

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: David A. Hulseberg, Village Manager *DAH*

DATE: May 9, 2011 (BOT) Date: May 19, 2011

TITLE: PC 09-15: 275 W. Roosevelt Road (Roundheads Pizza)

SUBMITTED BY: Department of Community Development *WJ*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Department transmits for your consideration an ordinance granting a further time extension to Ordinance 6341 extending the time period for construction of the conditional use approval of an outdoor dining area for an additional twelve month period (June 3, 2012).

Staff recommends approval of this request.

Please place this item on the May 19, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date _____
Finance Director X	_____	Date _____
Village Manager X	<i>David A. Hulseberg</i>	Date <u>5/11/11</u>

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.

1. 2. 3. 4.



MEMORANDUM

TO: David A. Hulseberg, Village Manager

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

DATE: May 19, 2011

SUBJECT: Ordinance Extension-PC 09-15; 275 W. Roosevelt Road
(Roundheads Pizza)

The Board of Trustees approved Ordinance 6341 (PC 09-15) on June 4, 2009 which granted conditional use approval for an outdoor dining area in the B4A Roosevelt Road Corridor District.

On June 3, 2010, the Village Board extended Ordinance 6341 an additional year from the original date of approval because work had not commenced. To date, work still has not begun. 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 6341 and 6488 are 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 to allow them more time to complete the project. 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 6341.

RECOMMENDATION:

Please place this on the May 19, 2011 Village Board agenda. 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 from the original Ordinance expiration date, thus expiring June 3, 2012.

Stilling, Christopher

From: jay nagy [nagman17@sbcglobal.net]
Sent: Thursday, May 05, 2011 12:31 PM
To: Stilling, Christopher
Subject: Roundheads

Hi Chris, please note that we would like to postpone our patio project due to the economic times. If possible can we hold our permit or our variances to do the work? Thanks, Jay Roundheads Pizza

ORDINANCE NO. 6488

**AN ORDINANCE GRANTING
A TIME EXTENSION TO ORDINANCE 6341**

(PC 09-15: 275 W Roosevelt Road)

WHEREAS, on June 4, 2009, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6341, granting a conditional use approval for an outdoor dining area in the B4A Roosevelt Road Corridor District; and

WHEREAS, pursuant to Section 155.103 (F)(12) 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 the conditional use ceases for more than 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 6341; and,

WHEREAS, the Village has received a request to extend the time period of said Ordinances for 1 year; 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 6341 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 the adoption of the original Ordinance (i.e., June 3, 2011).

SECTION 2: That all other provisions associated with Ordinance 6341, 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.

Ordinance No. 6488
Re: PC 09-15 – Time Extension
Page 2

Passed on first reading this _____ day of _____, 2010.

First reading waived by action of the Board of Trustees this 3rd day of June, 2010.

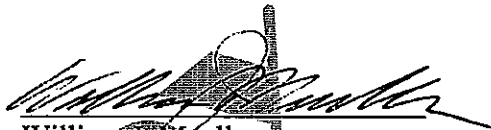
Passed on second reading this 3rd day of June, 2010.

Ayes: Trustees Gron, Wilson, Moreau, Fitzpatrick and Ware


Nays: None

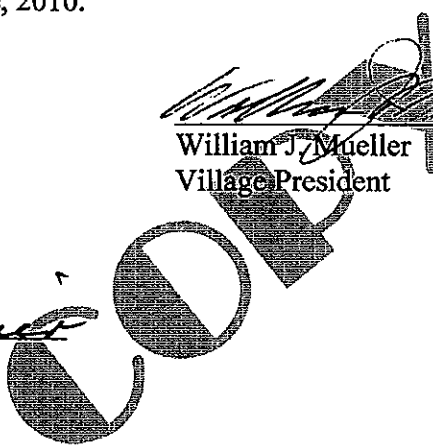
Absent: None

Approved this 3rd, day of June, 2010.


William J. Mueller
Village President

ATTEST:


Brigitte O'Brien
Village Clerk



Published by me in pamphlet from this 3rd day of June, 2010


Brigitte O'Brien
Village Clerk



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
JUL 01, 2009 3:13 PM
OTHER 06-19-201-021
005 PAGES R2009-101453

60148

ORDINANCE 6341

**GRANTING A CONDITIONAL USE PURSUANT TO TITLE
15, CHAPTER 155, SECTION 155.417 (G) (2) (a) OF THE
LOMBARD ZONING ORDINANCE**

PIN: 06-19-201-021 and -022

Address: 275 W. Roosevelt Road, Lombard, IL

Return To:

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

ORDINANCE NO. 6341

**AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO
TITLE 15, CHAPTER 155, SECTION 155.417 (G) (2) (a)
OF THE LOMBARD ZONING ORDINANCE**

(PC 09-15: 275 W Roosevelt Road)

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 B4A Roosevelt Road Corridor District,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for an outside service area on the subject property located within the B4A Roosevelt Road Corridor District; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on May 18, 2009 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, 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 a Conditional Use is hereby granted for the property described in Section 3 below and pursuant to Title 15, Chapter 155, Section 417 (G) (2) (a) of the Zoning Ordinance so as to allow an outside service area.

SECTION 2: That the Ordinance is limited and restricted to the property generally located at 275 W Roosevelt Road, Lombard, Illinois, and legally described as follows:

LOT 1 IN ROOSEVELT PLAZA, BEING A SUBDIVISION IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 39 NORTH, RANGE

11, EAST OF THE THIRD MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 6, 1666 AS DOCUMENT R66-25777, IN DUPAGE COUNTY, ILLINOIS, (EXCEPTING THEREFROM THE PROPERTY DESCRIBED IN A DEDICATION AND PLAT FAVOR OF THE VILLAGE OF LOMBARD, ILLINOIS DATED APRIL 11, 1973 AND RECORDED JUNE 11, 1973 AS DOCUMENT R73-33871 AND CERTIFICATE OF CORRECTION RECORDED AS DOCUMENT R78-14380).

Parcel Number: 06-19-201-021 and -022

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

1. The subject property shall be developed in substantial compliance with the site plan, floor plan, landscape plan, and west elevation plan (D) prepared by William R Gleason, dated 4/7/09, except as they may be changed to meet Village Codes and the following conditions below.
2. The petitioner shall apply for and receive a building permit for the proposed outdoor dining area. Said permit shall satisfactorily address all IDRC comments.
3. The proposed plans shall be revised to reflect the existing 20' sanitary sewer easement. No structures other than the curb and grass area shall encroach into the easement area. No permanent landscaping shall be installed along the entire western edge of the patio in-between the fence and curb. Plans shall be revised in a manner acceptable to the Director of Community Development.

SECTION 4: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder

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 _____ day of _____, 2009.

First reading waived by action of the Board of Trustees this 4th day of June, 2009.

Ordinance No. 6341
Re: PC 09-15
Page 3

Passed on second reading this 4th day of June, 2009.

Ayes: Trustees Gron, Tross, Moreau, Fitzpatrick and Ware

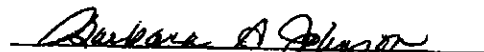
Nays: None

Absent: Wilson

Approved this 4th day of June, 2009.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk deputy

COPY



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

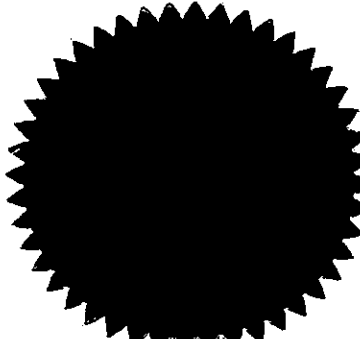
ORDINANCE 6341
GRANTING A CONDITIONAL USE PURSUANT TO
TITLE 15, CHAPTER 155, SECTION 155.417 (G) (2)
(A) OF THE LOMBARD ZONING ORDINANCE

PIN: 06-19-201-021 and -022

Address: 275 W. St. Charles Road,
Lombard, IL

of the said Village as it appears from the official records of said Village duly approved this 4th day of June, 2009.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 29th day of June, 2009.


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

ORDINANCE NO. _____

**AN ORDINANCE GRANTING
A TIME EXTENSION TO ORDINANCE 6341**

(PC 09-15: 275 W Roosevelt Road)

WHEREAS, on June 4, 2009, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6341, granting a conditional use approval for an outdoor dining area in the B4A Roosevelt Road Corridor District; and

WHEREAS, on June 3, 2011, the President and Board of Trustees of the Village of Lombard further extended Ordinance 6341 to allow an additional year from the original date of approval for the project; and

WHEREAS, the petitioner is now requesting an additional one year time extension for the project; and

WHEREAS, pursuant to Section 155.103 (F)(12) 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 the conditional use ceases for more than 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 6341; and,

WHEREAS, the Village has received a request to extend the time period of said Ordinance for 1 year; 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 6341 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 the adoption of the original Ordinance (i.e., June 3, 2012).

Ordinance No. _____
Re: PC 09-15 – 2nd Time Extension
Page 2

SECTION 2: That all other provisions associated with Ordinance 6341, 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 _____, 2011.

First reading waived by action of the Board of Trustees this _____ day of _____, 2011.

Passed on second reading this _____ day of _____, 2011.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2011.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Published by me in pamphlet from this _____ day of _____, 2011

Brigitte O'Brien
Village Clerk