

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: April 8, 2014 (B of T) Date: April 17, 2014

TITLE: PC 13-05: 352 East Roosevelt Road (Maxfields Restaurant) – Time Extension Request

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an Ordinance granting a time extension to Ordinance 6817, which granted a conditional use pursuant to Title 15, Chapter 155, Section 155.417(G)(2) of the Lombard Zoning Ordinance, for the property located at 352 East Roosevelt Road. (DISTRICT #6)

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 Heniff, AICP, Director of Community Development 

DATE: April 17, 2014

SUBJECT: **PC 13-05: 352 East Roosevelt Road (Maxfields Restaurant) – Time Extension Request**

The Board of Trustees approved Ordinance 6817 (PC 13-05) on May 2, 2013 which granted approval for a conditional use for the property at 352 East Roosevelt Road. 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 Spring 2014, the petitioner has submitted the attached letter requesting an extension of the conditional use approval granted by the Village Board.

A copy of Ordinance 6817 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 May 2, 2015). The petitioner is requesting a waiver of first reading of the Ordinance.

Urish, Tami

From: Tony Topalidis <tonytopalidis@gmail.com>
Sent: Thursday, April 03, 2014 2:03 PM
To: Urish, Tami
Cc: Ganser, Jennifer
Subject: Re: Maxfields Restaurant, Outdoor Dining Conditional Use

Tsmi Urish,

I am still working on doing the patio, weather permitted of course. I would like a time extension, please. Thank You and I will be in to see you very soon.

Tony Topalidis
Maxfields Restaurant

On Wed, Mar 26, 2014 at 12:00 PM, Urish, Tami <UrishT@villageoflombard.org> wrote:

Mr. Topalidis,

I would like to advise you that the approval for the conditional use of your outdoor patio will expire on May 2, 2014 if construction is not substantially underway by that date. In order to save you the inconvenience of having to reapply, you may request a time extension. Supplying a letter or simply replying to this email with your request is all that is needed.

If you have any further questions or concerns, please feel free to contact me.

Sincerely,

Tami Urish

Planner I

Village of Lombard

Community Development Department

255 East Wilson Avenue, Lombard, IL 60148

[630-620-5967](tel:630-620-5967), urisht@villageoflombard.org

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A TIME EXTENSION TO
ORDINANCE 6817 GRANTING A CONDITIONAL USE
PURSUANT TO TITLE 15, CHAPTER 155, SECTION
155.417(G)(2) OF THE LOMBARD ZONING ORDINANCE**

(PC 13-05; 352 E. Roosevelt Road, Maxfields Restaurant)

WHEREAS, on May 2, 2013, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6817 which granted approval of a conditional use pursuant to Title 15, Chapter 155, Section 417(G)(2) of the Lombard Village Code to provide for an outside service area for outdoor dining; 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 no building permit has been issued for the development granted by Ordinance 6817; and

WHEREAS, the Village has received a letter from the owner/operator requesting 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 6817 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., May 2, 2015).

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Re: PC 13-05 CU – Time Extension
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SECTION 2: That all other provisions associated with Ordinance 6817 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 352 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

LOT 1 OF NOLDEN’S ASSESSMENT PLAT, BEING THE EAST 220.00 FEET OF THE SOUTH 350.00 FEET OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-17-316-007; (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 _____, 2014.

First reading waived by action of the Board of Trustees this ____ day of _____, 2014.

Passed on second reading this ____ day of _____, 2014, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this ____ day of _____, 2014.

Keith Giagnorio, Village President

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ATTEST:

Janet Downer, Deputy Village Clerk

Published in pamphlet from this _____ day of _____, 2014.

Janet Downer, Deputy Village Clerk

ORDINANCE NO. 6817

**AN ORDINANCE GRANTING A CONDITIONAL USE
PURSUANT TO TITLE 15, CHAPTER 155, SECTION
155.417(G)(2)(a) OF THE LOMBARD ZONING ORDINANCE**

(PC 13-05; 352 E. Roosevelt Road)

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 B4A - Roosevelt Road Corridor District ; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Title 15, Chapter 155, Section 417(G)(2)(a) of the Lombard Village Code to provide for an outside service area for outdoor dining; and

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on April 15, 2013 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 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 is hereby granted for the Subject Property, as described in Section 2 below, pursuant to Title 15, Chapter 155, Section 417(G)(2)(a) of the Lombard Village Code to provide for outside service area for outdoor dining.

Ordinance No. 6817
Re: PC 13-05
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SECTION 2: That this Ordinance is limited and restricted to the property located at 352 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

Lot 1 of Nolden's Assessment Plat, being the east 220.00 feet of the south 350.00 feet of the southwest quarter of Section 17, Township 39 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois.

Parcel Number: 06-17-316-007; (the "Subject Property")

SECTION 3: The conditional use, as provided for in Section 1 of this Ordinance shall be granted subject to compliance with the following conditions:

1. The property shall be developed in substantial compliance with the site plan developed and submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for any improvements to be constructed on the subject property. The permit shall satisfactorily address any comments included within the Inter-departmental Review Report.
3. The outdoor dining activity shall not be operated after 11:00 p.m. Wait staff shall be available for the outdoor dining area and shall monitor operations to ensure that the use is operated properly and legally.

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 2nd day of May, 2013.

Passed on second reading this 2nd day of May, 2013, pursuant to a roll call vote as follows:


Ayes: Trustee Whittington, Foltyniewicz, Breen, Fitzpatrick, and Ware

Nays: None

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Re: PC 13-05
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Absent: None

Approved by me this 2nd day of May, 2013.


Keith Giagnorio, Village President

ATTEST:


Sharon Kuderna, Village Clerk

Published in pamphlet from this 3rd day of May, 2013.


Sharon Kuderna, Village Clerk