

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: William T. Lichter, Village Manager

DATE: September 11, 2006 (B of T) Date: September 21, 2006

TITLE: PC 03-27: 240 E. Progress Road

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance granting a further time extension of Ordinances 5358, 5550 and 5717 extending the time period for construction of the conditional use an additional twenty-four (24) months. (DISTRICT #4)

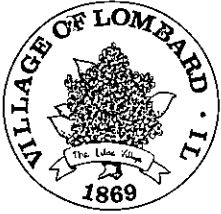
Staff recommends approval of this request with a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):


Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *David Affub* _____ Date *9/13/06*

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: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP 
Assistant Village Manager/ Director of Community Development

DATE: September 21, 2006

SUBJECT: Further Extension of Ordinances 5358, 5550 and 5717 (PC 03-27; 240 Progress Road)

The Board of Trustees approved Ordinance 5358 (PC 03-27) on September 18, 2003 which granted conditional use approval for a planned development for the property at 240 Progress Road. One-year extensions to this ordinance were granted on September 16, 2004 (Ordinance 5550) and on September 15, 2005 (Ordinance 5717). Per the conditional use provisions, 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 conditional use was about to expire, the petitioner is requesting an extension of the conditional use. Staff believes that granting an extension is in the best interest of the Village, provided that the petitioner adheres to conditions incorporated in the original approval Ordinances. Moreover, staff believes it is in the best interest of the Village to extend the previous approvals, as it ties future development proposals to the approved planned development site plans and will allow the property owner to be able to market a "pre-approved" plan to prospective developers that addresses Village concerns. Staff also recommends that the extension period should be for another twenty-four months rather than the customary twelve month to ensure that the previous approvals remain in place on the property.

Recommendation

Staff recommends that the Village Board approve an Ordinance extending the time period for construction of the conditional use an additional twenty-four months, until September 21, 2008, with a waiver of first reading. A copy of Ordinances 5358, 5550 and 5717 are also attached.



N. BATISTICH, ARCHITECTS

MEADOWBROOK OFFICE CENTER
475 S. FRONTAGE RD.
BURR RIDGE, IL 60527
PHONE (630) 986-1773
FAX (630) 986-1783

September 6, 2006

Community Development Department
Village of Lombard
Lombard, IL

Attn. William Heniff

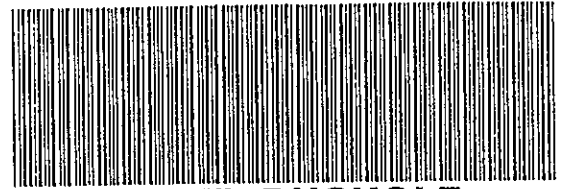
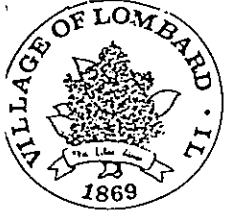
Re: **Industrial Property at the East End of Progress Rd., Lombard, IL**

We are hereby requesting a further 2-year extension of the project approval as previously granted by the Village of Lombard.

Sincerely,

Nick Batistich

FILE COPY



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
NOV.23,2005 10:45 AM
OTHER 03-32-301-007
006 PAGES R2005-261858

ORDINANCE NO 5358

**GRANTING A CONDITIONAL USE FOR A PLANNED
DEVELOPMENT WITH DEVIATIONS IN AN I LIMITED
INDUSTRIAL DISTRICT**

Address: 240 Progress Road, Lombard

**PIN: 03-32-301-007 (part of)
now known as 03-32-301-039**

Return To:

**Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148**

ORDINANCE NO. 5358

AN ORDINANCE
GRANTING A CONDITIONAL USE
FOR A PLANNED DEVELOPMENT WITH DEVIATIONS
IN AN I LIMITED INDUSTRIAL DISTRICT

(PC 03-27; 240 Progress Road / Terrace Lakes Subdivision Lot 1)

(See also Ordinance No.(s) 5356, 5357, 5359)

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, concurrent with a request for a map amendment approval on the subject property, an application has heretofore been filed requesting approval of a conditional use for a planned development with deviations in an I Limited Industrial District; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 18, 2003 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 and variations 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 a planned development with the following deviations is hereby granted for the Subject Property legally described in Section 2 below, subject to the conditions set forth in Section 3 below:

- A. A deviation from Section 155.418 (J) reducing the required transitional building setback yard from forty-five (45) feet to forty-one (41) feet; and
- B. A deviation from Section 155.418 (K) reducing the required transitional landscape yard from thirty (30) feet to sixteen (16) feet.

SECTION 2: The conditional use for a planned development is limited and restricted to the property located at 240 Progress Road, Lombard, Illinois, (also referenced as Lot 1 of the Terrace Lakes Subdivision) and legally described as follows:

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32 AND THE WEST RIGHT-OF-WAY OF GRACE STREET; THENCE SOUTH 89 DEGREES 51 MINUTES 48 SECONDS WEST, 1290.04 FEET ALONG SAID NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32 TO THE EAST LINE OF THE PROGRESS BUSINESS CENTER PER DOCUMENT R88-105071; THENCE SOUTH 00 DEGREES 31 MINUTES 43 SECONDS EAST, 461.62 FEET ALONG SAID EAST LINE OF THE PROGRESS BUSINESS CENTER TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 28 MINUTES 17 SECONDS EAST, 103.69 FEET; THENCE NORTH 25 DEGREES 48 MINUTES 04 SECONDS WEST, 83.62 FEET; THENCE NORTH 07 DEGREES 42 MINUTES 36 SECONDS WEST, 150.89 FEET; THENCE NORTH 53 DEGREES 17 MINUTES 01 SECONDS EAST, 91.47 FEET; THENCE NORTH 22 DEGREES 34 MINUTES 25 SECONDS EAST, 138.03 FEET TO A FLOOD CONTROL, STORM WATER DRAINAGE AND DETENTION EASEMENT RECORDED OCTOBER 13, 1993 PER DOC. R93-231749; THENCE SOUTH 73 DEGREES 10 MINUTES 54 SECONDS EAST, 221.80 FEET ALONG SAID FLOOD CONTROL, STORM WATER DRAINAGE AND DETENTION EASEMENT; THENCE SOUTH 35 DEGREES 38 MINUTES 17 SECONDS EAST, 386.43 FEET ALONG SAID FLOOD CONTROL, STORM WATER DRAINAGE AND DETENTION EASEMENT; THENCE SOUTH 54 DEGREES 21 MINUTES 43 SECONDS WEST, 459.10 FEET TO SAID FLOOD CONTROL, STORM

WATER DRAINAGE AND DETENTION EASEMENT; THENCE SOUTH 89 DEGREES 28 MINUTES 17 SECONDS WEST, 235.50 FEET ALONG SAID FLOOD CONTROL, STORM WATER DRAINAGE AND DETENTION EASEMENT TO SAID EAST LINE OF PROGRESS BUSINESS CENTER; THENCE NORTH 00 DEGREES 31 MINUTES 43 SECONDS WEST, 240.00 FEET ALONG SAID EAST LINE OF PROGRESS BUSINESS CENTER TO THE POINT OF BEGINNING. IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 03-32-301-007 (part of)
now known as 03-32-301-039

SECTION 3 The conditional use set forth in Section 1 above shall be granted subject to compliance with the following conditions:

1. That the site shall be developed in conformance with the development plans prepared by Mackie Consultants, L.L.C. and Rothbart Construction, dated January 14, 2002 as well as the Terrace Lake Building elevations and conceptual floor plans, prepared by N. Batistich, Architects, dated February 8, 2002 and submitted as part of this request.
2. That the petitioner apply for and receive permit approval for all development activity proposed for the site. Said permit application shall address the Inter-Departmental Review Committee comments.

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 4th day of September, 2003.

First reading waived by action of the Board of Trustees this _____ day of _____, 2003.

Passed on second reading this 18th day of September, 2003.

Ayes: Trustees DeStephano, Tross, Koenig, Sebby, Florey, Soderstrom

Nayes: None

Ordinance No. 5358
Re: PC 03-27 Planned Development
Page 4

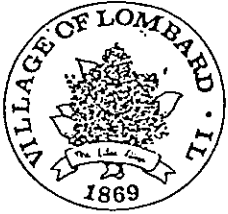
Absent: None

Approved this 18th, day of September, 2003.


William J. Mueller, Village President

ATTEST:


Barbara A. Johnson, Deputy Village Clerk



FILE COPY



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
NOV.23,2005 10:45 AM
OTHER 03-32-301-007
005 PAGES R2005-261859

ORDINANCE NO 5550

GRANTING A TIME EXTENSION OF ORDINANCE 5358

Address: 240 Progress Road, Lombard

**PIN: 03-32-301-007 (part of)
now known as 03-32-301-039**

Return To:

**Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148**

ORDINANCE NO. 5550

AN ORDINANCE GRANTING
A TIME EXTENSION OF ORDINANCE 5358

(PC 03-27: Terrace Lakes Planned Development (240 Progress Road))

WHEREAS, on September 18, 2003, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5358 granting conditional use approval for a planned development with a deviation from Section 155.418 (J) reducing the required transitional building setback yard; and a deviation from Section 155.418 (K) reducing the required transitional landscape yard, for the property at 240 Progress Road, Lombard, Illinois and located in the I Limited Industrial District; and,

WHEREAS, pursuant to Sections 155.103 (C)(10) and 155.103 (F)(11) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, variations and 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 5358; and,

WHEREAS, the Village has received a letter requesting an extension of Ordinance 5358; 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 5358 is hereby 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 date of adoption of this Ordinance.

SECTION 2: That all other provisions associated with Ordinance 5358 shall remain in full force and effect.

Ordinance No. 5550
Re: PC 03-27 – Extension
Page 2

SECTION 3: 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 _____, 2004.

First reading waived by action of the Board of Trustees this 16th day of September, 2004.

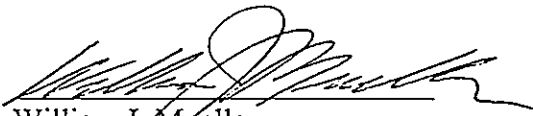
Passed on second reading this 16th day of September, 2004.

Ayes: Trustees Tross, Koenig, Sebby, Florey and Soderstrom

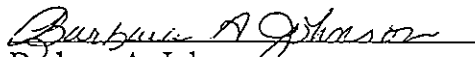
Nayes: None

Absent: Trustee DeStephano

Approved this 16th day of September, 2004.


William J. Mueller
Village President

ATTEST:

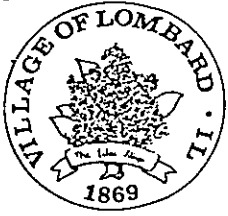

Barbara A. Johnson
Deputy Village Clerk

LEGAL DESCRIPTION

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32 AND THE WEST RIGHT-OF-WAY OF GRACE STREET; THENCE SOUTH 89 DEGREES 51 MINUTES 48 SECONDS WEST, 1290.04 FEET ALONG SAID NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32 TO THE EAST LINE OF THE PROGRESS BUSINESS CENTER PER DOCUMENT R88-105071; THENCE SOUTH 00 DEGREES 31 MINUTES 43 SECONDS EAST, 461.62 FEET ALONG SAID EAST LINE OF THE PROGRESS BUSINESS CENTER TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 28 MINUTES 17 SECONDS EAST, 103.69 FEET; THENCE NORTH 25 DEGREES 48 MINUTES 04 SECONDS WEST, 83.62 FEET; THENCE NORTH 07 DEGREES 42 MINUTES 36 SECONDS WEST, 150.89 FEET; THENCE NORTH 53 DEGREES 17 MINUTES 01 SECONDS EAST, 91.47 FEET; THENCE NORTH 22 DEGREES 34 MINUTES 25 SECONDS EAST, 138.03 FEET TO A FLOOD CONTROL, STORM WATER DRAINAGE AND DETENTION EASEMENT RECORDED OCTOBER 13, 1993 PER DOC. R93-231749; THENCE SOUTH 73 DEGREES 10 MINUTES 54 SECONDS EAST, 221.80 FEET ALONG SAID FLOOD CONTROL, STORM WATER DRAINAGE AND DETENTION EASEMENT; THENCE SOUTH 35 DEGREES 38 MINUTES 17 SECONDS EAST, 386.43 FEET ALONG SAID FLOOD CONTROL, STORM WATER DRAINAGE AND DETENTION EASEMENT; THENCE SOUTH 54 DEGREES 21 MINUTES 43 SECONDS WEST, 459.10 FEET TO SAID FLOOD CONTROL, STORM WATER DRAINAGE AND DETENTION EASEMENT; THENCE SOUTH 89 DEGREES 28 MINUTES 17 SECONDS WEST, 235.50 FEET ALONG SAID FLOOD CONTROL, STORM WATER DRAINAGE AND DETENTION EASEMENT TO SAID EAST LINE OF PROGRESS BUSINESS CENTER; THENCE NORTH 00 DEGREES 31 MINUTES 43 SECONDS WEST, 240.00 FEET ALONG SAID EAST LINE OF PROGRESS BUSINESS CENTER TO THE POINT OF BEGINNING. IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 03-32-301-007 (part of)
now known as 03-32-301-039

240 Progress Road, Lombard, IL



FILE COPY



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
NOV.23,2005 10:45 AM
OTHER 03-32-301-007
006 PAGES R2005-261860

ORDINANCE NO 5717

**GRANTING A FURTHER TIME EXTENSION OF
ORDINANCES 5358 AND 5550, A DEVIATION REDUCING
THE REQUIRED TRANSITIONAL BUILDING SETBACK
YARD AND A DEVIATION REDUCING THE REQUIRED
TRANSITIONAL LANDSCAPE YARD**

Address: 240 Progress Road, Lombard

**PIN: 03-32-301-007 (part of)
now known as 03-32-301-039**

Return To:

**Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148**

ORDINANCE NO. 5717

**AN ORDINANCE GRANTING
A FURTHER TIME EXTENSION OF ORDINANCES 5358 AND 5550**

(PC 03-27: Terrace Lakes Planned Development (240 Progress Road))

WHEREAS, on September 18, 2003, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5358 granting conditional use approval for a planned development with a deviation from Section 155.418 (J) reducing the required transitional building setback yard; and a deviation from Section 155.418 (K) reducing the required transitional landscape yard, for the property at 240 Progress Road, Lombard, Illinois and located in the I Limited Industrial District; and,

WHEREAS, pursuant to Sections 155.103 (C)(10) and 155.103 (F)(11) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, variations and 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, on September 16, 2004, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5550 granting an extension to the conditional use approval for a one-year period; and,

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinances 5358 and 5550; and,

WHEREAS, the Village has received a letter requesting a further time extension of Ordinances 5358 and 5550; 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:

Ordinance No. 5717
Re: PC 03-27 – Second Extension
Page 2

SECTION 1: Ordinances 5358 and 5550 are hereby 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 date of adoption of this Ordinance.

SECTION 2: That all other provisions associated with Ordinances 5358 and 5550 shall remain in full force and effect.

SECTION 3: 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 _____, 2005.

First reading waived by action of the Board of Trustees this 15th day of September, 2005.


Passed on second reading this 15th day of September 2005.

Ayes: Trustees Gron, Tross, O'Brien, Sebby, Florey and Soderstrom

Nays: None

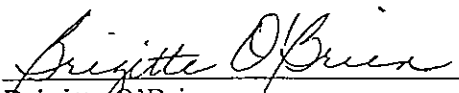
Absent: None

Approved this 15th day of September, 2005.



William J. Mueller
Village President

ATTEST:



Brigitte O'Brien
Village Clerk

LEGAL DESCRIPTION

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Parcel Number: 03-32-301-007 (part of)
now known as 03-32-301-039

240 Progress Road, Lombard, IL

ORDINANCE NO. _____

**AN ORDINANCE GRANTING
A FURTHER TIME EXTENSION OF ORDINANCES 5358, 5550 AND 5717**

(PC 03-27: Terrace Lakes Planned Development (240 Progress Road))

WHEREAS, on September 18, 2003, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5358 granting conditional use approval for a planned development with a deviation from Section 155.418 (J) reducing the required transitional building setback yard; and a deviation from Section 155.418 (K) reducing the required transitional landscape yard, for the property at 240 Progress Road, Lombard, Illinois and located in the I Limited Industrial District; and,

WHEREAS, pursuant to Sections 155.103 (C)(10) and 155.103 (F)(11) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, variations and 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, on September 16, 2004, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5550 granting an extension to the conditional use approval for a one-year period; and,

WHEREAS, on September 15, 2005, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5717 granting an extension to the conditional use approval for a one-year period; and,

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinances 5358, 5550 and 5717; and,

WHEREAS, the Village has received a letter requesting a further time extension of Ordinances 5358, 5550 and 5717; 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:

Ordinance No. _____
Re: PC 03-27 – Third Extension
Page 2

SECTION 1: Ordinances 5358, 5550 and 5717 are hereby 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 date of adoption of this Ordinance.

SECTION 2: That all other provisions associated with Ordinances 5358, 5550 and 5717 shall remain in full force and effect.

SECTION 3: 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 _____, 2006.

First reading waived by action of the Board of Trustees this ____ day of _____, 2006.

Passed on second reading this ____ day of _____, 2006.

Ayes: _____

Nayes: _____

Absent: _____

Approved this ____, day of _____, 2006.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk