

ORDINANCE NO. 5964

**AN ORDINANCE GRANTING
A TIME EXTENSION TO ORDINANCE 5794,
RELATIVE TO THE POINTE AT LOMBARD PLANNED DEVELOPMENT**

(PC 05-41: 1301 North Lombard Road
O'Hare/DuPage Business Park Planned Development)

WHEREAS, on January 5, 2006, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5794, which granted approval of an amendment to a conditional use for a planned development with companion use exceptions and fence variations for the property at 1301 North Lombard Road, commonly referred to as the O'Hare/DuPage Business Park planned development; and

WHEREAS, pursuant to Section 155.103 (F)(11) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, conditional uses are null and void if 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 5794; and,

WHEREAS, the Village has received a letter requesting a time extension of said Ordinances; 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 5794 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 original adoption of this Ordinance (i.e., January 4, 2008).

SECTION 2: That all other provisions associated with Ordinance 5794, not amended by this Ordinance, shall remain in full force and effect.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2007.

First reading waived by action of the Board of Trustees this 4th day of January, 2007.

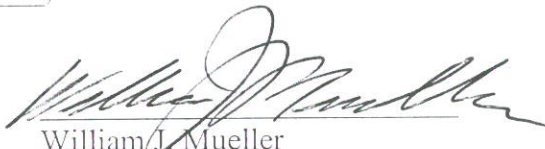
Passed on second reading this 4th day of January, 2007.

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

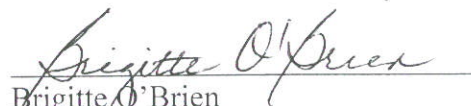
Nays: None

Absent: None

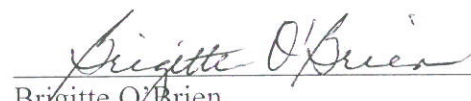
Approved this 4th, day of January, 2007.


William J. Mueller
Village President

ATTEST:


Brigitte O'Brien
Village Clerk

Published by me in pamphlet from this 8th day of January, 2007


Brigitte O'Brien
Village Clerk

ORDINANCE NO. 5794

**AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE 5695
GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT
IN THE I LIMITED INDUSTRIAL DISTRICT,
GRANTING AN AMENDMENT TO THE PERMITTED USE LIST
AND GRANTING A FENCE VARIATION
TO THE LOMBARD ZONING ORDINANCE**

(PC 05-41: 1301 North Lombard Road)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, on August 18, 2005, the President and Board of Trustees adopted Ordinance 5695, granting a conditional use for a planned development with deviations, variations and use exceptions for the property legally described herein pursuant to Title 15, Chapter 155, Section 155.501 et. seq. of the Code of Lombard (hereinafter the "Subject Property"); and

WHEREAS, the below described property is zoned IPD Limited Industrial District, Planned Development; and

WHEREAS, a petition has been received by the Village to amend the previously approved conditional use for a planned development, in the following respects:

1. Amend Ordinance 5695 to allow for temporary retail sales associated with warehouse/distribution activities located on the subject property.
2. Grant a variation to Section 155.205 (A)(3)(c)(1) of the Zoning Ordinance to allow for a twelve-foot (12') solid fence where a maximum ten-foot (10') high fence is permitted.
3. Pursuant to Ordinance 5695, grant site plan approval for the development on the Subject Property, based upon the petitioner's submitted plans; and

WHEREAS, Title 15, Chapter 155, Sections 155.504 and 155.103(F)(13) allow for ordinance amendments granting a conditional use for a planned development and for previously established conditional uses after a public hearing before the Village's Plan Commission; and

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the amendment described herein; and,

WHEREAS, a public hearing on such application have been conducted by the Village of Lombard Plan Commission on November 21, 2005 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 amendment to the conditional use for a planned development and the variation and use exceptions as described herein; 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; and

WHEREAS, the President and Board of Trustees of the Village of Lombard have reviewed the request and find it would be in the best interest of the Village to grant said conditional use amendment, variations and use exceptions, subject to the terms and conditions established by this ordinance; and

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 this ordinance is limited and restricted to the property generally located at 1301 North Lombard Road, Lombard, Illinois, and legally described as follows:

Lot 1 in Lombard Business Center, Unit Two, being a subdivision of that part of the east $\frac{1}{2}$ of the west $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, lying south of the southerly right-of-way of the Illinois Central Railroad (except the south 210 feet thereof), according to the plat thereof recorded November 6, 1974 as Document R74-56524, in DuPage County, Illinois; also

A tract of land legally described as follows: Commencing at the southeast corner of Lot 1 in Lombard Business Center, Unit Two, being a subdivision of that part of the east $\frac{1}{2}$ of the west $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, lying south of the southerly right-of-way of the Illinois Central Railroad, according to the plat thereof recorded November 6, 1974 as Document R74-56524, in DuPage County, Illinois, thence east along the south line of said Lot 1, a distance of 624.98 feet, thence south 210.0 feet to a point along the south line of the northeast $\frac{1}{4}$ of Section 31 Township 40 North, Range 11 East of the Third Principal Meridian, thence westerly along the south line of the northeast $\frac{1}{4}$ of Section 31 Township 40 North, Range 11 East of the Third Principal Meridian, a distance of 624.98 feet, thence north 210.0 feet to a point of beginning, in DuPage County, Illinois; also

That part of Lombard Road lying south of the south line of the Illinois Central Railroad Right-of-Way and north of the north line of the Commonwealth Edison Right-of-Way, in the Northeast $\frac{1}{4}$ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, in DuPage County,

Illinois; and

That part of Lombard Road lying south of the north line of the Commonwealth Edison Right-of-Way and north of the south line of the Commonwealth Edison Right-of-Way, in the Northeast ¼ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois.

Parcel Numbers: 03-31-204-002 and 004
Hereinafter the "Subject Property"

SECTION 2: That Exhibit A to Ordinance 5695 shall be amended to allow for temporary retail sales activity associated with warehouse/distribution activities on the Subject Property, subject to compliance with the conditions set forth in Section 5 below.

SECTION 3: That a variation to Section 155.205 (A)(3)(c)(1) of the Zoning Ordinance to allow for a twelve-foot (12') solid fence where a maximum ten-foot (10') high fence is permitted is hereby granted on the subject Property, subject to compliance with the conditions set forth in Section 5 below.

SECTION 4: That Site Plan Approval for the Subject Property is hereby granted, subject to the conditions in Section 5.

SECTION 5: The amendment to Ordinance 5695 to include the fence variation, use exception and the site plan approval are hereby granted relative to the Subject Property, subject to the conditions set forth below:

1. The petitioner shall develop the site in conformance with the submitted site plan, prepared by Jacob & Hefner Associates, P.C., dated November 2, 2005, the building elevations, prepared by Harris Architects, Inc., submitted November 9, 2005 and the landscape plan, prepared by Walsh Landscape Construction, dated November 9, 2005 and made a part of this petition, except as varied by the final engineering approval for the property.
2. The petitioner shall satisfactorily address all comments raised within the inter-departmental review report as part of their building permit application.
3. The petitioner shall apply for and receive a building permit for any development activity on the subject property.

Ordinance No. 5794

Re: PC 05-41

Page 4

4. As part of the requisite permit for the site improvements, the petitioner shall provide a copy of the final landscape plan that incorporates the approved wetland plantings for the property.
5. The petitioner shall apply for a building permit denoting the proposed parking lot lighting for the site. The light poles shall be of a uniform design and shall meet Village specifications for parking lot lighting.
6. The eastern parking lot shall be reconfigured to allow for a direct access aisle linking the southern access driven aisle to the entrance drive proposed south of the building.
7. All provisions associated with Ordinance 5695 and/or the approved development agreement for the subject property not amended by this petition shall remain in full force and effect.

SECTION 6: The Corporate Authorities hereby agree to amend the development agreement incorporated into Ordinance 5695 to include the amendments as set forth herein and authorize the Village President and Village Clerk are authorized to sign said agreement.

SECTION 7: 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 1st day of December, 2005.

First reading waived by action of the Board of Trustees this _____ day of _____, 2005.

Passed on second reading this 5th day of January, 2006

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

Nayes: None

Absent: None

Approved this 5th day of January, 2006

Ordinance No. 5794

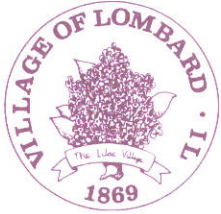
Re: PC 05-41

Page 5


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP *DH*
Assistant Village Manager/Director of Community Development

DATE: January 4, 2007

SUBJECT: **PC 05-41: 1301 North Lombard Road (O'Hare-DuPage Business Center Planned Development)**

The Board of Trustees approved Ordinance 5794 (PC 05-41) on January 5, 2006 which granted approval for a planned development amendment with exceptions to the permitted use list and for companion a fence variation uses for the property at 1301 N. Lombard Road. Per the conditional use provisions (Section 155.103(F)(11) of the Zoning Ordinance), if construction has not begun within one year from the date of approval, the conditional use is null and void unless an extension is granted by the Board of Trustees.

After being advised that the approved zoning relief would expire, the petitioner has submitted the attached letter requesting an extension of the conditional use approval granted by the Village Board.

A copy of Ordinance 5794 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 from the date of the approval of the attached Ordinance (i.e., until January 4, 2008). Staff and the petitioner also request a waiver of first reading of the Ordinance.

LFI

LOCATION FINDERS INTERNATIONAL, INC.

9440 ENTERPRISE DRIVE
MOKENA, IL 60448
(708) 478-7666
FAX (708) 478-7667

December 14, 2006

Mr. William Heniff
Village of Lombard
Senior Planner
255 E. Wilson Ave.
Lombard, IL. 60148



Dear Mr. Heniff:

We are requesting that the Village of Lombard Extend the time for the conditional uses and any other matters granted to the property owner in Ordinance 5974. The request is for a one-year extension while we plan for the sites development.

Your cooperation in this matter is appreciated.

Sincerely,



Martin T. Burke
Partner