

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: February 8, 2011 (BOT) Date: February 17, 2011
TITLE: ZBA 03-27: 25 E. North Avenue
SUBMITTED BY: Department of Community Development *WLB*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development submits for your consideration an ordinance granting an extension of Ordinances 5423, 5605, 5809, 5995, 6147, 6303 and 6443 relative to further extending the time period in which to start construction of the approved project at 25 East North Avenue until December 31, 2012.

Staff recommends approval of this request.

Please place this item on the February 17, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *dahulseberg* _____ Date 2/8/11

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
Director of Community Development *WJH*

DATE: February 17, 2011

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), February 21, 2008 (Ordinance 6147), February 19, 2009 (Ordinance 6303) and February 18, 2010 (Ordinance 6443). Subsequent time extensions also obligated the petitioner to bury an existing overhead electrical line over Main Street.

After being advised that the variation was about to expire, the petitioner is requesting a further time extension, as stated in the attached letter. The petitioner notes that the development has been delayed due to current economic conditions. To date, the property owner has received their permit from DuPage County, which will expire on December 31, 2012. Therefore, they are requesting the extension to coincide with their DuPage County permit.

Staff believes that granting an extension is in the best interest of the Village, provided that the petitioner adheres to conditions incorporated in the original Ordinance, and past extensions. Moreover, staff believes it is in the best interest of the Village to extend the previous approvals, as it will allow the property owner to be able to market a "pre-approved" development plan.

ACTION REQUESTED

Please place this item on the February 17, 2011 Village Board agenda. Staff recommends that the Village Board approve an Ordinance extending the time period for construction until December 31, 2012. A copy of Ordinances 5423, 5605, 5809, 5995, 6147, 6303 and 6443 are also attached.

Monday, February 07, 2011

VILLAGE OF LOMBARD

REFERENCE: NORTH AND MAIN PLAZA LLC

ATTN: STILLING

PROJECT: PROPOSED NORTH & MAIN PLAZA LLC
25 EAST NORTH AVE

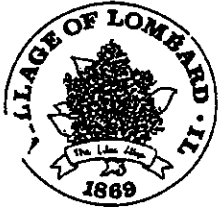
NORTH & MAIN PLAZA, LLC. REQUESTING THE EXTENSION OF # ZBA 0327
SITE VARIANCES FOR THE ABOVE – MENTIONED PROJECT.FOR TILL DEC 31,
2012

THE OWNER IS STILL SEEKING TO COMPLETE THE PROJECT IN THE NEAR
FUTURE.

BANK NOT APPROVING A LOAN.

THANK YOU

MOHAMMAD HOCKLA



COPY



J.P. "RICK" GARNEY

DUPAGE COUNTY RECORDER

AUG. 09, 2004

2:25 PM

OTHER

06-05-100-054

006 PAGES

R2004-212641

ORDINANCE 5423

**APPROVING A VARIATION OF THE LOMBARD ZONING
ORDINANCE TITLE 15, CHAPTER 155**

PIN: 06-05-100-054

**Common Address: 25 E. NORTH AVE.,
LOMBARD, ILLINOIS**

Return To:

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

ORDINANCE NO. 5423

**AN ORDINANCE APPROVING A VARIATION
OF THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

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

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 R2 Single-Family Residence District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.414 (K) of the Lombard Zoning Ordinance to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') the B3 Community Shopping District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on December 17, 2003 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings and recommendations to the Board of Trustees with a recommendation of approval of the requested variation, subject to conditions; and,

WHEREAS, the President and Board of Trustees does concur with the findings of the Zoning Board of Appeals; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation subject to conditions.

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 variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.414 (K) of the Lombard Zoning Ordinance to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') the B3 Community Shopping District for the property described in Section 2 below, subject to the conditions noted in Section 3 below.

Ordinance No. 5423

Re: ZBA 03-27

Page 2

SECTION 2: 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 3: This ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with the site plans prepared by GEA Architects, Ltd., updated December 16, 2003 and submitted as part of this request.
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. That as part of the public improvements, the petitioner shall provide full public improvements as required by Sections 154.304 and 154.306 of the Lombard Subdivision and Development Ordinance. The final design and location of all public improvements shall be reviewed and approved by the Village and/or the Illinois Department of Transportation.

4. That any trash enclosure screening as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the principal building.
5. To ensure that the proposed signage and awnings present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
 - a. That channel lettering shall only be used for the wall signs.
 - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
 - c. That the awnings shall be of a uniform design and color around the building.
6. That the petitioner shall effectuate improvements on the abutting gas station property, as shown on the petitioner's submitted plans. These improvements shall include widening the drive aisle around the gas station building and sign and stripe the car wash drive through lane in a manner that minimizes vehicle conflicts on the property. Said design shall be subject to review and approval of the Director of Community Development.
7. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall operate the property, as follows:
 - a. Overnight parking shall be prohibited south of the proposed building.
 - b. No more than fifty (50%) of the proposed building square footage shall be allowed to be occupied by restaurant uses.
 - c. That the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.
8. That the petitioner shall provide a plat of subdivision for the subject property making the property a lot of record.
9. That the following elevational changes shall be made to the property, as follows:
 - a. The petitioner shall modify the proposed east, south and west elevations to break up the proposed brick mass. The modified elevations may include a combination of inset brick, window or spandrel glass insets and/or use of an additional brick color. The final design of the wall elevations shall be subject to the Director of Community Development.
 - b. That the proposed woodscreen on the south elevation be replaced with an extended parapet wall similar to the other three building elevations.
 - c. That additional awnings shall be placed on the access doors, consistent with the other three proposed elevations.

Ordinance Nb. 5423
Re: ZBA 03-27
Page 4

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 15th day of January, 2004.

First reading waived by action of the Board of Trustees this ___ day of _____, 2004.

Passed on second reading this 5th day of February, 2004.

Ayes: Trustees DeStephano, Tross, Koenig, Sebby, Florey, Soderstrom

Nays: None

Absent: None

Approved this 5th day of February, 2004.


William J. Mueller, Village President

ATTEST:


Barbara A. Johnson, Deputy Village Clerk

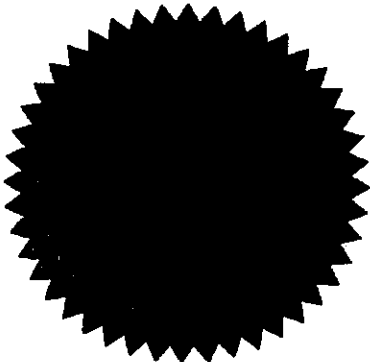


I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard, DuPage County, Illinois**, as authorized by Statute and provided by local Ordinance, and as such Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a true and correct copy of ORDINANCE 5423, AN ORDINANCE APPROVING A VARIATION OF THE LOMBARD ZONING ORDINANCE TITLE 15, CHAPTER 155, OF THE CODE OF LOMBARD, ILLINOIS, FOR THE PROPERTY LOCATED AT 25 EAST NORTH AVENUE, PIN 06-05-100-054

of the said Village as it appears from the official records of said Village duly passed on February 5, 2004.

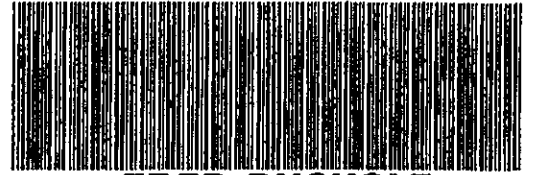
In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said Village of Lombard, Du Page County, Illinois this 13th day of July, 2004.



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



COPY



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
JUL 27, 2005 10:13 AM
OTHER 06-05-100-054
005 PAGES R2005-161433

ORDINANCE 5605

GRANTING A TIME EXTENSION OF ORDINANCE 5423

PIN: 06-05-100-054

Common Addresses: 25 E. North Ave., Lombard, IL

Return To:

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

ORDINANCE NO. 5605

**AN ORDINANCE GRANTING
A TIME EXTENSION OF ORDINANCE 5423**

(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; 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; and,

WHEREAS, the Village has received a letter requesting an extension of Ordinance 5423; 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 5423 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 adoption of this Ordinance.

SECTION 2: That all other provisions associated with Ordinance 5423, not amended by this Ordinance, shall remain in full force and effect.

LEGAL DESCRIPTION

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

Ordinance No. 5605
Re: ZBA 03-27 - Extension
Page 2

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 _____, 2005.

First reading waived by action of the Board of Trustees this 3rd day of February, 2005.


Passed on second reading this 3rd day of February, 2005.

Ayes: Trustees Tross, Koenig, Sebby, Florey and Soderstrom

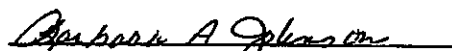
Nays: None

Absent: None Excused: Trustee Williams

Approved this 3rd, day of February, 2005.


William J. Mueller
Village President

ATTEST:

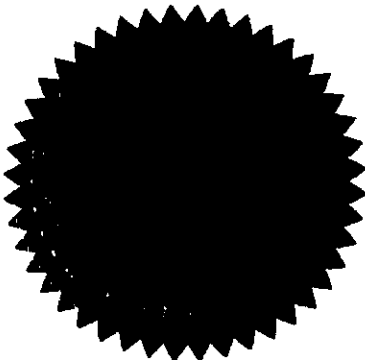

Barbara A. Johnson
Deputy Village Clerk

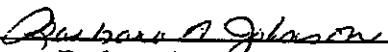


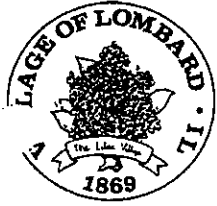
I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a true and correct copy of ORDINANCE 5605
AN ORDINANCE GRANTING A TIME EXTENSION
OF ORDINANCE 5423, FOR THE PROPERTY
LOCATED AT 25 E. NORTH AVENUE,
LOMBARD, DUPAGE COUNTY, ILLINOIS
of the said Village as it appears from the official records of said Village duly passed on February 3, 2005.

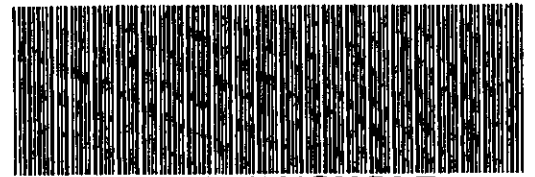
In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 22nd day of February, 2005.




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



COPY



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
MAR.03,2006 11:10 AM
OTHER 06-05-100-054
005 PAGES R2006-039002

ORDINANCE 5809

**GRANTING A FURTHER TIME EXTENSION RELATIVE
TO THE VARIATION GRANTED BY ORDINANCE 5423**

PIN: 06-05-100-054

Address: 25 E. North Avenue, Lombard

Return To:

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

ORDINANCE NO. 5809

**AN ORDINANCE GRANTING
A FURTHER TIME EXTENSION RELATIVE TO THE VARIATION GRANTED BY
ORDINANCE 5423**

(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') in the B3 Community Shopping District for the below described property; 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 relative to the variation granted by Ordinance 5423; 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 an additional one-year period; and

WHEREAS, the Village has received a letter requesting a second extension of Ordinance 5423 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, subject to certain additional terms and conditions as more fully set forth below;

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 the variation granted by Ordinance 5423 and extended by Ordinance 5605 is hereby further 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, subject to the terms and conditions set forth in Section 2 below.

SECTION 2: In consideration of the second extension of the variation granted by Ordinance, the property owner/petitioner shall bury any electrical service lines required to serve the subject property, as described in Section 3 below. Compliance with this Section shall consist of the removal of the existing overhead electric line crossing Main Street, which serves the existing business establishment at 5 East North Avenue and replacing the overhead line with a buried line to be located underneath Main Street and/or North Avenue, with buried service lines to 5 East North Avenue and 25 East North Avenue (Parcel Identification Numbers 06-05-100-054 and 055).

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

Ordinance No. 5809
Re: ZBA 03-27 – Second Extension
Page 3

SECTION 4: All other provisions of Ordinances 5423 and 5605, 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 _____, 2006.

First reading waived by action of the Board of Trustees this 2nd day of February, 2006.


Passed on second reading this 2nd day of February, 2006.

Ayes: Trustees Gron, Tross, O'Brien, Sebby, Florey and Soderstrom

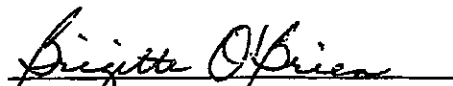
Nayes: None

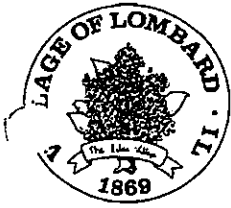
Absent: None

Approved this 2nd day of February, 2006.


William J. Mueller
Village President

ATTEST:


Brigitte O'Brien
Village Clerk



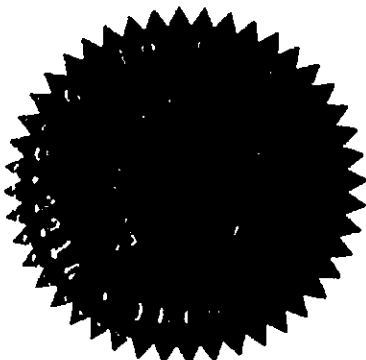
I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

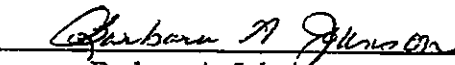
I further certify that attached hereto is a true and correct copy of ORDINANCE 5809

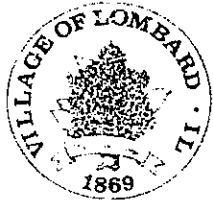
AN ORDINANCE GRANTING A FURTHER TIME
EXTENSION RELATIVE TO THE VARIATION
GRANTED BY ORDINANCE 5423 FOR THE
PROPERTY LOCATED AT 25 E. NORTH AVENUE,
LOMBARD, DUPAGE COUNTY, ILLINOIS,
PIN # 06-05-100-054

of the said Village as it appears from the official records of said Village duly passed on February 2, 2006.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 28th day of February, 2006.




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



COPY



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
APR.06,2007 4:27 PM
OTHER 06-05-100-054
006 PAGES R2007-064116

ORDINANCE 5995

**GRANTING A FURTHER TIME EXTENSION OF
ORDINANCES 5809, 5423 AND 5605**

PIN: 06-05-100-054

Address: 25 E. North Avenue, Lombard

Return To:

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

5995

ORDINANCE NO. _____

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

(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, 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 Ordinances 5809, 5423 and 5605; and,

WHEREAS, the property owner has represented to the Village that the Subject Property is being actively marketed 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 5809, for an additional one-year period; and,

Ordinance No. 5995
Re: ZBA 03-27 -- Third Extension
Page 2

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 5809, 5423 and 5605 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 second extension of approval, the property owner/petitioner shall bury any electrical service lines required to serve the subject property.

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

Ordinance No. 5995
Re: ZBA 03-27 - Third Extension
Page 3

SECTION 4: All other provisions associated with Ordinances 5809, 5423 and 5605, 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 15th day of February, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

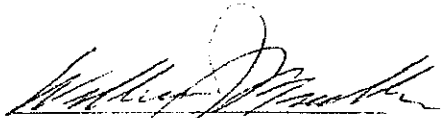
Passed on second reading this 1st day of March, 2007.

Ayes: Trustees Gron, Tross, O'Brien, Sebby, Florey & Soderstrom

Nays: None

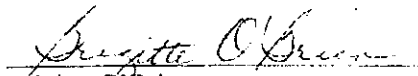
Absent: None

Approved this 1st day of March, 2007.



William J. Mueller
Village President

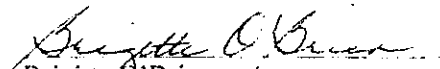
ATTEST:



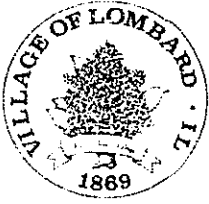
Brigitte O'Brien
Village Clerk

Ordinance No. 5995
Re: ZBA 03-27 -- Third Extension
Page 4

Published by me in pamphlet form this 6th day of March, 2007.


Brigitte O'Brien
Village Clerk

fr:cdvapps worduser/zbauses03 03-27 and extension #3.doc



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.

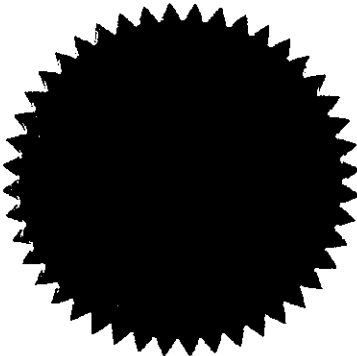
I further certify that attached hereto is a
copy of ORDINANCE 5995
GRANTING A FURTHER TIME EXTENSION OF
ORDINANCES 5809, 5423 AND 5605

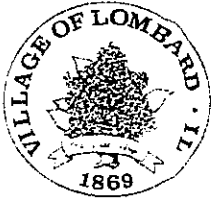
PIN: 06-05-100-054

ADDRESS: 25 E. NORTH AVENUE, LOMBARD, IL
of the said Village as it appears from the official records of
said Village duly approved March 1, 2007.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 9th day of March, 2007

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





COPY



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
MAR.06,2008 3:30 PM
OTHER 06-05-100-054
006 PAGES R2008-036394

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.

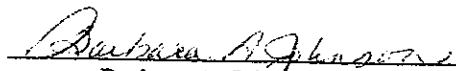
I further certify that attached hereto is a
copy of ORDINANCE 6147

GRANTING A FURTHER TIME EXTENSION OF
ORDINANCES 5423, 5605, 5809 AND 5995

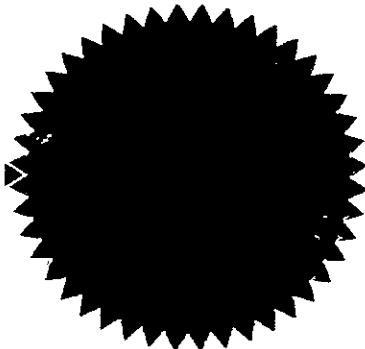
ADDRESS: 25 E. NORTH AVENUE, LOMBARD, IL
PIN: 06-05-100-054

of the said Village as it appears from the official records of
said Village duly approved February 21, 2008.

In Witness Whereof, I have hereunto affixed my official signature and the
Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this
25th day of February, 2008.



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



ORDINANCE NO. 6147

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

(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, 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 and 5995; 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 and 5995 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 and 5995.

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

Ordinance No. 6147
Re: ZBA 03-27 – Fourth Extension
Page 3

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 and 5995, 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 7th day of February, 2008.

First reading waived by action of the Board of Trustees this ____ day of _____, 2008.


Passed on second reading this 21st day of February, 2008, pursuant to a roll call vote as follows:

AYES: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick and Soderstrom

NAYS: None

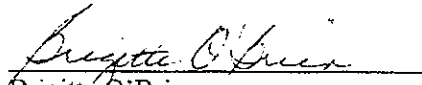
ABSENT: None

APPROVED this 21st day of February, 2008.


William J. Mueller
Village President

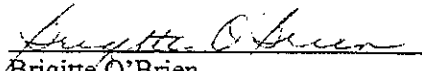
Ordinance No. 6147
Re: ZBA 03-27 – Fourth Extension
Page 4

ATTEST:



Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this 22nd day of February, 2008.



Brigitte O'Brien
Village Clerk

1



COPY



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
APR. 17, 2009 3:30 PM
OTHER 06-05-100-054
006 PAGES R2009-057162

ORDINANCE 6303

6

**GRANTING A FURTHER TIME EXTENSION OF
ORDINANCES 5423, 5605, 5809, 5995 and 6147**

PIN: 06-05-100-054

Address: 25 E. North Avenue, Lombard, IL

Return To:

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

6

ORDINANCE NO. 6303

**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

Ordinance No. 6303
Re: ZBA 03-27 – Fifth Extension
Page 3

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 19th day of February, 2009.

Passed on second reading this 19th day of February, 2009.

Ayes: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick and Soderstrom

Nays: None

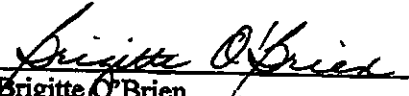
Absent: None

Approved this 19th, day of February, 2009.


William J. Mueller
Village President

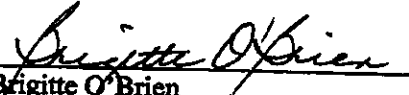
ATTEST:

Ordinance No. 6303
Re: ZBA 03-27 – Fifth Extension
Page 4



Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this 23rd day of February, 2009.



Brigitte O'Brien
Village Clerk



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 6303

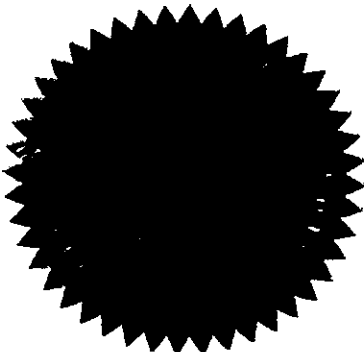
GRANTING A FURTHER TIME EXTENSION OF
ORDINANCES 5423, 5605, 5809, 5995 AND 6147

PIN: 06-05-100-054

25 E. North Avenue, Lombard

of the said Village as it appears from the official records of said Village duly approved this 19th day of February, 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 6th day of March, 2009.



Barbara A. Johnson

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

COPY

ORDINANCE NO. 6443

**AN ORDINANCE GRANTING
A FURTHER TIME EXTENSION OF ORDINANCES 5423, 5605, 5809, 5995, 6147 AND
6303**

(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, the President and Board of Trustees adopted Ordinance 6303 on February 19, 2009, 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 6147, and 6303; 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, 6147 and 6303 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, 6147 and 6303.

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 DUPAGE COUNTY ILLINOIS.

Parcel No: 06-05-100-054

SECTION 4: All other provisions associated with Ordinances 5423, 5605, 5809, 5995, 6147 and 6303, 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 _____, 2010.

First reading waived by action of the Board of Trustees this 18th day of February, 2009.

Passed on second reading this 18th day of February, 2010.

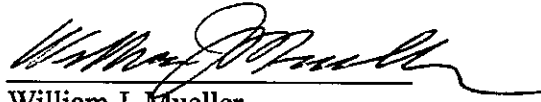
Ayes: Trustees Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware

Nays: None

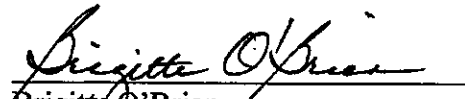
Absent: None

Ordinance No. 6443
Re: ZBA 03-27 – Sixth Extension
Page 4

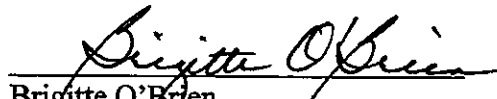
Approved this 18th, day of February, 2010.


William J. Mueller
Village President

ATTEST:


Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this 19th day of February, 2010.


Brigitte O'Brien
Village Clerk

ORDINANCE NO. _____

**AN ORDINANCE GRANTING
A FURTHER TIME EXTENSION OF ORDINANCES 5423, 5605, 5809, 5995, 6147, 6303
AND 6443**

(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, the President and Board of Trustees adopted Ordinance 6303 on February 19, 2009, 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 6443 on February 18, 2010, granting an amendment to Ordinance 6303 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 6147, 6303 and 6443; 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 until December 31, 2012; 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, 6147, 6303 and 6443 are hereby amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway by December 31, 2012.

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, 6147 6303 and 6443.

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, 6147 6303 and 6443, 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 _____, 2011.

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

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

Ayes: _____

Ordinance No. _____
Re: ZBA 03-27 -- 7th Extension
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Nays: _____

Absent: _____

Approved this _____, day of _____, 2011.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this _____ day of _____, 2011.

Brigitte O'Brien
Village Clerk