

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


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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: November 24, 2015 (B of T) Date: December 3, 2015

TITLE: PC 15-19; 27 W. Grove Street – Park Place of Lombard – Time Extension Request

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an Ordinance granting conditional use approval for a planned development with companion deviations and variations from the Lombard Subdivision and Development and Zoning Ordinances.

Staff recommends approval of this request.

The petitioner requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_

Finance Director X \_\_\_\_\_ Date \_\_\_\_\_

Village Manager X \_\_\_\_\_ Date \_\_\_\_\_

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:** Scott R. Niehaus, Village Manager

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

**DATE:** December 3, 2015

**SUBJECT:** PC 15-19; 27 W. Grove Street – Park Place of Lombard – Time Extension Request

The Board of Trustees approved Ordinance No. 7104 (PC 15-19) on August 13, 2015 which granted approval of a conditional use for a planned development to provide for the construction of a seven (7) lot planned development to be commonly referred to as Park Place, and companion variations and deviations from the Lombard Subdivision and Development Ordinance and Zoning Ordinance. Per Section 3 (1) of Ordinance No. 7104, the approval was contingent upon the petitioner, Airhart Construction, LLC, taking title to the property no later than December 31, 2015 and should the petitioner not take title by said date, the relief associated with the petition is to be null and void.

In order to provide time for a proper closing for the subject property, the petitioner, with the consent of the current property owner, Clark Street Holdings, LLC, now requests a two-month time extension so that the associated zoning relief would not be null and void so long as Airhart Construction, LLC takes title of the property by February 29, 2016.

A copy of Ordinance No. 7104 is attached for your reference.

### **Action Requested**

Staff recommends that the Village Board approve an Ordinance extending the time period for the petitioner, Airhart Construction, LLC, to take title to the subject property by February 29, 2016. Staff also recommends a waiver of first reading of this Ordinance.

## Nowakowski, Tamara

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**From:** Heniff, William  
**Sent:** Monday, November 23, 2015 2:00 PM  
**To:** Court Airhart  
**Cc:** 'Mark Glassman'  
**Subject:** RE: Park Place-extension

This works for us. Thanks.

We will place this on the December 3 Village Board meeting agenda with a waiver of first reading of the amended ordinance. We will extend the approval to February 29, 2016.



**William J. Heniff, AICP**  
Director of Community Development  
Village of Lombard  
255 E. Wilson Ave. Lombard, IL 60148

Phone: (630) 620-3599  
Fax: (630) 629-2374  
Email: [heniffw@villageoflombard.org](mailto:heniffw@villageoflombard.org)  
Web: [www.villageoflombard.org](http://www.villageoflombard.org)

Follow us:   

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**From:** Court Airhart [mailto:[court@airhartconstruction.com](mailto:court@airhartconstruction.com)]  
**Sent:** Monday, November 23, 2015 1:52 PM  
**To:** Heniff, William  
**Cc:** 'Mark Glassman'  
**Subject:** RE: Park Place-extension

Bill,

Will this work? Do you need anything else from me?

Thanks,  
Court Airhart  
Airhart Construction  
O. 630-293-3000 ext.145  
C. 630-774-1541



For more information on Airhart Construction please use this link: [www.AirhartConstruction.com](http://www.AirhartConstruction.com)

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**From:** Heniff, William [<mailto:HeniffW@villageoflombard.org>]  
**Sent:** Friday, November 20, 2015 3:28 PM  
**To:** Court Airhart <[court@airhartconstruction.com](mailto:court@airhartconstruction.com)>  
**Cc:** 'Mark Glassman' <[mark@airhartconstruction.com](mailto:mark@airhartconstruction.com)>  
**Subject:** RE: Park Place-extension

Court:

The language you offer is good. Perhaps it could also be:

"We, \_\_\_\_\_, are the owners of the subject property located at 27 W. Grove Street, Lombard. The zoning approvals as approved by the Village of Lombard as part of Ordinance 7104 state that the zoning relief would be null and void if the petitioner, Airhart Construction, did not take title to the property by December 31, 2015. In order to provide time for a proper closing for the subject property, we hereby agree to the developer's request for their two month time extension."

	<p><b>William J. Heniff, AICP</b> Director of Community Development Village of Lombard 255 E. Wilson Ave. Lombard, IL 60148</p> <p>Phone: (630) 620-3599 Fax: (630) 629-2374 Email: <a href="mailto:heniffw@villageoflombard.org">heniffw@villageoflombard.org</a> Web: <a href="http://www.villageoflombard.org">www.villageoflombard.org</a></p> <p>Follow us:   </p>
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**From:** Court Airhart [<mailto:court@airhartconstruction.com>]  
**Sent:** Friday, November 20, 2015 2:29 PM  
**To:** Heniff, William  
**Cc:** 'Mark Glassman'  
**Subject:** RE: Park Place-extension

Bill,

I can do that. What do you want the letter to say? Does the below work?

"We agree to the developer's request for the 60 day extension to the zoning approval for the property located at 27 W. Grove Street, Lombard."

Thanks,  
Court Airhart  
Airhart Construction  
O. 630-293-3000 ext.145  
C. 630-774-1541



For more information on Airhart Construction please use this link: [www.AirhartConstruction.com](http://www.AirhartConstruction.com)

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**From:** Heniff, William [<mailto:HeniffW@villageoflombard.org>]  
**Sent:** Thursday, November 19, 2015 3:54 PM  
**To:** Court Airhart <[court@airhartconstruction.com](mailto:court@airhartconstruction.com)>  
**Cc:** Mark Glassman <[mark@airhartconstruction.com](mailto:mark@airhartconstruction.com)>  
**Subject:** RE: Park Place-extension

Court:

Would you also be able to get me something from the current property owner consenting to the time extension request you are now seeking?

The logo of the Village of Lombard, Illinois. It features a circular seal with a purple grape cluster in the center. The words 'VILLAGE OF LOMBARD' are written in a circle around the grape cluster, and 'IL' is at the bottom. Below the seal, the year '1869' is written. A banner across the grape cluster reads 'The Lake View'.	<p><b>William J. Heniff, AICP</b> Director of Community Development Village of Lombard 255 E. Wilson Ave. Lombard, IL 60148</p> <p>Phone: (630) 620-3599 Fax: (630) 629-2374 Email: <a href="mailto:heniffw@villageoflombard.org">heniffw@villageoflombard.org</a> Web: <a href="http://www.villageoflombard.org">www.villageoflombard.org</a></p> <p>Follow us:   </p>
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**From:** Court Airhart [<mailto:court@airhartconstruction.com>]  
**Sent:** Thursday, November 19, 2015 2:58 PM  
**To:** Heniff, William  
**Cc:** Mark Glassman  
**Subject:** Park Place-extension

Bill,

Thanks again for catching the date, I appreciate it. We will need to request a 60 day extension. The closing will be sometime in January or February. I went back and looked at the documents from the bank and I did not see a date. I just saw the letter saying the bank would not sign a plat and that we would after we close. Maybe I supplied a date somewhere else, sorry for any confusion on this.

Also, I checked with our engineer and we are still waiting to hear back from the wastewater authority.



Is there anything else you need from us for the extension?

Thanks,  
Court Airhart  
Airhart Construction  
O. 630-293-3000 ext.145  
C. 630-774-1541



For more information on Airhart Construction please use this link: [www.AirhartConstruction.com](http://www.AirhartConstruction.com)

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

**AN ORDINANCE GRANTING A TIME EXTENSION TO  
ORDINANCE 7104 GRANTING A CONDITIONAL USE FOR A  
PLANNED DEVELOPMENT WITH COMPANION DEVIATIONS  
AND VARIATIONS FROM THE LOMBARD SUBDIVISION AND  
DEVELOPMENT AND ZONING ORDINANCES**

(PC 15-19; 27 W. Grove Street, Park Place)

WHEREAS, on August 13, 2015, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7104 which granted approval of a conditional use for a planned development with companion deviations and variations from the Lombard Subdivision and Development and Zoning Ordinances; and,

WHEREAS, pursuant to Section 3 (1) of said Ordinance 7104, said ordinance is null and void if the petitioner, Airhart Construction, LLC, does not take title to the property by December 31, 2015, unless further action is taken by the Village Board; and,

WHEREAS, the petitioner has not yet taken title of the property and is not anticipated to do so by December 31, 2015, as required by Ordinance 7104; and,

WHEREAS, the Village has received a letter requesting a time extension of said Ordinance to February 29, 2016; 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: Ordinance 7104 is hereby amended and extended and shall be null and void unless the petitioner, Airhart Construction, LLC, takes title to the property no later than February 29, 2016.

SECTION 2: That all other provisions associated with Ordinance 7104 not amended by this Ordinance shall remain in full force and effect.

SECTION 3: That this Ordinance is limited and restricted to the property located at 27 W. Grove Street, Lombard, Illinois and legally described as follows:

Ordinance No. \_\_\_\_\_  
Re: PC 15-19  
Page 2

LOT 1 IN GROVE PARK LLC PLAT OF CONSOLIDATION, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 6, 2007 AS DOCUMENT R2007-064108, IN DUPAGE COUNTY, ILLINOIS.

ALSO KNOWN AS:

(LOT 7 IN GROVE PARK SUBDIVISION, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 19, 1926 AS DOCUMENT 225275, IN DUPAGE COUNTY, ILLINOIS.

ALSO

THE NORTH 160 FEET OF THE WEST 83.6 FEET OF THE EAST 346.72 FEET OF LOT 1 IN BLOCK 11 OF THE TOWN OF LOMBARD, BEING A SUBDIVISION IN SECTIONS 5, 6, 7, 8 & 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1868 AS DOCUMENT 9483, IN DUPAGE COUNTY, ILLINOIS.)

Parcel Number: 06-07-206-041; (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 \_\_\_\_\_, 2015.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015, pursuant to a roll call vote as follows:

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

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

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



Ordinance No. \_\_\_\_\_  
Re: PC 15-19  
Page 3

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

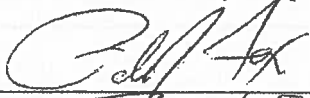
Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

November 23, 2105

"We, Clark Street Holdings, LLC-Series I, are the owners of the subject property located at 27 W. Grove Street, Lombard (the "Property"). The zoning approvals as approved by the Village of Lombard as part of Ordinance 7104 state that the zoning relief would be null and void if the petitioner, Airhart Construction, did not take title to the Property by December 31, 2015 (the "Outside Date"). In order to provide time for a proper closing for the Property, we hereby agree to the developer's request for their two month time extension of the Outside Date (the "Extended Outside Date") so that the zoning relief would not be null and void so long as Airhart Construction took title to the Property by the Extended Outside Date."

CLARK STREET HOLDINGS, LLC-SERIES 1,  
an Illinois limited liability company

By:   
Name: DANIEL J. FOX  
Title: Vice President

**ORDINANCE 7104**

**PAMPHLET**

**PC 15-19: 27 W. GROVE STREET  
SINGLE FAMILY RESIDENTIA PLANNED DEVELOPMENT**



PUBLISHED IN PAMPHLET FORM THIS 14<sup>th</sup> DAY OF AUGUST, 2015, BY ORDER  
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE  
COUNTY, ILLINOIS.

A handwritten signature in dark ink, appearing to read "Sharon Kuderna", is written over a horizontal line.

Sharon Kuderna  
Village Clerk

**ORDINANCE NO. 7104**

**AN ORDINANCE GRANTING CONDITIONAL USE APPROVAL FOR A  
PLANNED DEVELOPMENT WITH COMPANION DEVIATIONS AND  
VARIATIONS FROM THE LOMBARD SUBDIVISION AND DEVELOPMENT  
AND ZONING ORDINANCES**

**(PC 15-19: 27 W. Grove Street, Park Place)**

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Subdivision and Development Ordinance, otherwise known as Title 15, Chapter 154 of the Code of Lombard, Illinois; and, 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 R6 Central Residence District; and,

WEREAS, an application has heretofore been filed requesting approval of a conditional use for a planned development to provide for the construction of a seven (7) lot planned development to be commonly referred to as Park Place, and variations and deviations from the Lombard Subdivision and Development Ordinance (Title 15, Chapter 154 of the Village Code) and Zoning Ordinance (Title 15, Chapter 155 of the Village Code) as set forth in Section 1 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on July 20, 2015 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 planned development with companion deviations and variations 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 a conditional use for a planned development with the following companion deviations and variations from the Lombard Subdivision and Development and Zoning Ordinances 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. Approve a Major Plat of Subdivision;

2. For Lot 1 and Lot 2 of the proposed resubdivision, approve a deviation from Section 154.506 (D) to allow for a lot without public frontage; and
3. For Lot 1 through Lot 6 of the proposed resubdivision for the detached single-family dwellings, approve the following:
  - a. A deviation from Section 155.212 to reduce the minimum required front yard setback for a roofed-over porch not projecting more than seven feet (7') from the front wall of the principal structure from twenty five feet (25') to six feet (6');
  - b. A deviation from Section 155.411 (D)(1) to reduce the minimum required lot area from 7,500 square feet to 2,000 square feet;
  - c. A deviation from Section 155.411 (E)(1) to reduce the minimum required lot width from sixty feet (60') to thirty feet (30');
  - d. A deviation from Section 155.411 (F)(1)(a)(i)(b) to reduce the minimum required front yard setback from thirty feet (30') to thirteen (13');
  - e. A deviation from Section 155.411 (F)(1)(c) to reduce the minimum required interior side yard setback from six feet (6') to three and one-half feet (3.5'), exclusive of any publicly recorded easement areas;
  - f. A deviation from Section 155.411 (F)(1)(d) to reduce the minimum required rear yard setback from thirty feet (30') to fifteen feet (15'); and
  - g. A deviation from Section 155.411 (I) to reduce the minimum required open space from fifty percent (50%) to thirty-three percent (33%).

SECTION 2: That this ordinance is limited and restricted to the subject property generally located at 27 W. Grove Street, Lombard, Illinois, and legally described as follows:

LOT 1 IN GROVE PARK LLC PLAT OF CONSOLIDATION, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 6, 2007 AS DOCUMENT R2007-064108, IN DUPAGE COUNTY, ILLINOIS.

ALSO KNOWN AS:

(LOT 7 IN GROVE PARK SUBDIVISION, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE

11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 19, 1926 AS DOCUMENT 225275, IN DUPAGE COUNTY, ILLINOIS.

ALSO:

THE NORTH 160 FEET OF THE WEST 83.6 FEET OF THE EAST 346.72 FEET OF LOT 1 IN BLOCK 11 OF THE TOWN OF LOMBARD, BEING A SUBDIVISION IN SECTIONS 5, 6, 7, 8 & 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1868 AS DOCUMENT 9483, IN DUPAGE COUNTY, ILLINOIS.)

Parcel Number: 06-07-206-041

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

1. The zoning actions set forth shall be contingent upon the petitioner, Airhart Construction, LLC, taking title to the property no later than December 31, 2015. Shall Airhart Construction, LLC, not take title by the aforementioned date, the relief associated with the petition shall be null and void;
2. That the petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Codes and Ordinances;
3. That the building improvements shall be designed and constructed consistent with Village Code and shall address the comments included within the IDRC report, including the Building Division's request that combustible projections (soffits, etc.) are to be five feet (5') apart or greater on adjacent structures per the 2012 International Residential Code;
4. The petitioner shall submit a final engineering plan for review and approval for the proposed site improvements for the project. Said plan shall meet all provisions of Village Code, except as varied by this petition; and
5. The petitioner shall provide an updated Final Plat of Subdivision based on the comments included within the IDRC report.

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.



Ordinance No. 7104  
Re: PC 15-19  
Page 4

Passed on first reading this \_\_\_\_ day of \_\_\_\_, 2015.

First reading waived by action of the Board of Trustees this 13th day of August, 2015.

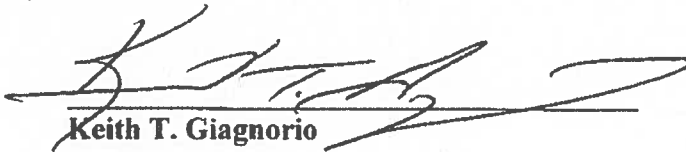
Passed on second reading this 13th day of August, 2015.

Ayes: Trustee Whittington, Fugiel, Johnston, Pike and Ware

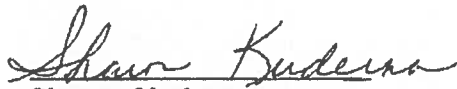
Nays: None

Absent: Trustee Foltyniewicz

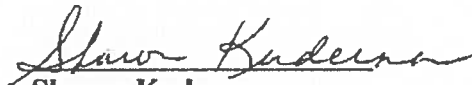
Approved this 13th day of August, 2015.

  
Keith T. Giagnorio  
Village President

ATTEST:

  
Sharon Kuderna  
Village Clerk

Published by me in pamphlet form on this 14th day of August, 2015.

  
Sharon Kuderna  
Village Clerk