

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 16-10: 550 E. 22nd Street - Time Extension Request

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an Ordinance granting a time extension to Ordinance 7243 granting a conditional use and a deviation pursuant to Title 15, Chapter 155 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 \_\_\_\_\_

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 *WJH*

**MEETING DATE:** July 20, 2017

**SUBJECT:** **PC 16-10: 550 E. 22<sup>nd</sup> Street – Time Extension Request**

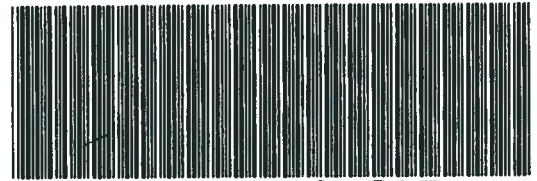
The Board of Trustees approved Ordinance 7243 (PC 16-10) on July 21, 2016 which granted approval of a conditional use for a planned development, a reduced rear yard setback, and for more than one principal structure on one lot-of-record for 550 E. 22<sup>nd</sup> Street. Per the provisions of the Zoning 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 petitioner has submitted the attached letter requesting an extension of the approval granted by the Village Board.

A copy of Ordinance 7243 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 July 20, 2018). The petitioner is requesting a waiver of first reading of the Ordinance.



**FRED BUCHOLZ**

DUPAGE COUNTY RECORDER

AUG. 04, 2016

11:13 AM

OTHER \$32.00 06-20-405-013

**ORDINANCE 7243 006 PAGES R2016-080955**

**GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.409(C), A CONDITIONAL USE TO ALLOW FOR MORE THAN ONE BUILDING ON A LOT OF RECORD FROM SECTION 155.208(C) AND A DEVIATION FOR A REAR YARD SETBACK FROM SECTION 155.409(F)(3)(d) OF THE LOMBARD ZONING ORDINANCE**

**PIN(s): 06-20-405-013; (the "Subject Property")**

**ADDRESS: 550 E. 22nd Street (Yorktown Village Townhomes),  
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 7243

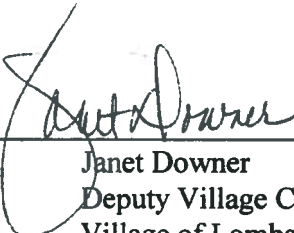
GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.409(C), A CONDITIONAL USE TO ALLOW FOR MORE THAN ONE BUILDING ON A LOT OF RECORD FROM SECTION 155.208(C) AND A DEVIATION FOR A REAR YARD SETBACK FROM SECTION 155.409(F)(3)(d) OF THE LOMBARD ZONING ORDINANCE

PIN(s): 06-20-405-013; (the "Subject Property")

ADDRESS: 550 E. 22nd Street (Yorktown Village Townhomes), Lombard, IL 60148

of the said Village as it appears from the official records  
of said Village duly approved this 21st  
day of July, 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 3rd day of August, 2016.



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

**ORDINANCE 7243  
PAMPHLET**

**PC 16-10: 550 E. 22<sup>nd</sup> STREET**



**PUBLISHED IN PAMPHLET FORM THIS 22<sup>nd</sup> DAY OF JULY, 2016, BY ORDER  
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE  
COUNTY, ILLINOIS.**

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

**Sharon Kuderna  
Village Clerk**

**ORDINANCE NO. 7243**

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR A  
PLANNED DEVELOPMENT PURSUANT TO TITLE 15, CHAPTER  
155, SECTION 155.409(C), A CONDITIONAL USE TO ALLOW FOR  
MORE THAN ONE BUILDING ON A LOT OF RECORD FROM  
SECTION 155.208(C) AND A DEVIATION FOR A REAR YARD  
SETBACK FROM SECTION 155.409(F)(3)(d) OF THE LOMBARD  
ZONING ORDINANCE**

**PC 16-10; 550 E. 22<sup>nd</sup> Street (Yorktown Village Townhomes)**

**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 as defined below is zoned R4 Limited General Residence District; and,**

**WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Section 155.409 (C) of the Lombard Zoning Ordinance for a planned development, a conditional use pursuant to Section 155.208(C) to allow more than one building on a lot of record and a deviation from Section 155.409(F)(3)(d) to reduce the rear yard setback to nine feet (9') where thirty feet (30') is required to allow for a new townhome subdivision;**

**WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on June 20, 2016 pursuant to appropriate and legal notice; and,**

**WHEREAS, the Plan Commission has recommended the granting of the conditional uses, subject to certain terms and conditions; and,**

**WHEREAS, the President and Board of Trustees of the Village of Lombard have determined that it is in the best interest of the Village of Lombard to approve the requested zoning actions 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 pursuant to Section 155.409(C) for a planned development is hereby granted for the Subject Property legally described in Section 4 and subject to the conditions set forth in Section 5.**

**SECTION 2: That a conditional use from Section 155.208(C) to allow for more than one building on a lot of record is hereby granted for the Subject Property legally described in Section 4 and subject to the conditions set forth in Section 5.**

**SECTION 3:** That a deviation granted from Section 155.409(F)(3)(d) for a rear yard setback of nine (9) feet where thirty (30) feet is required is hereby granted for the Subject Property legally described in Section 4 and subject to the conditions set forth in Section 5.

**SECTION 4:** That this Ordinance is limited and restricted to the property located at 550 E. 22<sup>nd</sup> Street, Lombard, Illinois and legally described as follows:

LOT 2 IN FAIRFIELD PLAZA SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHEAST ¼ OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 18, 1986 AS DOCUMENT NUMBER R86-95639, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-20-405-013; (the "Subject Property").

**SECTION 5:** 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.
2. As part of the final engineering review, the petitioner shall submit to the Village for review and approval a plan showing the access configuration with the creation of a left-in only turn lane to be located at the western access drive into the development and that the petitioner shall be obligated to construct the improvements accordingly.
3. The petitioner shall satisfactorily address all other development comments identified within the Inter-department Review Report as part of any future permits as part of the project.
4. The petitioner shall apply for and receive final engineering approval from the Village. Upon such approval, the petitioner shall submit a final plat for Village Board approval and recording.
5. The petitioner shall provide for a continuous sidewalk from Fairfield Court to 22<sup>nd</sup> Street.

**SECTION 6:** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Ordinance No. 7243

PC 16-10

Page 3 of 3

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

First reading waived by action of the Board of Trustees this 21<sup>st</sup> day of July, 2016.

Passed on second reading this 21<sup>st</sup> day of July, 2016.

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

Nays: None

Absent: Trustee Pike

Approved this 21<sup>st</sup> day of July, 2016.

  
Keith T. Giagnorio  
Village President

ATTEST:

  
Sharon Kuderna  
Village Clerk

Published by me in pamphlet form on this 22<sup>nd</sup> day of July, 2016.

  
Sharon Kuderna  
Village Clerk



## Ganser, Jennifer

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**From:** Sam Shakir <Rubinainc@aol.com>  
**Sent:** Saturday, June 24, 2017 12:31 AM  
**To:** Ganser, Jennifer  
**Cc:** noushair.karim@gmail.com  
**Subject:** Re: 550 E. 22nd Street, Lombard

Jennifer I highly appreciate your information, I would certainly like to get a one year extension because of financing issues with the lender is in process. Any further concern please contact me at 6309450371.

Sam Shakir

Sent from my iPhone

On Jun 23, 2017, at 11:40 PM, Ganser, Jennifer <[GanserJ@villageoflombard.org](mailto:GanserJ@villageoflombard.org)> wrote:

Sam & Nick,

Approvals for the approved townhomes at 550 E. 22<sup>nd</sup> Street will expire on July 21, 2017, which is one (1) year from the date of approval. Will you be letting the approvals lapse? If so, should you wish to build townhomes in the future you would need to go thru the zoning process again. The Village Board does have the authority to grant a one (1) year time extension. Should you wish to request that, I need a request from you in writing (email is ok) stating why a time extension is necessary. Please let me know either way by June 30, 2017.

Thank you.

Jennifer

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

<image001.png>

Phone: (630) 620-5717  
Fax: (630) 620-2374  
Email: [ganserj@villageoflombard.org](mailto:ganserj@villageoflombard.org)

Web: [www.villageoflombard.org](http://www.villageoflombard.org)

Follow us:

<image002.png> <image003.png> <image004.png>

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

**AN ORDINANCE GRANTING A TIME EXTENSION TO  
ORDINANCE 7243 GRANTING A CONDITIONAL USE FOR A  
PLANNED DEVELOPMENT PURSUANT TO TITLE 15,  
CHAPTER 155, SECTION 155.409(C), A CONDITIONAL USE TO  
ALLOW FOR MORE THAN ONE BUILDING ON A LOT OF  
RECORD FROM SECTION 155.208(C) AND A DEVIATION FOR  
A REAR YARD SETBACK FROM SECTION 155.409(F)(3)(d) OF  
THE LOMBARD ZONING ORDINANCE**

PC 16-10; 550 E. 22<sup>nd</sup> Street (Yorktown Village Townhomes)

WHEREAS, on July 21, 2016, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7243 which granted approval of a conditional use pursuant to Section 155.409 (C) of the Lombard Zoning Ordinance for a planned development, a conditional use pursuant to Section 155.208(C) to allow more than one building on a lot of record and a deviation from Section 155.409(F)(3)(d) to reduce the rear yard setback to nine feet (9') where thirty feet (30') is required to allow for a new townhome subdivision;

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 7243; 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 7243 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., July 20, 2018).

SECTION 2: That all other provisions associated with Ordinance 7243 not amended by this Ordinance shall remain in full force and effect.

SECTION 3: That this Ordinance is limited and restricted to the property located at 550 E. 22<sup>nd</sup> Street, Lombard, Illinois and legally described as follows:

LOT 2 IN FAIRFIELD PLAZA SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHEAST ¼ OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 18, 1986 AS DOCUMENT NUMBER R86-95639, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-20-405-013; (the “Subject 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 \_\_\_\_\_, 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.

\_\_\_\_\_

Ordinance No. \_\_\_\_\_  
Re: PC 16-10 – Time Extension  
Page 3 of 3

Keith Giagnorio, Village President

ATTEST:

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

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

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