

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda


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. Huliseberg, Village Manager 

DATE: June 9, 2009 (BOT) Date: June 18, 2009

TITLE: PC 08-13: 19W471 Roosevelt Road and 351 E. Roosevelt Road
(Lombard Crossing)

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

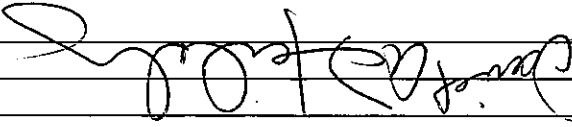
The Department of Community Development transmits for your consideration an ordinance extending the time period for the previously approved conditional use for an additional twelve month period. (DISTRICT #6)

Staff is requesting a waiver of first reading due to the Village Board's summer meeting schedule.

Please place this item on the June 18, 2009 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X
Finance Director X 
Village Manager X
Date _____
Date _____
Date 6/9/09

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, Village Manager

FROM: William J. Heniff, AICP *WJH*

Director of Community Development

DATE: June 18, 2009

SUBJECT: PC 08-13: Lombard Crossing Planned Development – Request for Time Extension

The Board of Trustees approved Ordinance 6211 (PC 08-13) on June 19, 2008 which granted a conditional use for a planned development with companion variations and deviations, conditional use for a bank/financial institution, a multiple tenant retail center, a drive thru establishment, outdoor dining/service area and a use exception for a storage center. In addition, the Village Board approved an annexation agreement for the development.

Per the provisions of Sections 155.103 (F)(11) and (C)(10) of the Zoning Ordinance, if construction has not begun within one (1) year from the date of approval, a conditional use is null and void unless an extension is granted by the Board of Trustees. A copy of Ordinance 6211 is attached for your reference.

After being advised that the relief was about to expire, the petitioner submitted a letter requesting an extension of the relief for an additional year. Staff believes that granting an extension is in the best interest of the Village, provided that the petitioner adheres to conditions incorporated in the Ordinance 6211 and the annexation agreement.

Please note that pursuant to the annexation agreement, if the Village Board decides not to extend the conditional use approvals, a public hearing before the Plan Commission would be required, in order to revoke the conditional use approvals. In the event that the conditional use was revoked, the developer would still maintain its development rights, as outlined in the approved annexation agreement.

RECOMMENDATION:

Staff recommends that the Village Board approve an Ordinance extending the time period for the previously approved conditional use for an additional twelve month period, with a waiver of first reading of the aforementioned Ordinance.

CENTRUM
PROPERTIES

May 28, 2009

VIA OVERNIGHT MAIL

Mr. William J. Heniff, AICP

Village of Lombard - Director of Community Development

255 E. Wilson Avenue

Lombard, IL 60148-3931

RE: Lombard Crossings

351 E Roosevelt Road and 19W471 Roosevelt Road

Dear Mr. Heniff,

Section 5 (E)(1) of the annexation agreement states the conditional use for the planned development "may lapse or expire" if construction activity has not been "substantially underway" within 1 year from approvals. At this time, we need to request a one-year extension of our conditional use for the above referenced planned development. We are forced to ask for this extension as securing financing of commercial development projects is extremely difficult in this market. Unfortunately, the current lack of available financing has prevented us from commencing construction on Lombard Crossings. Banks are not currently financing construction of new retail projects such as Lombard Crossings but we hope to be able to secure construction financing within the next 12 months.

Regards,



John McLinden

Centrum Lombard, L.L.C.

CC:

Graham Palmer
Jim McKenzie
Scott Novack

225 West Hubbard Street, 4th Floor
Chicago, Illinois 60610-4416

312.832.2500 phone 312.832.2525 fax

After Recording Return to:

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

Parcel No.: 06-20-106-050 and 051
Common Address: 19W471 and 35 E. Roosevelt Road
Lombard, IL 60148

CONDITIONAL USES PER ORDINANCE 6211 DATED JUNE 19,
2008 FOR CENTRUM LOMBARD, L.L.C., LOMBARD, IL

FRED BUCHOLZ
DUPAGE COUNTY RECORDER
SEP. 17, 2008 11:59 AM
OTHER 06-20-106-050
010 PAGES R2008-141125



ORDINANCE NO. 6211

**AN ORDINANCE GRANTING CONDITIONAL USES FOR A
PLANNED DEVELOPMENT WITH DEVIATIONS AND A CONDITIONAL USE
FOR DRIVE THROUGH ESTABLISHMENTS**

(PC 07-03: 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossing))

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 President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Sign Ordinance, otherwise known as Title 15, Chapter 153 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned B4 Corridor Commercial District and B4A Roosevelt Road Corridor District; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for a planned development for the subject property; and

WHEREAS, said planned development includes a use exception for a storage center in the B4 District and a variation from Section 155.508 (B)(3) of the Zoning Ordinance pertaining to the Standards for Planned Developments with Use Exceptions to allow a use exception to exceed 40% of the total floor area for the overall planned development; and,

WHEREAS, said application also includes variations from Section 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking; and,

WHEREAS, said application also requests approval of a conditional uses for a drive-through facilities associated with a banking facility and a fast food restaurant; and,

WHEREAS, said application also requests a deviation from Section 155.414 (F) of the Zoning Ordinance reducing the required east interior side yard from ten feet (10') to two feet (2') for Lot 2 (Parcel B) of the proposed resubdivision; and,

WHEREAS, said application also requests deviations from Section 154.506 (D) of the Subdivision and Development Ordinance to allow for a lots without public street frontage, deviations from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width, deviations from Section 155.414 (D) of the Zoning Ordinance to reduce the minimum lot area, and a deviation from Section 154.507 (D) of the Subdivision and Development Ordinance requiring an outlet to have at least thirty feet (30') of frontage along a public street.

WHEREAS, said planned development includes deviations from Section 153.505 (B)(17)(a)(2) of the Sign Ordinance to allow for more than one wall sign on a street frontage. A deviation from Section 153.505 (B)(6)(e) to allow for more than one freestanding sign on a property, a deviation from Section 153.235 (A) to allow for more than one shopping center sign; a deviation from Section 153.235 (E) to allow for shopping center signs to be located closer than 250 feet from each other, and a deviation from Section 153.234 (F) of the Lombard Sign Ordinance to allow for a free-standing signs to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 20, 2007 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 uses 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; and,

WHEREAS, separate from the above mentioned petition, the President and Board of Trustees approved a map amendment rezoning the portion of the subject property generally located at 351 E. Roosevelt and legally described in Subheading 1 of Section 2 below, pursuant to Ordinance 6093;

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 conditional uses for a planned development with the following variation and deviations, as well as a conditional use for drive-through establishments as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

1. For Lot 1 (Parcel A) of the proposed resubdivision, approve:
 - a. A conditional use pursuant to Section 155.414 (C)(7) of the Zoning Ordinance for a drive-through facility;
 - b. A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;
 - c. A deviation from Section 155.414 (D) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 36,549 square feet;
 - d. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 137.54 feet.
2. For Lot 2 (Parcel B) of the proposed resubdivision, approve a deviation from Section 155.414 (F) of the Zoning Ordinance reducing the required east interior side yard from ten feet (10') to two feet (2').
3. For Lot 3 (Parcel C) of the proposed resubdivision, approve:
 - a. A conditional use pursuant to Section 155.414 (C)(7) of the Zoning Ordinance for a drive-through facility;
 - b. A deviation from Section 153.505 (B)(19)(a)(2) of the Sign Ordinance to allow for more than one wall sign per street frontage;
 - c. A deviation from Section 155.414 (D) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 30,799 square feet;
 - d. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 121.03 feet.

4. For Lot 4 (Parcel D) of the proposed resubdivision, approve:
- a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow for a lot without public street frontage;
 - b. A planned development use exception for a storage center in the B4 District; and
 - c. A variation from Section 155.508 (B)(3) of the Zoning Ordinance pertaining to the Standards for Planned Developments with Use Exceptions to allow a use exception to exceed 40% of the total floor area for the overall planned development.
5. For Lot 5 (Parcel E) of the proposed resubdivision, approve:
- a. A deviation from Section 154.506 (D) of the Subdivision and Development Ordinance to allow a lot without public street frontage;
 - b. A deviation from Section 154.507 (D) of the Subdivision and Development Ordinance requiring an outlet to have at least thirty feet (30') of frontage along a public street;
 - c. A deviation from Section 155.414 (D) of the Zoning Ordinance to reduce the minimum lot area from 40,000 square feet to 20,203 square feet for a detention outlet; and
 - d. A deviation from Section 155.414 (E) of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 138.17 feet for a detention outlet.
6. For each of the proposed lots, grant a variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking.
7. Approve the following Sign Ordinance deviations:
- a. A deviation from Section 153.505 (B)(6)(e) to allow for more than one freestanding sign on a property;

b. A deviation from Section 153.235 (A) to allow for more than one shopping center sign; and

c. A deviation from Section 153.235 (E) to allow for shopping center signs to be located closer than 250 feet from each other.

d. A deviation from Section 153.234 (F) of the Lombard Sign Ordinance to allow for a free-standing sign to be located closer than seventy-five feet (75') from the center line of the adjacent right-of-way; and

8. Approve a preliminary major plat of resubdivision.

SECTION 2: That this ordinance is limited and restricted to the two properties described below, which are collectively referred to as the "Subject Property".

1. The property generally located at 351 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

PARCEL 1
HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF AND EXCEPT THE WEST 134.5 FEET) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665, DUPAGE COUNTY ILLINOIS.

Parcel Number: 06-20-106-050

2. The property generally located at 19W471 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

PARCEL 2
THE WEST 134.5 FEET OF HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665 IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-20-106-051

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site and building in accordance with the following plans submitted as part of this request, except as modified by the conditions of approval:

- a) Site plans prepared by Carroll Associates Architects, dated August 9, 2007
- b) Landscape plan, prepared by Carroll Associated Architects, dated August 10, 2007,
- c) Building elevations for proposed retail center, prepared by Carroll Associates Architects, dated July 16, 2007,
- d) Building elevations for proposed bank, prepared by Carroll Associates Architects, dated July 16, 2007
- e) Building elevations for the fast-food restaurant, prepared by Hestrup and Associates, dated July 17, 2007.

2. That the petitioner shall enter into an annexation agreement with the Village for the subject property.
3. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
4. That any trash enclosure screening required by Section 155.710 of the Zoning Ordinance shall be constructed of material consistent with the principal building in which the enclosure is located.

5. To ensure that the proposed signage, awnings and building elevations present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
 - a. That channel lettering shall only be used for the wall signs.
 - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.

- c. The planned development shall be limited to no more than two freestanding shopping center signs, with the signs being in accordance with the shopping center signage plan prepared by Carroll Associates Architects dated August 3, 2007. The final placement of the signs shall be located in a manner that does not conflict with clear line of sight or utility easements.
- d. That wall signage for the bank building and the fast-food restaurant building shall only be located on the north, east and west elevations.
- e. That the fabric awnings on each of the proposed buildings shall be compatible.
- f. That all rooftop mechanical equipment shall be screened pursuant to Section 155.221 of the Zoning Ordinance.
- g. Prior to consideration by the Village Board, the petitioner shall submit modified building elevations for the fast-food restaurant on Lot 3 (Parcel C) that substitute masonry for the FFIS.

6. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall allow for cross-access and cross parking between each lot within the proposed development.

7. The use exception for a storage center shall only be for Lot 4 (Parcel D) of the planned development. The development of Lot 4 (Parcel D) shall be subject to site plan approval of the Village.

8. The petitioner shall dedicate to the Village a cross-access easement to provide access to the proposed detention outlet (Lot 5), with the final location to be denoted on the final plat of subdivision for 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 5th day of June, 2008.

First reading waived by action of the Board of Trustees this _____ day of _____, 2008.

Passed on second reading this 19th day of June, 2008, pursuant to a roll call vote as

follows:

AYES: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick & Soderstrom President
Mueller

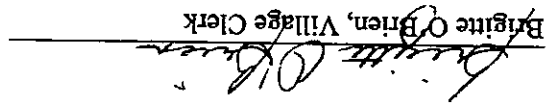
NAYS: None

ABSENT: None

APPROVED by me this 19th day of June, 2008.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk



I, Barbara A. Johnson, hereby certify that I am the duly qualified Deputy Village Clerk of the Village of Lombard, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a copy of ORDINANCE 6211

AN ORDINANCE GRANTING CONDITIONAL USES

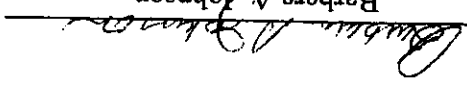
FOR 19W471 ROOSEVELT

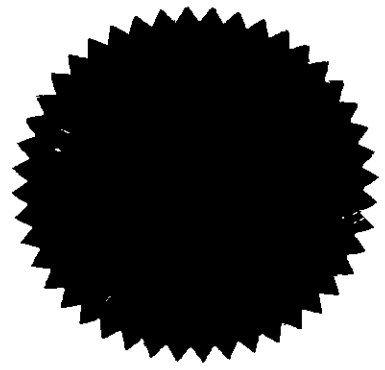
ROAD AND 351 ROOSEVELT ROAD

PIN 06-20-106-051

of the said Village as it appears from the official records of said Village duly approved June 19, 2008.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said Village of Lombard, Du Page County, Illinois this 16th day of September, 2008.


Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois



**AN ORDINANCE GRANTING
A TIME EXTENSION OF ORDINANCE 6211**

ORDINANCE NO. _____

(PC 08-13: 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossings))

WHEREAS, on June 19, 2008, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6211 granting a conditional use for a planned development with companion variations and deviations, conditional use for a bank/financial institution, a multiple tenant retail center, a drive thru establishment, outdoor dining/service area and a use exception for a storage center; to provide for the approval of the submitted site plans included as part of the petition; and

WHEREAS, pursuant to Sections 155.103 (F)(11) and (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, conditional uses and variations 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, while the owner has secured title to most of the Subject Property and has razed the existing structures on the property, construction has not commenced and no building permit has been issued for the development granted by Ordinance 6211; and,

WHEREAS, the Village has received a letter requesting an extension of Ordinance 6211; 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 6211 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 6211 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 _____, 2009.

First reading waived by action of the Board of Trustees this _____ day of _____, 2009.

Passed on second reading this _____ day of _____, 2009.

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2009.

Brigitte O'Brien, Village Clerk