

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 : February 7, 2023 **(BOT) Date:** February 16, 2023

SUBJECT: PC 21-11: 215 S. Westmore Meyers Road – Time Extension Request

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Board of Trustees approved Ordinance 7946 (PC 21-11) on April 15, 2021, which granted zoning approvals to allow for an apartment building. Per the provisions of Ordinance 7946, if construction has not begun within twenty-four (24) months from the date of approval, the zoning relief granted is null and void unless an extension is granted by the Board of Trustees.

Staff recommends that the Village Board approve an Ordinance extending the time period to start construction of the proposed project for an additional twelve-month period (i.e., until April 15, 2024). The petitioner is requesting a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ 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 *WJH*

MEETING DATE: February 16, 2023

SUBJECT: PC 21-11; 215 S. Westmore Meyers Road – Time Extension Request

The Board of Trustees approved Ordinance 7946 (PC 21-11) on April 15, 2021, which granted zoning approvals to allow for an apartment building. Per the provisions of Ordinance 7946, if construction has not begun within twenty-four (24) months from the date of approval, the zoning relief granted 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, the property owner has requested an extension of the approval granted by the Village Board. Permits are under review. The extension will allow the property owner to continue permit review with the Village and start construction this year.

A copy of Ordinance 7946 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-month period (i.e., until April 15, 2024). The petitioner is requesting a waiver of first reading of the Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A TIME EXTENSION TO
ORDINANCE 7946 APPROVING ZONING RELIEF PURSUANT
TO VILLAGE CODE TO ALLOW FOR AN APARTMENT
BUILDING**

(PC 21-11: 215 S. Westmore Meyers Road)

WHEREAS, on April 15, 2021, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7946 which approved zoning relief to allow for an apartment building; and,

WHEREAS, pursuant to Ordinance 7946 the zoning relief shall become null and void unless work thereon is substantially underway within twelve (12) months from the date of issuance, unless further action is taken by the Village Board; and,

WHEREAS, construction has not commenced and a building permit is under review for the development granted by Ordinance 7946; 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:

SECTION 1: Ordinance 7946 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 twelve (12) months of the expiration date of this Ordinance (i.e., April 15, 2024).

SECTION 2: That all other provisions associated with Ordinance 7946 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 215 S. Westmore Meyers Road, Lombard, Illinois, and more specifically legally described as set forth below:

Ordinance No. _____
Re: PC 21-11 – Time Extension
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LOT 14 IN HOME ACRES, (EXCEPT THE WEST 33 FEET), BEING A SUBDIVISION IN THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 31, 1908 AS DOCUMENT 95054, IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-09-114-034

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 _____, 2023.

First reading waived by action of the Board of Trustees this _____ day of _____, 2023.

Passed on second reading this _____ day of _____, 2023, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2023.

Keith Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this _____ day of _____, 2023.

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Elizabeth Brezinski, Village Clerk

**ORDINANCE 7946
PAMPHLET**

PC 21-11: APARTMENT BUILDING, 215 S. WESTMORE MEYERS ROAD



PUBLISHED IN PAMPHLET FORM THIS 16TH DAY OF APRIL 2021, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.

Sharon Kuderna
Village Clerk

ORDINANCE NO. 7946

**AN ORDINANCE GRANTING VARIANCES USE FOR AN APARTMENT BUILDING
FOR THE PROPERTY AT 215 S. WESTMORE MEYERS ROAD WITHIN THE R4
LIMITED GENERAL RESIDENTIAL DISTRICT**

(PC 21-11: Apartment Building, 215 S. Westmore Meyers Rd)

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, the Subject Property as defined below is zoned R4 Limited General Residential District; and,

WHEREAS, an application has heretofore been filed requesting approval of variances as set forth in Section 1 below; and

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on March 15, 2021 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of the variances, subject to certain terms and conditions; 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 variance for a transitional building setback of 15', where 50' is required, on the north side pursuant to Section 155.409(I)(2) of Village Code; a variance for a transitional landscape yard of 15', where 30' is required, on the north side pursuant to Section 155.409(J) of Village Code; a variance for perimeter yard landscaping of 0', where 5' is required on the south side at the parking lot, pursuant to Section 155.709(B) of Village Code; and a variance for density to allow for 15 units, where 14 units are allowed, pursuant to Section 155.409(D)(4) of Village Code, is 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 property at 215 S. Westmore Meyers Road, Lombard, Illinois, and legally described as follows:

LOT 14 IN HOME ACRES, (EXCEPT THE WEST 33 FEET), BEING A SUBDIVISION IN THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 31, 1908 AS DOCUMENT 95054, IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-09-114-034

SECTION 3: This ordinance shall be granted 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. This relief shall be valid pursuant to timing in Section 155.103(C)(10); and
4. Landscaping materials shall meet Village Code per Section 155.707.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this 1st day of April, 2021.

First reading waived by action of the Board of Trustees this ____ day of _____, 2021.

Passed on second reading this 15th day of April, 2021, pursuant to a roll call vote as follows:

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

Nays: None

Absent: None

Approved by me this 15th day of April, 2021.


Keith Giagnerio, Village President

ATTEST:


Sharon Kuderna, Village Clerk

Published by me in pamphlet form this 16th day of April, 2021.


Sharon Kuderna, Village Clerk