




MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: May 2, 2024

SUBJECT: PC 20-11; 130-144 E. St. Charles Road – 2nd Time Extension Request

The Board of Trustees approved Ordinance 7824 (PC 20-11) on June 18, 2020, which granted approval of a conditional use for an amendment to a planned development and a conditional use for building height for the property at 130-144 E. St. Charles Road. At the request of the petitioner, in 2022 the Board of Trustees approved Ordinance 8047 to extend the approvals granted by Ordinance 7824 to June 18, 2024.

After being advised that the approved zoning relief would expire prior to their slated construction start, the property owner has requested a second extension of the approval granted by the Village Board. The project was initially put on hold due to the Covid-19 pandemic. Currently, the petitioner is in the process of drafting plans in anticipation of applying for building permits later in 2024.

Copies of Ordinances 7824 and 8047 are attached for your reference.

ACTION REQUESTED

Staff recommends that the Village Board approve an Ordinance extending the time period to start construction of the project for an additional twenty-four-month period (i.e., until June 18, 2026). Staff requests a waiver of first reading of the Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A SECOND TIME EXTENSION
TO ORDINANCE 7824 APPROVING A CONDITIONAL USE
FOR A PLANNED DEVELOPMENT AMENDMENT AND
BUILDING HEIGHT FOR THE PROPERTY AT 130-144 E. ST.
CHARLES ROAD**

(PC 20-11; 130-144 E. St. Charles Road)

WHEREAS, on June 18, 2020, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7824 which approved a conditional use for a planned development amendment and a conditional use for building height; and,

WHEREAS, pursuant to Section 155.103(F) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, a conditional use shall become null and void unless work thereon is substantially underway within two (2) years from the date of issuance, unless further action is taken by the Village Board; and,

WHEREAS, at the request of the petitioner, on April 21, 2022, the Village Board approved Ordinance 8047, extending the approvals granted by Ordinance 7824 to June 18, 2024; and

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 7824 and extended by Ordinance 8047; and

WHEREAS, the Village has received a request from the property owner for a second time extension of Ordinance 7824; 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 7824 is hereby further amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twenty-four (24) months of the expiration date of Ordinance 8047 (i.e., June 18, 2026).

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SECTION 2: That all other provisions associated with Ordinance 7824 not amended by this Ordinance shall remain in full force and effect.

SECTION 3: That this ordinance is limited and restricted to the subject property generally located at 130-144 E. St. Charles Road, Lombard, Illinois, and more specifically legally described as set forth below:

LOTS 5 & 6 IN BLOCK 19 IN H.O. STONE & CO.'S ADDITION TO LOMBARD, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 5, AND PART OF THE NORTHWEST QUARTER OF SECTION 8 TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED.

PIN: 06-08-104-008 and 06-08-104-009

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 _____, 2024.

First reading waived by action of the Board of Trustees this _____ day of _____, 2024.

Passed on second reading this _____ day of _____, 2024, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2024.

Keith Giagnorio, Village President

ATTEST:

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Elizabeth Brezinski, Village Clerk

Published in pamphlet from this _____ day of _____, 2024.

Elizabeth Brezinski, Village Clerk

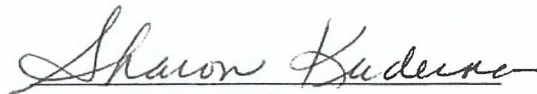
ORDINANCE 7824

PAMPHLET

**PC 20-11: 130-144 E. ST. CHARLES ROAD
CONDITIONAL USE**



PUBLISHED IN PAMPHLET FORM THIS 19th DAY OF JUNE 2020, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.



Sharon Kuderna
Village Clerk

ORDINANCE NO. 7824

**AN ORDINANCE GRANTING APPROVAL OF A CONDITIONAL USE
PURSUANT TO THE LOMBARD ZONING ORDINANCE FOR A PLANNED
DEVELOPMENT AND BUILDING HEIGHT**

(PC 2011: 136-140 E. St. Charles Road)

(See also Ordinance No. 7825)

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, an application has heretofore been filed requesting approval of a conditional use pursuant to the Lombard Zoning Ordinance (Title 15, Chapter 155 of the Village Code) for an amendment to a conditional use for a planned development as established by Ordinance 7194, pursuant to Section 155.419(C)(18) of Village Code, to add the properties at 136 and 140 E. St. Charles Road to the previously established planned development for the property at 130 E. St. Charles Road and for a conditional use for maximum building height pursuant to Section 155.419(G)(2) of Village Code for thirty-six feet (36'), where thirty feet (30") is required to allow for an elevator and accessible roof, 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 May 18, 2020, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval for an amendment to a conditional use for a planned development and as established by Ordinance 7194, pursuant to Section 155.419(C)(18) of Village Code, to add the properties at 136 and 140 E. St. Charles Road to the previously established planned development for the property at 130 E. St. Charles Road and for a conditional use for maximum building height pursuant to Section 155.419(G)(2) of Village Code for thirty-six feet (36'), where thirty feet (30") is required to allow for an elevator and accessible roof 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 an amendment to a conditional use for a planned development and as established by Ordinance 7194, pursuant to Section 155.419(C)(18) of Village Code, to add the properties at 136 and 140 E. St. Charles Road to the previously

established planned development for the property at 130 E. St. Charles Road and for a conditional use for maximum building height pursuant to Section 155.419(G)(2) of Village Code for thirty-six feet (36'), where thirty feet (30") is required to allow for an elevator and accessible roof described herein, are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3.

SECTION 2: That this ordinance is limited and restricted to the subject property generally located at 136-140 E. St. Charles Road, Lombard, Illinois, and legally described as follows:

LOTS 5 & 6 IN BLOCK 19 IN H.O. STONE & CO.'S ADDITION TO LOMBARD, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 5, AND PART OF THE NORTHWEST QUARTER OF SECTION 8 TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED.

PIN: 06-08-104-008 and 06-08-104-009

SECTION 3: This Ordinance is approved subject to compliance with the following conditions:

1. That the petitioner shall be required to apply for and receive building permits prior to construction;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. The building height conditional use shall be exclusively for a required elevator and its associated infrastructure, as depicted within the submitted plans made a part of the petition;
4. An administrative plat of consolidation for the 136 and 140 E. St. Charles Road lots will need to be submitted for approval by the Village, making the properties a single lot of record, prior to the issuance of a building permit; and
5. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the proposed building is not established 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 in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2020.

First reading waived by action of the Board of Trustees this 18th day of June, 2020.

Passed on second reading this 18th day of June, 2020, pursuant to a roll call vote as follows:

Ayes: Trustee Whittington, Puccio, Honig, Militello and Ware

Nays: None

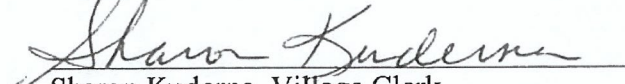
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Absent: Trustee Foltyniewicz


Approved by me this 18th day of June, 2020.


Keith T. Giagnorio, Village President

ATTEST:


Sharon Kuderna, Village Clerk

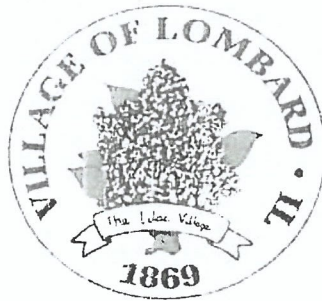
Published in pamphlet from this 19th day of June, 2020.


Sharon Kuderna, Village Clerk

ORDINANCE 8047

PAMPHLET

**AN ORDINANCE EXTENDING THE TIME PERIOD TO START CONSTRUCTION
130-144 E. ST. CHARLES ROAD – TIME EXTENSION**



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

Elizabeth Brezinski
Village Clerk

ORDINANCE NO. 8047

**AN ORDINANCE GRANTING A TIME EXTENSION TO
ORDINANCE 7824 APPROVING A CONDITIONAL USE FOR A
PLANNED DEVELOPMENT AMENDMENT AND BUILDING
HEIGHT FOR THE PROPERTY AT 130-144 E. ST. CHARLES
ROAD**

(PC 20-11; 130-144 E. St. Charles Road)

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WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 7824; and

WHEREAS, the Village has received a request from the owner for a time extension of said Ordinance; 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:

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SECTION 2: That all other provisions associated with Ordinance 7824 not amended by this Ordinance shall remain in full force and effect.

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NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO
THE PLAT THEREOF RECORDED.

PIN: 06-08-104-008 and 06-08-104-009

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 21st day of April, 2022.

First reading waived by action of the Board of Trustees this 21st day of April, 2022.

Passed on second reading this ____ day of _____, 2022, pursuant to a roll call
vote as follows:

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

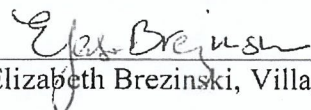
Nayes: None.

Absent: None.

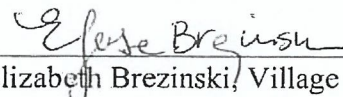
Approved by me this 21st day of April, 2022.


Keith Giagnorio, Village President

ATTEST:


Elizabeth Brezinski, Village Clerk

Published in pamphlet from this 22nd day of April, 2022.


Elizabeth Brezinski, Village Clerk