

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

 X Resolution or Ordinance (Blue) _____ *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: October 11, 2005 (B of T) Date: October 20, 2005

TITLE: PC 04-25: Southwest Corner of Roosevelt & Highland

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance granting a time extension of Ordinance 5560 relative to the property located at the southwest corner of Highland Avenue and Roosevelt Road. (DISTRICT #6)

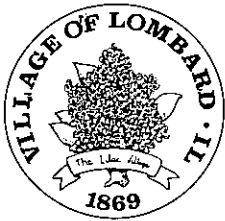
Staff recommends approval of this request with the condition that the petitioner obtain a mass grading permit or fine grade, place topsoil and seed and maintain the property until such time that construction commences.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *WTL Lichter* _____ Date *10/11/05*

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, Director of Community Development *Datt*

DATE: October 20, 2005

SUBJECT: Extension of Ordinance 5560 (PC 04-25; the Southwest Corner of Highland Avenue and Roosevelt Road)

BACKGROUND:

The Board of Trustees approved Ordinance 5560 (PC 04-25) on October 7, 2005 which granted approval of a planned development with setback and signage deviations and a conditional use for a drive-through facility for the properties at the southwest corner of Highland Avenue and Roosevelt Road (201, 205 and 211 E. Roosevelt Road; 1200 South Highland Av.; and 112-116 & 120-124 E. 13th Street). Per the provisions of 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. A copy of Ordinance 5560 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. As stated in the attached correspondence, the petitioner has performed a substantial amount of work on the property including removing the non-conforming residences and site utility activities. They have also been issued a mass grading permit by the Village and the building permits are nearly ready for final approval and issuance.

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 5560. Should the relief expire, any future property owner or petitioner would need to go through the entire public hearing process to build on the property. As the petitioner's plans were deemed to be desirable and acceptable by the Village, we believe that granting the extension would provide the possibility of development to occur on the property in a more timely manner. Moreover, it will also allow the developer to start construction on the project this construction season.

However, as the property is a prominent property in the Village, staff recommends that the Village Board considers a first reading of the Ordinance extending Ordinance 5560 at the

October 20, 2005 meeting. Prior to final consideration of the Ordinance on November 3, 2005, the property owner shall either receive building permit approval and start construction of the project (and therefore the extension would no longer be necessary) or fine grade, place topsoil and hydro-seed and maintain the property until such time that construction commences on the property.

RECOMMENDATION:

Staff recommends that the Village Board approve a first reading of an Ordinance extending the time period for the previously approved variations for an additional year. Staff also recommends that final consideration of the extension should be conditioned to require that the petitioner fine grade, place topsoil and seed and maintain the property until such time that construction commences on the property.

**VLAND LOMBARD HIGHLAND LLC
c/o V-Land Corporation
321 North Clark Street
Suite 2440
Chicago, Illinois 60610**

October 10, 2005

**VIA FACSIMILE (630-629-2374)
AND
VIA OVERNIGHT MAIL**

William Heniff, AICP
Village of Lombard
255 East Wilson Avenue
Lombard, Illinois 60148

Re: SWC of Roosevelt & Highland
SEC of Roosevelt & Garfield
Lombard, Illinois

Dear Mr. Heniff:

Reference is hereby made to Village Ordinance Number 5560, passed October 7, 2004, Granting Conditional Uses for a Planned Development made with Deviations, Outdoor Dining and a Drive Through Establishment in a B3 Community Shopping District (the "*Ordinance*"). In view of the provisions of Section 155.103(f)(11) of the Village's Zoning Code and in order to preserve the continued effectiveness of the Ordinance, the undersigned hereby requests an extension of the time periods provided for in said Section 155.103(f)(11) for the construction of the development contemplated by the Ordinance.

Since the passage of the Ordinance, the undersigned has acquired title to all of the property covered by the Ordinance, has performed a significant amount of demolition work at the property, including the demolition of four single family dwellings along 13th Avenue, has performed certain underground utility installation work, and has pursued certain development plan approvals that are required by certain title documents that are recorded against the property. Obtaining those approvals has taken longer than expected, but those are now expected to be obtained by us in the very near future, thus enabling us to proceed with our development of the site.

We appreciate the Village's continued cooperation. Should you have any questions or require any additional information in connection with this request, please do

not hesitate to contact Scott Nicholson of our office, who will be happy to assist you. Mr. Nicholson may be reached at 312-379-5105.

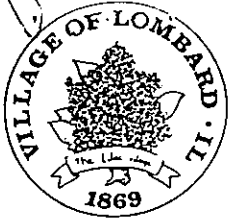
Sincerely,

VLAND LOMBARD HIGHLAND LLC,
an Illinois limited liability company

By: 

Name: Steven J. Panko

Title: Manager



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
DEC.03,2004 3:19 PM
OTHER 06-20-100-008
008 PAGES R2004-305032

ORDINANCE 5560

**GRANTING CONDITIONAL USES FOR A PLANNED
DEVELOPMENT WITH DEVIATIONS, OUTDOOR
DINING AND A DRIVE THROUGH ESTABLISHMENT IN
A B3 COMMUNITY SHOPPING DISTRICT**

PINs: 06-20-100-008, 009, 010,021 060 and 061

**Common Address: 201, 205 and 211 E. Roosevelt Road;
1200 S. Highland Avenue and
112-116 & 120-124 E. 13th Street
Lombard, Illinois**

Return To:

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

ORDINANCE NO. 5560

**AN ORDINANCE GRANTING CONDITIONAL USES FOR A
PLANNED DEVELOPMENT WITH DEVIATIONS, OUTDOOR DINING AND A
DRIVE THROUGH ESTABLISHMENT IN A
B3 COMMUNITY SHOPPING DISTRICT**

(PC 04-25; 201, 205 and 211 E. Roosevelt Road; 1200 S. Highland Avenue; and 112-116 & 120-124 E. 13th Street (Southwest Corner of Roosevelt Road & Highland Avenue)

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 is zoned B3 Community Shopping District; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for a planned development in a B3 Community Shopping District; and

WHEREAS, said planned development includes deviations 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 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 and a deviation from Section 153.505 (B)(17)(b)(2) of the Sign Ordinance to allow for more than one wall sign for interior tenants; and

WHEREAS, said application also requests approval of a conditional uses for a drive-through facility and for an outdoor dining/service establishment; and

WHEREAS, said application also requests that the Village Board grant site plan approval authority to the Lombard Plan Commission; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 16, 2004 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 deviations 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 conditional uses for a planned development with the following deviations as well as a conditional use for outdoor dining and for a drive-through establishment as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 4:

1. For Lot 1 of the proposed subdivision, the following deviations are hereby granted:
 - a. A deviation 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.
 - b. A deviation from Section 153.505 (B)(17)(a)(2) of the Sign Ordinance to allow for more than one wall sign on a street frontage.
2. Pursuant to Section 155.414 (C)(7) of the Zoning Ordinance, a conditional use for a drive-through facility on Lot 1 of the proposed subdivision.
3. For Lot 2 of the proposed subdivision, the following deviations are hereby granted:
 - a. A deviation 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.
 - b. A deviation from deviation from Section 153.505 (B)(17)(b)(2) of the Sign Ordinance to allow for more than one wall sign for interior tenants.

4. Pursuant to Section 155.414 (C)(18) of the Zoning Ordinance, a conditional use for an outdoor dining/service establishment on Lot 2 of the proposed subdivision is hereby granted.
5. For Lot 3 of the proposed subdivision, a deviation from Section 155.706 (C) and 155.709 (B) reducing the required perimeter parking lot landscaping from five feet (5') to zero feet (0') to provide for shared cross-access and parking is hereby granted.

SECTION 2: That the ordinance is limited and restricted to the properties generally located at 201, 205 and 211 E. Roosevelt Road; 1200 S. Highland Avenue; and 112-116 & 120-124 E. 13th Street, Lombard, Illinois, and legally described as follows:

LOTS 1, 2, 3 AND 4 IN ROOSEVELT HIGHLANDS SHOPPING CENTER, BEING A SUBDIVISION OF PART OF THE WEST ½ OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 26, 1954 AS DOCUMENT 738449, IN DU PAGE COUNTY, ILLINOIS.

ALSO,

LOTS 1 AND 2, IN MERL'S RESUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST ½ OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 22, 1976 AS DOCUMENT R-76-84675, IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 06-20-100-008, 009, 010, 021, 060 and 061

SECTION 3: The Village Board hereby and authorizes the Plan Commission to have Site Plan Approval authority relative to this Planned Development.

SECTION 4: The conditional uses and deviations set forth in Section 1 above shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with the site plans prepared by Woolpert LLC, updated August 5, 2004, the landscape plan, prepared by Arcline Associates, updated July 2, 2004, the building elevations for proposed retail center, prepared by Arcline Associates, updated July 28, 2004, the building elevations for

proposed bank, prepared by Griskelis Young Harnell, updated August 9, 2004, submitted as part of this request and as amended by the conditions of approval for the project.

2. That the petitioner shall enter into a first amendment to the annexation agreement 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. That the tower peak shall be modified in a manner so that the roof element is consistent and/or compatible with the adjacent retail building, as determined by the Director of Community Development.
 - d. That wall signage shall only be located on the north, east and west sides of the proposed tower on the bank building.
 - e. That the watercourse brick at the foundation each of the proposed buildings shall be compatible.
 - f. That the perimeter of the proposed dining area for the retail building shall be fenced, with the design of the fence subject to the approval of the Director of Community Development.
 - g. That all rooftop mechanical equipment shall be screened pursuant to Section 155.221 of the Zoning Ordinance.
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. That the landscape plan and/or the grading plan shall be revised as follows:

- a. Additional landscape plantings, meeting the transitional landscape yard requirements be provided along the south property line and that the landscaping be installed as part of the Phase 1 improvements.
 - b. The property immediately south of Reilly's Pub shall be graded and seeded until such time that the property is developed.
 - c. A post and rail fence be installed along the north and west side of the property to prevent trespassing, with the final placement of the fencing subject to the Director of Community Development.
 - d. Additional trees shall be placed around the perimeter of the proposed detention pond, consistent with Section 154.508 of the subdivision and Development Ordinance.
 - e. Additional landscape plantings consisting of a shade tree and approved ground cover shall be placed on the landscape island south of the proposed outdoor dining area.
8. That the redevelopment of the Reilly's Pub site shall be subject to site plan approval of the Village.

SECTION 5: 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 2nd day of September, 2004.

First reading waived by action of the Board of Trustees this _____ day of _____, 2004.

Passed on second reading this 7th day of October, 2004.

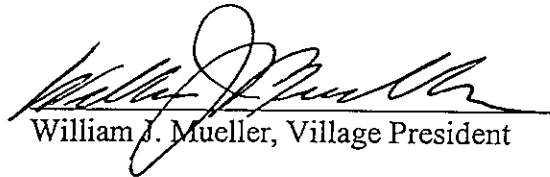
Ayes: Trustees Tross, Koenig, Sebby, Florey and Soderstrom

Nays: None

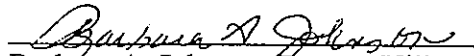
Absent: Trustee DeStephano

Ordinance No. 5560
Re: PC 04-25
Page 6

Approved this 7th day of October, 2004.


William J. Mueller, Village President

ATTEST:


Barbara A. Johnson, Deputy Village Clerk

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ORDINANCE NO. _____

**AN ORDINANCE GRANTING
A TIME EXTENSION OF ORDINANCE 5560**

(PC 04-25: V-Land Highland/Roosevelt Planned Development (the Southwest Corner of
Roosevelt Road and Highland Avenue))

WHEREAS, on October 7, 2004, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5560 granting conditional use approval for a planned development with a deviations 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; 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 and a deviation from Section 153.505 (B)(17)(b)(2) of the Sign Ordinance to allow for more than one wall sign for interior tenants; and a conditional uses for a drive-through facility and for an outdoor dining/service establishment for the properties located at 201, 205 and 211 E. Roosevelt Road; 1200 South Highland Av.; and 112-116 & 120-124 E. 13th Street (hereinafter the "Subject Properties"; 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, while the owner has secured title to 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 5560; and,

WHEREAS, the Village has received a letter requesting an extension of Ordinance 5560; 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 5560 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 5560 shall remain in full force and effect.

SECTION 3: That the property owner shall fine grade, place topsoil and seed and maintain the property until such time that construction commences on the 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 _____, 2005.

First reading waived by action of the Board of Trustees this _____ day of _____, 2005.

Passed on second reading this _____ day of _____, 2005.

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2005.

William J. Mueller, Village President

Ordinance No. _____
Re: PC 04-25 -- Extension
Page 3

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2005.

Brigitte O'Brien, Village Clerk