

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


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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: February 6, 2007 (BOT) Date: February 15, 2007

TITLE: ZBA 03-27: 25 E. North Avenue

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development submits for your consideration an ordinance granting a further time extension of Ordinances 5809, 5423 and 5605 relative to extending the time period to start construction of the approved project at 25 East North Avenue for a twelve month period. (DISTRICT #4)

Staff recommends approval of this request.

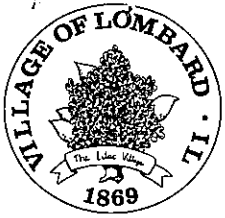
Please place this item on the February 15, 2007 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <u>William T. Lichter</u>	Date <u>2/7/07</u>

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.



## MEMORANDUM

**TO:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP *[Signature]*  
Assistant Village Manager/Director of Community Development

**DATE:** February 15, 2007

**SUBJECT:** ZBA 03-27: 25 E. North Avenue – Third Extension Ordinance

On February 5, 2004, the Village Board adopted Ordinance 5423, which granted approval of a variation from Section 155.414 (K) of the Zoning Ordinance to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') in the B3 Community Shopping District. Pursuant to Section 155.103 (C)(10) of the Zoning Ordinance, variations are null and void if construction is not substantially underway within one year from the date of granting thereof, unless a time extension is granted by the Village Board. On February 3, 2005, the Village Board adopted Ordinance 5605, granting an amendment to Ordinance 5423 which extended the period in which the petitioner shall start the project for an additional one-year period. On February 2, 2006, the Village Board adopted Ordinance 5809, which also granted a time extension for an additional year, but now also obligated the petitioner to bury an existing overhead electrical line over Main Street.

Staff has received a request from the petitioner requesting an additional extension to the Ordinances of approval. This request will allow the petitioner to proceed with the development as it was originally approved by the Village Board without the need for a new public hearing. The property owner has informed staff that they are actively marketing the property and intend on developing the site consistent with the plans approved by the Village, but they have been unable to secure a developer for the project to date.

Staff supports the petitioner's request.

### **ACTION REQUESTED**

Please place this item on the February 15, 2007 Board agenda with a recommendation to approve the attached Ordinance.

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

**AN ORDINANCE GRANTING  
A FURTHER TIME EXTENSION OF ORDINANCES 5809, 5423 AND 5605**

(ZBA 03-27: 25 E. North Avenue)

WHEREAS, on February 5, 2004, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5423, which granted approval of a variation from Section 155.414 (K) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') the B3 Community Shopping District, located at 25 E. North Avenue (the "Subject Property"); and

WHEREAS, the President and Board of Trustees adopted Ordinance 5605 on February 3, 2005, granting an amendment to Ordinance 5423 which extended the period in which the petitioner shall obtain a building permit and start the associated project for a one-year period; and

WHEREAS, the President and Board of Trustees adopted Ordinance 5809 on February 2, 2006, granting an amendment to Ordinance 5423 which extended the period in which the petitioner shall obtain a building permit and start the associated project for a one-year period, but subject to additional conditions of approval; and

WHEREAS, pursuant to Section 155.103 (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, variations are null and void if construction is not substantially underway within one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinances 5809, 5423 and 5605; and,

WHEREAS, the property owner has represented to the Village that the Subject Property is being actively marketed and the property owner seeks to develop the site consistent with the initial plans submitted for approval and subject to the conditions of approval established by the Village; and,

WHEREAS, the Village has received a letter requesting an additional extension of the aforementioned Ordinances 5809, for an additional one-year period; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension.

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: Ordinances 5809, 5423 and 5605 are hereby amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twelve (12) months of the date of adoption of this Ordinance.

SECTION 2: In consideration of the second extension of approval, the property owner/petitioner shall bury any electrical service lines required to serve the subject property.

SECTION 3: This ordinance is limited and restricted to the property generally located at 25 E. North Avenue, Lombard, Illinois, and legally described as follows:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER AND RUNNING THENCE SOUTH 3 DEGREES 25 MINUTES 23 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION, 103.5 FEET TO THE SOUTH LINE OF THE RIGHT OF WAY OF STATE HIGHWAY ROUTE 64 (ALSO KNOWN AS NORTH AVENUE); THENCE SOUTH 89 DEGREES 29 MINUTES 06 SECONDS EAST, ALONG SAID SOUTH LINE, 314.48 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 29 MINUTES 06 SECONDS EAST, ALONG SAID SOUTH LINE OF NORTH AVENUE, 166.16 FEET TO A LINE THAT IS PARALLEL WITH AND 400 FEET EAST (MEASURED AT RIGHT ANGLES) FROM THE EAST LINE OF MAIN STREET BY DOCUMENT RECORDED SEPTEMBER 11, 1928 AS NO. 265516; THENCE SOUTH 03 DEGREES 25 MINUTES 23 SECONDS WEST, ALONG SAID PARALLEL LINE, 195.25 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 06 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF NORTH AVENUE, 166.16 FEET; THENCE NORTH 03 DEGREES 25 MINUTES 23 SECONDS EAST PARALLEL WITH THE EAST LINE OF MAIN STREET, 195.25 FEET TO THE POINT OF BEGINNING, IN DU PAGE COUNTY ILLINOIS.

Parcel No: 06-05-100-054

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SECTION 4: All other provisions associated with Ordinances 5809, 5423 and 5605, not amended by this Ordinance, shall remain in full force and effect.

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.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

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

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

Approved this \_\_\_\_\_, day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
William J. Mueller  
Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien  
Village Clerk

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Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Brigitte O'Brien  
Village Clerk

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