

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: David A. Hulseberg, Village Manager
DATE: July 30, 2013 (B of T) Date: August 15, 2013
TITLE: PC 12-13: 401 E. North Avenue – Time Extension Request
SUBMITTED BY: Department of Community Development *WLB*

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is an Ordinance extending the time period to start construction of the proposed project for an additional twelve (12) month period from the original date of approval (i.e., until September 6, 2014). (DISTRICT #4)

Staff recommends that the Village Board approves the Ordinance.

Staff also 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: David A. Hulseberg, AICP, ICMA-CM, Village Manager

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

DATE: August 15, 2013

SUBJECT: PC 12-13; 401 E. North Avenue – Time Extension Request

The Board of Trustees approved Ordinance 6746 (PC 12-13) on September 6, 2012 which granted approval of a conditional use for a drive-through establishment; a conditional use for an outside service area; a variation to allow signage within clear line of sight areas; a variation to allow wall signs that are two times the lineal front footage of the tenant space; variations to reduce the transitional landscape yard; and a minor plat of subdivisions with a variation from lot area for the property at 401 E. North Avenue. Per the conditional use provisions (Section 155.103(F)(11) of the Zoning Ordinance), if construction has not begun within one (1) year from the date of approval, the conditional use is null and void unless an extension is granted by the Board of Trustees.

After being advised that the approved zoning relief would expire prior to their slated construction start in fall 2013, the petitioner has submitted the attached letter requesting an extension of the conditional use approvals granted by the Village Board.

A copy of Ordinance 6746 is attached for your reference.

Action Requested

Staff recommends that the Village Board approve an Ordinance extending the time period to start construction of the proposed project for an additional twelve (12) month period from the original date of approval (i.e., until September 6, 2014). Staff also recommends a waiver of first reading of this Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A TIME EXTENSION TO
ORDINANCE 6746 GRANTING A CONDITIONAL USE FOR A
DRIVE-THROUGH ESTABLISHMENT; A CONDITIONAL USE
FOR AN OUTSIDE SERVICE AREA; A VARIATION TO
ALLOW SIGNAGE WITHIN CLEAR LINE OF SIGHT AREAS;
A VARIATION TO ALLOW WALL SIGNS THAT ARE TWO
TIMES THE LINEAL FRONT FOOTAGE OF THE TENANT
SPACE; VARIATIONS TO REDUCE THE TRANSITIONAL
LANDSCAPE YARD; AND A MINOR PLAT OF SUBDIVISION
WITH A VARIATION FROM LOT AREA.**

(PC 12-13; 401 E. North Avenue)

WHEREAS, on September 6, 2012, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6746 which granted approval of a conditional use for a drive-through establishment; a conditional use for an outside service area; a variation to allow signage within clear line of sight areas; a variation to allow wall signs that are two times the lineal front footage of the tenant space; variations to reduce the transitional landscape yard; and a minor plat of subdivision with a variation from lot area; and,

WHEREAS, pursuant to Section 155.103 (F)(11) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, conditional uses 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 the associated building permits are not anticipated to be issued by September 6, 2013, as required by Ordinance 6746; and

WHEREAS, the Village has received a letter requesting a further 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.

Ordinance No. _____

Re: PC 12-13

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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 6746 are hereby further 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 expiration date of this Ordinance (i.e., September 6, 2014).

SECTION 2: That all other provisions associated with Ordinance 6746 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 401 E. North Avenue, Lombard, Illinois and legally described as follows:

THAT PART OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF NORTH AVENUE, (STATE ROUTE 64) WHICH POINT IS 90 FEET EAST OF THE WEST LINE OF GRACE STREET; THENCE EAST ON THE SOUTH LINE OF NORTH AVENUE, A DISTANCE OF 195 FEET; THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF GRACE STREET, A DISTANCE OF 182 FEET; THENCE WEST PRALLEL WITH THE SOUTH LINE OF NORTH AVENUE, A DISTANCE OF 195 FEET; THENCE NORTH ON A LINE 90 FEET EAST OF AND PARALLEL TO THE WEST LINE OF GRACE STREET 182 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PART OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF NORTH AVENUE (ROUTE 64) WHICH POINT IS 90.0 FEET EAST OF THE WEST LINE OF GRACE STREET; THENCE ON AN ASSUMED BEARING NORTH 88 DEGREES 14 MINUTES 45 SECONDS EAST ALONG THE SOUTH LINE OF NORTH AVENUE 5.00 FEET; THENCE SOUTH 12 DEGREES 17 MINUTES 42 SECONDS WEST, 25.74 FEET TO THE EAST LINE OF GRACE STREET, BEING 90.0 FEET EAST OF AND PARALLEL TO THE WEST LINE OF GRACE STREET; THENCE NORTH 1 DEGREE 06 MINUTES 28 SECONDS EAST ALONG THE EAST LINE OF GRACE STREET, 25.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Ordinance No. _____
Re: PC 12-13
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Parcel Number: 06-05-200-016; (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 _____, 2013.

First reading waived by action of the Board of Trustees this ____ day of _____, 2013.

Passed on second reading this ____ day of _____, 2013, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this ____ day of _____, 2013.

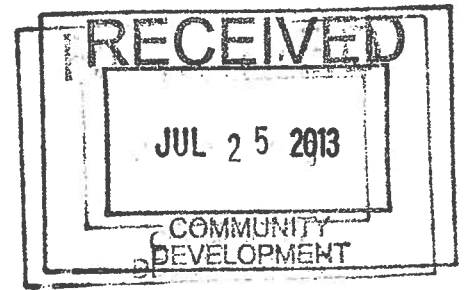
Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this ____ day of _____, 2013.

Sharon Kuderna, Village Clerk



July 24, 2013

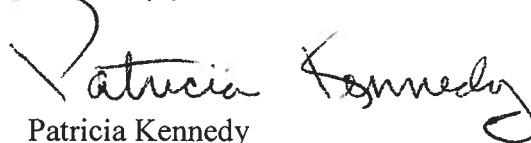
Mr. William Heniff, Director
Community Development Department
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148-3969

Re: 401 E. North Avenue
PC 12-13 / Ord. No. 6746

Dear Mr. Heniff:

I am the owner of 401 E. North Avenue, Lombard, Illinois. Please accept this as my request for, and agreement to, a 1-year extension of the permitted use that was granted last year per Ordinance No. 6746. I have a sale contract pending with the Rajabali Group, Inc. I understand the Rajabali Group, Inc. will be in a position to close on the purchase in late August or early September, but will apparently not be ready to break ground by September 6, 2013. Thank you for your consideration in this matter.

Very truly yours,


Patricia Kennedy