

**ORDINANCE 8077
PAMPHLET**

**PC 22-05: 855 E. ROOSEVELT ROAD (USMANIA PRIME)
RESTAURANT/BANQUET FACILITY**



PUBLISHED IN PAMPHLET FORM THIS 22ND DAY OF JULY, 2022, BY ORDER OF
THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.

Elizabeth Brezinski
Village Clerk

ORDINANCE NO. 8077

**AN ORDINANCE GRANTING CONDITIONAL USES AND
VARIANCES FOR A NEW RESTAURANT BUILDING
PURSUANT TO TITLE 15, CHAPTER 155 OF THE LOMBARD
ZONING ORDINANCE**

PC 22-05; 855 E. 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 as defined below is zoned B4A Roosevelt Road Corridor District; and,

WHEREAS, an application has been filed requesting approval for conditional uses and variances pursuant to Chapter 155 of the Lombard Zoning Ordinance to allow for a new restaurant building; and,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on March 21, 2022, April 18, 2022, and May 16, 2022, pursuant to appropriate and legal notice; and,

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

WHEREAS, the President and Board of Trustees of the Village of Lombard have determined that it is in the best interest of the Village of Lombard to approve the requested zoning actions 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 the following conditional use under Sections 155.103(F) and 155.417(G)(2)(a)(vii) of the Zoning Ordinance to allow a restaurant, including entertainment and dancing when conducted as part of the restaurant operations and secondary to the principal use is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 2: That the following conditional use under Sections 155.103(F) and 155.417(G)(2)(c)(vii) of the Zoning Ordinance to allow a building containing a restaurant as a principal use that will exceed 40 feet in height is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 3: That the following conditional use under Sections 155.103(F) and 155.417(G)(10)(b) of the Zoning Ordinance to allow outdoor display and sales on a seasonal or periodic basis in the row of parking along the south elevation of the building and in the rooftop area is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 4: That the following variation under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Sections 155.417(G)(12) and 155.602(C)(Table 6.3) which require 112-132 parking spaces in order to allow 116 parking spaces to serve dining areas not to exceed those shown in the plans and to allow a reduction of eight (8) of these spaces for seasonal outdoor cultural events according to the conditional use noted in Item 3 is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 5: That the following variance under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Sections 155.417(G)(12) and 155.603(A) which does not require a loading space, but which requires a voluntary loading space to be constructed with a maneuvering apron (155.603(A)(2)(a)(ii)) in order to allow three (3) employee parking spaces at the entry to a loading zone (155.603(A)(6)) is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 6: That the following variance under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Sections 155.417(G)(12), 155.417(G)(14) and 155.602(A)(10)(d) which requires parking lot lighting to be directed away from the lot lines and to fall below certain maximum intensities in order to avoid these requirements for lighting adjacent to the access easement serving the subject property and the easterly adjacent property is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 7: That the following variance under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Sections 155.417(G)(12) and 155.706(B)(2)(c) in order to allow landscape islands on the west elevation of the building to host two rickshaws and have less than the number of required shade trees and ground cover is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 8: That the following variance under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Section 155.417(G)(14) which requires lighting to shine down in order to permit evening lighting designed to articulate landscape features and the rickshaws as approved by the Director of Community Development and provided that no perimeter landscaping within 100 feet of the south lot line is articulated with such lighting is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 9: That the following variance under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Section 155.707(B)(4)(d) which requires transition yard areas not planted with trees or shrubs to be maintained as lawn in order to permit the south lot line to be maintained with all trees and understory plant material to remain in the wetland, flood way and floodplain reflected in the plans (affects south transition yard except east +/-45 feet) is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 10: That the following variance under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Section 155.708 which requires a ten-foot foundation landscaping area on all sides of a building in order to allow development with a five-foot foundation landscaping area on the north and west sides and no foundation landscaping area on the east and south is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 11: That the following variances under Sections 155.102(B)(3) and 155.103(C)(2)(b) from Article XI which imposes several detailed landscaping requirements in Sections 155.701 through 155.710 in order to accomplish innovative landscaping shown in the two-sheet landscape plan on file with the Village for the benefit of natural areas on the site and to the south as well as residential neighbors to the south is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 12: That the approval of a site plan and landscaping plan under Section 155.103(I) and Section 155.702 of the Zoning Ordinance is hereby granted for the Subject Property legally described in Section 13 and subject to the conditions set forth in Section 14.

SECTION 13: That this Ordinance is limited and restricted to the property located at 855 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

LOT 1 (EXCEPT THE NORTH 10 FEET OF THE EAST 143 FEET THEREOF) IN CHRISTOFARO AND DIFEBO SUBDIVISION, BEING A SUBDIVISION IN THE

NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 16, 1997 AS DOCUMENT R97-052817, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number(s): 06-21-100-013; (the "Subject Property").

SECTION 14: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.
2. That the petitioner shall be required to apply for and receive building permits prior to construction.
3. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11) and 155.103(C)(10).
4. The outdoor display and sales shall occur in the row of parking along the south elevation of the building and in the rooftop area. Such activity in the parking spaces will only occur between noon and 7:00 PM on Saturdays and Sundays unless the Village issues a special event permit.
5. The rooftop patio shall close by 10:30 PM Monday through Thursday; 11:30 PM Friday and Saturday; and 9:30 PM on Sunday.
6. There shall be no amplified sound on the rooftop patio.
7. The petitioner shall include screening trees (bald cypress or a suitable alternative suggested by DuPage County) along the northeast portion of the wooded wetland or wetland buffer near the mid-elevation that divides the retention area from the wetland. Such trees shall meet DuPage County's design approval for the wetland area. The petitioner is allowed to amend this condition should DuPage County require a change (in the number, type, or location of the trees).
8. There shall be seven (7) spaces designated as employee only. Three (3) are near the loading area and four (4) are at the south end of the parking lot. The three (3) parking spaces near the loading zone shall be signed for employee use only.
9. The outside bazaars shall not contain amplified sound.
10. If DuPage County eliminates the bald cypress trees for screening, the petitioner shall place a 4' (four foot) tall fence for screening in conformance with the plan prepared by the petitioner.
11. The petitioner shall limit the available patron seating associated with the facility to not exceed 282 seats due to the amount of parking provided. Should the petitioner apply for a conditional use for off-site parking at a later date, the petitioner may petition for an increase in the numbers of seats at a ratio of 1 parking space for 3 seats.

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12. There shall be no outside lighting above the second floor. There shall only be one light on the second floor facing south. There shall be one light on the south side on the southwestern corner.

SECTION 15: 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 16th day of June, 2022.

First reading waived by action of the Board of Trustees this ____ day of _____, 2022.

Passed on second reading this 21st day of July, 2022.

Ayes: Trustee LaVaque, Puccio, Dudek, Honig, Militello and Bachner

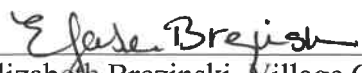
Nays: None.

Absent: None.


Approved by me this 21st day of July, 2022.


Keith Giagnorio, Village President

ATTEST:


Elizabeth Brezinski, Village Clerk

Published in pamphlet form this 22nd day of July, 2022.


Elizabeth Brezinski, Village Clerk