

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


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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE : March 27, 2018 **(BOT) Date:** April 5, 2018

SUBJECT: PC 17-08: 1005 & 1027 E. Division Street – Time Extension Request

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an Ordinance extending the time period to start construction for an additional three month period (i.e. until July 19, 2018).

The Board of Trustees approved Ordinance 7357 (PC 17-08) on April 20, 2017, which granted approval of a conditional use for a planned development with companion variations and deviations, and granted site plan approval authority to the Lombard Plan Commission for the property at 1005 and 1027 E. Division 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

Staff recommends approval of the request.

Fiscal Impact/Funding Source:


Review (as necessary):
Finance Director _____ Date _____
Village Manager _____ 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: Scott R. Niehaus, Village Manager

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

MEETING DATE: April 5, 2018

SUBJECT: **PC 17-08: 1005 & 1027 E. Division Street – Time Extension Request**

The Board of Trustees approved Ordinance 7357 (PC 17-08) on April 20, 2017, which granted approval of a conditional use for a planned development with companion variations and deviations, and granted site plan approval authority to the Lombard Plan Commission for the property at 1005 and 1027 E. Division 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 communication requesting an extension of the approval granted by the Village Board.

A copy of Ordinance 7357 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 three-month period (i.e., until July 19, 2018).

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A TIME EXTENSION TO
ORDINANCE 7357 GRANTING CONDITIONAL USE
APPROVAL FOR A PLANNED DEVELOPMENT WITH
COMPANION VARIATIONS AND DEVIATIONS FROM THE
LOMBARD ZONING ORDINANCE; AND GRANTING SITE
PLAN APPROVAL AUTHORITY TO THE LOMBARD PLAN
COMMISSION**

(PC 17-08: 1005 AND 1027 E. Division Street)

WHEREAS, on April 20, 2017, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7357 which granted approval of a conditional use for a planned development with companion variations and deviations, and granted site plan approval authority to the Lombard Plan Commission; 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 7357; 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 7357 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 three (3) months of the expiration date of this Ordinance (i.e., July 19, 2018).

SECTION 2: That all other provisions associated with Ordinance 7357 not amended by this Ordinance shall remain in full force and effect.

SECTION 3: That this Ordinance is limited and restricted to the property generally located at 1005 and 1027 E. Division Street, Lombard, Illinois, and legally described as follows:

LOT 2 IN THE WEST SUBURBAN ASSOCIATION FOR RETARDED CHILDREN INC. RESUBDIVISION OF LOT 1 IN WEST SUBURBAN ASSOCIATION FOR RETARDED CHILDREN INC. ASSESSMENT PLAT IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 2, 1980 AS DOCUMENT NO. R80-19267, IN DUPAGE COUNTY, ILLINOIS.

LOT 3 IN CASA BELLA RESUBDIVISION IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 7, 2000 AS DOCUMENT NO. R2000-018834, IN DUPAGE COUNTY, ILLINOIS.

1005 E. Division Street: 06-09-309-054
1027 E. Division Street: 06-09-309-053

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 _____, 2018.

First reading waived by action of the Board of Trustees this ____ day of _____, 2018.

Passed on second reading this ____ day of _____, 2018, pursuant to a roll call vote as follows:

Ayes: _____

Nayes: _____

Ordinance No. _____
Re: PC 17-08 – Time Extension
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Absent: _____

Approved by me this _____ day of _____, 2018.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2018.

Sharon Kuderna, Village Clerk

Papke Anna

From: Liz Reyes <liz@lightengalegroup.com>
Sent: Wednesday, March 14, 2018 10:37 AM
To: Papke Anna; To: Eric Huffman; Les Russo; From: Steve D. Friedland
Subject: Over the Rainbow - 1005 E. Division Street

Dear Anna, Over the Rainbow Association (OTR) has been working diligently with the Chicago HUD office to secure a final financing approval. This work with HUD started early last year and we expect to get a final approval this month. In the meantime, we've been working with the other financing partners to prepare for a closing and with the Village to secure the necessary permits and approvals.

We plan to start construction late spring (May or June). We are aware that our zoning approval will expire in April of this year and OTR is therefore requesting an extension until July, to take into account any additional unforeseen delays.

Thank you for your consideration, Liz Reyes

--

Liz Reyes | Senior Project Manager
Lightengale Group | (312) 999-9460

140 South Dearborn St, Suite 1500A
Chicago, IL 60603

Creative Approach. Proven Results.





FRED BUCHOLZ

DUPAGE COUNTY RECORDER

MAY 16, 2017

8:26 AM

OTHER

\$33.00 06-09-309-053

007 PAGES R2017-047171

ORDINANCE 7357

**GRANTING CONDITIONAL USE APPROVAL
FOR A PLANNED DEVELOPMENT WITH COMPANION
VARIATIONS AND DEVIATIONS FROM THE
LOMBARD ZONING ORDINANCE; AND
GRANTING SITE PLAN APPROVAL AUTHORITY
TO THE LOMBARD PLAN COMMISSION**

PIN(s): 06-09-309-054 and 06-09-309-053

ADDRESS: 1005 and 1027 E. Division Street, 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 7357

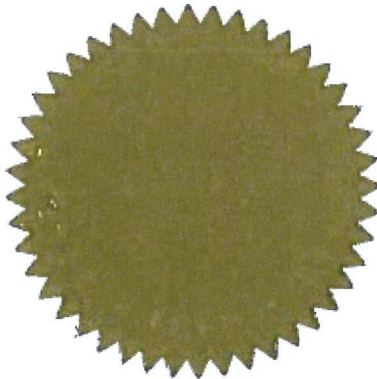
GRANTING CONDITIONAL USE APPROVAL FOR A PLANNED
DEVELOPMENT WITH COMPANION VARIATIONS AND DEVIATIONS
FROM THE LOMBARD ZONING ORDINANCE; AND
GRANTING SITE PLAN APPROVAL AUTHORITY TO
THE LOMBARD PLAN COMMISSION

PIN(s): 06-09-309-054 and 06-09-309-053

ADDRESS: 1005 and 1027 E. Division Street, Lombard, IL 60148

of the said Village as it appears from the official records
of said Village duly approved this 20th
day of April, 2017.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate
Seal of said Village of Lombard, Du Page County, Illinois this 11th
day of May, 2017.



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

**ORDINANCE 7357
PAMPHLET**

**PC 17-08: 1005 AND 1027 E. DIVISION ST.
CONDITIONAL USE, VARIATIONS AND DEVIATIONS,
AND GRANTING SITE PLAN APPROVAL**



**PUBLISHED IN PAMPHLET FORM THIS 21ST DAY OF APRIL, 2017, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.**

A handwritten signature in blue ink that reads "Sharon Kuderna".

**Sharon Kuderna
Village Clerk**

ORDINANCE NO. 7357

**AN ORDINANCE GRANTING CONDITIONAL USE APPROVAL FOR A
PLANNED DEVELOPMENT WITH COMPANION VARIATIONS AND
DEVIATIONS FROM THE LOMBARD ZONING ORDINANCE; AND GRANTING
SITE PLAN APPROVAL AUTHORITY TO THE LOMBARD PLAN
COMMISSION**

(PC 17-08: 1005 and 1027 E. Division Street)

(See also Ordinance No. 7356)

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, an application has heretofore been filed requesting approval of a conditional use for a planned development with companion variations and deviations from the Lombard Zoning Ordinance (Title 15, Chapter 155 of the Village Code), and granting of site plan approval authority to the Lombard Plan Commission, as set forth in Section 1 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on March 27, 2017, 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 for a planned development with companion variations and deviations described herein; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the request to grant site plan approval authority to the Lombard Plan Commission; 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 for a planned development with the following companion variations and deviations from the Lombard Zoning Ordinance, and site plan approval authority, 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. Approve a conditional use for a new planned development with the following companion variations and deviations, reflective of existing buildings and structures already located on the premises:

- a. A deviation from Section 155.409(I) and Section 155.508(C)(6)(b) to reduce the transitional interior side yard building setback for an existing building from fifty feet (50') to fourteen feet (14');
 - b. A variation from Section 155.409(J), Section 155.508(C)(6)(b), and Section 155.707(A) to reduce the depth of the transitional landscape yard;
 - c. A variation from Section 155.707(B) to allow transitional landscape yard improvements;
 - d. A variation from Section 155.706(C)(1) to reduce the required perimeter parking lot landscaping for the south side of an existing parking lot, as depicted on the submitted site and landscape plan;
 - e. A deviation from Section 155.602(A)(3)(e) to allow off-street parking areas open to the sky to be located in a required front yard;
 - f. A deviation from Section 155.602(C), Table 6.2, to reduce the parking ratio for one-bedroom apartment units from one and a half parking spaces per unit to one parking space per unit; and
2. Grant site plan approval authority to the Lombard Plan Commission pursuant to Section 155.511 (site plan approval) of the Lombard Zoning Ordinance.

SECTION 2: That this ordinance is limited and restricted to the subject property generally located at 1005 and 1027 E. Division Street, Lombard, Illinois, and legally described as follows:

LOT 2 IN THE WEST SUBURBAN ASSOCIATION FOR RETARDED CHILDREN INC. RESUBDIVISION OF LOT 1 IN WEST SUBURBAN ASSOCIATION FOR RETARDED CHILDREN INC. ASSESSMENT PLAT IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 2, 1980 AS DOCUMENT NO. R80-19267, IN DUPAGE COUNTY, ILLINOIS.

LOT 3 IN CASA BELLA RESUBDIVISION IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 7, 2000 AS DOCUMENT NO. R2000-018834, IN DUPAGE COUNTY, ILLINOIS.

1005 E. Division Street: 06-09-309-054

1027 E. Division Street: 06-09-309-053

SECTION 3: This Ordinance is approved subject to compliance with the following conditions:

1. That the approvals for conditional use for a planned development with deviations and variations, and granting of site plan approval authority to the Plan Commission, are valid only for the subject property at 1005 and 1027 E. Division Street;
2. That the petitioner shall develop the site in accordance with the following plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Code:
 - a. Site plan, prepared by Weese Langley Weese Architects, Ltd., dated January 30, 2017 and February 20, 2017; and
 - b. Landscape plan, prepared by Weese Langley Weese Architects, Ltd., dated February 14, 2017.
3. That the deviation to reduce the parking ratio to 1.0 space per apartment unit shall be granted on the condition that the petitioner installs an additional seven parking spaces on the site in the event the Village determines they are necessary;
4. That the petitioner shall submit a lighting plan during permit review;
5. That the petitioner shall submit a plat of consolidation for the two parcels;
6. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
7. Pursuant to the Zoning Ordinance, the project construction shall commence within one (1) year from the date of approval of the ordinance, or this approval for a conditional use for a planned development with deviations and variations and granting of site plan approval authority to the Plan Commission shall become null and void unless a time extension has been granted by the Village Board.

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 6th day of April, 2017.

First reading waived by action of the Board of Trustees this ____ day of April, 2017.

Passed on second reading this 20th day of April, 2017.

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

Nays: None

Absent: None

Ordinance No. 7357

Re: PC 17-08

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Approved this 20th day of April, 2017.


Keith T. Giagnorio
Village President

ATTEST:


Sharon Kuderna
Village Clerk

Published by me in pamphlet form on this 21st day of April, 2017


Sharon Kuderna
Village Clerk