

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Huliseberg, Village Manager *da*

DATE: February 11, 2009 (BOT) Date: February 19, 2009

TITLE: ZBA 03-27: 25 E. North Avenue

SUBMITTED BY: Department of Community Development *WV*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development submits for your consideration an ordinance granting an extension of Ordinances 5423, 5605, 5809, 5995 and 6147 relative to further extending the time period in which to start construction of the approved project at 25 East North Avenue for an additional twelve-month period. (DISTRICT #4)

Staff recommends approval of this request.

Staff is requesting a waiver of first reading.

Please place this item on the February 19, 2009 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager <i>David A. Huliseberg</i>	_____	Date	2/11/09

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, Village Manager
FROM: William J. Heniff, AICP *WJH*
Director of Community Development
DATE: February 19, 2009

SUBJECT: ZBA 03-27: 25 E. North Avenue – Further Time Extension Ordinance

On February 5, 2004, the Village Board adopted Ordinance 5423, which granted approval of a variation from Section 155.414 (K) of the Zoning Ordinance to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') in the B3 Community Shopping District. Pursuant to Section 155.103 (C)(10) of the Zoning Ordinance, variations are null and void if construction is not substantially underway within one year from the date of granting thereof, unless a time extension is granted by the Village Board. Further one year time extensions to commence construction were granted on February 3, 2005 (Ordinance 5605), February 2, 2006 (Ordinance 5809), March 1, 2007 (Ordinance 5995) and February 21, 2008 (Ordinance 6147). Subsequent time extensions also obligated the petitioner to bury an existing overhead electrical line over Main Street.

Staff has received a request from the petitioner requesting a fifth time extension to the Ordinances of approval. This request will allow the petitioner to proceed with the development as it was originally approved by the Village Board without the need for a new public hearing. The property owner has been working with staff and DuPage County to address the significant drainage issues associated with the project. The petitioner has now submitted revised and updated engineering plans for the proposed retail center, which are currently being reviewed by staff. The petitioner is also in the final engineering review phase with DuPage County. Additionally, the applicant is finalizing their building plans based on the 2003 approval and as revised by the engineering plans.

Staff supports the petitioner's request.

ACTION REQUESTED

Please place this item on the February 19, 2009 Village Board agenda with a recommendation to approve the attached Ordinance with a waiver of first reading.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING
A FURTHER TIME EXTENSION OF ORDINANCES 5423, 5605, 5809, 5995 AND 6147**

(ZBA 03-27: 25 E. North Avenue)

WHEREAS, on February 5, 2004, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5423, which granted approval of a variation from Section 155.414 (K) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') the B3 Community Shopping District, located at 25 E. North Avenue (the "Subject Property"); and

WHEREAS, the President and Board of Trustees adopted Ordinance 5605 on February 3, 2005, granting an amendment to Ordinance 5423 which extended the period in which the petitioner shall obtain a building permit and start the associated project for a one-year period; and

WHEREAS, the President and Board of Trustees adopted Ordinance 5809 on February 2, 2006, granting an amendment to Ordinance 5423 which extended the period in which the petitioner shall obtain a building permit and start the associated project for a one-year period, but subject to additional conditions of approval; and

WHEREAS, the President and Board of Trustees adopted Ordinance 5995 on March 1, 2007, granting an amendment to Ordinance 5423 which extended the period in which the petitioner shall obtain a building permit and start the associated project for a one-year period, but subject to additional conditions of approval; and

WHEREAS, the President and Board of Trustees adopted Ordinance 6147 on February 21, 2008, granting an amendment to Ordinance 5423 which extended the period in which the petitioner shall obtain a building permit and start the associated project for a one-year period, but subject to additional conditions of approval; and

WHEREAS, pursuant to Section 155.103 (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, variations 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 Ordinance 5423, 5605, 5809, 5995 and 6147; and,

WHEREAS, the property owner has submitted a building permit application and building and engineering plans to the Village, DuPage County and the Illinois Department of Transportation for review and approval for the subject property and the property owner seeks to develop the site consistent with the initial plans submitted for approval and subject to the conditions of approval established by the Village; and,

WHEREAS, the Village has received a letter requesting an additional extension of the aforementioned Ordinances, for an additional one-year period; 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: Ordinances 5423, 5605, 5809, 5995 and 6147 are 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 adoption of this Ordinance.

SECTION 2: In consideration of the subsequent time extensions of approval, the property owner/petitioner shall bury any electrical service lines required to serve the subject property as required in Ordinances 5809, 5995 and 6147.

SECTION 3: This ordinance is limited and restricted to the property generally located at 25 E. North Avenue, Lombard, Illinois, and legally described as follows:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER AND RUNNING THENCE SOUTH 3 DEGREES 25 MINUTES 23 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION, 103.5 FEET TO THE SOUTH LINE OF THE RIGHT OF WAY OF STATE HIGHWAY ROUTE 64 (ALSO KNOWN AS NORTH AVENUE); THENCE SOUTH 89 DEGREES 29 MINUTES 06 SECONDS EAST, ALONG SAID SOUTH LINE, 314.48 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 29 MINUTES 06 SECONDS EAST, ALONG SAID SOUTH LINE OF NORTH AVENUE, 166.16 FEET TO A LINE THAT IS PARALLEL WITH AND 400 FEET EAST (MEASURED AT

RIGHT ANGLES) FROM THE EAST LINE OF MAIN STREET BY DOCUMENT RECORDED SEPTEMBER 11, 1928 AS NO. 265516; THENCE SOUTH 03 DEGREES 25 MINUTES 23 SECONDS WEST, ALONG SAID PARALLEL LINE, 195.25 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 06 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF NORTH AVENUE, 166.16 FEET; THENCE NORTH 03 DEGREES 25 MINUTES 23 SECONDS EAST PARALLEL WITH THE EAST LINE OF MAIN STREET, 195.25 FEET TO THE POINT OF BEGINNING, IN DU PAGE COUNTY ILLINOIS.

Parcel No: 06-05-100-054

SECTION 4: All other provisions associated with Ordinances 5423, 5605, 5809, 5995 and 6147, not amended by this Ordinance, shall remain in full force and effect.

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 _____ day of _____, 2009.

Passed on second reading this _____ day of _____, 2009.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2009.

William J. Mueller
Village President

ATTEST:

Briditte O'Brien
Village Clerk

Published by me in pamphlet form this _____ day of _____, 2009.

Briditte O'Brien
Village Clerk