

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: David A. Hulseberg, Village Manager
DATE: July 26, 2013 (B of T) Date: August 15, 2013
TITLE: PC 12-14: 1150 S. Main Street (Speedway)
SUBMITTED BY: Department of Community Development *WJH*

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is an ordinance granting a time extension to ordinance 6747, amending ordinance 4026 and granting approval of conditional uses and variations. (DISTRICT#2)

Staff recommends that the Village Board approves the Ordinance.

Staff also 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: David A. Hulseberg, AICP, ICMA-CM, Village Manager

FROM: William Heniff, AICP, Director of Community Development *WH*

DATE: August 15, 2013

SUBJECT: PC 12-14; 1150 S. Main Street (Speedway): Request for a Time Extension

The Board of Trustees approved Ordinance 6747 (PC 12-14) on September 6, 2012 which granted approval for an amendment to Ordinance 4026 and companion conditional uses and variations to provide for the redevelopment of the existing Speedway gas station at 1150 S. Main Street.

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, due to engineering and construction challenges, the petitioner has submitted the attached letter requesting an extension of the conditional use approval granted by the Village Board.

A copy of Ordinance 6747 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 from the date of the original approval of the Ordinance (i.e., until September 6, 2014). Staff also requests a waiver of first reading of the ordinance.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A TIME EXTENSION TO ORDINANCE 6747,
AMENDING ORDINANCE 4026 AND GRANTING APPROVAL OF CONDITIONAL
USES AND VARIATIONS**

(PC 12-14: 1150 S. Main Street (Speedway))

WHEREAS, on September 6, 2012, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6747, which granted approval of a conditional use for a gasoline service station and canopy on the subject property; a conditional use for outside display and sales of products the sale of which is a permitted or conditional use in this district; a variation from Section 155.415(F)(2) to reduce the required 30' corner side yard setback of an accessory structure (fuel canopy); a variation from Section 155.415(F)(4) to reduce the required 30' rear yard setback of the principal structure; a variation from Section 155.415(J) to reduce the required 40' transitional building setback; variations from Sections 155.415(K) & 155.707(A)(4) to reduce the required 30' transitional landscape yard; a major plat of resubdivision; and a variation from Section 153.505(B)(19)(a)(2)(a) of the Sign Ordinance to allow more than one wall sign per street exposure; all for the property at 1150 S. Main Street; 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 Ordinances 6747; and,

WHEREAS, the Village has received a letter requesting a time extension of said Ordinances; 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 6747 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 original adoption of this Ordinance (i.e., September 6, 2014).

Ordinance No. _____
Re: PC 12-14 – Time Extension
Page 2

SECTION 2: That all other provisions associated with Ordinance 6747, not amended by this Ordinance, 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 _____, 2013.

First reading waived by action of the Board of Trustees this _____ day of _____, 2013.

Passed on second reading this _____ day of _____, 2013.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2013.

Keith T. Giagnorio
Village President

ATTEST:

Sharon Kuderna
Village Clerk

Published by me in pamphlet from this _____ day of _____, 2013

Ordinance No. _____
Re: PC 12-14 – Time Extension
Page 3

Sharon Kuderna
Village Clerk

h:\cdevapps\worduser\pccases\12-14\ord extension.doc

July 17, 2013

Village of Lombard
Attn: William Heniff
Director of Community Development
255 W. Wilson Ave
Lombard, IL 60148-3969
P. 630.620.5700

Re: PC 12-14: 1150 S. Main Street (Speedway), Lombard

Dear Village President & Board of Trustees & Mr. Heniff:

As you are aware, the Speedway redevelopment project, PC 12-14: 1150 S Main Street, was approved on September 6, 2012.

Due to construction and engineering challenges, we are unable to complete this project in 2013. Our approval is nearing expiration; however, we are still pursuing this project and are in regular contact with Village staff.

Speedway respectfully requests a 12-month extension of our approval as we work towards a 2014 construction project.

Respectfully submitted,



Tony D. Jaynes

ORDINANCE NO. 6747

AN ORDINANCE GRANTING APPROVAL OF AN AMENDMENT TO ORDINANCE 4026, GRANTING APPROVAL OF CONDITIONAL USE FOR A GASOLINE SERVICE STATION; A CONDITIONAL USE FOR OUTSIDE DISPLAY AND SALES OF PRODUCTS; A VARIATION TO REDUCE THE REQUIRED 30' CORNER SIDE YARD SETBACK; A VARIATION TO REDUCE THE REAR YARD SETBACK; A VARIATION TO REDUCE TRANSITIONAL BUILDING SETBACK; VARIATIONS TO REDUCE THE TRANSITIONAL LANDSCAPE YARD; A MAJOR PLAT OF RESUBDIVISION; AND A VARIATION ALLOW MORE THAN ONE WALL SIGN PER STREET EXPOSURE.

(PC 12-14; 1150 S. Main Street (Speedway))

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; 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 B3 -- Community Shopping District; and,

WHEREAS, an application has been filed requesting approval of an amendment to Ordinance 4026, granting approval of conditional use for a gasoline service station and canopy on the subject property; a conditional use for outside display and sales of products the sale of which is a permitted or conditional use in this district; a variation from Section 155.415(F)(2) to reduce the required 30' corner side yard setback of an accessory structure (fuel canopy); a variation from Section 155.415(F)(4) to reduce the required 30' rear yard setback of the principal structure; a variation from Section 155.415(J) to reduce the required 40' transitional building setback; variations from Sections 155.415(K) & 155.707(A)(4) to reduce the required 30' transitional landscape yard; a major plat of resubdivision; and a variation from Section 153.505(B)(19)(a)(2)(a) of the Sign Ordinance to allow more than one wall sign per street exposure.

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on July 16, 2012 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 subsequent variations described herein, subject to conditions; 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 an amendment to conditional use Ordinance 4026 is hereby granted for the property described in Section 9 below to allow for the reconstruction of a gasoline service station; and,

SECTION 2: That a conditional use is hereby granted for the property described in Section 9 below pursuant to Title 15, Chapter 155, Section 415 (C)(19) of the Lombard Village Code to allow for outside display and sales of products the sale of which is a permitted or conditional use in this district; and,

SECTION 3: That a variation is hereby granted for the property described in Section 9 below pursuant to Title 15, Section 155.415(F)(2) to reduce the required 30' corner side yard setback of an accessory structure (fuel canopy); and,

SECTION 4: That a variation is hereby granted for the property described in Section 9 below pursuant to Title 15, Section 155.415(F)(4) to reduce the required 30' rear yard setback of the principal structure; and,

SECTION 5: That a variation is hereby granted for the property described in Section 9 below pursuant to Title 15, Section 155.415(J) to reduce the required 40' transitional building setback; and,

SECTION 6: That a variation is hereby granted for the property described in Section 9 below pursuant to Title 15, Sections 155.415(K) & 155.707(A)(4) to reduce the required 30' transitional landscape yard; and,

SECTION 7: That a variation is hereby granted for the property described in Section 9 below pursuant to Title 15, Section 153.505(B)(19)(a)(2)(a) to increase the permitted number of wall signs; and,

SECTION 8: That a major plat of subdivision is hereby granted for the Subject Property, as described in Section 9 below.

SECTION 9: That this Ordinance is limited and restricted to the property located at 1150 S. Main St., Lombard, Illinois and legally described as follows:

LOTS 1 AND 2 IN EMRO RESUBDIVISION, BEING A RESUBDIVISION OF PART OF ROOSEVELT CREST SUBDIVISION IN SECTION 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 26, 1996 AS DOCUMENT NUMBER R96-069121, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-18-417-040, -041; (the "Subject Property").

SECTION 10: The conditional use, as provided for in Section 1-9 of this Ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in this IDRC report, except as they may be changed to conform to Village Codes and Ordinances.
2. 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.
3. No signage shall be permitted on the western elevation of the canopy or western elevation of the building.
4. All comments and recommendations noted in the KLOA report dated July 10, 2012 shall be satisfactorily addressed.
5. That the trash enclosure screening as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the principal building.
6. The petitioner shall submit a final plat of resubdivision showing their residential lot to the west as a stormwater detention outlot, in accordance with the Village's Subdivision and Development Ordinance.
7. All rooftop mechanical equipment shall be fully screened.
8. The petitioner shall provide a stop sign at the exit onto Morris Avenue.

SECTION 11: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Ordinance No. 6747

Re: PC 12-14

Page 4

Passed on first reading this _____ day of _____, 2012.
First reading waived by action of the Board of Trustees this 6th day of September,

2012.

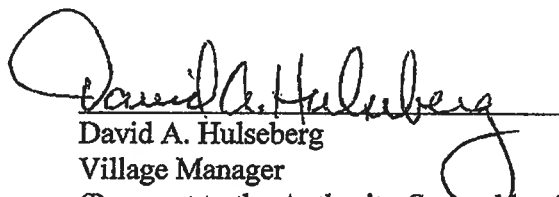
Passed on second reading this 6th day of September, 2012.

AYES: Trustees Gron, Giagnorio, Wilson, Breen, Fitzpatrick and Ware

NAYS: None

ABSENT: None

APPROVED this 6th day of September, 2012.


David A. Hulseberg

David A. Hulseberg

Village Manager

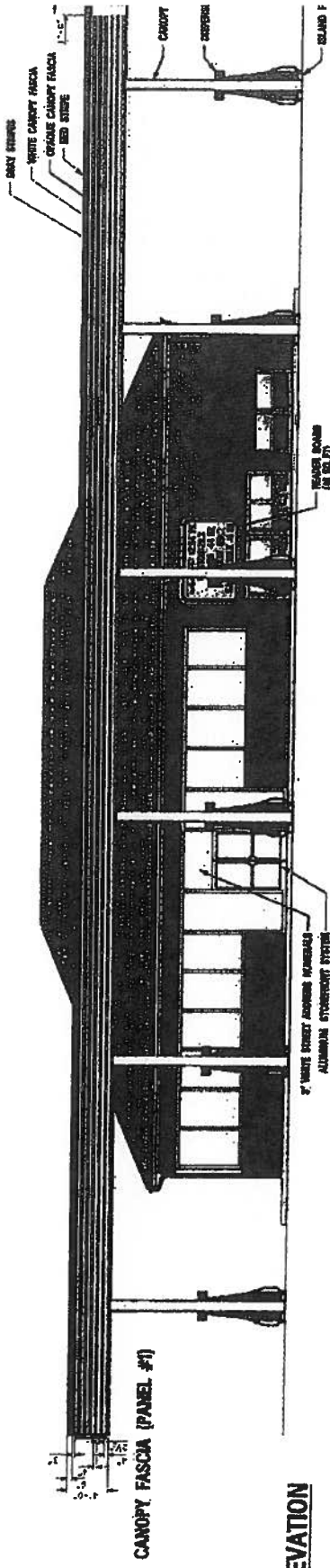
(Pursuant to the Authority Granted by the
Village Board at the September 6, 2012
Village Board Meeting)

ATTEST:


Brigitte O'Brien, Village Clerk

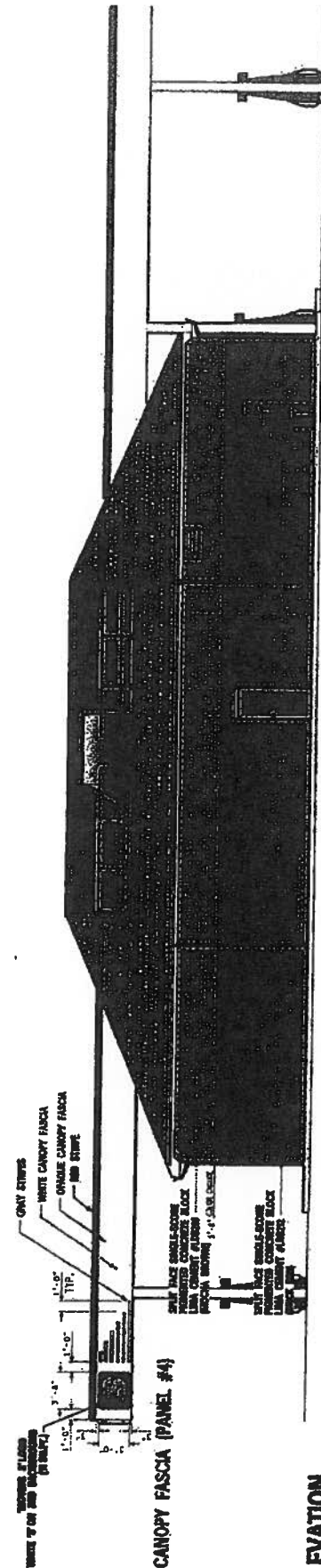
Published by me in pamphlet form this 7th day of September, 2012.


Brigitte O'Brien, Village Clerk



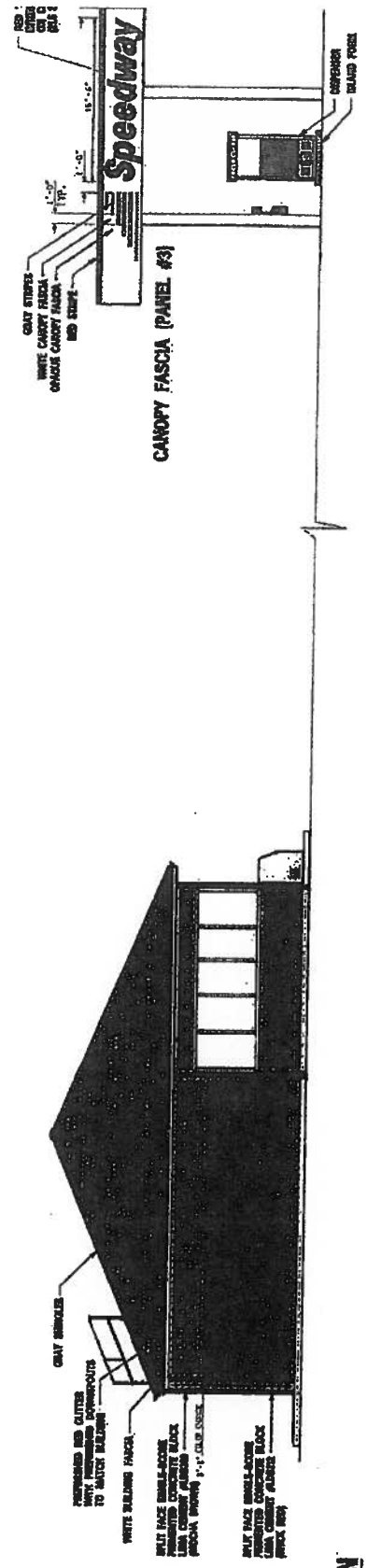
CANOPY FASCIA (PANEL #1)

FRONT ELEVATION



CANOPY FASCIA (PANEL #4)

REAR ELEVATION



CANOPY FASCIA (PANEL #3)

LEFT ELEVATION

GRAY STUCCO
WHITE CANOPY FASCIA