; and

d. A deviation from Section 155.417 (G)(4) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 131 feet.

6. For each lot, grant a variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.

7. Grant a variation from Sections 155.417 (G)(7) and (9) of the Zoning Ordinance to eliminate the ten percent (10%) open space requirement for individual lots.

8. Approve the following Sign Ordinance deviations:

a. A deviation from Section 153.235 (A) to allow for two shopping center signs, where one is permitted; and

b. A deviation from Section 153.235 (E) to allow for shopping center signs to be located closer than 250 feet from each other.

c. A deviation from Section 153.234 (F) to allow for free-standing signs to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way; and

9. Approve a preliminary major plat of resubdivision, with an alternate option that combines proposed Parcels B and C into a single lot of record.

(DISTRICT #6)

The Plan Commission recommended approval of this petition with conditions.

Please place this item on the June 5, 2008 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X

*David A. Johnson*

Date

Date

Date

5/28/08

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



Please contact me if you have any questions regarding the aforementioned materials.

8. Plans associated with the petition.
7. An Ordinance granting approval of a conditional use for a planned development amendment with variations and deviations, and companion conditional uses, and a use exception for a storage center, subject to conditions; and
6. An Ordinance rezoning the portion of the subject property being annexed into the B4A District;
5. An Ordinance annexing the portion of the subject property not currently within the Village;
4. A draft Annexation Agreement;
3. An Ordinance authorizing the execution of an Annexation Agreement;
2. IDRC report for PC 08-13;
1. Plan Commission referral letter;

Attached are the following items for Village Board consideration as part of the June 5, 2008 Village Board meeting:

**TO:** David A. Hulseberg, AICP, Village Manager

**FROM:** William J. Heniff, AICP, Acting Director of Community Development *WJH*

**DATE:** June 5, 2008

**SUBJECT:** PC 08-13: 19W471 Roosevelt Road and 351 E. Roosevelt Road

**MEMORANDUM**







**VILLAGE OF LOMBARD**

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Lombard, IL 60148-3931  
(630) 620-5700 FAX: (630) 620-8222  
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June 5, 2008

Mr. William J. Mueller,  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: PC 08-13: 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossings)**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner is requesting that the Village take the following actions on the subject property:

- A. Approve an annexation agreement.
- B. Annex the portion of the subject property not currently within the Village of Lombard.
- C. Approve a map amendment rezoning the entire property to the B4A Roosevelt Road Corridor District.
- D. Approve a conditional use for a planned development, with the following companion conditional uses, deviations and variations, as follows:  
1. For Lot 1 (Parcel A):

- a. Conditional uses pursuant to Sections 155.417(G)(2)(b)(2) and 155.417(G)(2)(b)(6) of the Zoning Ordinance for a bank/financial institution with a drive-through facility;
- b. A deviation from Section 153.505(B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;
- c. A deviation from Section 155.417(G)(3) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 36,400 square feet;

Village President  
William J. Mueller

Village Clerk  
Britte O'Brien

Trustees  
Greg Alan Cron, Dist. 1  
Richard J. Tross, Dist. 2  
John "Jack" T. O'Brien, Dist. 3  
Dana L. Moreau, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
Rick Soderstrom, Dist. 6

Village Manager  
William T. Lichter

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

2. For Lot 2 (Parcel B):
  - a. A conditional use pursuant to Section 155.417(G)(2)(c)(7) of the Zoning Ordinance for a shopping center, consisting of more than one principal business on a zoning lot;
  - b. A deviation from Section 155.417(G)(5)(c) of the Zoning Ordinance reducing the required east interior side yard from ten feet (10') to one foot (1').
3. For Lot 3 (Parcel C):
  - a. A conditional use pursuant to Section 155.417(G)(2)(a)(5) of the Zoning Ordinance for a restaurant outside service/dining area;
  - b. A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;
  - c. A deviation from Section 155.417(G)(5)(c) of the Zoning Ordinance reducing the required east interior side yard from ten feet (10') to five feet (5').
4. For Lot 4 (Parcel D):
  - a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow for a lot without public street frontage;
  - b. A planned development use exception for a storage center in the B4A District with a variation from Section 155.508 (B)(3) of the Zoning Ordinance to allow a use exception to exceed 40% of the total floor area for the overall planned development.
  - c. A conditional use pursuant to Section 155.417(G)(2)(c)(6) of the Zoning Ordinance for a four story building, between 40 and 45 feet in height;
5. For Lot 5 (detention outlot Parcel E):
  - a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow a lot without public street frontage;



- b. A deviation from Section 154.507 (D) of the Subdivision and Development Ordinance requiring an outlet to have at least thirty feet (30') of frontage along a public street;
- c. A deviation from Section 155.417 (G)(3) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 19,000 square feet for a detention outlet; and
- d. A deviation from Section 155.417 (G)(4) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 131 feet.
6. For each lot, grant a variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.
7. Grant a variation from Sections 155.417 (G)(7) and (9) of the Zoning Ordinance to eliminate the ten percent (10%) open space requirement for individual lots.
8. Approve the following Sign Ordinance deviations:
- a. A deviation from Section 153.235 (A) to allow for two shopping center signs, where one is permitted; and
- b. A deviation from Section 153.235 (B) to allow for shopping center signs to be located closer than 250 feet from each other.
- c. A deviation from Section 153.234 (F) to allow for free-standing signs to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way; and
9. Approve a preliminary major plat of resubdivision, with an alternate option that combines proposed Parcels B and C into a single lot of record.
- After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on May 19, 2008. Chairperson Ryan asked if there was anyone to cross-examine the witnesses. Hearing none, he requested that the petitioner begin their presentation.
- Drew Friestedt, Centrum Properties, 225 W. Hubbard Street, Chicago, presented the petition for the Lombard Crossings development in a PowerPoint format. He began by stating that he represents Centrum Properties and he gave the company's background and described the types of projects they do as well as the locations of each.

Referring to an aerial view of the proposed site location (which was highlighted in blue) Mr. Friestedt stated that these properties were former known as the Lombard Lanes and the O'Hare Towing properties and the site is approximately 4.6 acres in size. He then showed site photos before the buildings were razed.

He presented the history of the project mentioning that at the August 2007 Plan Commission meeting a proposal was approved and forwarded to the Village Board for final approval. Knowing that they did not have the support of the Village Board, they pulled the petition. Some of the issues that the Village Board had with their proposal were:

- a. did not want a fast food restaurant with a drive through
- b. compatibility with the Roosevelt Road Corridor Study
- c. the number and type of uses outlined in the annexation agreement
- d. the timing of the development outlined in the annexation agreement

They have since gone back and addressed those issues. He showed the site plan previously approved by the Plan Commission and described the drive-through bank with a fast food tenant, Del Taco. At the back of property was a 95,000 square foot storage facility.

They now have two new site plans, Option A and Option B. The difference between the two is in the location of the sit-down restaurant which affects the drive aisle and parking configurations. He then referred to Option A and described the site. The bank is still in the same location. There will be 12,500 square feet of retail with the retail building in the center. They have changed the fast food restaurant to a 5,700 square foot freestanding sit-down restaurant which was one of the issues the Board had. They spent six months negotiating with the team and came back with a plan for marketing purposes and one that was leasable. They still have the four-story storage use at the back of the property noting that they talked to a number of users for this space but could not attract anyone else to take the space. He then referred to other similar storage users in the area. Mr. Friestedt stated that if they do not have this use, they feel the site could not be marketable. Centrum also agreed to center the building and to limit the retail use to five tenants which is similar to what V-land has. Their original proposal asked for seven tenants.

The next issue was one that concerned Trustee Soderstrom - the timing of the development. The worry was having a bank anchored in the center of the site with a storage use in the back with nothing in the front. To address this concern, they added additional timing and building permit restrictions in the Annexation Agreement. With those three concessions they addressed the issues raised by the Board of Trustees.

He referred to Site Plan - Option B. Because they do not know if the restaurant will be freestanding or attached, they are asking for approval of both plans. Option B includes a reconfiguration of the parking areas by sliding the restaurant building down and integrating it with the retail space. The sit-down restaurant would be 6,000 square feet and would still have the outdoor dining component. The square footage of the retail component would stay the same.

He then showed the street view and bird's eye view renderings of the site. The building materials used are very similar but they incorporated some of staff's comments regarding color. They buildings are predominately brick with an EIFS corner and he proceeded to describe the remainder of the materials. He stated that all the building materials will be consistent.

The retail building elevations were shown next. The petitioner passed around the materials board to the Plan Commissioners and described that they are proposing to break up the retail building both vertically and horizontally and will change the brick color from the field color. They will have a cast stone base and a lintel consistent with the front and side of the building. The back will be mostly brick with a continuation of the precast lintel.

The bank elevations would be similar to the retail building. The color of the brick will match. Staff requested that at the base of the bank to replace the soldier coarse brick to stone.

Referring to the sign design slide he stated that this has not changed. It still matches in terms of color and scale and he described the same. The square footage of the signs are less than what is allowed by code-one is 70 square feet and the other is 115 square feet.

Mr. Friessted then addressed how the site complies with the Roosevelt Road Corridor Study and addresses the concerns raised by Trustee Soderstrom. The site has a common and unified development theme, contains harmonious architectural elements, common materials and design color palette, and a shared parking field and shared access points with adjacent shopping center. It also has four-sided building elevations, provides green/open space, is pedestrian friendly, and contains decorative lighting.

He then turned the rest of the presentation over to Scott Novack.

Scott Novack, Centrum Properties, 225 W. Hubbard Street, Chicago, continued with the slide presentation. He stated that everything they are requesting is consistent with what they previously requested in August, 2007. This includes approval of an annexation agreement, annexing the 19W471 site, a map amendment rezoning the site to B4A which is consistent with the Roosevelt Road Corridor District, approval of a conditional use for a planned development with conditional uses, deviations and variations. They will have to subdivide the property into five lots which results in a need for certain deviations and variations such as side yards setbacks and lot deviations. These items are self imposed so the requested relief meets the standards. A slide depicting the five lots of record were shown and he described them.

Lot 1 or Parcel A is the bank parcel. They are requesting a conditional use for a bank as well as for a drive-through facility; deviation of the Sign Ordinance for more than one wall sign per street frontage. He indicated that they originally requested four signs but took the Plan Commissioners comments into consideration and now are only requesting three, one for the north, west and east elevations. They are also asking for a deviation to reduce the minimum lot

area from 40,000 square feet to 36,400 square feet and a deviation to reduce the minimum lot width from 150 to 137 feet.

Lot 2 or Parcel B is the retail parcel. They are requesting a conditional use for a shopping center consisting of more than one principal business and a deviation. This was a result of the B4A zoning. They are also requesting a deviation to reduce the required east interior side yard from ten feet to one foot.

Lot 3 or Parcel C is the freestanding sit-down restaurant. They are requesting a conditional use for an outdoor dining area, a deviation from the Sign Ordinance to allow for more than 1 wall sign per street frontage and a deviation reducing the required east interior side yard from 10 feet to 5 feet.

Lot 4 or Parcel D is the back parcel storage area. They are requesting a deviation from the Subdivision and Development Ordinance to allow for a lot without street frontage, a planned development use exception for a storage center in the B4A district with a variation to allow a use exception to exceed 40% of the total floor area of the overall planned development and a conditional use for a 4-story building between 40 and 45 feet in height.

Lot 5 of Parcel E is the detention area. They are requesting a deviation from the Subdivision and Development Ordinance to allow a lot without public street frontage, a deviation to reduce the minimum lot area from 40,000 square feet to 19,000 square feet and a deviation to reduce the minimum lot width from 150 to 131 feet.

Mr. Novack then cited the additional 6 requests from the Zoning and Sign Ordinances. Concluding, Mr. Novack stated that they have a number of consultants available and would be happy to answer any questions they might have.

Chairperson Ryan then opened the meeting for public comment. There was no one present to speak in favor of or against the petition.

William Heniff presented the staff report, which was submitted to the public record in its entirety. Rather than repeating the petitioner's representations, he referenced many of the zoning actions for the project and selected comments included within the staff report.

He noted that upon annexation, the whole property would need to be zoned into a district that is consistent with the Comprehensive Plan and the Roosevelt Road Plan. Staff believes the property should be rezoned to the B4A District, consistent with the Roosevelt Road Plan recommendations. He also described many of the design elements encouraged or required within the B4 regulations or the Roosevelt Road Corridor report. Establishing a planned development for the entire development is an appropriate way to address the unique site constraints and phasing of the proposed development.

The B4A District lists financial institutions as conditional uses – this differs from the previous petition when banks were permitted by right. This change allows the Village to review the facility relative to the overall development plan. The Roosevelt Road Report noted that banks could provide value to a community if it is part of an overall planned development. While not attached to the retail building, the proposed plan integrates the use into the overall development through its common building design elements, shared access and integrated design.

When the petitioner was seeking initial approval of the development, the property was zoned B3 and the property met the B3 requirements. However, this relief was created as part of the overall B4A district designation. The issue of lot width and area was discussed as part of the Roosevelt Road Ad-Hoc Committee review. The Committee noted that a number of lots do not meet the lot provisions included within the B4A designation. Staff noted that for lots that do not meet the requirements, they could be designed in a manner that would allow the lots to functionally operate as if it was a larger lot.

Regarding the retail center itself, this use was previously a permitted use, but is now a conditional use within the B4A District. This designation allows the Village to look at the overall design of the facility relative to the overall B4A provisions and determine if the proposed design and layout meets the objectives of the Plan. The petitioner is proposing two options – a separate in-line center of 12,500 square feet and a unified center that includes the retail center component anchored by a sit-down restaurant. To address concerns regarding the tenants and uses in the center, the petitioner is amenable to a cap on the total number of tenant spaces at five, excluding the restaurant end-cap use. This was applied to the nearby V-Land Center and is intended to provide for larger store spaces, which may attract more destination related uses and retail businesses.

This interior yard relief is intended to allow the building to be located closer to the east property line of the abutting bank use. Staff finds this relief to be desirable as it allows for the other side of the center to be better utilized for outdoor dining and additional parking.

At this point in time, the final sit-down restaurant tenant is unknown, but the petitioner is preparing a final list for consideration within the annexation agreement itself. The proposed outdoor seating area location will be a function of the final design plan for the restaurant itself, but it will be located either on the east side of the building (in Plan A) or the west side (in Plan B). As noted in the Roosevelt Road Report, outdoor dining elements associated with restaurant establishments can be considered a desired amenity, provided that they do not create negative impacts on adjacent properties.

The wall sign relief is intended to provide for additional flexibility for the restaurant use, which would likely desire wall signs on the exterior walls visible from Roosevelt Road. Consistent with other restaurant uses and the proposed bank, staff does not object to the request. However such signage would be reviewed as part of the overall restaurant building elevations in the site plan approval process.

Lot 4 requires a deviation from the Subdivision and Development Ordinance to allow a lot without street frontage. Access to Lot 4 will be provided by means of cross access with Lots 1 through 3 of the proposed resubdivision. Lot 5 would be a detention outlet for the stormwater drainage of the project. Given the overall lot configuration, the grade issues and the built-in cross access provisions, and similar relief approved in a couple of other cases, staff does not object to this request.

The petitioner requests the right for a 95,000 square foot storage center to be located on Lot 4 (Parcel D). Storage centers are not listed as permitted or conditional use in the underlying B4A District. The petitioner indicated that they have not finalized a tenant for Lot 4 and have not submitted any building elevations or materials for the proposed building. The petitioner would like to establish the right for the use exception. Staff recommends as a condition of approval that site plan approval be required for Lot 4 to allow the Plan Commission to review building elevations and materials. In addition, should the petitioners choose not to move forward with the use exception for Lot 4, they can seek site plan approval for other uses permitted within the underlying B4A District.

Staff can conceptually support the storage center use given that the subject property is adjacent to two other storage uses including the U-Store-It storage center and the York Township Highway Department facility. Furthermore, there is a substantial change in grade with the elevation at the northern property line being as much as fifteen feet (15') higher than the elevation at the southern property line. The multi-story storage center building will not have as great of an impact when viewed from Roosevelt Road as a result of the grade change. Furthermore, the proposed storage center will provide additional screening of the York Township Highway Department facility to the south of the subject property.

A review of the plans estimated that the proposed Parcel B in Plan A would have about eight percent green space. However, given that the site is part of an overall planned development and the lot lines are intended to be more arbitrary, staff notes that this relief could be supported provided that the overall planned development meets the open space requirements of 12.5% of the area. Staff estimates that the open space will be about 15% of the planned development. This approach and requisite relief was also successfully implemented within the Highlands of Lombard planned development.

The petitioner's 2007 proposal requested approval of four freestanding signs proposed within the planned development. The new petition decreased the number from four to two. Staff can conceptually support the necessary relief to allow the two shopping center signs located at each of the access drives. Any signage for the bank and storage center will be incorporated into the shopping center signs.

He then reviewed the access and site design issues that were present in the 2007 petition and that they have not changed since last year. Staff recommends approval of the petition subject to a number of conditions.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Olbrish stated that he liked both site plans and the elevations looked good but thought that the south elevation should be spruced up. He liked their explanations as to the Village Board's concerns. He had assumed that the Village Board did not have any objections to the public storage facility. Mr. Friestedt stated that at the Village Board hearing the Board expressed concerns about having a storage use. Afterward, they went back and came up with the current plan by addressing other issues. By going into the market and testing the plan they believe the Board will now support it.

Commissioner Olbrish indicated that he was on the Roosevelt Road Ad Hoc Committee and would have had a problem if the storage use was located on Roosevelt Road but since it was set back to the rear of the property you don't actually see the building. Mr. Friestedt mentioned the cross section studies they did and how you can only see the top 10-12 feet of the building based on a person being 6 feet tall. Commissioner Olbrish stated that it will be very difficult to get anyone back there due to the drop in elevation. He thought it was a perfect use for that location on the site.

Chairperson Ryan commented that he was initially against the idea of a storage facility on the site and still was. He questioned the height of parcel B and how high the strip mall was going to be. Also how much will you see from Parcel D. Mr. Friestedt answered that the height of the parcel was 10-15 feet or a story and a half. The top of the parapet of the retail component could be 20-22 feet from grade so due to its height as well as the drop in grade, you will only see the top of the storage facility. He stated that they are aware that they will have to come back to the Plan Commission for site plan approval and will adhere to those requirements. It's a challenging piece of the project. Chairperson Ryan stated that when you come back for site plan approval for the storage facility and site elevations, he asked if the looks of it could be diminished. We are trying to build up Roosevelt Road and don't want to turn it into something not wanted.

Chairperson Ryan then stated his preference for Site Plan Option B. The restaurant and retail combined together make it a better looking facility and you can see the outdoor dining from the street. He then questioned how the south elevation might look having five tenants. Mr. Novack indicated they would update the elevation to show the number of doors. Chairperson Ryan indicated that with their previous proposal there were a larger number of doors for each tenant on that elevation which broke up the mass of the building. With five tenants it will be all brick so there is a need to tie it in with the other elevations. Mr. Novack indicated that using two colors would break up the building similar to the V-land project.

Commissioner Nelson asked about the access into the site when traveling westbound on Roosevelt Road. Mr. Heniff indicated that the center median lets you go either way. Westbound will have a full access or through cross access. Commissioner Nelson asked if there would be a turn lane. Mr. Heniff answered there would not be a dedicated one now just a shared access. IDOT will decide the appropriate striping pattern.

Commissioner Sweetser asked is there is a right turn lane to access the site while traveling eastbound on Roosevelt Road. Mr. Heniff answered that while proceeding east, the full access will not have a right turn lane but the other will. Commissioner Sweetser commented on how the trucks will be using the full access and how unfortunate it is that we cannot change the state route. Mr. Heniff answered that we could look at it as well as IDOT being that York Township would be running tandem trucks from that access. The petitioner will have to secure a permit from IDOT and the turning radii will have to accommodate those trucks.

Commissioner Flint stated he did not have a problem with the storage use being on the site. He mentioned that there is a storage facility to the west. He stated his preference for Option B as it will look better traveling eastbound, he preferred the location of the outdoor dining area and it has a more open feeling.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition does comply with the standards required by the Lombard Zoning, Sign and Subdivision and Development Ordinances and that granting approval of the planned development is in the public interest; and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review report as the findings of the Plan Commission, and therefore recommend to the Corporate Authorities **approval** of PC 08-13 subject to the following conditions:

1. The petitioner shall develop the site and building in accordance with the following plans submitted as part of this request, except as modified by the conditions of approval:

- a. Site Plan (with alternate Plan B Option), prepared by Hirsh Associates LLC dated April 15, 2008 and April 28, 2008.
- b. Landscape Plan (includes preservation plan and development plan), prepared by Hirsh Associates LLC dated March 14, 2008.
- c. Preliminary Plat of Subdivision prepared by B.H. Suh & Company and dated April 11, 2008.
- d. Building Elevations for proposed retail center, prepared by Hirsh Associates LLC dated April 15, 2008.
- e. Building Elevations for proposed bank, prepared by Hirsh Associates LLC dated April 15, 2008.
- f. Shopping Center Signage Plan prepared by Hirsh Associates LLC dated April 15, 2008.
- g. Signage Plan for the proposed bank prepared by Icon Identity Solutions, dated February 15, 2007.
- h. Preliminary Engineering (site dimensional and paving plan and utility plan), prepared by Manhard Consulting LTD, and April 11, 2008.
- i. Proposed wall and freestanding lighting elements, prepared by Winescape and Hess America, no date.



2. That the petitioner shall enter into an annexation agreement with the Village for the subject property.
3. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
4. That any trash enclosure screening required by Section 155.710 of the Zoning Ordinance shall be constructed of material consistent with the principal building in which the enclosure is located.
5. To ensure that the proposed signage, awnings and building elevations present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
  - a. That channel lettering shall only be used for the wall signs.
  - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
  - c. The planned development shall be limited to no more than two freestanding shopping center signs. The final placement of the signs shall be located in a manner that does not conflict with clear line of sight or utility easements.
  - d. That the fabric awnings on each of the proposed buildings shall be compatible.
  - e. All rooftop mechanical equipment shall be screened pursuant to Section 155.221 of the Zoning Ordinance.
  - f. The bank elevations shall replace the soldier course brick with the stone base proposed for the retail center and incorporate the center stone veneer proposed for the retail center.
  - g. The south building elevation of the retail center shall incorporate the similar alternating colored brick pattern as depicted on the north elevation and the stone veneer base, in order to break up the building mass.
  - h. The final building elevations for the retail center shall be limited to the minimum number of door entrances required by Village Fire Marshal.
6. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall allow for cross-access and cross parking between each lot within the proposed development.
7. The proposed sidewalk link shall be placed on a ramped island, with pedestrian crossing markings across the drive aisles.
8. The final development plan shall be modified to ensure that the parking stall space overhangs are in compliance with Village Code.

9. The use exception for a storage center shall only be for Lot 4 (Parcel D) of the planned development. The development of Lot 4 (Parcel D) shall be subject to site plan approval of the Village.
10. The building elevations for the proposed sit-down restaurant shall also be subject to site plan approval by the Village. The sit-down restaurant shall be permitted to have one wall sign on the north, west and east elevations, with the final design subject to site plan review.
11. Any outdoor dining areas shall be fenced around the perimeter of the dining area. The final design of the fence shall be subject to Village review and approval.
12. The petitioner shall dedicate to the Village a cross-access easement to provide access to the proposed detention outlet, with the final location to be denoted on the final plat of subdivision for the subject property.

Respectfully,

VILLAGE OF LOMBARD  


Donald F. Ryan  
Lombard Plan Commission

c. Petitioner  
Lombard Plan Commission

**VILLAGE OF LOMBARD  
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission

FROM: Department of  
Community Development  
PREPARED BY: William Heniff, AICP  
Senior Planner

HEARING DATE: May 19, 2008

**TITLE**

**PC 08-13; 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossings):** The petitioner requests that the Village take the following actions on the subject property:

- A. Approve an annexation agreement.
- B. Annex the portion of the subject property not currently within the Village of Lombard.
- C. Approve a map amendment rezoning the entire property to the B4A Roosevelt Road Corridor District.
- D. Approve a conditional use for a planned development, with the following companion conditional uses, deviations and variations, as follows:

1. For Lot 1 (Parcel A):

a. Conditional uses pursuant to Sections 155.417(G)(2)(b)(2) and 155.417(G)(2)(b)(6) of the Zoning Ordinance for a bank/financial institution with a drive-through facility;

b. A deviation from Section 153.505(B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;

c. A deviation from Section 155.417(G)(3) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 36,400 square feet;

d. A deviation from Section 155.417(G)(4) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 137 feet.

2. For Lot 2 (Parcel B):

a. A conditional use pursuant to Section 155.417(G)(2)(c)(7) of the Zoning Ordinance for a shopping center, consisting of more than one principal business on a zoning lot;

3. For Lot 3 (Parcel C):
- a. A deviation from Section 155.417(G)(2)(a)(5) of the Zoning Ordinance for a restaurant outside service/dining area;
  - b. A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;
  - b. A deviation from Section 155.417(G)(5)(c) of the Zoning Ordinance reducing the required east interior side yard from ten feet (10') to five feet (5').
4. For Lot 4 (Parcel D):
- a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow for a lot without public street frontage;
  - b. A planned development use exception for a storage center in the B4A District with a variation from Section 155.508 (B)(3) of the Zoning Ordinance to allow a use exception to exceed 40% of the total floor area for the overall planned development.
  - c. A conditional use pursuant to Section 155.417(G)(2)(c)(6) of the Zoning Ordinance for a four story building, between 40 and 45 feet in height;
5. For Lot 5 (detention outlet Parcel E):
- a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow a lot without public street frontage;
  - b. A deviation from Section 154.507 (D) of the Subdivision and Development Ordinance requiring an outlet to have at least thirty feet (30') of frontage along a public street;
  - c. A deviation from Section 155.417 (G)(3) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 19,000 square feet for a detention outlet; and
  - d. A deviation from Section 155.417 (G)(4) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 131 feet.

6. For each lot, grant a variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.

7. Grant a variation from Sections 155.417 (G)(7) and (9) of the Zoning Ordinance to eliminate the ten percent (10%) open space requirement for individual lots.

8. Approve the following Sign Ordinance deviations:

a. A deviation from Section 153.235 (A) to allow for two shopping center signs, where one is permitted; and

b. A deviation from Section 153.235 (E) to allow for shopping center signs to be located closer than 250 feet from each other.

c. A deviation from Section 153.234 (F) to allow for free-standing signs to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way; and

9. Approve a preliminary major plat of resubdivision, with an alternate option that combines proposed Parcels B and C into a single lot of record.

### GENERAL INFORMATION

Petitioner/Property Owner: Centum Lombard, LLC  
225 W. Hubbard Street, 4<sup>th</sup> Floor  
Chicago, IL 60610

### PROPERTY INFORMATION

Existing Zoning: Former O'Hare Towing - DuPage County B1 Commercial District  
Former Lombard Lanes - B4A Roosevelt Road Corridor District

Existing Land Use: Vacant (previously developed as Lombard Lanes and O'Hare Towing)

Size of Property: Approximately 4.57 Acres

Comprehensive Plan: Community Commercial (Roosevelt Road Corridor)

Surrounding Zoning and Land Use:

North:	B4 Corridor Commercial District and Developed as restaurant and retail uses.
South:	Property in Unincorporated DuPage County zoned B2 General Business District and developed as office and storage facility for York Township Highway Department
East:	B3PD Community Commercial Planned Development District and developed as High Point Shopping Center
West:	Property in Unincorporated DuPage County zoned B2 General Business District and developed as a motel and a mini-warehouse facility

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on April 15, 2008:

1. Petition for Public Hearing dated April 15, 2008 with responses to standards.
2. Planned Development Narrative Statement.
3. Petition for Annexation with draft Annexation Agreement.
4. ALTA/CSM Land Title Survey, prepared by B.H. Suhr & Company and dated August 23, 2006.
5. Site Plan (with alternate Plan B Option), prepared by Hirsh Associates LLC dated April 15, 2008 and April 28, 2008.
6. Landscape Plan (includes preservation plan and development plan), prepared by Hirsch Associates LLC dated March 14, 2008.
7. Preliminary Plat of Subdivision, prepared by B.H. Suhr & Company and dated April 11, 2008.
8. Building Elevations for proposed retail center, prepared by Hirsch Associates LLC dated April 15, 2008.

9. Building Elevations for proposed bank, prepared by Hirsch Associates LLC dated April 15, 2008.
10. Shopping Center Signage Plan prepared by Hirsch Associates LLC dated April 15, 2008.
11. Signage Plan for the proposed bank prepared by Icon Identity Solutions, dated February 15, 2007.
12. Preliminary Engineering (site dimensional and paving plan and utility plan), prepared by Manhard Consulting LTD, and April 11, 2008.
13. Proposed wall and freestanding lighting plan, prepared by Winscape and Hess America, no date.

## DESCRIPTION

In 2007, the petitioner submitted an application for approval of an annexation agreement, annexation and planned development approval with companion zoning relief. Prior to final consideration of the petition by the Village, the petitioner withdrew their request. The petitioner is now seeking new approvals based upon an amended annexation agreement and revised site plan. The new plan set proposes a bank with a drive-through, an in-line retail center and a sit-down restaurant. The petition also requests approval of a use exception for a storage center to be located in the rear of the subject properties.

Many of the substantive changes from the 2007 petition were not directly related to the land plan, but rather the annexation agreement provisions itself. However, the principal site plan changes are as follows:

1. On Parcel C, the proposed fast-food restaurant with a drive-through and outdoor dining has been replaced with a sit-down establishment with an alternate outdoor dining option.
2. To facilitate the sit-down restaurant, two options are being proposed – a free standing building and an in-line center (similar to the V-Land Highland Roosevelt Center). Should the in-line center option be pursued, Parcels B & C would be consolidated on the final plat and the parking lot would be modified accordingly, per the submitted plans.
3. The original request included four freestanding signs. The latest proposal requests approval of two freestanding shopping centers being erected.
4. The stormwater detention outlet was slightly reduced in size.

5. The annexation agreement includes provisions pertaining to the order in which the respective buildings and uses shall be permitted to proceed.

As noted in the previous submittal, the subject property includes the former Lombard Lanes property and the adjacent O'Hare Towing property, which is currently within unincorporated DuPage County. The site is currently vacant as the structures on both of the properties were demolished last year. The petitioner is requesting approval of an annexation agreement, zoning and a conditional use for a planned development with associated deviations and variations in order to develop an integrated center.

The petitioner is requesting site plan approval for the first portion of the development, which consists of a banking facility (financial institution), an in-line commercial shopping center, and a sit-down restaurant. The plan proposes a drive-through facility for the banking facility. In addition, the petitioner is requesting approval of the future right to construct a 95,000 square foot indoor storage center, which requires approval of a use exception to the proposed planned development.

## INTER-DEPARTMENTAL REVIEW COMMENTS

### ENGINEERING

The Private Engineering Division has the following comments on this petition:

1. Village water main shall be extended across the frontage of the property and shall either connect to the existing main at Highland Avenue, or shall be looped through the development. The current plan shows the water main stopping short of the west property line, which is not acceptable.
2. The existing Highland Hills water main shall be abandoned within the property. Any work to supplement/maintain the Highland Hills loop off of this property is the developer's responsibility.
3. Fire hydrants shall be constructed in front of each building within 25' to 75' of the FDC, which shall be located on the front of the buildings. Subsequent fire hydrants are required every 150'. Show proposed FDC locations for each building.
4. All water main that serves the hydrants, fire suppression lines or water services shall be dedicated to the Village in a 30' easement.
5. No free standing signs or light pole bases are permitted within easements.



6. All valves for water mains, service lines and fire suppression lines greater than 2" shall be in 60" vaults.

7. A guard rail is required around the detention pond for that portion that abuts parking lot (as currently shown on the plan).

8. Any floodplain, wetland or wetland buffer impacts shall be certified by DuPage County.

9. All elevations shall be tied to a Village of Lombard benchmark.

10. Heavy duty pavement is required for all drive areas (or any area that is not a parking stall).

11. Show emergency overflow for pond.

12. Show all proposed easements. For watermain, the easement shall be 30' in width, centered over the main. For stormwater detention, the easement shall be over the pond, plus a 30' access to Village ROW. Further easements may be required over special management areas (wetland or flood plain).

13. Call out all utility crossings. Do not shift watermain up and down, lower/raise other utility.

14. Water quality measures required to satisfy the DuPage County BMP ordinance (effective Aug. 1, 2008).

15. Public sidewalks shall extend through drive aisles.

## PUBLIC WORKS

The Public Works Department has no comments at this time but will provide additional comments as part of the permit review process.

## BUILDING AND FIRE

The Fire Department/Bureau of Inspectional Services has no comments at this time, but will offer comments through the building permit process.

## PLANNING

### Compatibility with the Comprehensive Plan

The Comprehensive Plan identifies the subject property for Community Commercial Uses. Of particular note, a primary goal denoted in the Plan for Commercial and Retail Development is to identify and encourage the improvement or redevelopment of select commercial areas that are or are becoming functionally obsolete. The petitioner's plan removed structures that were developed prior to their annexation in the Village and redevelop the site consistent with the objectives of the Roosevelt Road Corridor and the Plan.

The Roosevelt Road Corridor Study adopted last year, also set forth a number of recommendations, including:

- Encouraging or requiring cross access, cross parking and shared access. The plan will have two access driveways, of which only the west driveway will have full access.
- Common and unified development themes, as required through the annexation agreement and through the Plan Commission review.
- Decorative and non-obtrusive lighting, as shown in the petitioner's plans.

- Four-sided building elevations, which incorporates the common architectural elements on all sides of the proposed building(s). Additional comments are provided elsewhere in the report.
- Pedestrian access/circulation accommodations within the development. The plan set shows the required public sidewalk requirements as well as a separate walkway linking to the retail center and the other proposed buildings. Staff suggests that the striped area within the parking lot be changed to a barrier island with crosswalk in the asphalt driveway.

- The Plan also recommends increased green/open space, particularly in viable areas. This site does pose a significant challenge as the existing grade of the property slopes significantly to the southeast. As such, the open space detention is proposed to the rear of the site. However, as depicted on the plans, the petitioner is proposing to incorporate a number of landscape islands to break up the parking lot mass on the site.

Based on a review of these provisions, the proposed redevelopment is consistent with the Comprehensive Plan and Roosevelt Road Corridor Plan.

**Compatibility with the Surrounding Land Uses**

The proposed redevelopment is consistent with the other uses along Roosevelt Road. The subject property is bordered on the north and east by other existing retail commercial uses. To the south of the subject property is an office and storage facility for York Township Highway Department. To the west of the subject property is a motel, which may be subject to redevelopment at some point in the future, and U-Store-It storage center.

**Compatibility with the Zoning and Sign Ordinances**

The Centrum property within the Village was rezoned to the B4A District last fall. As such, this petition was reviewed in the context of the new development regulations. The petitioner is requesting numerous zoning actions to facilitate the development as proposed, including:

*A map amendment rezoning the entire property to the B4A Roosevelt Road Corridor District.*

The former Lombard Lanes (now Centrum Property) is currently zoned B4A. Upon annexation, the Christos property (i.e., the western portion of the property) would need to be zoned into a district that is consistent with the Comprehensive Plan and the Roosevelt Road Plan. Staff believes the property should be rezoned to the B4A District, consistent with the Roosevelt Road Plan recommendations. By approving this designation, the special provisions included within the Plan and the district could be applied to the property.

**Conditional use for a planned development.**

Establishing a conditional use for the entire development is an appropriate way to address the unique site constraints and phasing of the proposed development. Moreover, the planned development process allows the Village to look at all of the proposed structures comprehensively, versus looking at each proposed structure separately. Through this process, staff believes that a better overall design can be achieved.

**Conditional uses for a bank/financial institution with a drive-through facility on Lot 1 (Parcel A) of the proposed subdivision.**

The B4A District lists financial institutions as conditional uses – this differs from the previous petition when banks were permitted by right. This change allows the Village to review the facility relative to the overall development plan. The Roosevelt Road Report noted that banks could provide value to a community if it is part of an overall planned development (versus stand-alone structures). While not attached to the retail building, the proposed plan integrates the use into the overall development through its common building design elements (shared masonry materials and signage), shared access and integrated design. Therefore when considered in the context of the overall design, it can be supported.

The proposed bank includes a drive-through facility on the south side of the building. Sufficient stacking and a bypass lane are provided. The proposed drive-through facility will not negatively impact traffic circulation within the development. Two cross-access drive aisles with the High

Point Shopping Center are located on the east side of the bank, which will allow the vehicles to exit onto Roosevelt Road at the Fairfield Avenue stop light. Staff does not object to this request.

A deviation to allow for more than one wall sign per street frontage.

The Zoning Ordinance limits businesses to one wall sign per street frontage. Wall signs are proposed for the bank on the north, west and east exterior walls. Per staff's recommendation, the previously proposed wall sign on the south elevation of the bank was removed. The wall sign on the north elevation is 33 square feet and the wall signs on each of the east and west elevations are 18 square feet. The overall sign size for each of the proposed wall signs meets code area requirements for area.

The petitioner also proposes small wall directional signage for the respective drive lanes and permitted companion valance signage. The proposed LED signage does not change copy, so it is not considered to be an automatic changeable copy sign.

A deviation to reduce the minimum lot area from 40,000 square feet to 36,400 square feet and reduce the minimum lot width from 150 feet to 137 feet.

When the petitioner was seeking initial approval of the development, the property was zoned B3 and the property met the B3 requirements. However, this relief was created as part of the overall B4A district designation.

The issue of lot width and area was discussed as part of the Roosevelt Road Ad-Hoc Committee review. The Committee noted that a number of lots do not meet the lot provisions included within the B4A designation. Staff noted that for lots that do not meet the requirements, they could be designed in a manner that would allow the lots to functionally operate as if it was a larger lot. Staff finds that this is the case for this lot.

For Lot 2 (Parcel B), a conditional use for a shopping center, consisting of more than one principal business on a zoning lot.

As with the bank, this use was previously a permitted use, but is now a conditional use within the B4A District. This designation allows the Village to look at the overall design of the facility relative to the overall B4A provisions and determine if the proposed design and layout meets the objectives of the Plan. Additionally, as each center differs in nature and intent, the conditional use allows for a more detailed review of the plan.

The petitioner is proposing two options – a separate in-line center of 12,500 square feet and a unified center that includes the retail center component anchored by a sit-down restaurant. To address concerns regarding the tenants and uses in the center, the petitioner is amenable to a cap on the total number of tenant spaces at five, excluding the restaurant end-cap use. This was applied to the nearby V-Land Center and is intended to provide for larger store spaces, which may attract more destination related uses and retail businesses.

A deviation reducing the required east interior side yard from 10 feet to one foot for Lot 2:  
This relief is intended to allow the building to be located closer to the east property line of the abutting bank use. Staff finds this relief to be desirable as it allows for the other side of the center to be better utilized for outdoor dining and additional parking.

For Lot 3 (Parcel C), a conditional use for a restaurant outside service/dining area:  
At this point in time, the final sit-down restaurant tenant is unknown, but the petitioner is preparing a final list for consideration within the annexation agreement itself. The proposed outdoor seating area location will be a function of the final design plan for the restaurant itself, but it will be located either on the east side of the building (in Plan A) or the west side (in Plan B). As noted in the Roosevelt Road Report, outdoor dining elements associated with restaurant establishments can be considered a desired amenity, provided that they do not create negative impacts on adjacent properties. The subject property is separated from residential uses, so anticipated noise and lighting impacts should be minimal. Staff also recommends appropriate fencing, as has been required for other establishments.

A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage:  
This relief is intended to provide for additional flexibility for the restaurant use, which would likely desire wall signs on the exterior walls visible from Roosevelt Road. Consistent with other restaurant uses and the proposed bank, staff does not object to the request. However such signage would be reviewed as part of the overall restaurant building elevations in the site plan approval process.

A deviation reducing the required east interior side yard from ten feet (10') to five feet (5'):  
This relief is only needed if Plan A is pursued. As with the other yard relief, this request is intended to address the lot division that is contemplated within the center courtyard area between the restaurant building and the in-line center. This open area could be used as flexible seating space for prospective tenants as well. As such, staff is supportive on the request.

For Lots 4 and 5 (Parcels D and E), a deviation to allow for a lot without public street frontage:  
Lot 4 requires a deviation from the Subdivision and Development Ordinance to allow a lot without street frontage. Access to Lot 4 will be provided by means of cross access with Lots 1 through 3 of the proposed resubdivision. Lot 5 would be a detention outlet for the stormwater drainage of the project. Given the overall lot configuration, the grade issues and the built-in cross access provisions, staff does not object to this request.

For Lot 4, a planned development use exception for a storage center in the B4A District with a variation to allow a use exception to exceed 40% of the total floor area for the overall planned development and a conditional use for a four story building, between 40 and 45 feet in height:  
The petitioner proposes a 95,000 square foot storage center to be located on Lot 4 (Parcel D). Storage centers are not listed as permitted or conditional use in the underlying B4A District. The

Zoning Ordinance includes provisions for use exceptions, which allow for uses in a planned development that are not allowed in the underlying zoning district. The Zoning Ordinance stipulates that use exceptions cannot represent more than 40% of the site area or more than 40% of the total floor area. The proposed storage center does not exceed 40% of the site area, but because it will be a four-story building, it will exceed 40% of the total floor area within the planned development. Therefore, a variation from the Standards for Planned Developments with Use Exceptions is also needed for the proposed storage center.

The petitioner indicated that they have not finalized a tenant for Lot 4 and have not submitted any building elevations or materials for the proposed building. The petitioner would like to establish the right for the use exception. Staff recommends as a condition of approval that site plan approval be required for Lot 4 to allow the Plan Commission to review building elevations and materials. In addition, should the petitioners choose not to move forward with the use exception for Lot 4, they can seek site plan approval for other uses permitted within the underlying B4A District.

Staff can conceptually support the storage center use given that the subject property is adjacent to two other storage uses including the U-Store-It storage center and the York Township Highway Department facility. Furthermore, there is a substantial change in grade with the elevation at the northern property line being as much as fifteen feet (15') higher than the elevation at the southern property line. The multi-story storage center building will not have as great of an impact when viewed from Roosevelt Road as a result of the grade change. Furthermore, the proposed storage center will provide additional screening of the York Township Highway Department facility to the south of the subject property.

A deviation requiring an outlot to have at least thirty feet (30') of frontage along a public street; a deviation to reduce the minimum lot area from 40,000 square feet to 19,000 square feet; and a deviation to reduce the minimum lot width from 150 feet to 131 feet.

These actions are intended to address the unique detention issues associated with the development, as noted within the report, the location of the detention outlot to the southeast end of the development was the result of existing grades and drainage patterns. Providing the 30 foot requisite strip to Roosevelt Road would not provide significant benefit to the development or the Village. However, in consideration of this request, staff will require a cross-access easement to allow the Village to review and inspect the detention facility.

Regarding the width and area requirements, the petitioner is seeking this relief, as the overall detention requirements do not require a lot of a size that would meet code provisions. Staff notes that this relief can be conceptually supported given that the lot will not be developed in the future.

For each lot, variations reducing the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.

By establishing a planned development, arbitrary property lines can be ignored in favor of a more unified and cohesive development. In this case, the proposed access aisles are placed where it

makes most sense within the overall project, rather than based upon property lines. This deviation can be supported as it provides for better traffic flow and circulation. Moreover, it also helps minimize traffic on adjacent public streets. Staff has supported such relief for other unified centers.

*Grant a variation from Sections 155.417 (G)(7) and (9) of the Zoning Ordinance to eliminate the ten percent (10%) open space requirement for individual lots:*

A review of the plans estimated that the proposed Parcel B in Plan A would have about eight percent green space. However, given that the site is part of an overall planned development and the lot lines are intended to be more arbitrary, staff notes that this relief could be supported provided that the overall planned development meets the open space requirements of 12.5% of the area. Staff estimates that the open space will be about 15% of the planned development. This approach and requisite relief was also successfully implemented within the Highlands of Lombard planned development.

*A deviation to allow for two shopping center signs, where one is permitted, a deviation to allow for shopping center signs to be located closer than 250 feet from each other and a deviation to allow for free-standing signs to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way:*

The petitioner's 2007 proposal requested approval of four freestanding signs proposed within the planned development. The new petition decreased the number from four to two as follows:

Sign	Height	Sign Copy Area	Max. Sign Area Permitted by Code
Shopping center monument sign	15'7"	70 sq. ft.	150 sq. ft.
Shopping center pylon sign	21'3"	101 sq. ft.	150 sq. ft.

There are a number of deviations required for the proposed freestanding signs. Only one Shopping Center Identification Sign would be permitted on the subject property as a matter of right as the planned development does not meet the frontage requirements (> 500 linear feet) for a second Shopping Center Identification sign. The Sign Ordinance also requires a distance of at least 250 feet between Shopping Center Identification Signs. The proposed plan shows a distance of 220 feet.

As noted in the 2007 petition, planned developments are intended for a unified and compatible design of buildings, structures and site improvements. Staff can conceptually support the necessary relief to allow the two shopping center signs located at each of the access drives. Any signage for the bank and storage center will be incorporated into the shopping center signs.

Staff notes that there is an existing billboard located on the subject property. The companion annexation agreement will provide for the removal of the billboard by the petitioner in 2014, when the existing lease period expires.

*Approve a preliminary major plat of resubdivision, with an alternate option that combines proposed parcels B and C into a single lot of record.*

The petitioner has also submitted a preliminary plat of subdivision for the development, based upon the concept plans. The petitioner proposes to resubdivide the property to create five lots of record. As an alternative, should the Plan B concept be pursued, Parcels B and C will be consolidated into a single lot. This would be depicted on the Final Plat of Subdivision. As this development is over one acre in size, the plat will need to be approved by the Village Board. Staff will transmit the final plat to the Board for approval upon approval of final engineering for the development.

Lastly, this project is considered a major development as defined by the Subdivision and Development Ordinance, which would require full public improvements where they are needed. This includes street lighting, sidewalks, parkway trees, storm sewer, landscaping and associated roadway improvements.

**Other Issues**

The overall petition can also be supported based upon consideration of the following items:

Parking

The proposed plans have the following site plan characteristics:

Use	Plan A	Plan B
Bank	12 spaces	12 spaces
Sit-down Restaurant	91 spaces (detached)	24 spaces (attached)
Retail center	50 spaces	50 spaces
Storage Center	44 spaces	44 spaces
Subtotal (Gross)	197 spaces	130 spaces
Allowable parking deductions (assumed to be 10% of gross area of restaurant and retail center)	14 spaces	7 spaces
Net parking requirement	183 spaces	127 spaces
Parking Provided	186 spaces	201 spaces

The significant difference between the two parking provisions relates to how requisite parking is required within the Zoning Ordinance. Stand alone structures are required to provide parking based on their use, while for shopping centers, an overall 4 spaces per 1000 square feet of gross



floor area is required. This explains the parking requirement discrepancy between the two restaurant plan scenarios.

The petitioner is also proposing an outdoor dining component associated with the restaurant use. Staff notes that the parking requirements can be met for this activity, provided that the overall parking provisions are met. Staff also notes that while the overall planned development would meet the parking requirements, the cross-access and parking provisions should memorialize the cross parking rights as well (particularly if Plan A is pursued).

Staff also notes the parking spaces along the west and east property lines as well as in front of the retail center are depicted to be 16 feet in length. The Zoning Ordinance allows for 16' long spaces if those spaces encroach into a landscape area that is not a required landscape area. Compliance can be achieved by lengthening the stall spaces, shifting the adjacent drive aisle or adjusting the abutting walkway.

### Traffic Analysis

As part of the submittal, the Village's traffic consultant KLOA reviewed the site for its impact on the Village street network. The petitioner has been working with staff and the Village's traffic consultant to address concerns related to stacking and access drives.

The subject property previously had a full access drive on the Lombard Lanes property and a full access drive on the O'Hare Towing property. There are existing cross-access easements with High Point Shopping Center located west of the subject property. The cross-access will allow vehicles to exit onto Roosevelt Road at the Fairfield Avenue traffic light.

Staff notes that there is an existing easement on the O'Hare Towing property that granted York Township Highway Department rights to use a fifteen-foot drive aisle and the full access onto Roosevelt Road. The petitioner has worked with both York Township Highway Department to address the easement. IDOT has reviewed the proposed site plan and finds the full access curb-cut and right-in/right-out curb-cut to be acceptable. However, IDOT will require the petitioner to extend the existing right turn only lane for the right-in/right-out curb cut to the west in the High Point Shopping Center.

### Landscape

The petitioner has submitted a landscape plan that is intended to provide perimeter and internal parking lot landscaping similar to that specified in the Zoning Ordinance. The subject property is not adjacent to any residential zoning districts. Therefore, transitional landscaping is not required. Many of the existing trees along the southern property line will remain. The petitioner is proposing six additional trees to be located along the southern property line and along the detention facility. Other trees will be interspersed within the development to meet parking lot landscape and perimeter lot requirements.

Trash Enclosures  
The refuse disposal areas must be screened on all four sides to a height between six and eight feet. Staff recommends that the trash enclosure be constructed of the same masonry materials that are used for the building.

Elevation Drawings

The petitioner has submitted elevation drawings for the proposed banking facility and the retail building, and fast food restaurant. The proposed buildings attempt to incorporate similar masonry colors and materials. The banking facility and the retail building will use a red brick incorporating a red stone, similar in color. The retail building will use a red brick as well as a lighter alternate brick on the interior recesses. The buildings will also include an EIFS cornice element, which helps tie them together. All three buildings incorporate fabric awnings and wall scones as decorative elements. Staff recommends that the fabric awnings be compatible as a condition of approval.

To tie the buildings together more closely, staff also suggests that the base of the bank replace the soldier course brick with the stone base proposed for the retail center and incorporate the center stone veneer proposed for the retail center.

Regarding the retail center, staff suggests that the secondary stone piers be compatible stone, rather than EIFS. To address the Roosevelt Road Report objectives, staff also suggests that the south building elevation of the retail center incorporate the similar alternating colored brick pattern as depicted on the north elevation and the stone veneer base, in order to break up the building mass. Lastly, the petitioner is proposing to cap the number of retail spaces in the center at five, excluding the proposed sit-down restaurant. Staff recommends as a condition of approval that the final building elevations limit the number of door entrances to the minimum required by Village Code.

**FINDINGS AND RECOMMENDATIONS**

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meet the standards required by the Lombard Zoning Ordinance, the Sign Ordinance and the Subdivision and Development Ordinance, subject to conditions of approval. As such, the IDRC recommends that the Plan Commission make the following motion recommending **approval** of this petition:

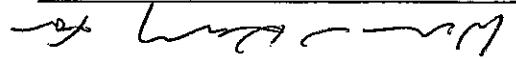
Based on the submitted petition and the testimony presented, the requested relief **complies** with the standards required by the Lombard Zoning, Sign and Subdivision and Development Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Review Report as the findings of the Plan Commission and that establishing a planned development is in the public interest; and

therefore, I recommend to the Corporate Authorities **approval** of PC 08-13 subject to the following conditions:

1. The petitioner shall develop the site and building in accordance with the following plans submitted as part of this request, except as modified by the conditions of approval:
  - a. Site Plan (with alternate Plan B Option), prepared by Hirsh Associates LLC dated April 15, 2008 and April 28, 2008.
  - b. Landscape Plan (includes preservation plan and development plan), prepared by Hirsh Associates LLC dated March 14, 2008.
  - c. Preliminary Plat of Subdivision prepared by B.H. Suhr & Company and dated April 11, 2008.
  - d. Building Elevations for proposed retail center, prepared by Hirsch Associates LLC dated April 15, 2008.
  - e. Building Elevations for proposed bank, prepared by Hirsch Associates LLC dated April 15, 2008.
  - f. Shopping Center Signage Plan prepared by Hirsch Associates LLC dated April 15, 2008.
  - g. Signage Plan for the proposed bank prepared by Icon Identity Solutions, dated February 15, 2007.
  - h. Preliminary Engineering (site dimensional and paving plan and utility plan), prepared by Manhard Consulting LTD, and April 11, 2008.
  - i. Proposed wall and freestanding lighting elements, prepared by Winscape and Hess America, no date.
2. That the petitioner shall enter into an annexation agreement with the Village for the subject property.
3. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDR/C report.
4. That any trash enclosure screening required by Section 155.710 of the Zoning Ordinance shall be constructed of material consistent with the principal building in which the enclosure is located.
5. To ensure that the proposed signage, awnings and building elevations present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
  - a. That channel lettering shall only be used for the wall signs.
  - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.

- c. The planned development shall be limited to no more than two freestanding shopping center signs. The final placement of the signs shall be located in a manner that does not conflict with clear line of sight or utility easements.
- d. That the fabric awnings on each of the proposed buildings shall be compatible.
- e. All rooftop mechanical equipment shall be screened pursuant to Section 155.221 of the Zoning Ordinance.
- f. The bank elevations shall replace the soldier course brick with the stone base proposed for the retail center and incorporate the center stone veneer proposed for the retail center.
- g. The south building elevation of the retail center shall incorporate the similar alternating colored brick pattern as depicted on the north elevation and the stone veneer base, in order to break up the building mass.
- h. The final building elevations for the retail center shall be limited to the minimum number of door entrances required by Village Fire Marshal.
6. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall allow for cross-access and cross parking between each lot within the proposed development.
7. The proposed sidewalk link shall be placed on a ramped island, with pedestrian crossing markings across the drive aisles.
8. The final development plan shall be modified to ensure that the parking stall space overhangs are in compliance with Village Code.
9. The use exception for a storage center shall only be for Lot 4 (Parcel D) of the planned development. The development of Lot 4 (Parcel D) shall be subject to site plan approval of the Village.
10. The building elevations for the proposed sit-down restaurant shall also be subject to site plan approval by the Village. The sit-down restaurant shall be permitted to have one wall sign on the north, west and east elevations, with the final design subject to site plan review.
11. Any outdoor dining areas shall be fenced around the perimeter of the dining area. The final design of the fence shall be subject to Village review and approval.
12. The petitioner shall dedicate to the Village a cross-access easement to provide access to the proposed detention outlot, with the final location to be denoted on the final plat of subdivision for the subject property.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

att:

c. Petitioner

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CENTRUM LOMBARD, L.L.C.

LOMBARD CROSSINGS

Application For Planned Development

Pursuant to Section 155.508 of the Lombard Zoning Ordinance: "No planned development shall be approved unless the Village Plan Commission and the Village Board find that the development meets ... the standards set forth in [Section 155.508 Standards for Planned Developments]."

Standards for Planned Developments are provided in Paragraphs (A) through (C) of Section 155.508. The following analysis demonstrates compliance with such standards; the language of the applicable standard is set forth in *italics*, and the compliance statement follows in regular typeface.

(A) General Standards

1) *Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.*

Centrum Lombard, L.L.C. ("Developer") is proposing to develop an approximately 4.57 acre parcel of property ("Subject Property") for retail, commercial, and service uses including, preliminarily, bank, restaurant, storage and complimentary uses on the south side of Roosevelt Road between Stewart Avenue and Fairfield Avenue. A portion of the Subject Property is currently zoned in the Village's B-4A Corridor Commercial District ("B-4A District") and the Developer is seeking to annex and rezone the remaining portion of the Subject Property to the B-4A District. The Developer has submitted a Preliminary Plan pursuant to Section 155.503(B) of the Zoning Code which meets the requirements of the B-4A District, including off-street parking and loading, signage, and landscaping requirements, except for the variations, exceptions and deviations further outlined in the notice of the public hearing on this proposal.

2) *Community sanitary sewage and potable water facilities connected to a central system are provided.*

Potable water transmission and service necessary to serve the Subject Property will be provided through the Village's water system and sanitary sewer service will be provided through the Highland Hills Sanitary District.

3) *The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site;*

The goal of the Village's Comprehensive Plan with regard to the Subject Property, which sits within the Roosevelt Road Corridor, is to provide for the normal and orderly development of "an array of retail, commercial, service and office uses." The dominant use of the Subject Property

as provided in the Preliminary Plan is a mix of retail, commercial and service uses and therefore consistent with the Comprehensive Plan.

4) *That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance;*

According to Section 155.002 of the Lombard Zoning Ordinance, the Ordinance "is adopted for the purpose of protecting and promoting the health, safety, comfort, convenience, and general welfare of the people ... and the standards and requirements are intended to further the implementation of the objectives of the Official Comprehensive Plan." As provided above, the goal of the Comprehensive Plan for the Roosevelt Road Corridor is to establish an array of retail, commercial, service and office uses and the Preliminary Plan contains such uses exclusively. Furthermore, the proposed uses for the Subject Property are either permitted in the existing B-4A District or subject to approval in the District as conditional uses or exceptions, variations and deviations within the requested planned development approvals.

5) *That the streets have been designed to avoid: (a) Inconvenient or unsafe access to the planned development; (b) Traffic congestion in the streets which adjoin the planned development; (c) An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.*

The Preliminary Plan does not contain any public streets however the demands of automobile traffic servicing the Subject Property from Roosevelt Road are being addressed through an existing access point, preliminary approval from IDOT for full access and a right-in/right-out access, and an access easement across the property adjacent to, and east of, the Subject Property. In addition, the proposed development of the Subject Property will not result in any demand or burden on public parks, recreation areas, schools, and other public facilities within the Village or unincorporated DuPage County.

(B) *Standards for Planned Developments with Use Exceptions. The ordinance approving the Final Development Plan for the planned development may provide for uses in the planned development not allowed in the underlying district, provided the following conditions are met:*

1) *Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses;*

The Preliminary Plan proposes a maximum of one "drive-through and drive-in establishment/service" use and a storage use without public street frontage. Such uses are not prohibited in the B-4A District but rather permitted as "conditional uses" for which the Developer is seeking approval. However, even if the Village considers such uses "use exceptions" under Section 155.508, such uses nonetheless satisfy the standards of that Section and should be approved. The proposed drive-through use is compatible with the drive-through uses that currently exist on several other parcels along Roosevelt Road that sit within close proximity to the Subject Property. In addition, because drive-through lanes are regularly required as a condition of development by banks, such use will broaden and enhance the number of potential users of the Subject Property. Drive-through uses will also enhance the benefits to consumers who seek such uses for their convenience and safety. The storage uses complement



the existing uses on the Subject Property and provide for the highest and best use of a lot in the rear of the Subject Property that would not otherwise be developable for retail uses due to its lack of visibility from Roosevelt Road.

2) Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties;

Drive-through and storage uses will not adversely impact the surrounding properties since access to, and use of, the drive-through facilities and storage facility will be entirely contained within the Subject Property itself.

3) Proposed use exceptions shall not represent more than 40% of the site area or more than 40% of the total floor area, whichever is less.

The Developer's request includes a use exception to allow such exceptions to exceed 40% of the total floor area.

(C) Standards for Planned Developments with Deviations. The Village Board may approve planned developments which do not comply with the requirements of the underlying district regulations governing lot area, lot width, bulk regulations, parking and sign regulations, or which require modification of the subdivision design standards when such approval is necessary to achieve the objectives of the proposed planned development, but only when the Board finds such deviations are consistent with the following standards:

1) Any reduction in the requirements of this Ordinance is in the public interest;

The deviations identified in the Planned Development permit the Developer to provide the Village with more square feet of retail and restaurant space, and a greater amount of useable floor area, thereby increasing the amount of tax revenue that may be generated by the Subject Property. At the same time, the deviations do not result in a development that will be out of character for the Roosevelt Road corridor or that will consist of intensities and densities of use that differ from other properties in the vicinity of the Subject Property.

2) The proposed deviations would not adversely impact the value or use of any other property;

The deviations identified in the Planned Development will positively, rather than adversely, impact the value and use of nearby properties because they will permit the Subject Property to be developed with four new retail and service buildings, new landscaping, new signage, new curbs and other related improvements. The increased property values achieved by the Subject Property will benefit the property values of neighboring properties. In addition, neighboring properties will benefit from the spill-over effect of customers attracted to the newly redeveloped Subject Property.

3) That such deviations are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding properties.

The unusual topography of the site and the existing development conditions in the area necessitate a design that incorporates the requested deviations but the overall development is in keeping with the character of the surrounding properties and accomplishes the goals for the Roosevelt Road Corridor as provided in the Village Comprehensive Plan.

4) That the overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district.

Provided that a use exception is granted from the provisions of Section 155.508(B)(3), the overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district.

5) That in residential planned developments the maximum number of dwelling units allowed shall not exceed by more than 40% the number of dwelling units permitted in the underlying district.

The Planned Development contains no residential component.

6) That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:

(a) The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.

The front, side or rear yard setbacks on the perimeter of the development are not be less than that required in the abutting zoning districts or the zoning district underlying the subject site however the required perimeter parking lot landscaping is reduced to provide for shared cross-access and required parking.

(b) All transitional yards and transitional landscape yards of the underlying zoning district are met.

Except as stated above regarding perimeter landscaping, all transitional yards and transitional landscape yards of the underlying zoning district are met.

7) That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zone district.

The area of open space provided in the planned development is at least 25% more than that required in the underlying zone district.

CENTRUM LOMBARD, L.L.C.

LOMBARD CROSSINGS

Application For Zoning Map Amendment

Pursuant to Section 155.103(E)(1) of the Lombard Zoning Ordinance: "For the purpose of promoting the public health, safety, and general welfare, conserving the value of property throughout the community, and lessening or avoiding congestion in the public streets and highways, the Village Board of Trustees may, from time to time, in the manner hereinafter set forth, ... amend district boundary lines, provided that in all mandatory ordinances adopted under the authority of this subsection, due allowances shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such mandatory ordinance."

Standards for Zoning Map Amendments are provided in Paragraph (E)(8)(a) of Section 155.103. The following analysis demonstrates compliance with such standards; the language of the applicable standard is set forth in *italics*, and the compliance statement follows in regular typeface.

*The regulations of this Ordinance shall not be amended unless findings based on the evidence presented are made in each specific case that affirm each of the following standards:*

(a) *Map Amendments. Where a map amendment is proposed, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:*

1) *Compatibility with existing uses of property within the general area of the property in question;*

Centrum Lombard, L.L.C. ("Developer") is proposing to purchase, annex to the Village, and develop (along with an adjoining 3.3 acre parcel) an approximately 1.3 acre parcel of property ("Subject Property") on the south side of Roosevelt Road for retail, commercial, and service uses including, restaurant, banking and storage uses. Roosevelt Road is a major commercial corridor in the Village containing an array of retail, commercial, service, and office uses between Meyers Road and Finley Road. Therefore, the proposed uses for the Subject Property will be compatible with existing uses in the general area.

2) *Compatibility with the zoning classification of property within the general area of the property in question;*

The Developer is seeking rezoning of the Subject Property to the Village's B-4A Corridor Commercial District ("B-4A District"). Properties along Roosevelt Road are almost exclusively zoned in the B-4A District and B-3 Community Shopping Center District and, as such, the proposed B-4A zoning would be compatible.

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The Subject Property is suitable for the redevelopment and operation of retail, commercial and service uses because it has access to a major commercial thoroughfare in the Village and the size to accommodate users of the retail, commercial and service uses proposed by the Developer. As discussed above, such uses are common to this portion of Roosevelt Road.

*classification.*

7) *The suitability of the property in question for permitted uses listed in the proposed zoning*

The Village of Lombard Comprehensive Plan designates this area as the "Roosevelt Road Corridor" and the Village's "largest shopping area" with the exception of Yorktown Shopping Center. The goal of the Village's Comprehensive Plan with regard to the Roosevelt Road Corridor is to provide for the normal and orderly development of "an array of retail, commercial, service and office uses." Therefore, the proposed amendment to rezone the Subject Property to the B-4A District will help accomplish the goals of the Comprehensive Plan.

*of the proposed amendment on the said objectives;*

6) *The objectives of the current Comprehensive Plan for the Village of Lombard and the impact*

properties.

The proposed B-4A zoning classification is identical to the classification of most surrounding

*zoning classification;*

5) *The compatibility of the surrounding property with the permitted uses listed in the proposed*

As is evident by the commercial nature of Roosevelt Road, the trend of development in this general area of the Village is toward the types of uses proposed by the Developer. In addition, the Village's Comprehensive Plan specifically provides that this area of the Village should be developed with an "an array of retail, commercial, service and office uses."

4) *Consistency with the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification;*

The Subject Property can not currently be developed as proposed in the R-1 Single-Family District into which the Subject Property will be classified automatically upon annexation pursuant to Section 155.403 of the Lombard Zoning Ordinance. The Subject Property is currently zoned in the County's B-2 General Business District.

*classification;*

3) *The suitability of the property in question to the uses permitted under the existing zoning*

CENTRUM LOMBARD, L.L.C.

LOMBARD CROSSINGS

Application For Conditional Use

Pursuant to Section 155.508 of the Lombard Zoning Ordinance: "No planned development shall be approved unless the Village Plan Commission and the Village Board find that the development meets the standards for conditional uses ..."

Standards for Conditional Uses are contained in Section 155.103(F)(8) of the Lombard Zoning Ordinance. The following analysis demonstrates compliance with such standards; the language of the applicable standard is set forth in *italics*, and the compliance statement follows in regular typeface.

*No conditional use shall be recommended by the Plan Commission unless it finds:*

(a) *That the establishment, maintenance and operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;*

Centrum Lombard, L.L.C. ("Developer") is proposing to develop an approximately 4.57 acre parcel of property ("Subject Property") for retail, commercial, and service uses including bank, restaurant, storage and complimentary uses on the south side of Roosevelt Road between Stewart Avenue and Fairfield Avenue. A portion of the Subject Property is currently zoned in the Village's B-4A Corridor Commercial District ("B-4A District") and the Developer is seeking to annex and rezone the remaining portion of the Subject Property to the B-4A District. The mix of retail and commercial uses will generate tax revenues for the Village and provide needed goods and services to the community.

Roosevelt Road is a major commercial corridor in the Village containing an array of retail, commercial, service, and office uses between Meyers Road and Finley Road and is primarily zoned in the B-4A District and B-3 Community Shopping Center District. In addition, the Village of Lombard Comprehensive Plan designates this area as the "Roosevelt Road Corridor" and the Village's "largest shopping area" with the exception of Yorktown Shopping Center. Several businesses with drive-through facilities currently operate in the Roosevelt Road Corridor and the Village has approved planned developments on both sides of Roosevelt Road including the properties adjacent to the Subject Property to the east.

The Developer is proposing (i) one "drive-through and drive-in establishment/service" use and (ii) outdoor dining adjacent to the restaurant and retail building pursuant to a "Planned Development" (collectively the "Requested Conditional Uses"). The Requested Conditional Uses are allowable conditional uses in the B-4A District.

The site plan has been designed to accommodate the traffic generated as a result of the Requested Conditional Uses so as not to endanger automobile and pedestrian safety along Roosevelt Road. In addition, the site plan provides for appropriate automobile and pedestrian

circulation and parking to address the traffic generated on-site as a result of the Requested Conditional Uses. The Developer has also secured preliminary approval from the Illinois Department of Transportation for a full access point on the west end of the site and a right-in/right-out access point towards the east end of the site.

Potable water transmission and service necessary to serve the Requested Conditional Uses will be provided through the Village's water system and sanitary sewer service will be provided through the Highland Hills Sanitary District. In addition, storm water drainage and detention requirements have been reviewed by the Developer's civil engineer and have been addressed as provided in the site plan and preliminary plat of subdivision including the reservation of a detention area. Also, landscaping and lighting will address the safety and aesthetic concerns of the Village and the needs of the Requested Conditional Uses and shall be in conformance with the requirements of Village ordinances and regulations.

As a result of the foregoing, the establishment, maintenance and operation of the Requested Conditional Uses will not be detrimental to, or endanger, the public health, safety, morals, and comfort of the Village and its residents and will instead operate to enhance the general welfare.

(b) *That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is located.*

The Subject Property is adjacent to County and Village property currently zoned for business and commercial uses and containing complementary uses including a motel, storage business, and shopping center. In addition, Township and Sanitary District service uses are adjacent to the Subject Property to the south. Several existing businesses within the vicinity of the Subject Property contain drive-through facilities and outdoor dining while planned developments offering a mix of commercial and retail uses have also been approved for properties adjacent to the Subject Property on the east and across Roosevelt Road to the north.

As such, the Requested Conditional Uses complement already existing commercial and similar uses along Roosevelt Road. In addition, although not adjacent to the Subject Property, the residential properties in unincorporated DuPage County lying south of the Subject Property will benefit from the availability of additional retail, service, and commercial business options.

(c) *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for the uses permitted in the district;*

The goal of the Village's Comprehensive Plan with regard to the Roosevelt Road Corridor is to provide for the normal and orderly development of "an array of retail, commercial, service and office uses." The Requested Conditional Uses will enable the Developer to draw development to the Subject Property of a mix of uses consistent with the Comprehensive Plan.

(d) *That adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;*

Sanitary sewer and potable water transmission and service necessary to serve the Requested Conditional Uses will be provided as described above. In addition, storm water drainage and detention requirements have been reviewed by the Developer's civil engineer and have been addressed as provided in the site plan and preliminary plat of subdivision including the reservation of a detention area. The Developer also has an application for a Land Use Opinion pending with the Kane-DuPage Soil and Water Conservation District.

(e) *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;*

Ingress and egress to/from Roosevelt Road will be provided through an access point currently serving the existing commercial uses on the Subject Property. In addition, the Developer has received preliminary approval from IDOT for the access points on the east and west end of the Subject Property as described above. The Developer also owns an easement for vehicular access across and over the property to the east of the Subject Property from which it is possible to gain ingress and egress to Roosevelt Road.

(f) *That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and*

The goal of the Village's Comprehensive Plan with regard to the Roosevelt Road Corridor is to provide for the normal and orderly development of "an array of retail, commercial, service and office uses." In addition, the Comprehensive Plan recognizes that commercial development may require parcels of increased depth to accommodate redevelopment. The Requested Conditional Uses enable the Developer to develop the Subject Property to a depth, and with a mix of uses, consistent with the Comprehensive Plan.

(g) *That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

Other than as provided for in the approvals granted as part of the Village's review and approval of the planned development, the Requested Conditional Uses and the development of the Subject Property conform to all applicable regulations of the B-4A District.

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**ORDINANCE**

**AN ORDINANCE AUTHORIZING THE  
EXECUTION OF AN ANNEXATION AGREEMENT**

(PC 08-13: 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossings))

(See also Ordinance No.(s) \_\_\_\_\_)

WHEREAS, it is in the best interest of the Village of Lombard, DuPage County, Illinois that a certain Annexation Agreement (hereinafter the "Agreement") pertaining to the property generally located at 19W471 Roosevelt Road, Lombard, Illinois, (06-20-106-050) to be entered into; and,

WHEREAS, the Agreement has been drafted and a copy is attached hereto and incorporated herein as Exhibit "A"; and,

WHEREAS, the developer and the legal owners of the lots of record, which are the subject of said Agreement, are ready, willing and able to enter into said Agreement and to perform the obligations as required thereunder; and,

WHEREAS, the Parties wish to enter into a binding agreement with respect to the said annexation, zoning and development and for other related matters pursuant to the provisions of Division 15.1 of Article 11 of Act 5 of Chapter 65 of the Illinois Compiled Statutes, and upon the terms and conditions contained in this Agreement; and

WHEREAS, the statutory procedures provided in Chapter 65 ILCS 5/11-15.1-1 through 5/11-15.1-5, as amended, for the execution of said Agreement have been complied with; a hearing on said Agreement having been held, pursuant to proper notice, by the President and Board of Trustees on June 5, 2008.

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 Village President and Village Clerk be and hereby are authorized to sign and attest to the Agreement attached hereto and marked Exhibit "A", by and between the Village of Lombard; and,

**SECTION 2:** This ordinance is limited and restricted to the property generally is located at 19W471 Roosevelt Road and 351 E. Roosevelt Road, Lombard, Illinois, (PIN 06-20-106-050 and -051) containing 4.57 Acres more or less and legally described as follows:

**PARCEL 1**  
HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF AND EXCEPT THE WEST 134.5 FEET) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT DUPAGE COUNTY ILLINOIS.

**PARCEL 2**  
THE WEST 134.5 FEET OF HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665 IN DUPAGE COUNTY, ILLINOIS.

**SECTION 3:** This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.  
First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2008.  
Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Ayes: \_\_\_\_\_  
Naves: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

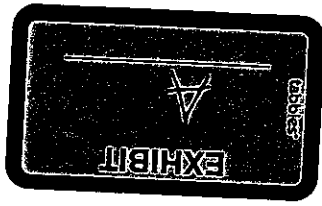
William J. Mueller, Village President

Ordinance No. \_\_\_\_\_  
Re: PC 08-13  
Page 3

ATTEST:

Brigitte O'Brien, Village Clerk





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Village of Lombard  
Department of Community Development  
255 E. Wilson Avenue  
Lombard, IL 60148

AFTER RECORDING RETURN TO:

Common Address: 19W471 and 351 E. Roosevelt Road

Parcel No.: 06-20-106-050 and 051

ANNEXATION AND PLANNED DEVELOPMENT  
AGREEMENT DATED \_\_\_\_\_, 2008  
FOR CENTRUM LOMBARD, L.T.C., LOMBARD, IL

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Space above reserved for Recorder's use

THIS ANNEXATION AND PLANNED DEVELOPMENT AGREEMENT (hereinafter referred to as the "Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by, between, and among the Village of Lombard, a municipal corporation (hereinafter referred to as the "Village"); Centrum Lombard, L.L.C., an Illinois limited liability company (hereinafter referred to as the "Developer"); and the William C. Chrisos Revocable Living Trust (hereinafter referred to as the "Owner"); (Village, Developer and Owner are sometimes individually referred to herein as a "Party" and collectively referred to herein as the "Parties").

**WITNESSETH:**

WHEREAS, the Owner is the record owner of the property legally described in EXHIBIT A, attached hereto and made a part hereof (hereinafter referred to as the "Chrisos Property"); and

WHEREAS, the Owner is the record owner of the property legally described in EXHIBIT B, attached hereto and made a part hereof (hereinafter referred to as the "Centrum Property"); and is the lessee and contract purchaser of the Chrisos Property; and

WHEREAS, the Centrum Property is currently within the corporate territorial limits of the Village and the Chrisos Property is contiguous to the Village and not located within the corporate limits of the Village or any other municipal corporation; and

WHEREAS, the Centrum Property is located within the Village's B-4A Roosevelt Road Corridor Zoning District (hereinafter referred to as the "B-4A District");

WHEREAS, Owner and Developer are desirous of annexing the Chrisos Property; and

WHEREAS, the Village and Developer are desirous of developing and improving the Chrisos Property and the Centrum Property (hereinafter collectively referred to as the "Subject Property") as a unified planned development for commercial, retail, service and other related uses; and

WHEREAS, the Village desires to annex the Chrisos Property, and the Owner and Developer desire to have the Chrisos Property annexed to the Village, and each of the Parties desires to obtain assurances from the other as to certain provisions of the zoning and other ordinances of the Village for the use and development of the Subject Property when the Chrisos Property has been annexed and to other matters covered by this Agreement for a period of twenty (20) years from and after the execution of this Agreement; and

WHEREAS, the Chrisos Property consists of approximately 1.3 acres of land; and

**ANNEXATION AND PLANNED DEVELOPMENT AGREEMENT**

WHEREAS, no electors reside on the Chrisos Property and the Owner has signed a petition for annexation of the Chrisos Property to the Village (hereinafter referred to as the "Annexation Petition"); and

WHEREAS, the Developer has filed an application with the Village requesting (i) rezoning of the Chrisos Property to the B-4A District, (ii) approval of a conditional use for a planned development for the Subject Property, including certain variations and deviations from Village ordinances, and (iii) approval of a preliminary plat of subdivision for the Subject Property; and

WHEREAS, said application was forwarded to the Plan Commission of the Village; and WHEREAS, a public hearing was held on \_\_\_\_\_, 2008, for the purpose of considering whether the Chrisos Property should be rezoned, upon annexation of the Chrisos Property, to the B-4A District, whether a conditional use for a planned development should be recommended for the Subject Property, and whether a preliminary plat of subdivision should be recommended for the Subject Property; and

WHEREAS, the Plan Commission has submitted to the Village President and Board of Trustees of the Village (hereinafter referred to as the "Corporate Authorities") their findings of fact and recommendations with respect to said application; and

WHEREAS, a public hearing on this Agreement was held by the Corporate Authorities on \_\_\_\_\_, 2008; and

WHEREAS, the Parties wish to enter into a binding agreement with respect to the said annexation, zoning and unified development of the Subject Property and for other related matters pursuant to the provisions of Division 15.1 of Article 11 of Act 5 of Chapter 65 of the Illinois Compiled Statutes, and upon the terms and conditions contained in this Agreement; and

WHEREAS, all public hearings, notices, and other actions required to be held or taken prior to the adoption and execution of this Agreement, in order to make the same effective, have been held or taken, including all hearings, notices, and actions required in connection with the provisions of the Illinois Municipal Code, the Lombard Zoning Ordinance (Chapter 155 of the Lombard Village Code - hereinafter referred to as the "Zoning Ordinance"), and the Lombard Subdivision and Development Ordinance (Chapter 154 of the Lombard Village Code - hereinafter referred to as the "Subdivision Ordinance"), such public hearings and other actions having been held pursuant to public notice as required by law and in accordance with all requirements of law prior to adoption and execution of this Agreement; and

WHEREAS, the Parties deem it to their mutual advantage and in the public interest that the Chrisos Property be annexed to, and the Subject Property developed as a part of, the Village as hereinafter provided; and

WHEREAS, the development and use of the Subject Property as provided herein will promote the sound planning and development of the Village as a balanced community and will be beneficial to the Village; and

WHEREAS, the Corporate Authorities have examined the proposed uses by Developer and have determined that said uses and the development of the Subject Property in accordance with this Agreement comply with the Comprehensive Plan of the Village; and

WHEREAS, the Plan Commission has recommended that certain conditional uses, deviations and variations be granted for the Subject Property from the Subdivision Ordinance and/or the Zoning Ordinance in accordance with the terms of this Agreement; and

WHEREAS, the annexation of the Chrisos Property to the Village will be beneficial to the Village, will properly and beneficially extend the corporate limits and the jurisdiction of the Village, will permit the sound planning and development of the Subject Property and the Village, and will otherwise promote the proper growth and general welfare of the Village;

NOW THEREFORE, in consideration of the premises and the mutual promises herein set forth, the Parties hereto agree as follows:

1. **Incorporation of Recitals:** The Village, Owner and Developer agree that the foregoing recitals are incorporated in this Agreement as if fully recited herein.

2. **Development of Subject Property:** The Village, Owner and Developer agree that the Subject Property shall be developed and used in accordance with the terms of this Agreement and the exhibits attached hereto.

3. **Annexation:** The Corporate Authorities, upon approval of this Agreement, will enact an ordinance annexing the Chrisos Property to the Village. The Village shall notify all entities or persons of such annexation and promptly record all ordinances, plats, and affidavits necessary to perfect said annexation, in accordance with any and all statutory and ordinance requirements. Without the written consent of the Developer, no action shall be taken by the Village or the Corporate Authorities to annex any part or portion of the Chrisos Property unless this Agreement has been fully executed by the Parties, and all of the Chrisos Property is annexed to the Village at the same time.

4. **Zoning:** Immediately after annexation of the Chrisos Property to the Village as set forth herein, the Corporate Authorities shall, without further public hearings, immediately rezone and classify the Chrisos Property to the B-4A District under the Zoning Ordinance. Except as provided in this Section 4 or elsewhere in this Agreement, the zoning for the Chrisos Property established pursuant to the foregoing ordinance, as well as the existing zoning for the Centrum Property, shall be permanent and shall remain in effect for the term of this Agreement and shall continue in effect thereafter unless otherwise amended by the Village in accordance with this Agreement.



v. Preliminary engineering plans consisting of \_\_\_\_\_ pages prepared by Manhard Consulting, LTD, and dated \_\_\_\_\_, 2008 attached hereto and made a

iv. Preliminary building elevations consisting of one (1) page for the retail center located on Parcel B as shown on the Preliminary Site Plan, prepared by Hirsch Associates, LLC and dated \_\_\_\_\_, 2008; and building elevations consisting of one (1) page for the bank on Parcel A as shown on the Preliminary Site Plan, prepared by \_\_\_\_\_ and dated \_\_\_\_\_, 2008. Said building elevations are attached hereto and made a part hereof as EXHIBIT F (hereinafter collectively referred to as the "Preliminary Building Elevations");

iii. Preliminary landscape plan consisting of \_\_\_\_\_ pages prepared by \_\_\_\_\_ and dated \_\_\_\_\_, 2008 attached hereto and made a part hereof as EXHIBIT E (hereinafter referred to as the "Preliminary Landscape Plan");

ii. Preliminary plat of subdivision consisting of one (1) page prepared by B.H. Suhr & Company and dated \_\_\_\_\_, 2008 attached hereto and a part hereof as EXHIBIT D (hereinafter referred to as the "Preliminary Plat");

i. Preliminary site plan consisting of one (1) page prepared by Hirsch Associates, LLC dated of March 14, 2008 attached hereto and made a part hereof as EXHIBIT C (hereinafter referred to as the "Preliminary Site Plan");

A. Preliminary Plans. Immediately after annexing and rezoning the Chrisos Property as set forth herein, the Village shall approve a conditional use for a planned development for the Subject Property, including approval of the permitted variations and deviations as provided in Section 14, in accordance with the provisions of the Zoning Ordinance and in conformance with the following plans, documents, exceptions and conditions, all of which shall collectively be referred to as the "Approved Preliminary Plans" for the Subject Property:

**5. Planned Development Approval:**

The Village agrees that the Developer may also request additional relief from the provisions of Village codes and ordinances including, but not limited to, one or more petitions and applications for text amendments, zoning map amendments, deviations or variations from the Zoning Ordinance and/or the Subdivision Ordinance, and conditional uses. The Parties acknowledge and agree that such requests shall not require an amendment to this Agreement, nor shall an amendment to this Agreement be required as a condition of Village approval of such requests. To the extent such requests are subject to the Village's discretionary approval, such approval shall be within the Village's sole and absolute discretion to grant or deny.

Final landscape plans shall be deemed to substantially conform to the Preliminary Landscape Plan notwithstanding the relocation of any trees, ornamental trees, shrubs, ground cover and perennials (hereinafter referred to as the "Landscape Features") provided that (a) the overall quantity of Landscape Features shall not decrease by more than ten percent (10%); (b) Landscape Features of a like size and quality are used; and (c) any additional variations or deviations from the Zoning Ordinance not otherwise granted pursuant to Section 14 of this Agreement are approved by the Village;

ii.

Final site plans and final plats of subdivision shall be deemed to substantially conform to the Preliminary Site Plan and Preliminary Plat of Subdivision, respectively, notwithstanding changes in the area or dimensions of one or more lots or the relocation of the access points to/from Roosevelt Road provided that (a) the area or dimensions of each lot on the final site plan and final plat of subdivision shall not increase or decrease by more than twenty percent (20%); (b) any relocation of an access point is approved by the Illinois Department of Transportation; and (c) any additional variations or deviations from the Zoning Ordinance not otherwise granted pursuant to Section 14 of this Agreement are approved by the Village;

i.

B. Final Plans. In the event one or more final plans for the development of any portion of the Subject Property substantially conform to the Preliminary Plans as approved herein, the Village shall approve such final plan(s). Village approval of such final plans shall be subject to the following conditions:

The conditional use for a planned development approved by the Village pursuant to this Section 5.A, including any and all permitted variations and deviations as described in Section 14 that are applicable to the Centrum Property including, without limitation, the right to construct (a) one (1) restaurant with outdoor seating and (b) one (1) financial institution with drive-through uses, shall not lapse or expire if the Chrisos Property is not conveyed to the Developer. In the event the Chrisos Property is not conveyed to the Developer, the Parties acknowledge and agree that the Developer shall have the right to submit revised Preliminary Plans to the Village for its review and approval, which approval shall not be unreasonably withheld. Approval of revised Preliminary Plans by the Village as provided in this subsection shall not require an amendment to this Agreement; nor shall an amendment to this Agreement be required as a condition of Village approval.

Preliminary shopping center signage plan consisting of one (1) page prepared by \_\_\_\_\_ and dated \_\_\_\_\_, 2008 attached hereto and made a part hereof as EXHIBIT H (hereinafter referred to as the "Preliminary Signage Plan").

vi.

part hereof as EXHIBIT G (hereinafter referred to as the "Preliminary Engineering Plans"); and

D. Public Hearings. In the event approval of a final plan in Section 5.B, or approval of a Nonconforming Modification in Section 5.C, requires a deviation or variation from an ordinance of the Village that has not otherwise been previously subject to a public hearing and granted by this Agreement, such deviation or variation shall require a public hearing before the Plan Commission and shall be subject to the review by and sole and exclusive discretionary approval of the Corporate Authorities. The Parties acknowledge and agree that such sole and exclusive discretionary approval shall not require an amendment to this Agreement, nor shall an amendment to this Agreement be required as a condition of Village approval.

In the event the Plan Commission disapproves of all or any of such requested Nonconforming Modifications, the Developer may elect to submit such Nonconforming Modifications to the Corporate Authorities for further review and vote, in which event the Plan Commission decision shall constitute its recommendation to the Corporate Authorities and the Corporate Authorities shall have final authority in approving or denying such requested Nonconforming Modifications subject to Subsection D below.

C. Nonconforming Modifications. In the event final plan(s) for the development of any portion of the Subject Property incorporate modifications to the Preliminary Plans which do not substantially conform to the Preliminary Plans as provided in Section 5.B, above (hereto referred to in this Agreement as "Nonconforming Modifications"), such Nonconforming Modifications shall be reviewed by the Village Plan Commission and, if approved by the Plan Commission, such approval shall be final and no further review by the Corporate Authorities shall be required, except as set forth in subsection D below.

Final shopping center signage plans shall be deemed to substantially conform to the Preliminary Shopping Center Signage Plan notwithstanding changes in the height, width, or length of, or the sign surface area on each side of, any monument or pylon sign provided that (a) the height, width or length of, or the sign surface area on each side of, any monument or pylon sign shall not increase or decrease by more than ten percent (10%) and (b) any additional variations or deviations from the Zoning Ordinance not otherwise granted pursuant to Section 14 of this Agreement are approved by the Village.

Final building elevations shall be deemed to substantially conform to the Preliminary Building Elevations notwithstanding changes in building design, height and materials provided that (a) the building design is consistent with the architectural style of the buildings shown on the Preliminary Building Elevations, (b) the height of any building shall not increase or decrease by more than twenty percent (20%), (c) building materials of a like amount, kind and quality are used; and (c) any additional variations or deviations from the Zoning Ordinance not otherwise granted pursuant to Section 14 of this Agreement are approved by the Village; and

- iii.
- iv.

F. Additional Development Requirements. Additionally, notwithstanding any provision of this Agreement to the contrary, the following shall be requirements of the development of the Subject Property:

In the event that one of the deficiencies identified in i, ii or iii occurs, the Village's Director of Community Development shall notify the Developer in writing by registered or certified mail of the reason for such deficiency and the Developer shall have thirty (30) days following receipt of such notice to correct such deficiency, or such additional time if the Developer is diligently pursuing the correction of such deficiency and such deficiency cannot be corrected within said thirty (30) day period. If the Developer fails to correct such deficiency, the Corporate Authorities shall then authorize the Plan Commission to schedule a public hearing to consider revoking the conditional use permit. After conducting the public hearing, the Plan Commission shall then prepare a written report and recommendation to submit to the Corporate Authorities. Upon receipt of the Plan Commission's report, the Corporate Authorities shall then render a final judgment regarding revoking the conditional use permit and accompanying ordinance. Extensions in the construction schedule may be granted by the Corporate Authorities.

- iii. If construction on a portion of the Subject Property for which a final engineering plan has been approved falls two (2) years behind the schedule approved with such final engineering plan.
- ii. If the approved conditional use for a planned development for any portion of the Subject Property for which a final plan has been approved is not constructed in substantial conformance with such final plan and any conditions established therefor; or
- i. In any case where construction on the Subject Property is not (a) substantially underway within one (1) year following the date of approval of the first final plan for the Subject Property or (b) completed within forty-eight (48) months following the date of approval of the last final plan for the Subject Property;

E. Development of the Subject Property. The Village represents that it shall take all actions as may be required and necessary to enact such amendments to, and grant such modifications and departures from, its Zoning Ordinance, the Village's Sign Ordinance (Chapter 153 of the Village Code – hereinafter referred to as the "Sign Ordinance") and Subdivision Ordinance and all other ordinances, codes and regulations, as may be necessary to zone, classify and allow for the development of the Subject Property in the manner described in this Agreement; and to enable the Village to execute this Agreement and fully carry out and perform the terms, covenants, agreements and duties and obligations on its part to be kept and performed as created and imposed by the terms and provisions hereof. The conditional use for a planned development approved by the Corporate Authorities may only lapse or expire pursuant to the following:

7. **Water Utilities:** Provided that the Subject Property is developed in accordance with this Agreement, the Village represents and warrants that the Village will provide, as and when needed, sufficient operational and available water supply, transmission and treatment to adequately serve the needs of the Subject Property. Developer, at its own expense, shall install water main extensions on and to the Subject Property in accordance with the requirements of the Village, the Subdivision Ordinance, as varied by this Agreement, and in substantial compliance with the Preliminary Engineering Plans, as modified by any final engineering plans hereafter approved by the Village for the Subject Property with changes as required. Owner and Developer shall grant or dedicate all easements required by the Village for the construction of the necessary water main extensions serving the Subject Property. The Village shall fully cooperate with the Developer with respect to the application for and issuance of Illinois Environmental Protection Agency permits for the construction and connection of the water main extensions.

6. **Signage:** Developer shall be allowed to construct a system of signage throughout the Subject Property in accordance with the Preliminary Signage Plan and in full compliance with the Sign Ordinance in effect as of the date of this Agreement, except as such Sign Ordinance is otherwise varied or amended pursuant to this Agreement. The Village acknowledges that, as of the date of this Agreement, the Preliminary Signage Plan is in full compliance with the terms and conditions of the Sign Ordinance. The Village agrees that any future amendment of the Sign Ordinance that is more restrictive upon the development of the Subject Property than the present Sign Ordinance shall not apply to any signage on the Subject Property that is consistent with the Preliminary Signage Plan, but shall apply to any proposed signage on the Subject Property that is inconsistent with or in addition to the signage as shown on the Preliminary Signage Plan, and any future amendment that is less restrictive upon the development of the Subject Property, at the option of the Developer, shall apply to the development of the Subject Property.

- i. The Developer shall be responsible for all costs associated with any improvements required by the Illinois Department of Transportation in conjunction with the development of the Subject Property.
- ii. Any trash enclosure screening required by Section 155.710 of the Zoning Ordinance shall be constructed of a material that is consistent with the material that is used for the principal building served by said enclosure;
- iii. Only channel lettering shall be used for wall signs;
- iv. Awnings, if any, shall not contain any text;
- v. Any watercourse brick that is a part, and near the foundation, of a building shall be compatible with any other brick that forms a part of such building;
- vi. The Owner shall be permitted to lease the retail center located on Parcel B to five (5) tenants or less; and

**10. Easements:** Owner and/or Developer shall provide or obtain all easements, both on-site and off-site (if applicable), which are necessary or appropriate to enable the Subject Property to be properly drained and to receive water, sanitary sewer, electric, telephone, gas, and cable television service, with the Village being named a grantee in all said easements along with the applicable utility companies and cable television operator. The location for all public improvements shall be as approved by the Village and as shown on final engineering plans, to be hereafter approved by the Village. Recordation of the final site plan and final plat of subdivision shall be deemed full compliance with this provision by Owner and Developer.

**9. Storm Drainage Facilities:** Onsite storm drainage lines and structures (hereinafter referred to as the "Drainage Facilities") and storm water retention and/or detention areas (hereinafter collectively referred to as the "Detention Areas") sufficient to service the Subject Property when developed in accordance with this Agreement shall be constructed (and paid for by Developer) in substantial conformity with the Preliminary Engineering Plans, as modified by any final engineering plans hereafter approved by the Village for the Subject Property with changes as required. Any Drainage Facilities not conveyed to the Village, and all of the Detention Areas, shall be maintained by the Developer, or any successor owner, during the course of development, and thereafter shall be maintained by the owner(s) of the lot upon which such Drainage Facilities or Detention Area is located. The Developer, or any successor owner, providing for the care and maintenance of the Drainage Facilities and/or Detention Area serving the Subject Property shall also provide for the right, but not the obligation or duty, of the Village to enter upon the Subject Property to maintain, repair and/or replace any Drainage Facilities and/or Detention Area if the same is not suitably maintained by the responsible owner, within thirty (30) days after Village provides written notice of same, so that they remain fully operational, provided, however, that in the event a dangerous or unsafe condition arises requiring immediate repairs, the Village reserves the right to enter upon the Subject Property without providing such notice to perform such repairs. If the Village takes, in its sole discretion, any such action, the responsible owner shall immediately upon written demand reimburse the Village for all expenses thereby incurred by the Village, and, if not paid within thirty (30) days, the Village may record a lien for any such unpaid expenses against the Subject Property and foreclose on any such lien.

**8. Sanitary Sewer Facilities:** The Parties acknowledge and agree that the Highland Hills Sanitary District (the "District") will be responsible for providing, as and when needed, operational and available sanitary sewerage transmission and treatment facilities to serve the needs of the Subject Property. Developer, at its own expense, shall install sanitary sewer service extensions on and to the Subject Property in accordance with the regulations of the District, the Subdivision Ordinance, as varied by this Agreement, and in substantial compliance with the Preliminary Engineering Plans, as modified by any final engineering plans hereafter approved by the Village for the Subject Property with changes as required. Owner and Developer shall grant or dedicate all easements required by the District or the Village for the construction of the necessary sanitary sewers serving the Subject Property.

14. **Variations and Deviations from Local Codes:** The specific variations and deviations from the Village's ordinances, rules, and codes as set forth in this Section have been requested, approved and shall be permitted with respect to the development, construction, and use of the Subject Property (hereinafter referred to as the "Permitted Variations and Deviations") upon annexation of the Chrisos Property to the Village. In the event there are any variations or deviations that are presently indicated on the Preliminary Plans, but not explicitly stated in this Section, that

In addition to these fees, the Developer agrees to pay all applicable permit (including, but not limited to building permit) and utility connection fees as required by any Village codes and ordinances at the time of application for the respective permits/connections as well as any District fees at the time such fees become due and owing.

- A. Annexation Fee, included in public hearing petition fee.
- B. Rezoning fee, included in public hearing petition fee.
- C. Watermain recapture fee does not apply.
- D. Sanitary sewer recapture fee does not apply.
- E. Storm sewer recapture fee does not apply.

13. **Fees:** In consideration of the impact of the development of Subject Property on the Village, and in consideration of water mains, sanitary sewer mains and storm mains previously installed by the Village to assist in the serving of the Subject Property with water and sewers, the Developer agrees to pay the following fees to the Village in connection with the annexation, zoning and development of the Subject Property:

12. **Contributions:** Due to the non-residential character of the proposed development of the Subject Property, Owner and Developer shall have no obligation to make any contribution, in cash or in kind, to the Village on behalf of any school district, park district or library district, provided the Subject Property is developed in substantial conformity with this Agreement or pursuant to such other non-residential development plans as may from time to time be approved by the Village. The foregoing provision shall not eliminate or reduce Owner's and Developer's obligation to pay other fees and charges applicable to the Subject Property as provided in this Agreement. The Owner and Developer shall not be liable to the Village for any fees or contributions including, without limitation, sewer or water recapture fees, connection fees, or other obligations as a result of the connection of the Subject Property to any sewer or water lines, or the financing of any sewer or water lines or sewer treatment and potable water supply facilities and improvements, except as provided in Section 13, below.

11. **Billboard Removal:** Unless a government or quasi-government entity acquires the portion of the Subject Property on which the existing outdoor advertising billboard is located, in which case the owner of the Chrisos Property shall have no removal obligation under this Section 11, the owner of the Chrisos Property shall be responsible for the removal of such existing billboard no later than the earlier of (A) one hundred fifty (150) days after the expiration of the existing billboard lease or (B) November 1, 2014. Said removal shall be performed at no cost to the Village.

A. With regard to the Chrisos Property, Owner and Developer agree that they will not object to the imposition of a special assessment or special service area incorporating the Chrisos Property with respect to the construction of any public improvements affecting the Chrisos Property and which may become necessary at a future date. The assessment formula for any such future special assessment(s) or special service area(s) shall be determined as required by law, taking into

#### 18. Special Assessment or Special Service Areas:

17. Final Engineering Approval: All public improvements to be constructed hereunder or under the Subdivision Ordinance, as varied by this Agreement, and which are to be owned by the Village either before or after its annexation of the Chrisos Property shall be paid for, constructed and installed by Developer in accordance with the Preliminary Engineering Plans, as modified by any final engineering plans hereafter approved by the Village for the Subject Property with changes as required by the Village's Engineer.

16. Fire District: By operation of law and in accordance with Illinois Compiled Statutes Chapter 70, Section 705/20, the Chrisos Property shall, upon its annexation to the Village, be disconnected from the fire protection district in which it is located at no cost to the Village. The Village agrees to cooperate with the Owner and the Developer in said disconnection. Developer and/or the successor owner of any lot platted within the Chrisos Property shall be responsible for the disconnection and shall reimburse the Village for any funds expended by the Village, including, but not limited to any payments required by 70 ILCS 705/20(e), any legal fees and litigation costs, relative thereto. The Village shall provide notice to the fire protection district in the manner required by law.

15. Dedication of Public Improvements: When Owner and/or Developer has completed all required onsite or offsite public improvements, if any, in accordance with applicable provisions of the Subdivision Ordinance, as varied by this Agreement, and the District's rules and regulations and such public improvements shall be subject to the timely inspection and approval of the Village and/or District's Engineer. Upon approval, such public improvements shall be subject to a one (1) year maintenance period. Notwithstanding this Section, Drainage Facilities (unless otherwise conveyed to the Village) and Detention Areas located within the Subject Property shall remain owned by and maintained by the Developer, and any successor owner(s). The acceptance of said public improvements by the Village and/or the District shall not be a condition precedent to the issuance of any building or occupancy permit requested of the Village for the Subject Property.

shall in no way invalidate or nullify the conditional use for a planned development or the Preliminary Plans. Rather, those variations or deviations that are not so indicated shall nevertheless be considered lawful and approved variations or deviations, as if fully set forth in this Section, without need for further action on the part of the Village unless such variations or deviations were not previously noticed for a public hearing in which case the Village shall be required to hold such hearing prior to granting approval of such variations or deviations. The Permitted Variations and Deviations are as fully set forth on EXHIBIT J, attached hereto and made part hereof.



A. Site Plan Approval: The Village agrees to permit development on Parcel D, as depicted on the Preliminary Site Plan, pursuant to the site plan approval process described in Section 155.511 of the Zoning Ordinance, the terms and conditions of this Section 20, and, to the extent required, Village approval of any variations or deviations from the Zoning Ordinance not otherwise granted pursuant to Section 14

of this Agreement to the contrary, the Village and Developer agree as follows:

**20. Additional Development Provisions for Parcel D: Notwithstanding any provision**

B. Design Standards for Parcel C: The architecture and design theme for the restaurant or Alternate Use on Parcel C, as shown on the Preliminary Site Plan, shall be compatible with the buildings on Parcels A and B as determined by the Village in its sole discretion.

A. Restaurant: Parcel C, as depicted on the Preliminary Site Plan, shall be developed with a restaurant of at least five thousand (5,000) gross square feet in size, which may have outdoor seating. The restaurant shall be one of those listed on EXHIBIT K, attached hereto and made part hereof, or one that is of a type similar to those listed on EXHIBIT K. The Village agrees that the footprint of the building on Parcel C, as shown on the Preliminary Site Plan, may be modified to conform to the design of the particular restaurant developed on Parcel C, provided that said footprint shall otherwise conform to the provisions of this Agreement. Notwithstanding the foregoing, in the event the Developer is not able, within \_\_\_\_\_ months after the date of this Agreement, to enter into a lease or sale contract with a restaurateur that qualifies under the terms of this subsection, the Developer shall have the right to petition the Corporate Authorities for an amendment to the approved planned development to allow for the approval of the development of Parcel C with another use that is permitted in the B-4A District (hereinafter referred to as the "Alternate Use").

of this Agreement to the contrary, the Village and Developer agree as follows:

**19. Additional Development Provisions for Parcel C: Notwithstanding any provision**

B. With regard to the Centrum Property, the Developer shall retain the right to object, as permitted by law, to the imposition of a special assessment or special service area incorporating the Centrum Property with respect to the construction of any public improvements, other than decorative lighting fixtures for which the Developer agrees not to object, affecting the Centrum Property and which may become necessary at a future date. The assessment formula for any such future special assessment(s) or special service area(s) shall be determined as required by law, taking into account the relative benefit to the Centrum Property as a result of the public improvements constructed.

account the relative benefit to the Chrisos Property as a result of the public improvements constructed.

of this Agreement. In the event that site plan approval for Parcel D is not granted by the time construction of the remaining portion of the Subject Property is substantially underway, said Parcel D shall be graded to a level surface, seeded or paved and maintained in a clean and attractive condition until such time as Parcel D is further developed.

B. Design Standards for Parcel D: In the site plan approval process described in this Section 20, the Village may consider the compatibility of building design proposed for the development of Parcel D with the building designs used for other buildings within the Subject Property.

C. Construction of Storage Center: The Developer agrees that the Village shall not be obligated to issue a building permit to construct a storage center on Parcel D as shown on the Preliminary Site Plan until it has applied for and received a building permit to construct a restaurant or an Alternate Use on Parcel C, and the construction of the Parcel C use has begun.

21. Additional Development Provisions for Parcel A: Notwithstanding any provision of this Agreement to the contrary, the Village and Developer agree as follows:

A. Site Plan Approval: The Village agrees to permit development on Parcel A, with a financial institution (bank) with a companion drive-through facility as depicted on the Preliminary Site Plan. The Village and the Developer agree that the Village shall not be required to issue a building permit (other than sitework, utility and foundation permits which shall be issued upon Developer's application for such permits and satisfaction of Village requirements for the issuance of such permits) for the construction of the principal building on Parcel A until the Developer has:

- i. Completed all required Drainage Facilities and Detention Areas for the Subject Property; and
- ii. Applied for a building permit for the construction of a principal building on Parcel B or Parcel C which meets the terms and provisions set forth within the Agreement.

B. Certificate of Occupancy/Zoning Certificate: The Village and the Developer agree that the Village shall not be obligated to issue a conditional or final Certificate of Occupancy/Zoning Certificate for the occupancy of the principal building on Parcel A, unless:

- i. All drive aisles, parking areas and parking lot lighting improvements as depicted on EXHIBIT L, attached hereto and made part hereof, to be constructed on Parcels A, B and C, have been completed per the approved final development plans. This provision may be amended by the Village, in

its sole discretion, if it is found that completion of a portion or portions of the parking lot, drive aisles or parking lot lighting will not affect the safe access/egress to and from Parcel A to either driveway entrance to Roosevelt Road.

ii. Construction activity has commenced on Parcel B or Parcel C, with a principal building as set forth within this Agreement.

**22. Annexation to Lombard Park District:** Owner and Developer agree to petition the Lombard Park District within forty-five (45) days of the annexation of the Chrisos Property, to have the Subject Property annexed to the Lombard Park District upon its annexation to the Village in the event the Subject Property is not currently annexed to said Park District.

**23. General Provisions:**

A. Notices: Any notice required or desired to be given under this Agreement, unless expressly provided to the contrary herein, shall be in writing and shall be deemed to have been given on the date of personal delivery, on the date of confirmed telefacsimile transmission provided a hard copy of such notice is deposited in the regular mail addressed to the recipient within twenty-four (24) hours following the telefacsimile transmission, or on the date when deposited in the U.S. Mail, registered or certified mail, postage prepaid, return receipt requested, and addressed as follows:

(1) If to the Village or Corporate Authorities:

President and Board of Trustees  
VILLAGE OF LOMBARD  
255 East Wilson Avenue  
Lombard, Illinois 60148  
Phone: (630) 620-5700  
Fax: (630) 620-8222

With a copy to:

(a) Village Manager  
VILLAGE OF LOMBARD  
255 East Wilson Avenue  
Lombard, Illinois 60148  
Phone: (630) 620-5700  
Fax: (630) 620-8222

(b) Director of Community Development  
VILLAGE OF LOMBARD

John C. North  
6912 South Main Street

With a copy to:

William C. Chrisos Revocable Living Trust  
19W471 Roosevelt Road  
Lombard, Illinois 60148

(3) If to Owner:

Gerald P. Callaghan  
Freeborn & Peters LLP  
311 S. Wacker Drive  
Suite 3000  
Chicago, Illinois 60606  
Phone: (312) 360-6000  
Fax: (312) 360-6574

With a copy to:

Centrum Lombard, L.L.C.  
c/o Centrum Properties, Inc.  
225 W. Hubbard Street, 4th Floor  
Chicago, Illinois 60610  
Phone: (312) 832-2500  
Fax: (312) 923-0984  
Attn: General Counsel

(2) If to Developer:

Thomas P. Bayer  
20 N. Wacker Drive  
Suite 1660  
Chicago, Illinois 60606  
Phone: (312) 984-6400  
Fax: (312) 984-6444

(c)

Thomas P. Bayer  
KLEIN, THORPE AND JENKINS, LTD.

255 East Wilson Avenue  
Lombard, Illinois 60148  
Phone: (630) 620-5700  
Fax: (630) 620-8222

or to such other address as any Party may from time to time designate in a written notice to the other Parties.

Suite 200  
Downers Grove, Illinois 60516  
Phone: (630) 969-3903  
Fax: (630) 969-3931

B. Continuity of Rights and Obligations: This Agreement shall constitute a covenant running with the land and shall be binding upon and inure to the benefit of the Parties hereto, and the Parties' successors in interest, assignees, grantees, lessees, and upon any successor municipal authorities of the Village and successor municipalities. The Developer shall be entitled, at its sole discretion, to convey to any related or unrelated party (hereinafter referred to as the "Transferee") an interest in any portion of the Subject Property, or any of the Developer's rights and obligations under this Agreement, without the consent of the Owner or Village. Upon such conveyance, the rights and obligations of the Developer under this Agreement pertaining to such portion of the Subject Property, or the rights and obligations otherwise conveyed, shall be deemed assigned to and assumed by the Transferee and the Developer shall thereupon be released and discharged by the Village from any further obligation pertaining to such identified rights and duties and the Transferee shall thereupon be entitled to exercise such conveyed rights and shall perform such conveyed obligations.

C. Court Contest: In the event the annexation of the Chrisos Property, the classification of the Subject Property for zoning purposes, or other terms of this Agreement are challenged in any court proceeding, the period of time during which such litigation is pending, including (without limitation) the appeal time therefor, shall not be included, if allowed by law, in calculating the twenty (20) year period provided in subsection 23R below.

D. Remedies: The Village and Owner and Developer, and their successors and assigns, covenant and agree that in the event of default of any of the terms, provisions or conditions of this Agreement by any Party, or their successors or assigns, which default exists uncorrected for a period of thirty (30) days after written notice to any Party to such default, or such longer period if the defaulting Party is diligently pursuing the correction of such default, the Party seeking to enforce said provision shall have the right of specific performance and if said Party prevails in a court of law, it shall be entitled to specific performance. It is further expressly agreed by and between the Parties hereto that the remedy of specific performance herein given shall not be exclusive of any other remedy afforded by law to the Parties, or their successor or successors in title.

- (c) miscellaneous Village expenses, such as legal publication costs, recording fees and copying expenses;
  - (b) all reasonable attorneys' fees incurred by the Village in connection with the preparation and review of this Annexation Agreement and the zoning and subdivision of the Subject Property; and
  - (a) the costs incurred by the Village for engineering services;
- (1) Reimbursement of Village Expenses: Owner and Developer, concurrently with the approval of this Agreement, shall reimburse the Village for the following expenses incurred in the preparation and review of this Agreement, and any ordinances, letters of credit, plats, easements or other documents relating to the Subject Property:

H. Reimbursement of Village for Legal and Other Fees and Expenses:

G. Captions and Paragraph Headings: The captions and paragraph headings used herein are for convenience only and are not a part of this Agreement and shall not be used in construing it.

F. Survival of Representations: Each of the Parties agrees that the representations, warranties, and recitals set forth in the preambles to this Agreement are material to this Agreement and the Parties hereby confirm and admit their truth and validity and hereby incorporate such representations, warranties and recitals into this Agreement and the same shall continue during the period of this Agreement.

E. Development Rights and Conveyances: It is agreed and acknowledged by the Parties that the development rights herein granted are intended for the benefit solely of the Developer and its Transferee(s). Developer agrees that the development rights granted herein with respect to the Chrisos Property shall become effective only upon the acquisition of title to the Chrisos Property by Developer or its Transferee(s). At such time as the Developer or its Transferee(s) acquires title to the Chrisos Property, any provision of this Agreement which is applicable to the Developer, but not to the Owner, shall also be deemed applicable to the owner of the Chrisos Property and shall thereafter be applicable to the Developer and any subsequent owners of the Chrisos Property. Developer or its Transferee(s) shall provide notice to the Village when the acquisition of the Chrisos Property has closed. Nothing contained in this Agreement shall be construed to restrict or limit the right of Owner and/or Developer to sell or convey all or any portion of the Subject Property, whether improved or unimproved, except as otherwise specifically set forth herein.

the sum of which shall not exceed five thousand and no/100 dollars (\$5,000).

(2) From and After Effective Date of Agreement: Except as provided in this subsection, within thirty (30) days following written request by the Village made by and through its Director of Community Development, Owner and/or Developer, from time to time, shall promptly reimburse Village for all reasonable expenses and costs incurred by Village in the administration of this Agreement provided for in subsection (1), including engineering fees, attorneys' fees and out-of-pocket expenses such as, but not limited to, preparation and publication, if any, of all notices, resolutions, ordinances and other documents required hereunder, and the negotiation and preparation of letters of credit and escrow agreements to be entered into as security for the completion of public improvements.

Such costs and expenses incurred by Village in the administration of the Agreement shall be evidenced to the Owner and/or Developer upon its request, by a sworn statement of the Village; and such costs and expenses may be further confirmed by the Owner and/or Developer at either's option from additional documents designated, from time to time, by the Owner and/or Developer relevant to determining such costs and expenses.

Notwithstanding the foregoing, Owner and Developer shall in no event be required to reimburse Village or pay for any expenses or costs of Village as aforesaid more than once, whether such are reimbursed or paid through special assessment proceedings, through fees established by Village ordinances or otherwise.

(3) In the event that any third party or parties institute any legal proceedings against the Owner and/or Developer and/or the Village, which relate to the terms of this Agreement, then, in that event, the Developer shall assume, fully and vigorously, with the full cooperation of the Village, the entire defense of such lawsuit and all expenses of whatever nature relating thereto shall be paid by the Developer; provided, however, if a Party, in its sole discretion, determines there is, or may probably be, a conflict of interest between the Party and any other Party to this Agreement, then such Party shall have the option of being represented by its own legal counsel. In the event such Party exercises such option, such Party shall be solely responsible for its own expenses, including but not limited to court costs, reasonable attorneys' fees and witnesses' fees, and other expenses of litigation, incurred by such Party in connection therewith.

(4) In the event a Party institutes legal proceedings against another Party for violation of this Agreement and secures a judgment in its favor, the court

having jurisdiction thereof shall determine and include in its judgment against the nonprevailing Party all expenses of such legal proceedings incurred by the prevailing Party, including but not limited to the court costs and reasonable attorneys' fees, witnesses' fees, etc., incurred by the prevailing Party in connection therewith (and any appeal thereof).

I. No Waiver or Relinquishment of Right to Enforce Agreement: Failure of any Party to this Agreement to insist upon the strict and prompt performance of the terms, covenants, agreements and conditions herein contained, or any of them, upon any other Party imposed, shall not constitute or be construed as a waiver or relinquishment of any Party's right thereafter to enforce any such term, covenant, agreement or condition, but the same shall continue in full force and effect.

J. Village Approval or Direction: Where Village approval or direction is required by this Agreement, such approval or direction means the approval or direction of the Corporate Authorities of the Village unless otherwise expressly provided herein or required by law, and any such approval may be required to be given only after and if all requirements for granting such approval have been met unless such requirements are inconsistent with this Agreement.

K. Recording: A copy of this Agreement and any amendments thereto shall be recorded by the Village at the expense of the Developer.

L. Authorization to Execute: The persons executing this Agreement on behalf of the Owner and Developer warrant that they are lawfully authorized to execute this Agreement on behalf of said Owner and Developer respectively. The President and Clerk of the Village hereby warrant that they have been lawfully authorized by the Corporate Authorities to execute this Agreement. The Owner and Developer and Village shall deliver to each other upon request copies of all bylaws, joint venture agreements, resolutions, ordinances or other documents required to legally evidence the authority to so execute this Agreement on behalf of the respective entities.

M. Amendment: This Agreement sets forth all the promises, inducements, agreements, conditions and understandings between the Owner, Developer and the Village relative to the subject matter thereof, and there are no promises, agreements, conditions or understandings, either oral or written, express or implied, between them, other than are herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the Parties hereto unless authorized in accordance with law and reduced in writing and signed by them provided, however, that any amendment affecting only a portion of the Subject Property shall be effective upon the execution of an instrument by and among the Village and the owner of such portion of the Subject Property. Notwithstanding the amendment rights otherwise granted in this Section



23.M, the Owner shall have no right to amend this Agreement without the written approval of the Village and Developer.

N. Counterparts: This Agreement may be executed in counterparts, each of which taken together, shall constitute one and the same instrument.

O. Conflict Between the Text and Exhibits: With the exception of the Permitted Variations and Deviations addressed above, in the event of a conflict in the provisions of the text of this Agreement and the Exhibits attached hereto, the text of this Agreement shall control and govern.

P. Definition of Village: When the term Village is used herein it shall be construed as referring to the Corporate Authorities of the Village unless the context clearly indicates otherwise.

Q. Execution of Agreement: This Agreement shall be signed last by the Village and the President of the Village shall affix the date on which he/she signs this Agreement on Page 1 hereof, which date shall be the effective date of this Agreement.

R. Term of Agreement: This Agreement shall be in full force and effect for a term of twenty (20) years from and after the date of execution of this Agreement.

S. Venue: The Parties hereto agree that for purposes of any lawsuit(s) between them concerning this Agreement, its enforcement, or the subject matter thereof, venue shall be in DuPage County, Illinois, and the laws of the State of Illinois shall govern the cause of action.

T. Severability: If any section, subsection, paragraph, sentence, clause or phrase of this Agreement, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Agreement, or any part thereof.

U. Force Majeure: In the event the performance of any covenant to be performed hereunder by the Developer is delayed for causes which are beyond the reasonable control of the Developer (which causes shall include, but not be limited to, acts of God, inclement weather conditions, strikes, material shortages, lockouts, acts of civil disobedience and the revocation, suspension or inability to secure any necessary government permit, license or authority) the time for such performance shall be extended by the amount of time of such delay.

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals to this Agreement on the day and year first above written.

[SIGNATURE PAGES ATTACHED]

VILLAGE OF LOMBARD, an Illinois  
Municipal corporation

William J. Mueller  
Village President

Brigitte O'Brien  
Village Clerk

DATED: \_\_\_\_\_

1547106v1

DEVELOPER:

Centrum Lombard, L.L.C.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

OWNER:

William C. Chrisos Revocable Living Trust

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



STATE OF ILLINOIS )  
) SS )  
) COUNTY OF COOK )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named \_\_\_\_\_ is personally known to me to be one of the managers of CENTRUM LOMBARD, L.L.C. and also personally known to me to be the same persons whose name is subscribed to the foregoing instrument as such manager and that he/she appeared before me this day in person and severally acknowledged that as such manager he/she signed and delivered the said instrument, consenting to its recordation, pursuant to authority given by said trust as their free and voluntary act, and as the free and voluntary act and deed of said limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2008.  
\_\_\_\_\_,  
Notary Public

STATE OF ILLINOIS )  
) SS )  
) COUNTY OF \_\_\_\_\_ )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named \_\_\_\_\_ and \_\_\_\_\_

\_\_\_\_\_ are personally known to me to be the \_\_\_\_\_ and \_\_\_\_\_ of the WILLIAM C. CHRISOS REVOCABLE LIVING TRUST and also personally known to me to be the same persons whose names are subscribed to the

foregoing instrument as such \_\_\_\_\_ and \_\_\_\_\_ respectively, and that they appeared before me this day in person and severally acknowledged that as such

\_\_\_\_\_ and \_\_\_\_\_ they signed and delivered the said instrument, consenting to its recordation, pursuant to authority given by said trust as their free and voluntary act,

and as the free and voluntary act and deed of said trust, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ Commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public



SCHEDULE OF EXHIBITS

EXHIBIT A:	Legal Description of Chrisos Property
EXHIBIT B:	Legal Description of Centrum Property
EXHIBIT C:	Preliminary Site Plan
EXHIBIT D:	Preliminary Plat of Subdivision
EXHIBIT E:	Preliminary Landscape Plan
EXHIBIT F:	Preliminary Building Elevations
EXHIBIT G:	Preliminary Engineering Plans
EXHIBIT H:	Preliminary Signage Plans
EXHIBIT I:	[Left intentionally blank]
EXHIBIT J:	Approved Deviations and Variations
EXHIBIT K:	Approved Restaurants
EXHIBIT L:	Parking Lot Improvements on Parcels A-C

EXHIBIT A: LEGAL DESCRIPTION OF CHRISOS PROPERTY

THE WEST 134.5 FEET OF HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 1 50 FEET THEREOF) IN THE NORTHWEST ¼ OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665, IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-20-106-051

COMMON ADDRESS: 19W471 Roosevelt Road

EXHIBIT B: LEGAL DESCRIPTION OF CENTRUM PROPERTY

HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF AND EXCEPT THE WEST 134.5 FEET) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665, DUPAGE COUNTY, ILLINOIS.

PIN: 06-20-106-050

COMMON ADDRESS: 351 East Roosevelt Road

EXHIBIT C: PRELIMINARY SITE PLAN

ROOSEVELT ROAD

FULL ACCESS

RIGHT IN

RIGHT OUT

EXISTING SIDEWALK

EXG. BILLBOARD POLE

PARCEL C

PARCEL B

PARCEL A

PARCEL D

STORAGE  
45,000 S.F. TOTAL

RESTAURANT  
5,686 S.F.

RETAIL  
12,500 S.F.

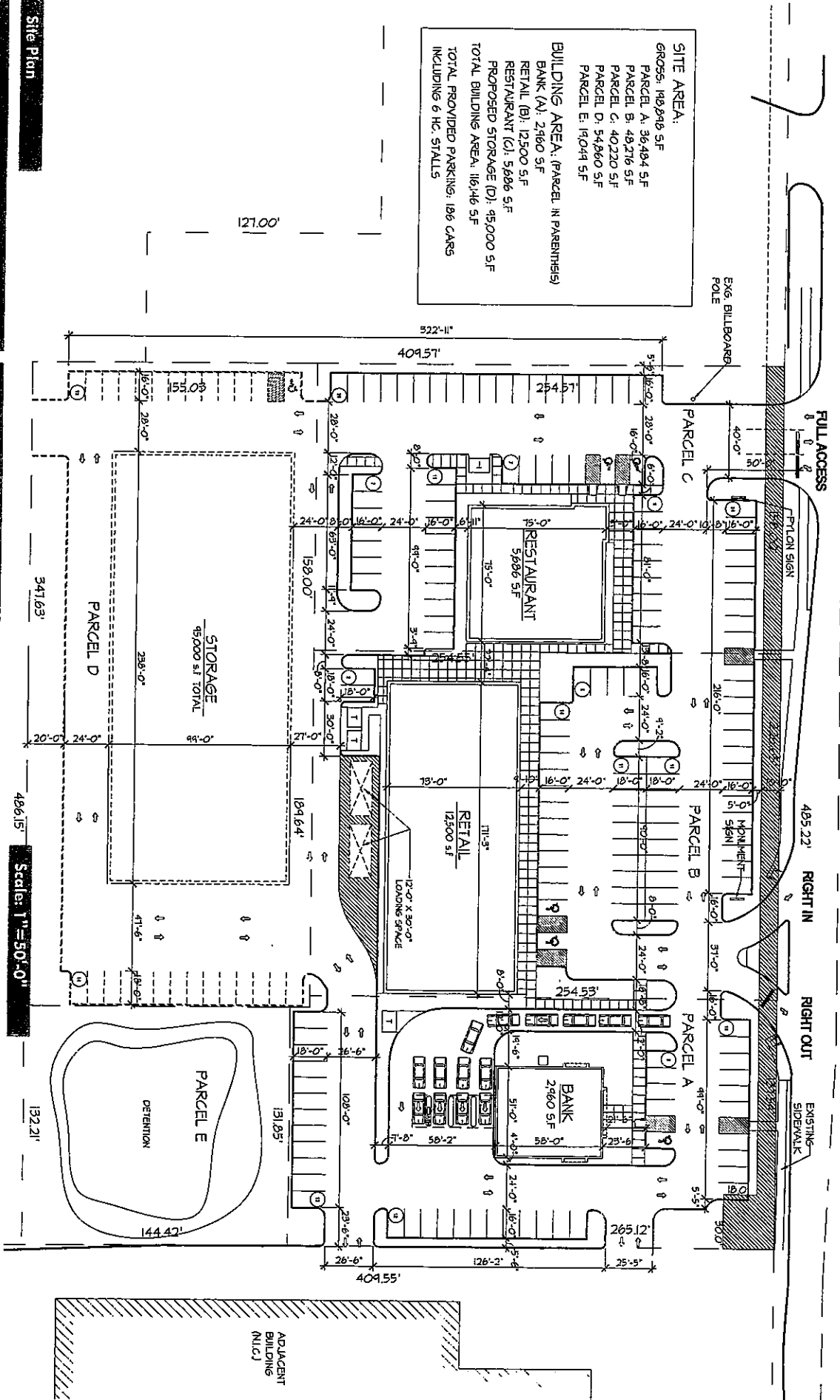
BANK  
2,960 S.F.

DEFENTION

**SITE AREA:**  
 GROSS: 188,848 S.F.  
 PARCEL A: 36,484 S.F.  
 PARCEL B: 48,276 S.F.  
 PARCEL C: 40,220 S.F.  
 PARCEL D: 54,860 S.F.  
 PARCEL E: 14,044 S.F.

**BUILDING AREA: (PARCEL IN PARENTHESES)**  
 BANK (A): 2,960 S.F.  
 RETAIL (B): 12,500 S.F.  
 RESTAURANT (C): 5,686 S.F.  
 PROPOSED STORAGE (D): 45,000 S.F.

**TOTAL BUILDING AREA: 116,146 S.F.**  
**TOTAL PROVIDED PARKING: 186 CARS INCLUDING 6 HC. STALLS**



Site Plan

Centrum Properties, Inc.

Preliminary Design  
Lombard Crossings - Site Plan  
Lombard, IL

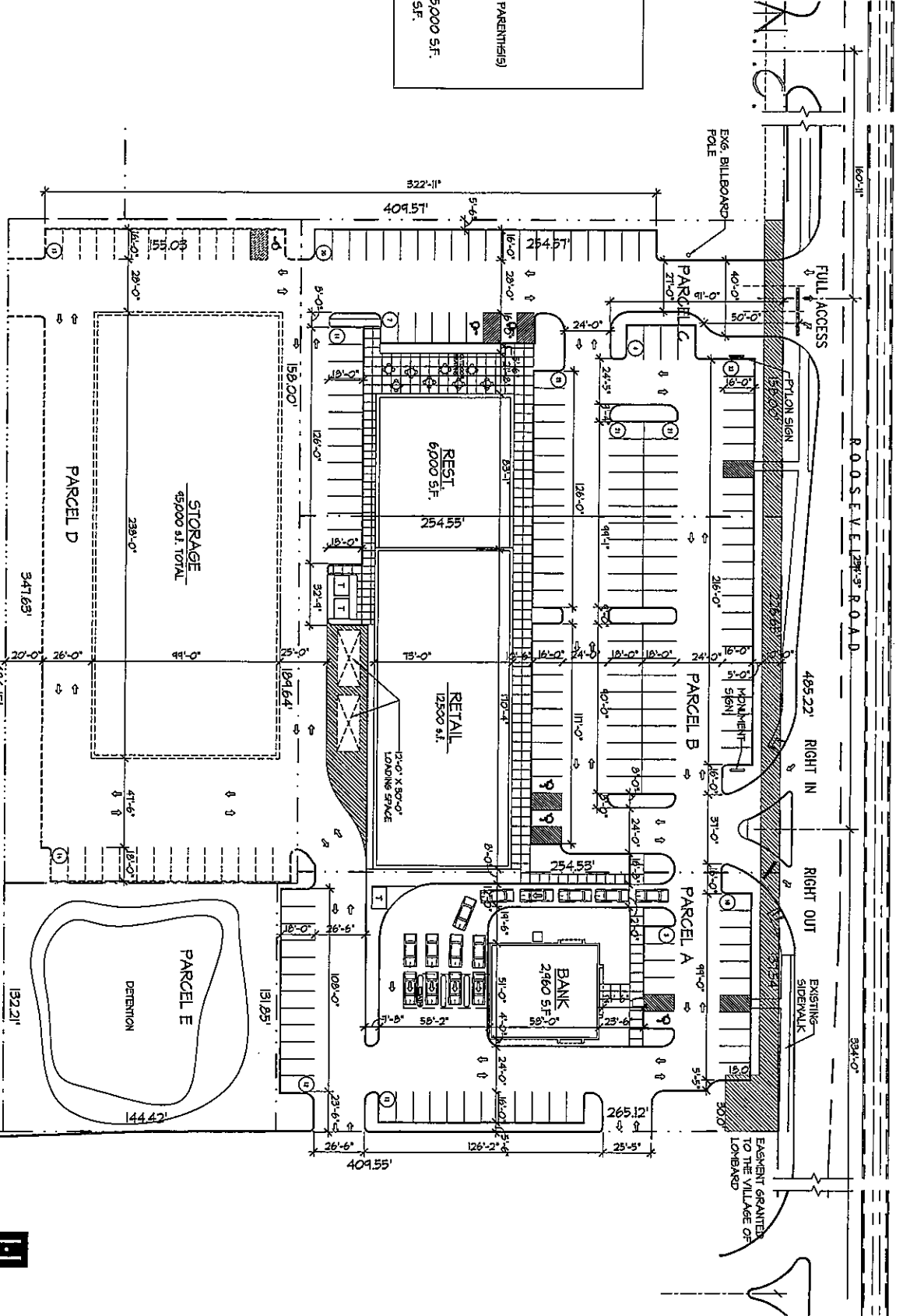
April 15, 2008  
05039  
lm

Hirsch Associates LLC  
Architecture + Planning

1

**SITE AREA:**  
 GROSS: 116,914 S.F.  
 PARCEL A: 140,220 S.F.  
 PARCEL B: 148,216 S.F.  
 PARCEL C: 56,484 S.F.  
 PARCEL D: 54,861 S.F.  
 PARCEL E: 114,061 S.F.

**BUILDING AREA: (PARCEL IN PARENTHESES)**  
 BANK (A): 2,560 S.F.  
 RETAIL (B): 112,500 S.F.  
 REST (C): 6,000 S.F.  
 PROPOSED STORAGE (D): 495,000 S.F.  
 TOTAL BUILDING AREA: 116,460 S.F.



**PRELIMINARY SITE PLAN - B**

**LOMBARD CROSSINGS**

**LOMBARD, IL**

CENTRUM PROPERTIES, INC.      2008-04-28      TSH      05039      HIRSCH ASSOCIATES, LLC

1" = 50'



EXHIBIT D: PRELIMINARY PLAT OF SUBDIVISION





EXHIBIT E: PRELIMINARY LANDSCAPE PLAN

# INDSCAPE REQUIREMENTS ANALYSIS

## PARKWAY PLANTING

ROOSEVELT ROAD  
 LENGTH (LINEAL FEET) 483.22'  
 NUMBER OF TREES REQUIRED (1 PER 40 LF)  
 NUMBER OF EXISTING TREES TO REMAIN 12  
 NUMBER OF ADDITIONAL TREES TO BE PROVIDED 12

ADDITIONAL TREES BEYOND THE NUMBER CANNOT BE PROVIDED DUE TO CURB CUTS & SIDEWALK LOCATION.

## PERIMETER LOT LANDSCAPING

### ROOSEVELT ROAD

LENGTH (LINEAL FEET) 483.22'  
 NUMBER OF TREES REQUIRED (1 PER 75 LF)  
 NUMBER OF EXISTING TREES TO REMAIN 6  
 NUMBER OF ADDITIONAL TREES TO BE PROVIDED 6

### WEST PROPERTY LINE

LENGTH (LINEAL FEET) 409.37'  
 NUMBER OF TREES REQUIRED (1 PER 75 LF)  
 NUMBER OF EXISTING TREES TO REMAIN 5  
 NUMBER OF ADDITIONAL TREES TO BE PROVIDED 6

### EAST PROPERTY LINE

LENGTH (LINEAL FEET) 409.35'  
 NUMBER OF TREES REQUIRED (1 PER 75 LF)  
 NUMBER OF EXISTING TREES TO REMAIN 5  
 NUMBER OF ADDITIONAL TREES TO BE PROVIDED 5

### SOUTH PROPERTY LINE

LENGTH (LINEAL FEET) 484.55'  
 NUMBER OF TREES REQUIRED (1 PER 75 LF)  
 NUMBER OF EXISTING TREES TO REMAIN 6  
 NUMBER OF ADDITIONAL TREES TO BE PROVIDED 6

## INTERIOR LANDSCAPING

TOTAL PARKING LOT AREA 98,745 SF  
 INTERIOR LANDSCAPE AREA REQUIRED (5% OF 98,745 SF) 4,937 SF  
 INTERIOR LANDSCAPE AREA PROVIDED 8,198 SF  
 NUMBER OF EXISTING TREES TO REMAIN 41  
 NUMBER OF ADDITIONAL TREES TO BE PROVIDED 41

## OPEN SPACE

GREEN SPACE 44,201 SF  
 IMPERVIOUS AREA 14,234 SF  
 REQUIRED OPENSPACE 12.5% 5,525 SF  
 PROPOSED OPEN SPACE (46,501//98,525) 23%

REFER TO THE TREE RESERVATION PLAN FOR THE EXISTING TREE LOCATIONS.



# PRELIMINARY LANDSCAPE PLAN

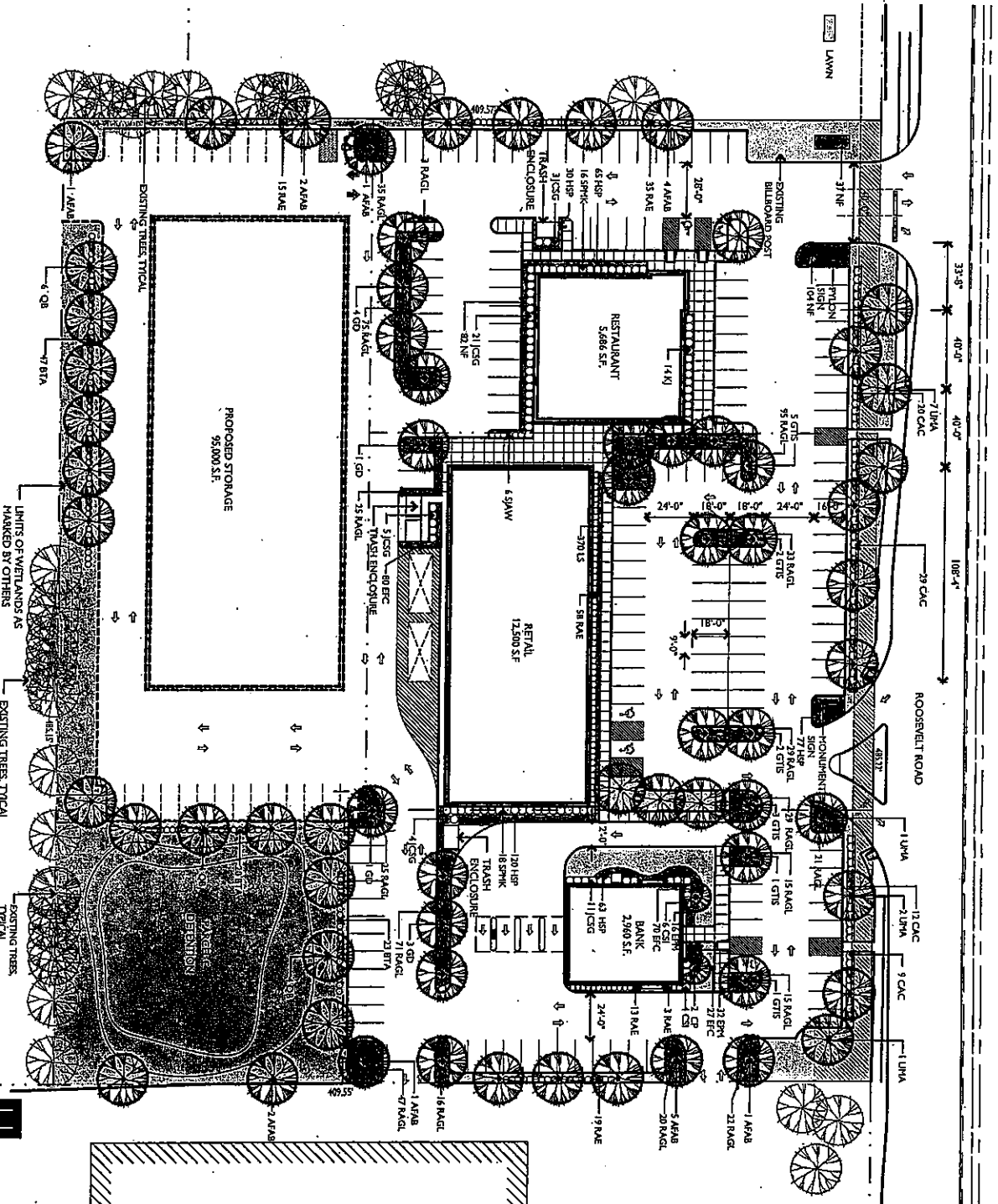
CENTRUM PROPERTIES, INC.

# LOMBARD CROSSINGS

2008-03-14

# LOMBARD, IL

TSH 05039 HIRSCH ASSOCIATES, LLC



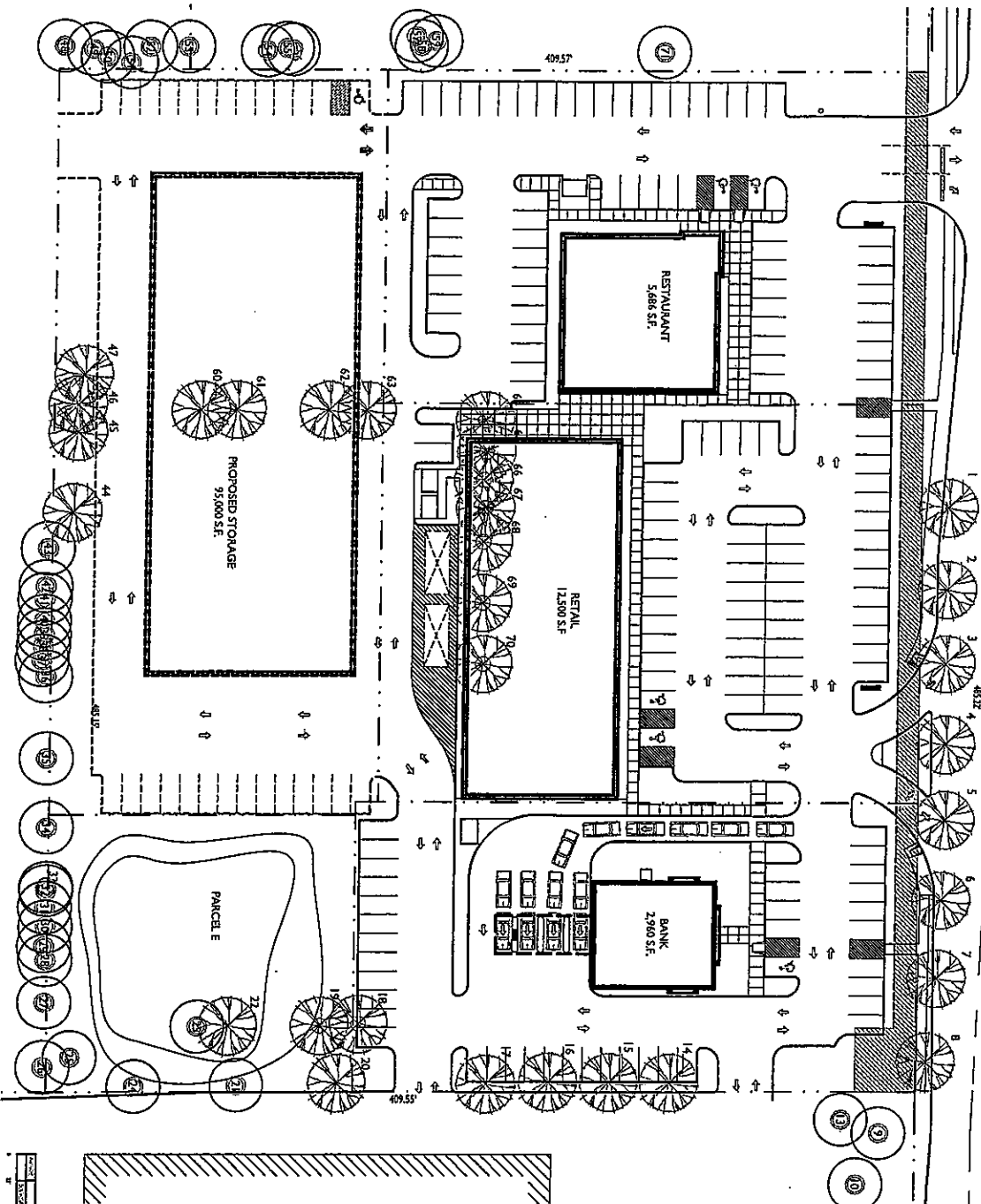
PLANT LIST

CODE	BOTANICAL NAME	COMMON NAME	QUANTITY	CALIPER	HEIGHT	SPREAD	ROOT	REMARKS
AFAB	ACER X FREEMANI 'AUTUMN BLAZE'	AUTUMN BLAZE MAPLE	17	2.5"	-	-	B&B	SINGLE STRAIGHT TRUNK, SPECIMEN QUALITY
GD	GYNOCLADUS DIOICUS	KENTUCKY COFFEE TREE	9	2.5"	-	-	B&B	SINGLE STRAIGHT TRUNK, SPECIMEN QUALITY
GTIS	QUERCUS TRIACANTHOS VAR. INERMIS 'SKYLINE'	SKYLINE HONOLULU OAK	15	2.5"	-	-	B&B	SINGLE STRAIGHT TRUNK, SPECIMEN QUALITY
QB	QUERCUS BICOLOR	SWAMP WHITE OAK	14	2.5"	-	-	B&B	SINGLE STRAIGHT TRUNK, SPECIMEN QUALITY
UCH	ULMUS CARPINIFOLIA 'MORTON'	ACCOLADE ELM	11	2.5"	-	-	B&B	SINGLE STRAIGHT TRUNK, SPECIMEN QUALITY
CP	CRATAEGUS PHAENOPYRUM	WASHINGTON HAWTHORN	2	-	6'-0"	-	B&B	MULTI-STEM, 4-5 STEMS MINIMUM
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
BT4	BERBERIS THUNBERGII 'AUREA'	AUREA PYGMY BARBERRY	90	-	24"	24"	B&B	3'-0" ON CENTER
CAC	COTONEASTER ACUTIFOLIUS	PERKINS COTONEASTER	70	-	24"	24"	B&B	4'-0" ON CENTER
CS1	CORNUS SERICEA 'ISANTI'	ISANTI DOGWOOD	10	-	24"	24"	B&B	4'-0" ON CENTER
KJ	KERUJA JAPONICA 'GOLDEN GUINEA'	GOLDEN GUINEA JAPANESE KERRIA	14	-	24"	24"	#5	4'-0" ON CENTER
JCSG	JUNIPERUS CHINENSIS 'SEA GREEN'	SEA GREEN JUNIPER	44	-	24"	24"	#5	4'-0" ON CENTER
RAE	RIBES ALPINUM EUROPA	EUROPA ALPINE CURRANT	143	-	24"	24"	#5	3'-0" ON CENTER
SPMK	SYRINGA PATULA 'MISS KIM'	MISS KIM DWARF KOREAN LILAC	16	-	36"	36"	B&B	4'-0" ON CENTER
SPAV	SPIRAEA JAPONICA 'ANTHONY WATERER'	ANTHONY WATERER SPIREA	24	-	24"	24"	B&B	3'-0" ON CENTER
ERC	EUONYMUS FORTUNEI 'CORALLIS'	PURPLE LEAF WINTERGREEN	177	-	-	-	QT	1'-0" ON CENTER
RAQL	RHUS AROMATICA 'GROW LOW'	GROW-LOW SUMAC	576	-	-	-	#5	3'-0" ON CENTER
LS	LIRIOPE SPICATA	CREeping Lily TuRE	370	-	-	-	#1	1'-0" ON CENTER
EPM	ECHINAGCEA PURPUREA 'MAGNUS'	MAGNUS PURPLE CONIFEROWER	48	-	-	-	#1	1'-6" ON CENTER
HSP	HEREROCALIS SP.	DAYLILY	355	-	-	-	#1	1'-6" ON CENTER, USE AN EQUAL MIX OF 'CHERRY CHECKS', 'CHICAGO FIRE', AND 'MARY TODD'
NE	NEPETA BAASSENI	CATMINT	223	-	-	-	#1	1'-6" ON CENTER

QUANTITIES ON THE PLANT LIST ARE PROVIDED FOR INFORMATION ONLY. PLANT QUANTITIES UNDER THE CONTRACT ARE INDICATED ON THE PLANS. IN THE EVENT OF ANY DISCREPANCIES, THE CONTRACT SHALL BE BASED ON THE QUANTITIES SHOWN ON THE PLANS.

**PRELIMINARY LANDSCAPE PLANT LIST**      **LOMBARD CROSSINGS**      **LOMBARD, IL**  
 CENTRUM PROPERTIES, INC.      1" = 50'      2008-03-14      TSH      05039      HIRSCH ASSOCIATES, LLC





EXISTING TREE SCHEDULE

NO.	SIZE	SPECIES	CONDITION	REMARKS	NO.	SIZE	SPECIES	CONDITION	REMARKS
1	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	21	4"	TYLE OF HEAVY	REMOVE	
2	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	22	4"	TYLE OF HEAVY	REMOVE	
3	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	23	4"	TYLE OF HEAVY	REMOVE	
4	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	24	4"	TYLE OF HEAVY	REMOVE	
5	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	25	4"	TYLE OF HEAVY	REMOVE	
6	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	26	4"	TYLE OF HEAVY	REMOVE	
7	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	27	4"	TYLE OF HEAVY	REMOVE	
8	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	28	4"	TYLE OF HEAVY	REMOVE	
9	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	29	4"	TYLE OF HEAVY	REMOVE	
10	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	30	4"	TYLE OF HEAVY	REMOVE	
11	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	31	4"	TYLE OF HEAVY	REMOVE	
12	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	32	4"	TYLE OF HEAVY	REMOVE	
13	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	33	4"	TYLE OF HEAVY	REMOVE	
14	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	34	4"	TYLE OF HEAVY	REMOVE	
15	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	35	4"	TYLE OF HEAVY	REMOVE	
16	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	36	4"	TYLE OF HEAVY	REMOVE	
17	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	37	4"	TYLE OF HEAVY	REMOVE	
18	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	38	4"	TYLE OF HEAVY	REMOVE	
19	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	39	4"	TYLE OF HEAVY	REMOVE	
20	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	40	4"	TYLE OF HEAVY	REMOVE	
21	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	41	4"	TYLE OF HEAVY	REMOVE	
22	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	42	4"	TYLE OF HEAVY	REMOVE	
23	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	43	4"	TYLE OF HEAVY	REMOVE	
24	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	44	4"	TYLE OF HEAVY	REMOVE	
25	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	45	4"	TYLE OF HEAVY	REMOVE	
26	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	46	4"	TYLE OF HEAVY	REMOVE	
27	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	47	4"	TYLE OF HEAVY	REMOVE	
28	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	48	4"	TYLE OF HEAVY	REMOVE	
29	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	49	4"	TYLE OF HEAVY	REMOVE	
30	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	50	4"	TYLE OF HEAVY	REMOVE	
31	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	51	4"	TYLE OF HEAVY	REMOVE	
32	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	52	4"	TYLE OF HEAVY	REMOVE	
33	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	53	4"	TYLE OF HEAVY	REMOVE	
34	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	54	4"	TYLE OF HEAVY	REMOVE	
35	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	55	4"	TYLE OF HEAVY	REMOVE	
36	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	56	4"	TYLE OF HEAVY	REMOVE	
37	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	57	4"	TYLE OF HEAVY	REMOVE	
38	2"	FLORIDIAN PALM	FIRM-GOOD	REMOVE	58	4"	TYLE OF HEAVY	REMOVE	

TREE PRESERVATION PLAN

LOMBARD CROSSINGS

LOMBARD, IL

CENTRUM PROPERTIES, INC.

1" = 50'

2008-03-14

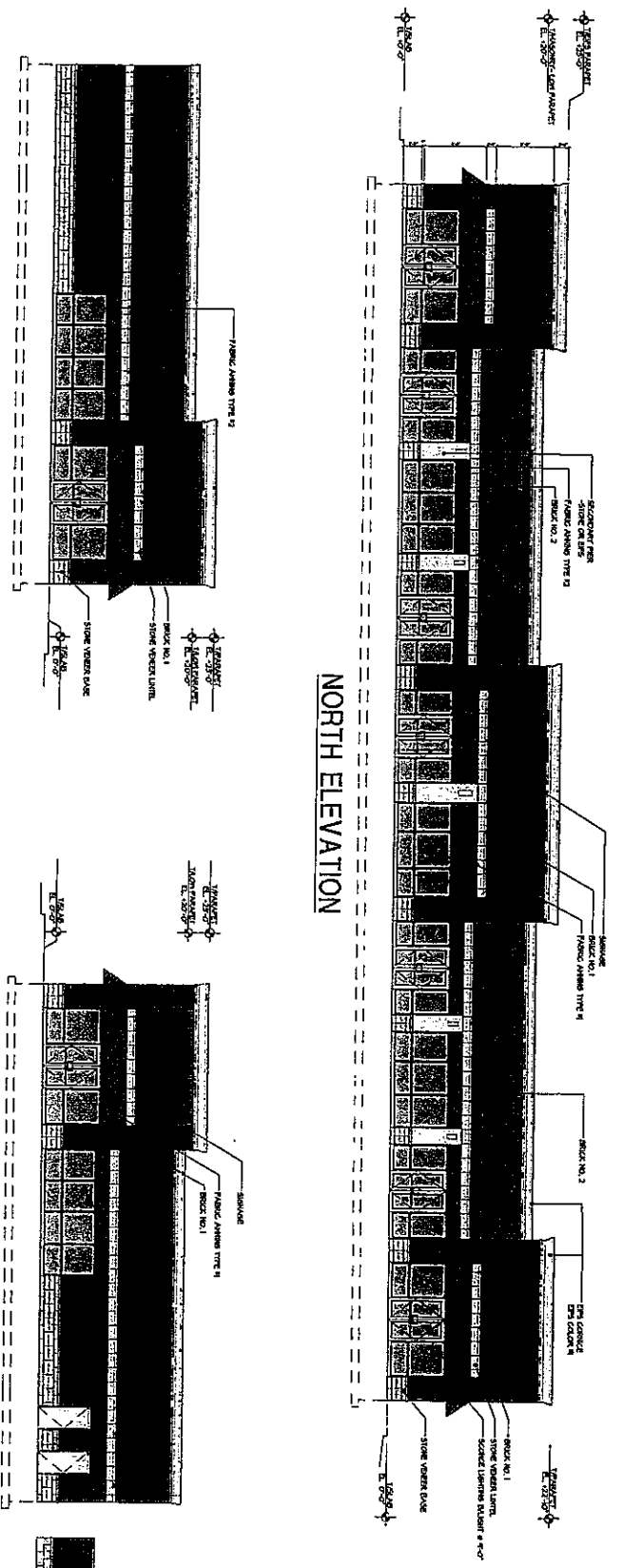
TSH

05039

HIRSCH ASSOCIATES, LLC



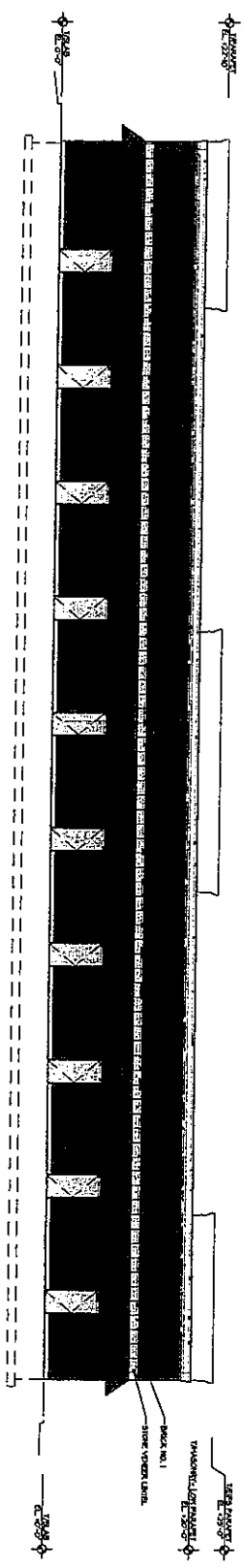
EXHIBIT F: PRELIMINARY BUILDING ELEVATIONS



NORTH ELEVATION

EAST ELEVATION

WEST ELEVATION



SOUTH ELEVATION

Elevations

Scale: 1/16"=1'-0"

Centrum Properties, Inc.

Preliminary Design  
Lombard Crossings  
Lombard, IL

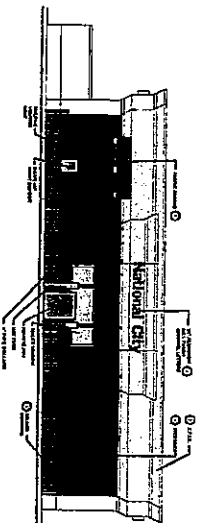
April 15, 2008  
05039  
hmm

Hirsch Associates LLC  
Architecture + Planning

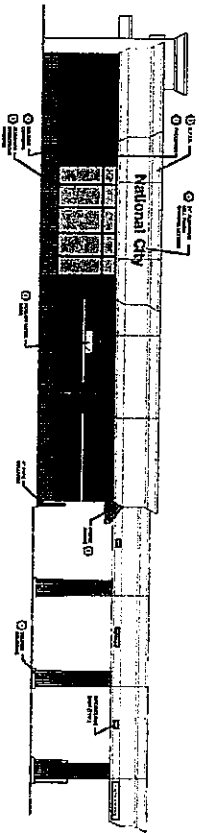




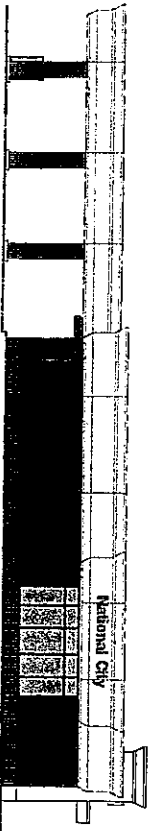
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

Elevations:



Centrum Properties, Inc.

Preliminary Design  
Lombard Crossings - Bank  
Lombard, IL

Scale: 1/16" = 1'-0"

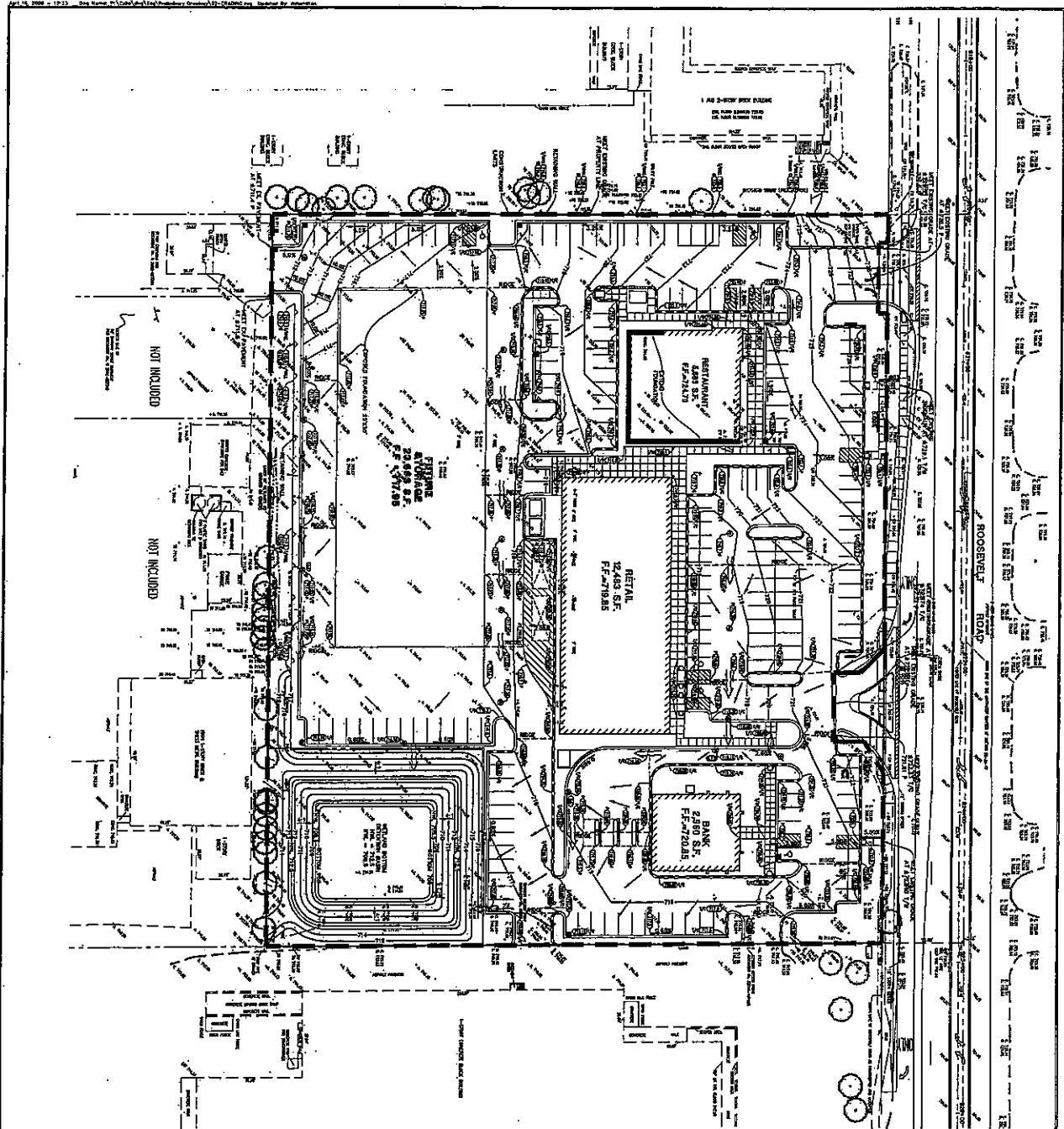
April 15, 2008  
05039  
hmn

Hirsch Associates, LLC  
Architecture + Planning



EXHIBIT G: PRELIMINARY ENGINEERING PLANS





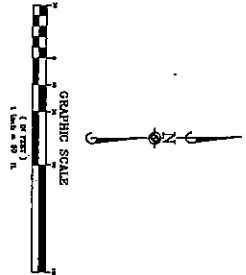
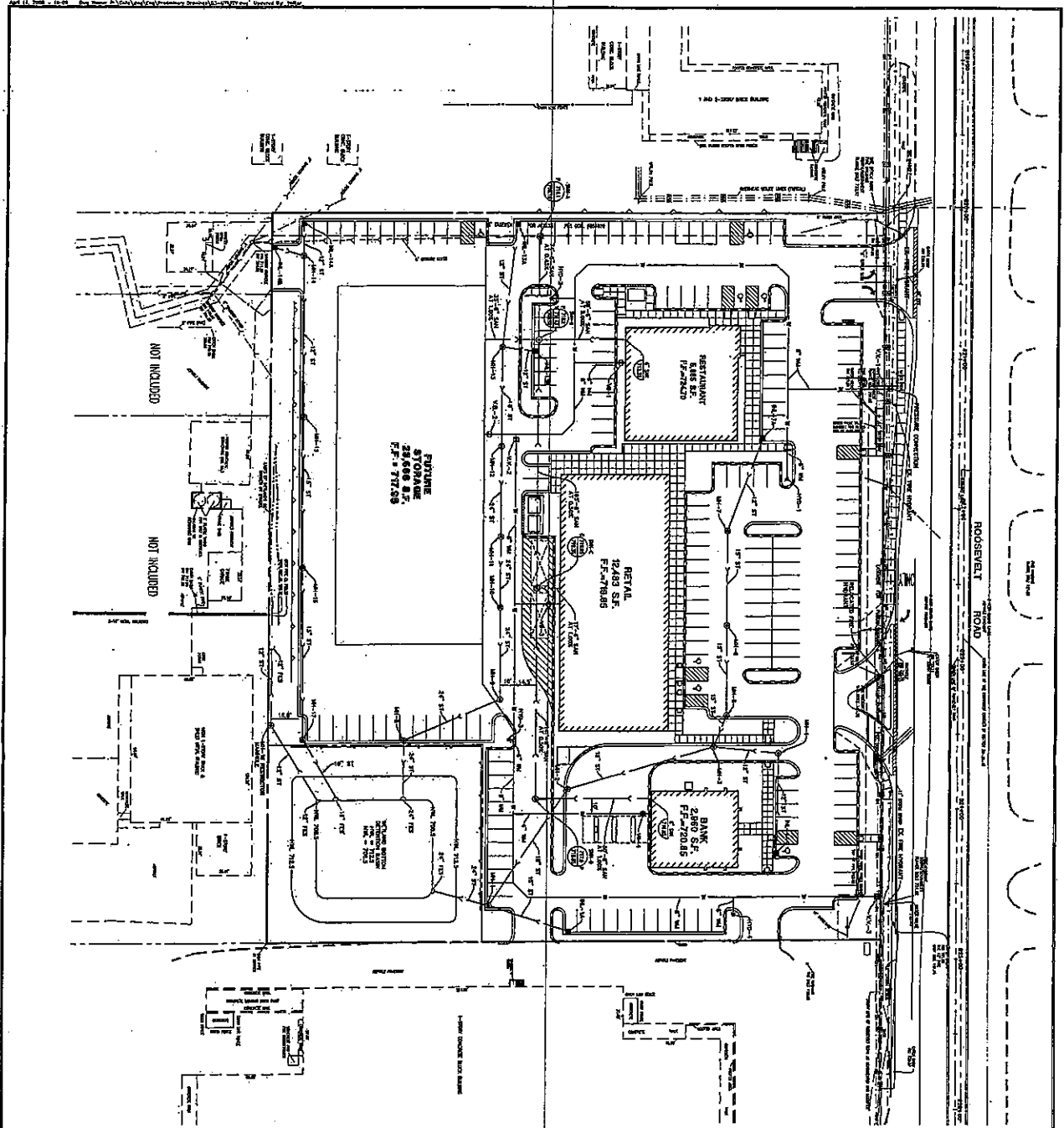
LOMBARD CROSSINGS  
 VILLAGE OF LOMBARD, ILLINOIS  
 PRELIMINARY GRADING PLAN

**Manhard**  
**CONSULTING LTD**  

 Civil Engineers, Surveyors, Water Resources Engineers, Water & Wastewater Engineers,  
 Construction Engineers, Environmental Scientists, Landscaping, Professional - Planning

NO.	DESCRIPTION	DATE	BY	CHECKED BY

2 of 3  
 SHEET NO. 2  
 DATE: 11/11/08



3 of 3 SHEET NO. PROJECT NO.	<b>LOMBARD CROSSINGS</b> <b>VILLAGE OF LOMBARD, ILLINOIS</b> <b>PRELIMINARY UTILITY PLAN</b>	
	DATE: _____ DRAWN BY: _____ CHECKED BY: _____	SCALE: _____ PROJECT: _____ SHEET: _____

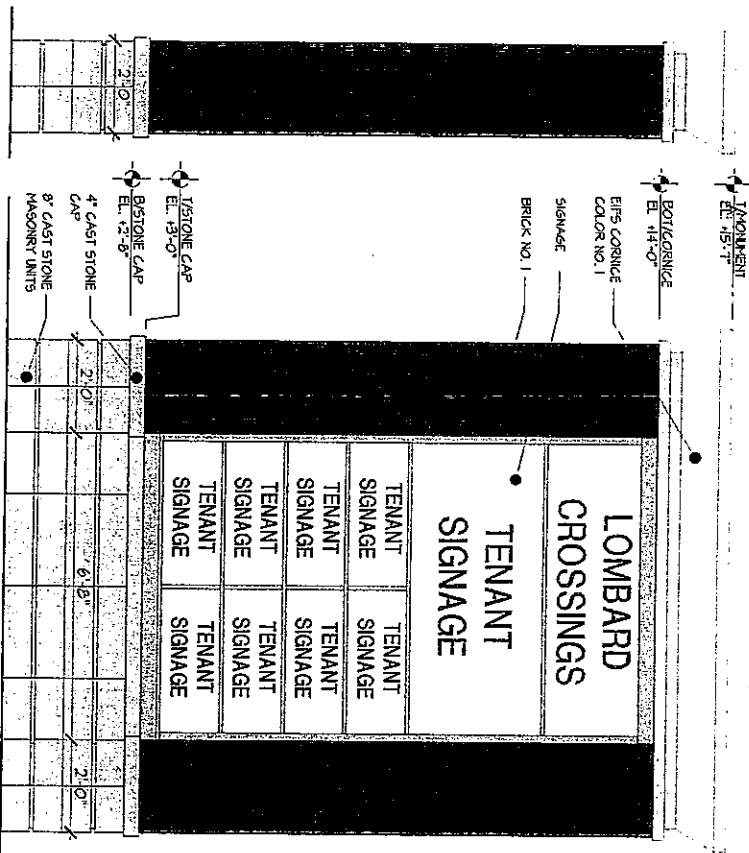
**Manhard CONSULTING LTD**  
 2000 Westpark Drive, Suite 100, Lombard, IL 60148-3888, Tel: 630-261-8888  
 Fax: 630-261-8889  
 E-mail: info@manhard.com  
 Manhard Consulting Ltd is a member of the Manhard Group of Companies.

NO.	DESCRIPTION	DATE	BY

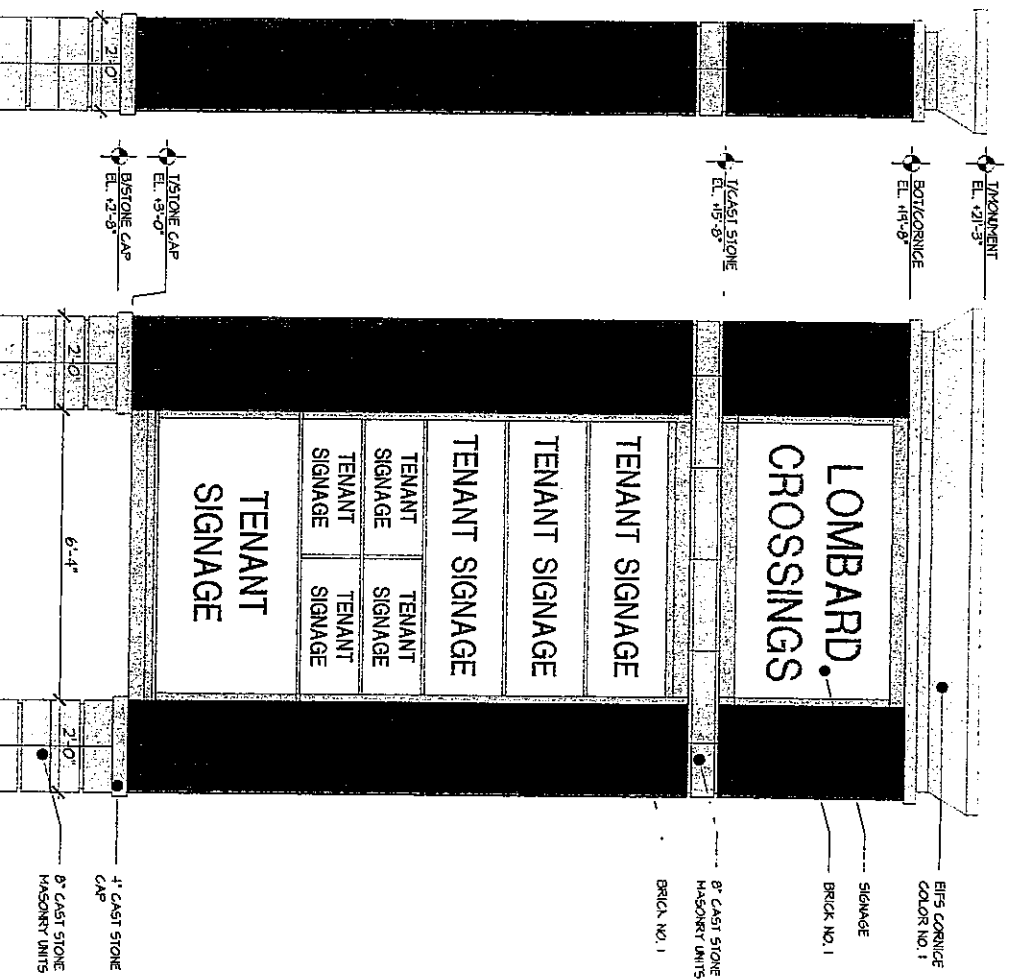
EXHIBIT H: PRELIMINARY SIGNAGE PLANS

**MATERIAL SCHEDULE:**

BRICK NO. 1:	BY SIOUX CITY BRICK, RED VELOUR
BRICK NO. 2:	BY SIOUX CITY BRICK, DUNES GREY VELOUR
CAST STONE:	BY ARRISCRAPT INTERNATIONAL, RENAISSANCE STONE, SANDRIFT
ANNING:	BY SANBELLA, UNIFORM/ STANDARD COLOR
STOREFRONT:	MEDIUM BRONZE ANODIZED
E.I.F. 5:	BY DRYVIT, COLOR #109 "VANOR WHITE", SANBELAST FINISH
LIGHTING:	MINISCAPE SCORGE LIGHTING BY MIKONA



**MONUMENT SIGN**



**PYLON SIGN**

**Front & Side Elevations**

**Signage Elevations**

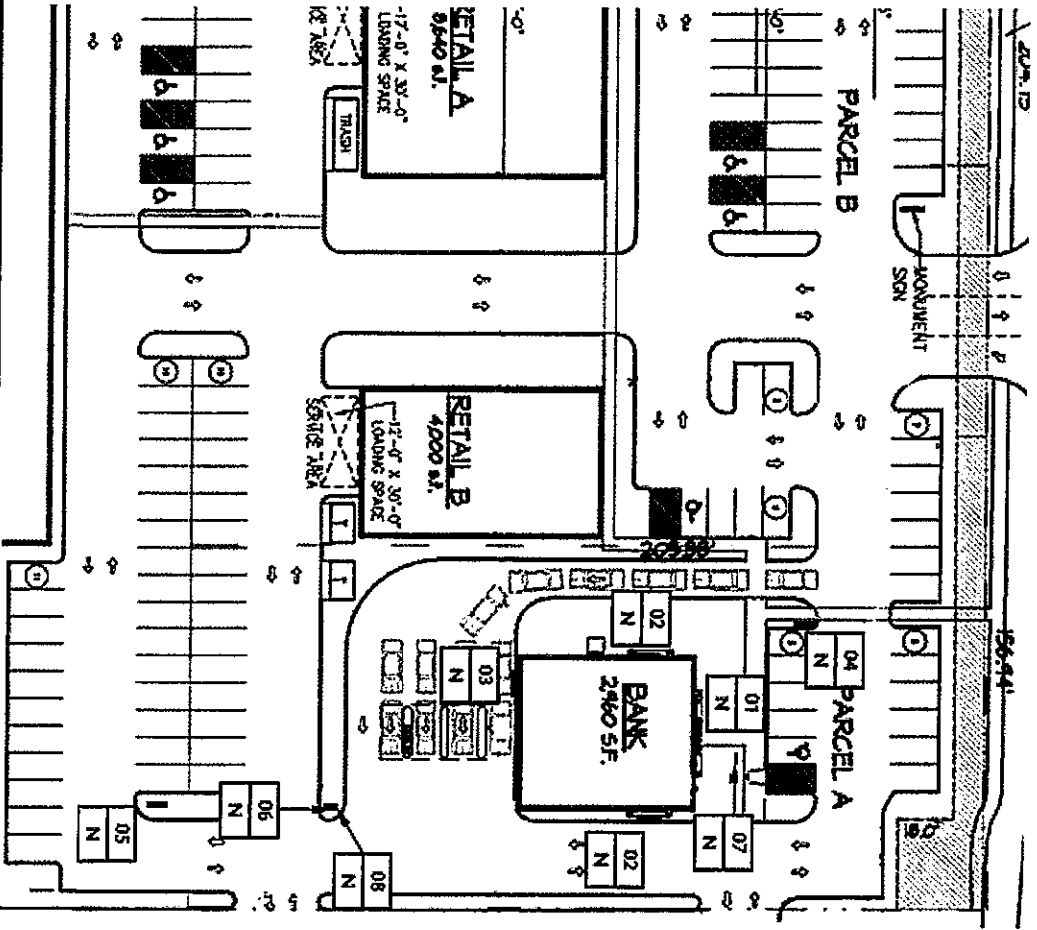
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**Centrum Properties, Inc.**

Preliminary Design  
**Lombard Crossings - Signage**  
Lombard, IL

April 15, 2008  
05039  
hlm

Hirsch Associates LLC  
Architecture + Planning



LOCATION: Lombard, IL  
 FILE: 02-15-07  
 DATE: 02-15-07  
 DRAWN: RDB  
 DIRECTOR:  
 PAGE: 1 of 6  
 SCALE: AS SHOWN  
 REVISED: 00-00-00

GAD GROUP  
 1000 W. 15th St., Suite 200  
 Chicago, IL 60604  
  
 icon  
 H&M Bankers NA  
 117 East 11th St  
 Illinois 61837



**LEGEND**

- |          |        |                |            |
|----------|--------|----------------|------------|
| [Symbol] | SIGN # | ACTION         | ADDITION   |
| [Symbol] | 42     | OVERVIEW POINT | R - REUSE  |
| [Symbol] |        | SIGN           | X - REMOVE |
| [Symbol] |        | BUILDING       | C - CHANGE |
| [Symbol] |        | PROPERTY LINE  | L - LEAVE  |
| [Symbol] |        | PAVEMENT       | N - NEW    |
| [Symbol] |        | RAILROAD       |            |
| [Symbol] |        | REMOVE         |            |

**IMPORTANT APPROVAL NOTIFICATION**

Please review the recommendations shown to determine their compatibility with the conditions of the location in which the product is to be installed and note any changes. Your signature will be contained as your approval of the recommendations shown as accurate and acceptable for the project. The colors, sizes and graphics shown on this page have been extracted from approved and recommended signs by the National City. Please review them carefully and note any changes required by your approval, as the project will be produced as approved.

Once approved has been received, you will be held financially responsible for any additional changes or adjustments to the recommended signage.

Authorized Signatures: \_\_\_\_\_  
 Print Name: \_\_\_\_\_

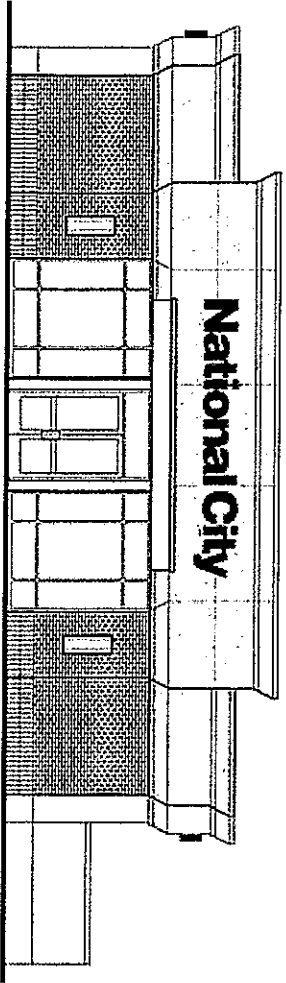
Date: \_\_\_\_\_  
 Approved as shown     Approved w/ changes noted

**CUSTOMER NOTE:**

SIGNAGE WILL BE MANUFACTURED AND SHIPPED ONLY AFTER PERMITS ARE OBTAINED FROM SUBCONTRACTOR. THE LOCAL CONTRACTOR IS RESPONSIBLE FOR PRIMARY ELECTRICAL SERVICE TO THE LOCATION, IF ANY EXISTS. ALL OLD SIGNS WILL BE REMOVED AND DISCARDED.



GHG-24 Green Horizontal Illuminated Channel Letters  
 Sign #1  
 Qty: 1  
 Scale: 1/8" = 1'-0"  
 33 S.F.



North Elevation  
 Sign #1  
 Scale: 1/8" = 1'-0"

**National City**

LOCATION: —	FILE: —	PAGE: 2 of 6	REVISED: 00-00-00
Lombard, IL	DATE: 02-15-07	SCALE: As Indd	
	DRAWN: RDB	DIRECTOR:	

**GPD GROUP**  
 GRAPHIC DESIGN & SIGNAGE  
 1400 S. RIVER ST. CHICAGO, IL 60607

**icon**  
 THE LOCAL CONTRACT IS RESPONSIBLE FOR PRIMARY ELECTRICAL SERVICE TO THE LOCATION, IF ANY EXISTS. ALL OLD SIGNS WILL BE REMOVED AND DISCARDED.

**Hill Blomberg NA**  
 Hill Blomberg NA  
 Hill Blomberg NA



**LEGEND**

- |  |               |  |              |
|--|---------------|--|--------------|
|  | SIGN #        |  | ACTION CODES |
|  | ACTION        |  | R - REAK AFE |
|  | ODERNEW PHOTO |  | X - REAKORE  |
|  | SIGN          |  | C - CUSTOM   |
|  | BUILDING      |  | L - LEAVE    |
|  | PROPERTY LINE |  | N - NEW      |
|  | REAL ROAD     |  |              |
|  | FENCE         |  |              |

**IMPORTANT APPROVAL NOTIFICATION**

Please review the recommendations shown to determine the compatibility with the conditions of the location in which the product is to be installed and note any change recommendations. Approval is required for any change to the recommendations shown on this drawing. The sign on this page has been developed from the sign and location information supplied by NATIONAL CITY. Please review them carefully to determine their accuracy and note any changes required for your approval, as the project will be produced as approved.

Once approval has been received, you will be held financially responsible for any additional changes or adjustments to the recommended signage.

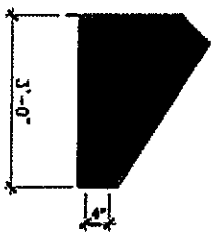
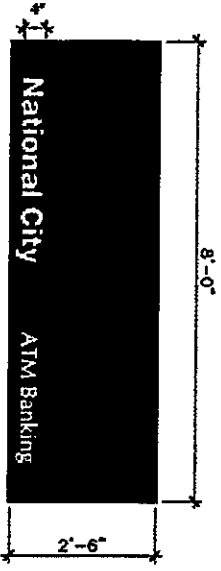
Authorized Signage: \_\_\_\_\_  
 Print Name: \_\_\_\_\_  
 Date: \_\_\_\_\_

Approved as shown  Approved w/ changes noted

**CUSTOMER NOTE:**

SIGNAGE WILL BE MANUFACTURED AND SHIPPED ONLY AFTER PERMITS ARE OBTAINED FROM SUBCONTRACTOR. THE LOCAL CONTRACT IS RESPONSIBLE FOR PRIMARY ELECTRICAL SERVICE TO THE LOCATION, IF ANY EXISTS. ALL OLD SIGNS WILL BE REMOVED AND DISCARDED.

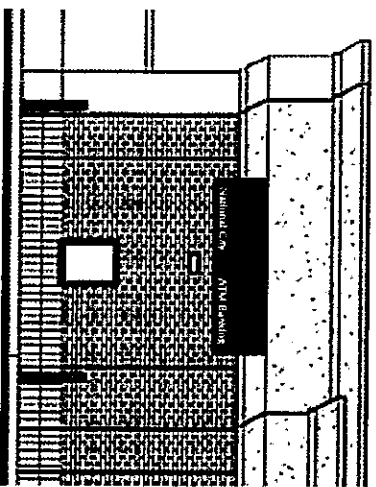




Awning

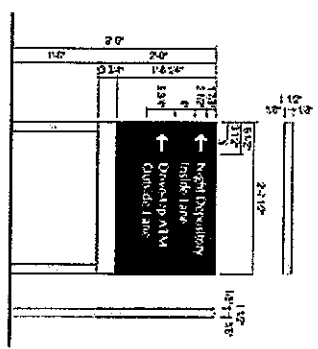
Sign #3

Scale: 1/4" = 1'-0"



West Elevation

Sign #3

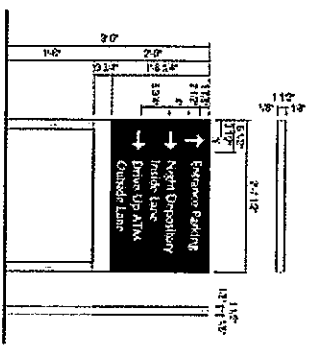


K2 S.F. Non-Illuminated Directional 4.9 S.F.

Sign #4

Facing East

Scale: 1/2" = 1'-0"

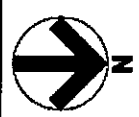


K2 S.F. Non-Illuminated Directional 4.9 S.F.

Sign #4

Facing West

Scale: 1/2" = 1'-0"



LEGEND

- SIGN #
  - ACTION
  - OVERLAP PERIOD
  - SIGN
  - BUILDING
  - PROPERTY LINE
  - WALL ROAD
  - EASEMENT
- ACTION CODES**
  - N = REMOVE
  - X = RELocate
  - C = CUSTOM
  - L = LEAVE
  - H = NEW
  - N = NEW

**IMPORTANT APPROVAL NOTIFICATION**

Please review the recommendations shown to determine their compatibility with the conditions of the location in which the product is to be installed and note any changes. Your signature will be contained as your approval of the recommendations shown, as accurate and acceptable for these conditions. The colors, styles and graphics shown on this page have been developed from standard and information supplied by NATIONAL CITY. Please review them carefully to determine their accuracy and note any changes required for your approval, as the product will be produced as approved.

Once approval has been obtained, you will be held financially responsible for any additional changes or adjustments to the recommended design.

Authorized Signatory: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

- Approved as shown
- Approved w/ changes noted

**CUSTOMER NOTE:**

SIGNS WILL BE MANUFACTURED AND SHIPPED ONLY AFTER PERMITS ARE OBTAINED FROM SUBCONTRACTOR. THE LOCAL CONTACT IS RESPONSIBLE FOR PRIMARY ELECTRICAL SERVICE TO THE LOCATION, IF ANY EXISTS. ALL OLD SIGNS WILL BE REMOVED AND DISCARDED.

**National City**

LOCATION: Lombard, IL	FILE: 03-15-07	PAGE: 4 of 6	REVISED: 00-00-00
DRAWN: RDB	SCALE: AS NOTED	DIRECTOR:	









EXHIBIT:  
[LEFT INTENTIONALLY BLANK]

EXHIBIT J: APPROVED DEVIATIONS AND VARIATIONS

NOTE: ALL PARCEL DESIGNATIONS ON THIS EXHIBIT J ARE TO THE PARCELS AS SHOWN ON THE PRELIMINARY SITE PLAN ATTACHED AS EXHIBIT C TO THIS AGREEMENT TO WHICH THIS EXHIBIT IS ALSO ATTACHED.

1. Parcel A
  - a. Conditional uses pursuant to Sections 155.417(G)(2)(b)(2) and 155.417(G)(2)(b)(6) of the Zoning Ordinance for a bank/financial institution with a drive-through facility;
  - b. A deviation from Section 153.505(B)(19)(a)(2) of the Sign Ordinance to allow for more than one (1) wall sign per street frontage;
  - c. A deviation from Section 155.417(G)(3) of the Zoning Ordinance to reduce the minimum lot area from forty thousand (40,000) square feet to thirty-six thousand four hundred (36,400) square feet;
  - d. A deviation from Section 155.417(G)(4) of the Zoning Ordinance to reduce the minimum lot width from one hundred fifty (150) feet to one hundred thirty-seven (137) feet.
2. Parcel B
  - a. A conditional use pursuant to Section 155.417(G)(2)(c)(7) of the Zoning Ordinance for a shopping center, consisting of more than one (1) principal business on a zoning lot;
  - b. A deviation from Section 155.417(G)(5)(c) of the Zoning Ordinance reducing the required east interior side yard setback from ten feet (10') to one foot (1').
3. Parcel C
  - a. A conditional use pursuant to Section 155.417(G)(2)(a)(5) of the Zoning Ordinance for a restaurant outside service/dining area;
  - b. A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one (1) wall sign per street frontage;
  - c. A deviation from Section 155.417(G)(5)(c) of the Zoning Ordinance reducing the required east interior side yard setback from ten feet (10') to five feet (5').
4. Parcel D

5. Parcel E
- a. A conditional use pursuant to Section 155.417(G)(2)(c)(6) of the Zoning Ordinance for a four (4) story building, between forty (40) and forty-five (45) feet in height;
  - b. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow a lot without public street frontage;
  - c. A deviation from Section 154.507 (D) of the Subdivision and Development Ordinance requiring an outlet to have at least thirty feet (30') of frontage along a public street;
  - d. A deviation from Section 155.417 (G)(3) of the Zoning Ordinance to reduce the minimum lot area from forty thousand (40,000) square feet to nineteen thousand (19,000) square feet for a detention outlet; and
  - e. A deviation from Section 155.417 (G)(4) of the Zoning Ordinance to reduce the minimum lot width from one hundred fifty (150) feet to one hundred thirty-one (131) feet.
6. For each lot, grant a variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance to reduce the required perimeter parking and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.
7. Grant a variation from Sections 155.417 (G)(7) and (9) of the Zoning Ordinance to eliminate the ten percent (10%) open space requirement for individual lots.
8. Approve the following Sign Ordinance deviations:
- a. A deviation from Section 153.235 (A) to allow for two (2) shopping center signs, where one is permitted;
  - b. A deviation from Section 153.235 (E) to allow for shopping center signs to be located closer than two hundred fifty (250) feet from each other; and

- c. A deviation from Section 153.234 (F) to allow for free-standing signs to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way.

EXHIBIT K: APPROVED RESTAURANTS

Hackney's	Ala Carte Entertainment
Goose Island Brewery	Alumni Club
Greek Islands	Applebee's
Home Run Inn	Avrello's
Hooters	Bahama Breeze
Houlihan's	Bandana's BBQ
Houston's	Barnaby's
IHOP	BD's Mongolian Barbeque
India House	Beef O Brady's
J. Alexander's	Ben Pao
Johnny Rockets	Bennigan's
Lalo's	Biaggi's
Le Peep	Big Bowl
Leona's Restaurants	Billy Goat's Tavern
Longhorn Steakhouse	Black Angus Steakhouse
Macaroni Grill	Boston Blackies
Max and Benny's	Boston Pizza
Max and Erma's	Buca Di Beppo
Monical Pizza	Buffalo Wild Wings
Moretti's	Buona Restaurant
Nancy's Pizza	California Pizza Kitchen
Old Chicago	Capital Grille
Olive Garden	Carrabb's Italian Grill
Omega	Champs
Original Pancake House	Chili's
Outback Steakhouse	Chipotle
Pepe's	Colonial Cafe
PF Chang's	Damon's Grill
Portillo's	Danby Station
Red Lobster	Darden Restaurants
Red Robin	Dick's Last Resort
Reza's	Ed Debevic's
Rock Bottom Brewery	Eduardo's
Ron of Japan	Egg Harbor Cafe
Sam Houston's	Eggsperience Cafe
Texas Roadhouse	Elephant Bar
TGI Friday's	Famous Dave's
The Melting Pot	First Watch
Tilted Kilt	Flat Top Grill
Uno's	Fogo De Chao
Waffle House	Fox and Hound
Walker Brothers	Fuddrucker's
	Gino's East
	Giordano's

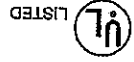
EXHIBIT I:

PARKING LOT IMPROVEMENTS ON PARCELS A-C





Specifications subject to change without notice.  
 Photometric data - See Technical Section.  
 Pole dimensions are nominal.

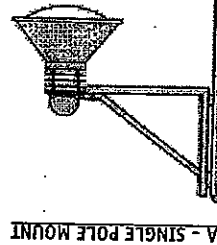
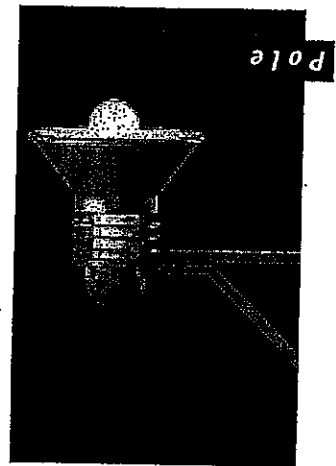
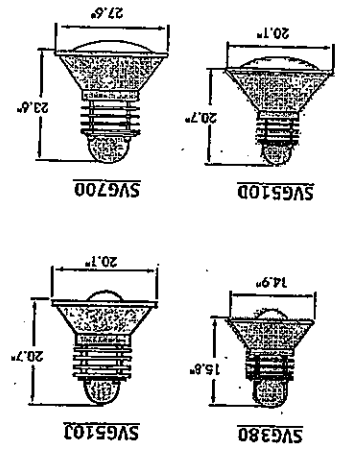


hessamerica

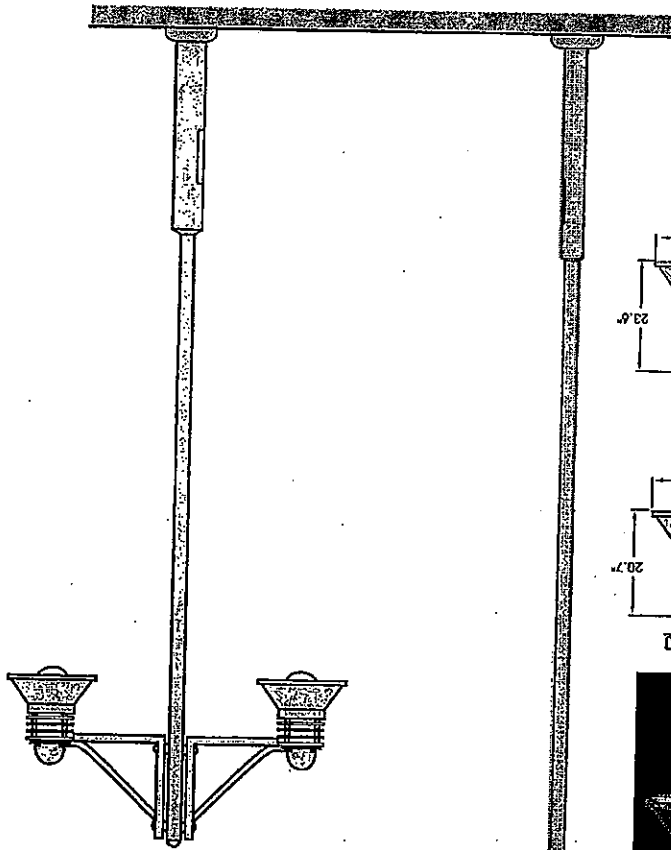
P.O. Box 430  
 Shelby, NC 28151  
 Phone: 704.471.2211 Fax: 704.471.2255  
 www.hessamerica.com

SEVILLE G MODEL INFORMATION

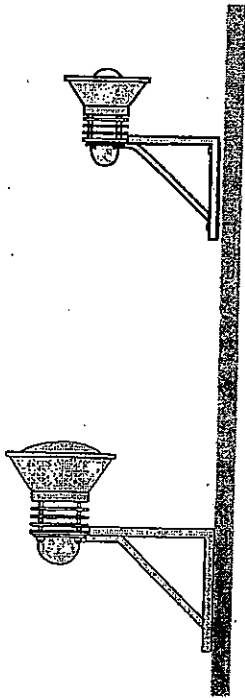
Model	Lamp	Pole	Mounting
SVG380	70 MH/HPS	12' - 14'	A-B-C
SVG510D	100 MH/HPS	14' - 16'	A-B-C
SVG510J	100 MH/HPS	14' - 16'	A-B-C
SVG700	175 MH/150 HPS	16' - 24'	A-B-C



A - SINGLE POLE MOUNT



B - TWIN POLE MOUNT



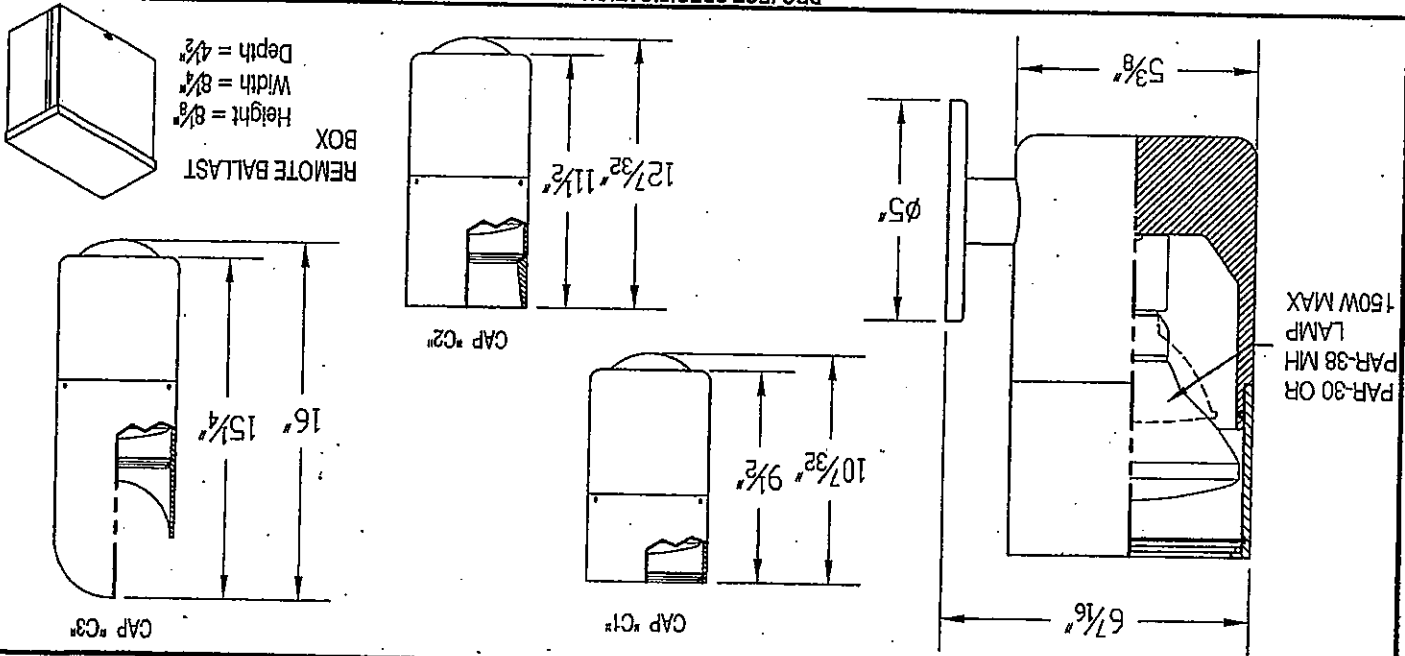
C - WALL MOUNT

Geometric bracket smoothly transitions to the slotted upper housing of this luminaire. Optics are translucent jar or segmented, horizontal lamp reflector with clear dropped lens. All luminaires finished on the inside with high pressure sodium lamps. Standard finish is automotive quality enamel in silver-gray. Special colors available.

# WINSCAPE™ SUBMITTAL - OXFORD SERIES

PROJECT NAME:

TYPE:



## PROJECT SPECIFICATION

OX

1. LAMP	2. VOLTAGE	3. ACCESSORY LENS	4. FINISH COLOR	5. COLOR FILTER	6. SHIELDING	7. CAP STYLE	8. SPECIAL
72 = 35W PAR30MH/SP10	UB = UNIVERSAL	L0 = NONE	BKS = BLACK SMOOTH	FO = NONE	SH0 = NONE	G1 = SHORT FLUSH	STD = STANDARD
73 = 35W PAR30MH/SP15	BALLAST	L1 = PRISMATIC	BKT = BLACK TEXTURED	FM = MERCURY VAPOR	SH8 = HONEYCOMB	G2 = LENS RECESSED	MOD = MODIFIED
74 = 70W PAR30MH/SP10	120V	L2 = LINEAR	BRS = BRONZE SMOOTH	FR = RED	SH6 = HONEYCOMB	G3 = 45° CUTOFF	
75 = 70W PAR30MH/SP15	208V	L3 = SOFTENING	BRT = BRONZE TEXTURED	FMD = RED DICHROIC	LOUVER		
76 = 70W PAR30MH/SP15	240V		WHS = WHITE SMOOTH	FP = PINK			
77 = 70W PAR30MH/SP30	277V		WHT = WHITE TEXTURED	FA = AMBER			
78 = 70W PAR30MH/SP55	120V = 120 VOLT		SIS = SILVER SMOOTH	FG = GREEN			
79 = 100W PAR30MH/SP15	(150W ONLY)		IVS = IVORY SMOOTH	FGB = GREEN DICHROIC			
80 = 100W PAR30MH/SP30	277V = 277 VOLT		CHS = CHROME SMOOTH	FLB = LIGHT BLUE			
81 = 100W PAR30MH/SP55	(150W ONLY)		NBS = NATURAL BRONZE	FMB = MED BLUE			
82 = 150W PAR30MH/SP20			FMBD = MED BLUE DICHROIC	SAT = SAND TEXTURED			
83 = 150W PAR30MH/SP30			VER = VERDE TEXTURED	SFF = STANDARD POWDER			
84 = 150W PAR30MH/SP55			CPF = CUSTOM FINISH	COAT T.B.D.			
96 = NO LAMP, 35/50 WATT BALLAST							
97 = NO LAMP, 70 WATT BALLAST							
98 = NO LAMP, 100 WATT BALLAST							
99 = NO LAMP, 150 WATT BALLAST							

**SPECIFICATIONS:** Body & cap cast from 356-T6 aluminum, stem & mount plate machined from 6061-T6 ALUMINUM. Lens cut from tempered borosilicate glass for superior clarity and strength. Medium base 4 K.V. pulse rated porcelain socket rated 660W-600V, with 18ga. 200°C, 600V leads.

**FINISHES:** Available in 12 standard TGIC polyester powder coat finishes. Custom powder coat finishes available (contact factory for more info).  
**FEATURES:** Field replaceable lens. Can be mounted in any position. Any combination of up to 3 lens accessories / color filter / shielding can be specified in any cap style and are held securely by a removable stainless steel clip ring. All fixtures come standard with WATERSHED LENS™.  
**GENERAL:** All lamps listed are medium based PAR-30's or PAR-38's Metal Halide (H.I.D.) unless otherwise noted. Mounts to a standard 4" wet location J-box, includes stainless mounting screws and gasket. Includes remote Aromat electronic ballast in a NEMA 3R ballast box. Max ballast remote distance = 20'. Ballast box mounts to any flat vertical surface. Provisions for two 1/2" and two 3/4" conduit, bottom entry on ballast box. Voltage option "UB" not available in 150W ballast, 150W ballast must specify voltage. When 150W lamp is used 105°C supply wire must be used.



**AN ORDINANCE ANNEXING CERTAIN TERRITORY  
TO THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS**

(PC 08-13: 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossings))

(See also Ordinance No.(s) \_\_\_\_\_)

WHEREAS, a written petition, signed by the legal owners and electors of record of all land within the territory hereinafter described, has been filed with the Village Clerk of the Village of Lombard, DuPage County, Illinois, requesting that said territory be annexed to the Village of Lombard; and,

WHEREAS, the said territory is not within the corporate limits of any municipality, but is contiguous to the Village of Lombard; and,

WHEREAS, all notices of said annexation, as required by (Chapter 65 ILCS 5/7-1-1), have been given to the appropriate parties in a timely manner as required by Statute (copies of said Notices being attached hereto as Exhibit "A", and made part hereof).

WHEREAS, it is in the best interest of the Village of Lombard that said territory be annexed thereto.

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 territory described in Section 2 below be and the same is hereby annexed to the Village of Lombard, DuPage County, Illinois, pursuant to (Chapter 65 ILCS 5/7-1-8).

**SECTION 2:** This ordinance is limited and restricted to the property indicated on the attached Plat of Annexation attached hereto as Exhibit "B", and generally located generally at 19W471 Roosevelt Road, Lombard, Illinois containing 1.3 acres more or less and legally described as follows:

THE WEST 134.5 FEET OF HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF) IN THE NORTHWEST QUARTER OF SECTION

20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL  
MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958  
AS DOCUMENT 877665 IN DUPAGE COUNTY, ILLINOIS.

Property Index Number: 06-20-106-051

SECTION 3: The new boundary of the Village of Lombard shall extend to  
the far side of any adjacent rights-of-way, and shall include all of every right-of-way within  
the area annexed hereby.

SECTION 4: The Village Clerk is hereby directed to record with the  
Recorder of Deeds and to file with the County Clerk, a certified copy of this Ordinance,  
and the original Plat of Annexation.

SECTION 5: This ordinance shall be in full force and effect from and after  
its passage and approval as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008  
First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_,  
2008

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2008

Brigitte O'Brien, Village Clerk





**ORDINANCE**

**AN ORDINANCE APPROVING A MAP AMENDMENT (REZONING)  
TO THE LOMBARD ZONING ORDINANCE  
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 08-13: 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossings))

(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, an application has heretofore been filed requesting a map amendment for the purpose of rezoning the property described in Section 2 hereto from R0 Single-Family Residence District to the B4A Roosevelt Road Corridor District; and,

WHEREAS, a public hearing thereon has been conducted by the Village of Lombard Plan Commission on May 19, 2008, 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 rezoning 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 Title 15, Chapter 155 of the Code of Lombard, Illinois, otherwise known as the Lombard Zoning Ordinance, be and is hereby amended so as to rezone the property described in Section 2 hereof from R0 Single-Family Residence District to the B4A Roosevelt Road Corridor District.

**SECTION 2:** The map amendment is limited and restricted to the property located at 19W47 Roosevelt Road, Lombard, Illinois, and legally described as follows:

THE WEST 134.5 FEET OF GHILAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665 IN DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: 06-20-106-051

(Hereinafter the "Subject Property").

SECTION 3: That the official zoning map of the Village of Lombard be changed in conformance with the provisions of this ordinance.

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.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2008

Brigitte O'Brien, Village Clerk

**AN ORDINANCE GRANTING CONDITIONAL USES FOR A  
PLANNED DEVELOPMENT WITH COMPANION VARIATIONS AND DEVIATIONS  
AND CONDITIONAL USES FOR A BANK/FINANCIAL INSTITUTION, A MULTIPLE  
TENANT RETAIL CENTER A DRIVE THROUGH ESTABLISHMENT AND  
OUTDOOR DINING/SERVICE, AND A USE EXCEPTION FOR A STORAGE CENTER**

(PC 08-13: 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossings))

(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 President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Sign Ordinance, otherwise known as Title 15, Chapter 153 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned B4A Roosevelt Road Corridor District; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for a planned development to provide for the construction of a five (5) lot planned development commonly referred to as Lombard Crossings, conditional uses for a bank/financial institution, drive-through facilities, outdoor dining establishment and a multiple-tenant retail center, a use exception for a storage center in the B4A District, and variations and deviations from the Lombard Zoning Ordinance (Title 155 of the Village Code), Subdivision and Development Ordinance (Title 154 of the Village Code) and Sign Ordinance (Title 153 of the Village Code) as set forth in Section 1 below, on the property described in Section 2 below; and subject to the conditions set forth in Section 3 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on May 19, 2008 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 petition as described herein; and,

ORDINANCE NO. \_\_\_\_\_

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 conditional uses for a planned development with the following conditional uses, variations, deviations, and use exception as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

1. For Lot 1 (Parcel A):
  - a. Conditional uses pursuant to Sections 155.417(G)(2)(b)(2) and 155.417(G)(2)(b)(6) of the Zoning Ordinance for a bank/financial institution with a drive-through facility;
  - b. A deviation from Section 153.505(B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;
  - c. A deviation from Section 155.417(G)(3) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 36,400 square feet;
  - d. A deviation from Section 155.417(G)(4) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 137 feet.
2. For Lot 2 (Parcel B):
  - a. A conditional use pursuant to Section 155.417(G)(2)(c)(7) of the Zoning Ordinance for a shopping center, consisting of more than one principal business on a zoning lot;
  - b. A deviation from Section 155.417(G)(5)(c) of the Zoning Ordinance reducing the required east interior side yard from ten feet (10') to one foot (1').

3. For Lot 3 (Parcel C):
- a. A conditional use pursuant to Section 155.417(G)(2)(a)(5) of the Zoning Ordinance for a restaurant outside service/dining area;
  - b. A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;
  - b. A deviation from Section 155.417(G)(5)(c) of the Zoning Ordinance reducing the required east interior side yard from ten feet (10') to five feet (5').
4. For Lot 4 (Parcel D):
- a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow for a lot without public street frontage;
  - b. A planned development use exception for a storage center in the B4A District with a variation from Section 155.508 (B)(3) of the Zoning Ordinance to allow a use exception to exceed 40% of the total floor area for the overall planned development.
  - c. A conditional use pursuant to Section 155.417(G)(2)(c)(6) of the Zoning Ordinance for a four story building, between 40 and 45 feet in height.
5. For Lot 5 (detention outlet Parcel E):
- a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow a lot without public street frontage;
  - b. A deviation from Section 154.507 (D) of the Subdivision and Development Ordinance requiring an outlet to have at least thirty feet (30') of frontage along a public street;
  - c. A deviation from Section 155.417 (G)(3) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 19,000 square feet for a detention outlet; and
  - d. A deviation from Section 155.417 (G)(4) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 131 feet.

6. For each lot, a variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.

7. A variation from Sections 155.417 (G)(7) and (9) of the Zoning Ordinance to eliminate the ten percent (10%) open space requirement for individual lots.

8. The following Sign Ordinance deviations:

a. A deviation from Section 153.235 (A) to allow for two shopping center signs, where one is permitted.

b. A deviation from Section 153.235 (B) to allow for shopping center signs to be located closer than 250 feet from each other.

c. A deviation from Section 153.234 (F) to allow for free-standing signs to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way; and

9. A preliminary major plat of resubdivision, with an alternate option that combines proposed Parcels B and C into a single lot of record.

SECTION 2: That this ordinance is limited and restricted to the two properties described below, which are collectively referred to as the "Subject Property":

1. The property generally located at 351 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

PARCEL 1  
HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF AND EXCEPT THE WEST 134.5 FEET) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665, DUPAGE COUNTY ILLINOIS.

Parcel Number: 06-20-106-050

2. The property generally located at 19W471 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

PARCEL 2  
THE WEST 134.5 FEET OF GHILAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665 IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-20-106--051

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

1. The petitioner shall develop the site and building in accordance with the following plans submitted as part of this request, except as modified by the conditions of approval:
  - a. Site Plan (with alternate Plan B Option), prepared by Hirsh Associates LLC dated April 15, 2008 and April 28, 2008.
  - b. Landscape Plan (includes preservation plan and development plan), prepared by Hirsh Associates LLC dated March 14, 2008.
  - c. Preliminary Plat of Subdivision prepared by B.H. Suhr & Company and dated April 11, 2008.
  - d. Building Elevations for proposed retail center, prepared by Hirsh Associates LLC dated April 15, 2008.
  - e. Building Elevations for proposed bank, prepared by Hirsh Associates LLC dated April 15, 2008.
  - f. Shopping Center Signage Plan prepared by Hirsh Associates LLC dated April 15, 2008.
  - g. Signage Plan for the proposed bank prepared by Icon Identity Solutions, dated February 15, 2007.
  - h. Preliminary Engineering (site dimensional and paving plan and utility plan), prepared by Manhard Consulting LTD, and April 11, 2008.
  - i. Proposed wall and tree-standing lighting elements, prepared by Winscape and Hess America, no date.



2. That the petitioner shall enter into an annexation agreement with the Village for the subject property.
3. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
4. That any trash enclosure screening required by Section 155.710 of the Zoning Ordinance shall be constructed of material consistent with the principal building in which the enclosure is located.
5. To ensure that the proposed signage, awnings and building elevations present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
  - a. That channel lettering shall only be used for the wall signs.
  - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
  - c. The planned development shall be limited to no more than two freestanding shopping center signs. The final placement of the signs shall be located in a manner that does not conflict with clear line of sight or utility easements.
  - d. That the fabric awnings on each of the proposed buildings shall be compatible.
  - e. All rooftop mechanical equipment shall be screened pursuant to Section 155.221 of the Zoning Ordinance.
  - f. The bank elevations shall replace the soldier course brick with the stone base proposed for the retail center and incorporate the center stone veneer proposed for the retail center.
  - g. The south building elevation of the retail center shall incorporate the similar alternating colored brick pattern as depicted on the north elevation and the stone veneer base, in order to break up the building mass.
  - h. The final building elevations for the retail center shall be limited to the minimum number of door entrances required by Village Fire Marshal.
6. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall allow for cross-access and cross parking between each lot within the proposed development.
7. The proposed sidewalk link shall be placed on a ramped island, with pedestrian crossing markings across the drive aisles.

8. The final development plan shall be modified to ensure that the parking stall space overhangs are in compliance with Village Code.

9. The use exception for a storage center shall only be for Lot 4 (Parcel D) of the planned development. The development of Lot 4 (Parcel D) shall be subject to site plan approval of the Village.

10. The building elevations for the proposed sit-down restaurant shall also be subject to site plan approval by the Village. The sit-down restaurant shall be permitted to have one wall sign on the north, west and east elevations, with the final design subject to site plan review.

11. Any outdoor dining areas shall be fenced around the perimeter of the dining area. The final design of the fence shall be subject to Village review and approval.

12. The petitioner shall dedicate to the Village a cross-access easement to provide access to the proposed detention outlet, with the final location to be denoted on the final plat of subdivision for the subject property.

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.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2008.  
Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2008

Brigitte O'Brien, Village Clerk