

**ORDINANCE NO. 6818**

**AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO  
TITLE 15, CHAPTER 155, SECTION 155.305 OF THE  
LOMBARD ZONING ORDINANCE**

(PC 13-06: 927-931 East Roosevelt Road)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Subject Property is zoned B4A Roosevelt Road Corridor; and,

WHEREAS, the Subject Property is improved with a gas station prior to its involuntary annexation in 2003; and

WHEREAS, the Subject Property was operated as a legal nonconforming gas station on the Subject Property until a sub-lessee abandoned the gas station use; and

WHEREAS, the owner of the Subject Property has been undertaking improvements to re-open the facility; and

WHEREAS, legal delays in securing the right to take over the facility as well as winter weather conditions precluded the property owner from completing the improvements and opening the facility within a one year time frame; and

WHEREAS, Section 155.302 (F) of the Zoning Ordinance states that when a nonconforming use of land or a nonconforming use of part or all of a building or structure is discontinued or abandoned for a period of 365 consecutive days (regardless of any reservation of an intent not to abandon and to resume such use), such use shall not thereafter be re-established or resumed (unless a conditional use is granted as per Section 155.305, below; and

WHEREAS, the property owner has filed an application requesting a conditional use pursuant to Section 155.305 of the Zoning Ordinance to allow for the re-establishment of the legal nonconforming status of an existing building for the subject property, in order to allow for the gas station use to be reestablished; and

WHEREAS, the petition of the owner was subject to a public hearing before the Plan Commission on April 15, 2013 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of the conditional use, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard hereby adopt the findings and recommendations of the Plan Commission as set forth herein, and make same part hereof, subject to certain revisions as more fully set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a conditional use is hereby granted to allow for the re-establishment of the legal non-conforming status of the gas station use, on the property described in Section 2 below and subject to the conditions noted in Section 3 below.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 927-931 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

Lot 1 (except the west 50 feet thereof) of Diecke's Division of part of the northwest quarter of Section 21, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat recorded July 9, 1924 in book 11 of plats, page 52 as document 179881, in DuPage County, Illinois. Excepting therefrom that portion of land conveyed to DuPage County, Illinois, State of Illinois by indenture date April 21, 1970 and recorded July 27, 1971, as document R71-35945 and described as follows: the north fifty 50 feet except therefrom the west 50 .0 feet) of Lot 1 of Deicke's Division, being a subdivision in the northwest quarter of Section 21, Township 39 North, Range 11 East of the third Principal Meridian, except that portion thereof previously dedicated and used for public road purposes (Roosevelt Road); also

That part of said Lot 1 of Deicke's Division, lying east of a line measured 40.0 feet west of and parallel to the east line of the west half of the northwest quarter of Section 21, Township 39 North, Range 11 East of the third Principal Meridian, except that portion thereof previously dedicated and used for public road purposes (Roosevelt Road); all in DuPage County, Illinois.

Parcel Numbers: 06-21-102-017 and 06-21-102-025

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

1. That the petitioner shall apply for and receive a Certificate of Occupancy/Zoning Certificate and any other requisite licenses before the facility re-opens.
2. The eastern most driveway onto Roosevelt Road be physically closed with a barrier approved by the Village and IDOT, in order to facilitate better overall traffic movements at the Roosevelt/Meyers intersection.
3. The petitioner shall install an ADA-compliant sidewalk ramp and sidewalk from north edge of the northern driveway apron on Meyers Road to the existing sidewalk ramp at the corner of Roosevelt Road and Meyers Road. At such time in the future that the northern driveway apron is reconstructed, it shall continue the sidewalk across the apron per standard Village specification.
4. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the gas station is not operating by said date, this relief shall be deemed null and void.

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

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

First reading waived by action of the Board of Trustees this 2<sup>nd</sup> day of May, 2013.

Passed on second reading this 2<sup>nd</sup> day of May, 2013.


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

Nays: None

Absent: None

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Approved this 2<sup>nd</sup> day of May, 2013.



Keith Giagnorio, Village President

ATTEST:



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Sharon Kuderna, Village Clerk

Published in pamphlet from this 3rd day of May, 2013.



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Sharon Kuderna, Village Clerk