

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

  X   Resolution or Ordinance (Blue)   X   *Waiver of First Requested*  
  X   Recommendations of Boards, Commissions & Committees (Green)  
\_\_\_\_\_ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: June 29, 2017 (B of T) Date: July 20, 2017

TITLE: PC 16-08A: 400, 406, 412, 420, and 440 S. Finley Road, Single Family  
Subdivision - Time Extension Request

SUBMITTED BY: Department of Community Development *WN*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an Ordinance granting a time extension to Ordinance 7259 granting approval of a variance from Section 155.304 (D)(3) and Section 154.305 (D)(3)(B) of the Lombard Zoning Ordinance

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 \_\_\_\_\_



## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

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

**MEETING DATE:** July 20, 2017

**SUBJECT:** **PC 16-08A: 400, 406, 412, 420, 440 S. Finley Road – Time Extension Request**

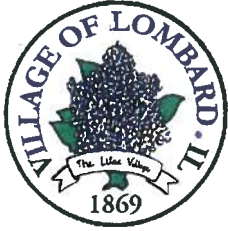
The Board of Trustees approved Ordinance 7259 (PC 16-08A) on August 18, 2016 which granted approval of variance to eliminate the requisite sidewalk on the north side of Hickory Street. Per the provisions of the Zoning Ordinance (Section 155.103(F)), if construction has not begun within twelve (12) months from the date of approval, the zoning relief granted is null and void unless an extension is granted by the Board of Trustees.

After being advised that the approved zoning relief would expire prior to their slated construction start, the property owner has submitted the attached letter requesting an extension of the approval granted by the Village Board.

A copy of Ordinance 7259 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 August 18, 2018). The petitioner is requesting a waiver of first reading of the Ordinance.



**FRED BUCHOLZ**

DUPAGE COUNTY RECORDER

NOV.23,2016

10:04 AM

OTHER

\$33.00 06-07-303-002

**ORDINANCE 7259 007 PAGES R2016-130535**

**GRANTING A VARIATION FROM SECTION 154.304 (D)(3)  
AND SECTION 154.305 (D)(3)(b) TO ELIMINATE THE  
REQUISITE SIDEWALK ON THE NORTH SIDE  
OF HICKORY STREET**

**PIN(s): 06-07-303-002, -003, -004, -005, and -027;  
(the "Subject Property")**

**ADDRESS: 400, 406, 412, 420, 440 S. Finley Road,  
Lombard, IL 60148**

**Prepared by and Return To:  
Village of Lombard  
255 E. Wilson Avenue  
Lombard, IL 60148**



I, **Janet Downer**, 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 7259

GRANTING A VARIATION FROM SECTION 154.304 (D)(3) AND SECTION 154.305 (D)(3)(b) TO ELIMINATE THE REQUISITE SIDEWALK ON THE NORTH SIDE OF HICKORY STREET

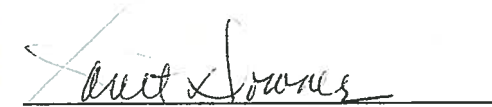
PIN(s): 06-07-303-002, -003, -004, -005, and -027; (the "Subject Property")

ADDRESS: 400, 406, 412, 420, 440 S. Finley Road, Lombard, IL 60148

of the said Village as it appears from the official records  
of said Village duly approved this 18th  
day of August, 2016.

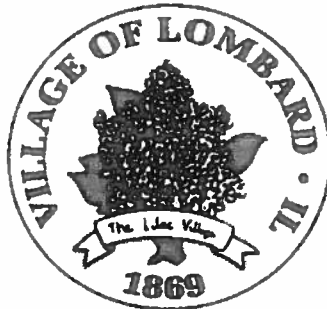
**In Witness Whereof**, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 15th day of November, 2016.



  
\_\_\_\_\_  
Janet Downer  
Deputy Village Clerk  
Village of Lombard  
DuPage County, Illinois

**ORDINANCE 7259  
PAMPHLET**

**PC 16-08A: 400, 406, 412, 420 AND 440 S. FINLEY ROAD,  
SINGLE FAMILY SUBDIVISION  
VARIANCE**



**PUBLISHED IN PAMPHLET FORM THIS 19th DAY OF AUGUST, 2016, BY ORDER  
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE  
COUNTY, ILLINOIS.**

*Sharon Kuderna*  
Sharon Kuderna  
Village Clerk

**ORDINANCE NO. 7259**

**AN ORDINANCE GRANTING A VARIATION FROM SECTION 154.304 (D)(3) AND SECTION 154.305 (D)(3)(b) TO ELIMINATE THE REQUISITE SIDEWALK ON THE NORTH SIDE OF HICKORY STREET**

(PC 16-08 and PC 16-08A; Pulte Homes 400, 406, 412, 420, 440 S. Finley Road)

(See also Ordinance No. 7258)

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, 400, 406, 412, 420, 440 S. Finley Road, the Subject Property, as defined below and pursuant to companion Ordinance No. 7258, which approved a map amendment to the Subject Property, is zoned R2 Single Family Residence District; and,

WHEREAS, an application has been filed requesting approval of a variation from Section 154.304 (D)(3) and Section 154.305 (D)(3)(b) to eliminate the requisite sidewalk on the new north side of Hickory Street; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on May 16, 2016 and August 15, 2016 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 petition as 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 follow:

SECTION 1: That the following relief is hereby granted for the Subject Property, as described in Section 2 below:

1. Approve a variation from Section 154.304 (D)(3) and Section 154.305 (D)(3)(b) to eliminate the requisite sidewalk on the north side of Hickory Street.

SECTION 2: That this Ordinance is limited and restricted to the property located at 400, 406, 412, 420, 440 S. Finley Road , Lombard, Illinois and legally described as follows:

**PARCEL 1:**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 OF Kiantone Addition to Lombard and running thence south along the west line of Finley Road 291 feet to an iron stake for a place of beginning; thence west parallel with the south line of lot 7 in block 4 of Kiantone's addition aforesaid, 200 feet to an iron stake; thence north parallel with the west line of Finley Road 70 feet; thence east parallel with the south line of lot 7 in block 4 of Kiantone's addition aforesaid, 233 feet to the center of Finley Road; thence south along the center line of Finley Road 70 feet; thence west 33 feet to the place of beginning, in Dupage County, Illinois.

**PARCEL 2:**

THE NORTH 80 FEET OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 IN THE PLAT OF Kiantone Addition to Lombard and running thence south 66 feet for a point of beginning; thence south in west line of Finley Road, 105 feet; thence west parallel to Hickory Street, as now located, 200 feet; thence north 105 feet to the south line of Hickory Street, as now located; thence east in the south line of Hickory Street 200 feet to the point of beginning, in Dupage County, Illinois.

**PARCEL 3:**

THAT PART OF TRACTS "A" AND "B" AS SHOWN ON THE PLAT OF SURVEY OF PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DATED SEPTEMBER 10, 1941 AND RECORDED APRIL 8, 1942 AS DOCUMENT 436222, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 OF Kiantone Addition to Lombard, and running thence south along the west line of Finley Road, 146 feet for a point of beginning; thence west parallel with the south line of said lot 7 aforesaid; 200 feet; thence south parallel with the west line of Finley Road, 75 feet; thence east 200 feet to the west line of Finley Road; thence north along the west line of Finley Road, 75 feet to the point of beginning, in Dupage County, Illinois.

**PARCEL 4:**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 OF Kiantone Addition to Lombard and running thence south along the west line of Finley Road, 291 feet for a point of beginning; thence east, parallel with the south line of said lot 7 in block 4, 33 feet to the

CENTER LINE OF FINLEY ROAD; THENCE SOUTH ALONG SAID CENTER LINE, 175 FEET; THENCE WEST PARALLEL WITH THE SAID SOUTH LINE OF LOT 7 IN BLOCK 4, 233 FEET; THENCE NORTH, PARALLEL WITH SAID CENTER LINE OF FINLEY ROAD, 175 FEET; THENCE EAST, PARALLEL WITH THE SAID SOUTH LINE OF LOT 7 IN BLOCK 4, 200 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

**PARCEL 5:**

A PORTION OF TRACT "C" AS SHOWN ON THE PLAT OF SURVEY OF PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED APRIL 8, 1942 AS DOCUMENT 436222, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF FINLEY ROAD (66 FEET WIDE) 466 FEET SOUTH OF THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 IN KIANTONE ADDITION TO LOMBARD, AS LAID OUT, THENCE SOUTH ALONG SAID WEST LINE, 100 FEET; THENCE WEST PARALLEL WITH THE MOST NORTHERLY LINE IN SAID TRACT "C" A DISTANCE OF 495.82 FEET TO A POINT IN THE EASTERLY LINE OF FEDERAL AID ROUTE NO. 61; THENCE NORTHEASTERLY ON SAID LINE, 502.51 FEET TO A POINT IN THE SAID MOST NORTHERLY LINE OF TRACT "C", SAID POINT BEING 404.50 FEET EAST OF THE MOST NORTHWESTERLY CORNER OF SAID TRACT "C" THENCE EAST ON SAID LINE, 240.70 FEET TO A NORTHEAST CORNER OF SAID TRACT "C"; THENCE SOUTH ON AN EAST LINE OF SAID TRACT "C" AND ON ITS EXTENSION TO THE SOUTH, A DISTANCE OF 400 FEET; THENCE EAST PARALLEL TO THE SAID MOST NORTHERLY LINE OF TRACT "C", 200 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Parcel Identification Number(s):

06-07-303-002, -003, -004, -005, and -027; (the "Subject Property")

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

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request from Roake and Associates, Inc. and Signature Design Group, based upon the revised date of June 16, 2016, as applicable; and
2. The petitioner shall seek final engineering approval from DuPage County and the Village. Upon such approval, the petitioner shall submit a final plat for Village Board approval and recording.

**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 \_\_\_\_\_, 2016.

First reading waived by action of the Board of Trustees this 18<sup>th</sup> day of August, 2016.

Passed on second reading this 18<sup>th</sup> day of August, 2016.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware


Nays: None

Absent: None

Approved this 18<sup>th</sup> day of August, 2016.

  
\_\_\_\_\_  
**Keith T. Giagnorio**  
**Village President**

ATTEST:

  
\_\_\_\_\_  
**Sharon Kuderna**  
**Village Clerk**

Published by me in pamphlet form on this 19<sup>th</sup> day of August, 2016.

  
\_\_\_\_\_  
**Sharon Kuderna**  
**Village Clerk**

June 28, 2017

Ms. Jennifer Ganser  
Assistant Director  
Community Development Department  
Village of Lombard  
255 E. Wilson Ave  
Lombard, IL 60148

Via Email: [ganserj@villageoflombard.org](mailto:ganserj@villageoflombard.org)

Dear Ms. Ganser:

The DuPage County Health Department (Department) is the legal owner of property located at 400-440 South Finley Road, in the Village of Lombard. As you know, the Department entered into a contract with Pulte Home Corporation for the sale of the property.

Pulte proceeded to obtain preliminary approvals for a plat for 16 homes. Despite obtaining said approval, unforeseen conditions and requirements led Pulte to cancel the contract. However, a new purchaser has now entered into a Letter of Intent to Purchase. As part of that agreement, the new purchaser must conduct its own due diligence.

As such, we are requesting a time extension from the Village of Lombard until August 18, 2018. If you need any further explanation or need to discuss this matter, please feel free to call (630) 221-7551.

Very truly yours,

*Dennis Brennan*

Dennis Brennan  
External Affairs Manager, J.D.

Cc: Barbara Reynolds, Assistant State's Attorney  
Tony Gange, CBRE

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING A TIME EXTENSION TO  
ORDINANCE 7259 GRANTING APPROVAL OF A VARIANCE  
FROM SECTION 155.304 (D)(3) AND SECTION 154.305 (D)(3)(B)  
OF THE LOMBARD ZONING ORDINANCE**

(PC 16-08A; Pulte Homes 400, 406, 412, 420, 440 S. Finley Road)

WHEREAS, on August 18, 2016, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7259 which granted approval of a variance from Section 155.304 (D)(3) and Section 154.305 (D)(3)(b) of the Lombard Zoning Ordinance to eliminate the requisite sidewalk on the north side of Hickory Street; 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, construction has not commenced and no building permit has been issued for the development granted by Ordinance 7259; and

WHEREAS, the Village has received a letter from the owner 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 7259 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., August 18, 2018).

SECTION 2: That all other provisions associated with Ordinance 7259 not amended by this Ordinance shall remain in full force and effect.

SECTION 3: That this Ordinance is limited and restricted to the properties located at 400, 406, 412, 420, and 440 S. Finley Road, Lombard, Illinois and legally described as follows:

**PARCEL 1:**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 OF Kiantone Addition to Lombard and running thence south along the west line of Finley Road 291 feet to an iron stake for a place of beginning; thence west parallel with the south line of lot 7 in block 4 of Kiantone's Addition aforesaid, 200 feet to an iron stake; thence north parallel with the west line of Finley Road 70 feet; thence east parallel with the south line of lot 7 in block 4 of Kiantone's Addition aforesaid, 233 feet to the center of Finley Road; thence south along the center line of Finley Road 70 feet; thence west 33 feet to the place of beginning, in Dupage County, Illinois.

**PARCEL 2:**

THE NORTH 80 FEET OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 IN THE PLAT OF Kiantone Addition to Lombard and running thence south 66 feet for a point of beginning; thence south in west line of Finley Road, 105 feet; thence west parallel to Hickory Street, as now located, 200 feet; thence north 105 feet to the south line of Hickory Street, as now located; thence east in the south line of Hickory Street 200 feet to the point of beginning, in Dupage County, Illinois.

**PARCEL 3:**

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FINLEY ROAD, 75 FEET; THENCE EAST 200 FEET TO THE WEST LINE OF FINLEY ROAD; THENCE NORTH ALONG THE WEST LINE OF FINLEY ROAD, 75 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 4:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 OF Kiantone Addition to Lombard and Running Thence South Along the West Line of Finley Road, 291 Feet for a Point of Beginning; Thence East, Parallel with the South Line of Said Lot 7 in Block 4, 33 Feet to the Center Line of Finley Road; Thence South Along Said Center Line, 175 Feet; Thence West Parallel with the Said South Line of Lot 7 in Block 4, 233 Feet; Thence North, Parallel with Said Center Line of Finley Road, 175 Feet; Thence East, Parallel with the Said South Line of Lot 7 in Block 4, 200 Feet to the Point of Beginning, in Dupage County, Illinois.

PARCEL 5:

A PORTION OF TRACT "C" AS SHOWN ON THE PLAT OF SURVEY OF PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED APRIL 8, 1942 AS DOCUMENT 436222, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF FINLEY ROAD (66 FEET WIDE) 466 FEET SOUTH OF THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 IN Kiantone Addition to Lombard, AS LAID OUT, THENCE SOUTH ALONG SAID WEST LINE, 100 FEET; THENCE WEST PARALLEL WITH THE MOST NORTHERLY LINE IN SAID TRACT "C" A DISTANCE OF 495.82 FEET TO A POINT IN THE EASTERLY LINE OF FEDERAL AID ROUTE NO. 61; THENCE NORTHEASTERLY ON SAID LINE, 502.51 FEET TO A POINT IN THE SAID MOST NORTHERLY LINE OF TRACT "C", SAID POINT BEING 404.50 FEET EAST OF THE MOST NORTHWESTERLY CORNER OF SAID TRACT "C" THENCE EAST ON SAID LINE, 240.70 FEET TO A NORTHEAST CORNER OF SAID TRACT "C"; THENCE SOUTH ON AN EAST LINE OF SAID TRACT "C" AND ON ITS EXTENSION TO THE SOUTH, A DISTANCE OF 400 FEET; THENCE EAST PARALLEL TO THE SAID MOST NORTHERLY LINE OF TRACT "C", 200 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Parcel Identification Number(s):  
06-07-303-002, -003, -004, -005, and -027; (the "Subject Property")

Ordinance No. \_\_\_\_\_  
Re: PC 15-26 – Time Extension  
Page 4

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 \_\_\_\_\_, 2017.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017, pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Keith Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk