

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 : May 11, 2020 **(BOT) Date:** May 21, 2020

SUBJECT: PC 17-01: Oakview Estates Phase II, 400 E. St. Charles Road – Time Extension Request

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

BACKGROUND/POLICY IMPLICATIONS:

The Board of Trustees approved Ordinance 7342 (PC 17-01) on March 16, 2017, which granted approval of major changes to a planned development, a conditional use to allow three buildings on a lot of record, and companion variations for the property at 400 E. St. Charles Road. Per the provisions of the Zoning Ordinance (Section 155.103(F)), if construction has not begun within twelve (12) months from the date of approval, the zoning relief granted is null and void unless an extension is granted by the Board of Trustees.

At the request of the petitioner, the Village previously has granted the following time extensions:

<u>Ordinance</u>	<u>Expiration Date</u>
7484	June 17, 2018
7529	December 17, 2018
7609	June 17, 2019
7653	June 17, 2020

Village staff has received correspondence from the developer/property owner stating that construction will not start prior to June 17, 2020. The developer/property owner requests an additional twelve-month extension.

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 June 17, 2021). The petitioner is requesting a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Finance Director _____ Date _____
Village Manager _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: May 21, 2020

SUBJECT: **PC 17-01: Oakview Estates Phase II, 400 E. St. Charles Road – Time Extension Request**

The Board of Trustees approved Ordinance 7342 (PC 17-01) on March 16, 2017, which granted approval of major changes to a planned development, a conditional use to allow three buildings on a lot of record, and companion variations for the property at 400 E. St. Charles Road. Per the provisions of the Zoning Ordinance (Section 155.103(F)), if construction has not begun within twelve (12) months from the date of approval, the zoning relief granted is null and void unless an extension is granted by the Board of Trustees.

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Village staff has received correspondence from the developer/property owner stating that construction will not start prior to June 17, 2020. The developer/property owner requests an additional twelve-month extension.

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 June 17, 2021). The petitioner is requesting a waiver of first reading of the Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A FIFTH TIME EXTENSION TO
ORDINANCE 7342 GRANTING MAJOR CHANGES TO A
PLANNED DEVELOPMENT PURSUANT TO TITLE 15,
CHAPTER 155, SECTION 155.504 OF THE LOMBARD ZONING
ORDINANCE; APPROVING A CONDITIONAL USE TO
ALLOW THREE PRINCIPAL BUILDINGS ON A LOT OF
RECORD PURSUANT TO SECTION 155.208 OF THE
LOMBARD ZONING ORDINANCE; AND APPROVING
COMPANION VARIATIONS FOR THE PROPERTY AT 400 E.
ST. CHARLES ROAD IN THE OAKVIEW ESTATES PLANNED
DEVELOPMENT, AS ESTABLISHED BY ORDINANCE 5488**

(PC 17-01: Oakview Estates Planned Development Phase II – 400 E. St. Charles Road)

WHEREAS, on March 16, 2017, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7342 which granted approval of major changes to a planned development; approval of a conditional use to allow three principal buildings on a lot of record; and approval of companion variations; 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 twelve (12) months from the date of issuance, unless further action is taken by the Village Board; and,

WHEREAS, at the request of the petitioner, on March 15, 2018, the Village Board approved Ordinance 7484, extending the approvals granted by Ordinance 7342 to June 17, 2018; and

WHEREAS, at the request of the petitioner, on May 17, 2018, the Village Board approved Ordinance 7529, extending the approvals granted by Ordinance 7342 to December 17, 2018; and

WHEREAS, at the request of the petitioner, on December 6, 2018, the Village Board approved Ordinance 7609, extending the approvals granted by Ordinance 7342 to June 17, 2019; and

WHEREAS, at the request of the petitioner, on May 16, 2019, the Village Board approved Ordinance 7653, extending the approvals granted by Ordinance 7342 to June 17, 2020; and

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 7342 and extended by Ordinances 7484, 7529, 7609 and 7653; and

WHEREAS, the Village has received a letter from the project team requesting a fifth time extension of Ordinance 7342, for an additional twelve months; 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 7342 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 Ordinance 7653 (i.e., June 17, 2021).

SECTION 2: That all other provisions associated with Ordinance 7342 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 400 E. St. Charles Road, Lombard, Illinois and legally described as follows:

Lot 1 in Oakview Estates Second Resubdivision, being a resubdivision of Lot 1 of Oakview Estates Resubdivision in the Southeast quarter of Section 5 and the northeast quarter of Section 89, Township 38 north, Range 11 east of the Third Principal Meridian in Du Page County, Illinois.

PIN: 06-05-426-010

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.

Ordinance No. _____
Re: PC 17-01 – Fifth Time Extension
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First reading waived by action of the Board of Trustees this ____ day of _____,
2020.

Passed on second reading this ____ day of _____, 2020, pursuant to a roll call
vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this ____ day of _____, 2020.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this ____ day of _____, 2020.

Sharon Kuderna, Village Clerk