

FRED BUCHOLZ
DUPAGE COUNTY RECORDER
NOV. 18, 2005 11:29 AM
OTHER 06-29-308-015
006 PAGES R2005-258908

ORDINANCE NO. 5654

**GRANTING A CONDITIONAL USE, AS PART OF THE
FINAL DEVELOPMENT AGREEMENT FOR THE
PROPERTY, TO ALLOW FOR A DRIVE-THROUGH
ESTABLISHMENT WITHIN THE HIGHLANDS OF
LOMBARD B3 PLANNED DEVELOPMENT AND
GRANTING OF WALL SIGN DEVIATIONS AND A
PARKING DEVIATION**

Address: 2810-2830 S. Highland, Lombard

PIN: 06-29-308-015, 018 and 019

Return To:

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

ORDINANCE NO. 5654

**AN ORDINANCE GRANTING A CONDITIONAL USE,
AS PART THE FINAL DEVELOPMENT AGREEMENT FOR THE PROPERTY,
TO ALLOW FOR A DRIVE-THROUGH ESTABLISHMENT WITHIN THE
HIGHLANDS OF LOMBARD B3 PLANNED DEVELOPMENT AND GRANTING OF
WALL SIGN DEVIATIONS AND A PARKING DEVIATION**

(2810-2830 S. Highland Avenue)

WHEREAS, the below described property is zoned B3 PD Community Shopping District Planned Development; and

WHEREAS, the President and Board of Trustees of the Village of Lombard approved Ordinance 4833 on June 15, 2000 providing for a Planned Development for the below described property; and

WHEREAS, the President and Board of Trustees of the Village of Lombard approved Ordinance 4834 on June 15, 2000 authorizing the execution of a Second Amendment to the Development Agreement for the below described property; and

WHEREAS, a condition of the terms of the a Second Amendment to the Development Agreement requires conditional use approval to allow for a retail store having a drive through establishment/service, to be located within the Highlands of Lombard Planned Development; and

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for a drive through establishment/service associated with a financial institution, all on the property described in Section 1 below; and,

WHEREAS, associated with the petition is a request for Site Plan Approval for a financial institution and a 16,000 square foot retail center with a deviation from Section 153.505 (B)(19)(a)(2) to allow three (3) wall signs on a single-tenant building; and a deviation from Section 153.505 (B)(19)(b)(2) to allow two (2) wall signs per tenant on a multiple-tenant building; and

WHEREAS, associated with the petition is also a request for Site Plan Approval with a deviation from Section 155.602 (C) Table 6.3 to reduce the number of required parking spaces from 78 to 74.; and

WHEREAS, a public hearing on such application was conducted by the Village of Lombard Plan Commission on May 16, 2005 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the conditional use for a drive through establishment/service, located within the Highlands of Lombard B3 Planned Development; and

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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; and

WHEREAS, the President and Board of Trustees of the Village of Lombard have reviewed the request and find it would be in the best interest of the Village to grant said conditional use subject to the terms and conditions established by this ordinance.

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 this ordinance is limited and restricted to the properties generally located at the northwest corner of Butterfield Road and Highland Avenue, Lombard, Illinois, and legally described as follows:

Lots 1 & 2 in Highlands of Lombard Pier 1 Resubdivision, being subdivisions of part of Section 29, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded as Document 2002-295188, in DuPage County, Illinois; and

Lot 5 in Highlands of Lombard Subdivision Amended & Restated, being a subdivision of part of Section 29, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded as Document 2001-058808, in DuPage County, Illinois.

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SECTION 2: That a conditional use for a drive-through establishment/service is hereby granted subject to compliance with the conditions set forth in Section 5.

SECTION 3: That for the property at 2810-2820 S. Highland Avenue, Site Plan Approval for a financial institution and a 16,000 square foot retail center with a deviation from Section 153.505 (B)(19)(a)(2) to allow three (3) wall signs on a single-tenant building; and a deviation from Section 153.505 (B)(19)(b)(2) to allow two (2) wall signs per tenant on a multiple-tenant building is hereby granted, subject to compliance with the conditions set forth in Section 5.

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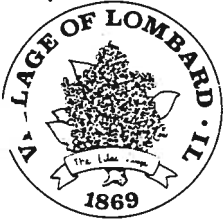
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SECTION 4: That for the property at 2830 S. Highland Avenue, Site Plan Approval with a deviation from Section 155.602 (C) Table 6.3 to reduce the number of required parking spaces from 78 to 74 is hereby granted, subject to compliance with the conditions set forth in Section 5.

SECTION 5: The conditional use set forth in Sections 2 and 3 shall be granted subject to compliance with the following conditions:

1. Site improvements shall be constructed in substantial compliance with the submitted plans prepared by Larson & Darby Group, dated April 15, 2005, Daniel Weinbach & Partners, Ltd., dated April 14, 2005, and Sign Productions, Inc., dated March 31, 2005 and last revised April 13, 2005.
2. The petitioner shall submit a photometric plan to the Village for review and approval. The photometric plan shall include any parking or driveway lighting on the subject property. The plan shall also depict a combination of up lighting and down lighting on the building and landscaping.
3. The petitioner shall address the issues in the Inter-departmental Report section of the staff report and the development shall meet all development and building codes of the Village of Lombard.
4. The petitioner shall submit a Plat of Resubdivision for Plan Commission review and approval prior to receiving any building permits.
5. Accessible parking identification must be in compliance with the Illinois Accessibility Code (410 ILCS 25/1).
6. All wall signs on the proposed buildings must be of a channel letter design.
7. No freestanding signs may be located within any clear line of sight areas.
8. The petitioner shall submit a revised landscaping plan incorporating a landscaped berm along Highland Avenue and a greater variety of plant materials, subject to the approval of the Director of Community Development.

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



I, **Brigitte O'Brien**, hereby certify that I am the duly qualified Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

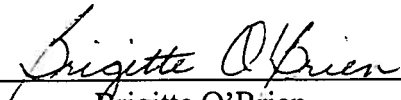
I further certify that attached hereto is a true and correct copy of ORDINANCE 5654

AN ORDINANCE GRANTING A CONDITIONAL USE, TO ALLOW FOR A DRIVE-THROUGH ESTABLISHMENT WITHIN THE HIGHLANS OF LOMBARD AND GRANTING WALL SIGN AND PARKING DEVIATIONS, FOR THE PROPERTY LOCATED AT 2810-2830 S. HIGHLAND AVENUE, LOMBARD, DUPAGE COUNTY, ILLINOIS, PIN # 06-29-308-015, -018, -019.

of the said Village as it appears from the official records of said Village duly passed on June 2, 2005.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 4th day of October, 2005.





Brigitte O'Brien
Village Clerk
Village of Lombard
DuPage County, Illinois