

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: November 28, 2007 (B of T) Date: December 6, 2007

TITLE: PC 05-41: 1301 N. Lombard Road (O'Hare Business Center Planned Development)

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a request extending the time period to start construction of the proposed project for an additional twenty-four months relative to the O'Hare/DuPage Business Park Planned Development. (DISTRICT #1).

Staff recommends approval of this request.

Staff is requesting a waiver of first reading.

Please place this item on the December 6, 2007 Board of Trustees agenda.

Fiscal Impact/Funding Source:  
Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X

W. T. Lichter

Date

11/30/07

Date

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:** William T. Lichter, Village Manager  
**FROM:** David A. Hulseberg, AICP  
Assistant Village Manager/Director of Community Development  
**DATE:** December 6, 2007

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

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 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 a time extension is granted by the Board of Trustees. A time extension was granted by the Village Board on January 4, 2007 (Ordinance 5964).

After being advised that the approved zoning relief would expire, the petitioner has submitted the attached letter requesting a further time extension of the conditional use approval granted by the Village Board. The request is to grant approval for a two-year period. As the planned development ordinance does provide the Village with a number of development assurances, staff believes it is in the best interest of the Village to ensure that the previous development approvals remain in place.

A copy of Ordinances 5794 and 5964 are 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 twenty-four month period from the date of the approval of the attached Ordinance (i.e., until January 3, 2010).

Martin T. Burke  
Partner  
LFI Industrial  
708-390-1618  
630-632-5180

Thanks you for your assistance in this matter.

We respectfully request that this extension be a 24 month extension due to market conditions.

As discussed, LFI and Lombard 1301 LLC/ Lombard Industrial LLC request that the village board extend the approved ordinances for this property. We are requesting this action as we are still actively marketing the site and intend to develop the site with the approved use. While market conditions are down, we are seeing some significant activity at this time.

Bill,

**From:** Marty Burke [martyburke@lfirealestate.com]  
**Sent:** Monday, November 26, 2007 11:06 AM  
**To:** Heniff, Bill  
**Cc:** Huliseberg, Dave  
**Subject:** 1301 Lombard Rd.

**Heniff, Bill**

**FILE COPY**

ORDINANCE NO. 5964

**AN ORDINANCE GRANTING  
A TIME EXTENSION TO ORDINANCE 5794, RELATIVE TO THE O'HARE/DUPAGE  
BUSINESS PARK 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.

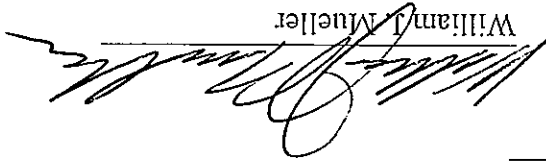
Passed on second reading this 4th day of January, 2007.

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

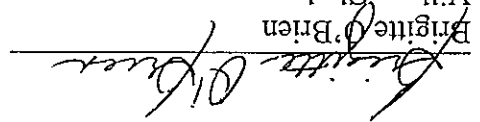
Nays: None

Absent: None

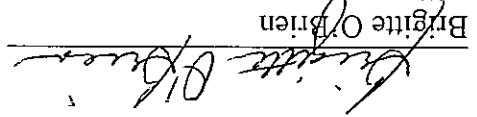
Approved this 4th day of January, 2007.

  
William J. Mueller  
Village President

ATTEST:

  
Brigitte O'Brien  
Village Clerk

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

  
Brigitte O'Brien  
Village Clerk

FILE COPY

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 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 ½ of the west ½ of the northeast ¼ 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 ½ of the northeast ¼ 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 ¼ of Section 31 Township 40 North, Range 11 East of the Third Principal Meridian, thence westerly along the south line of the northeast ¼ 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 ¼ 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 & Heiner 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.



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

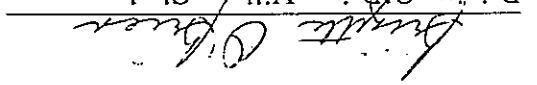
Ayes: Trustees Gron, Tross, O'Brien, Sebby, Florey and Soderstrom

Nays: None

Absent: None

Approved this 5th day of January, 2006

  
\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:  
  
\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

**AN ORDINANCE GRANTING  
A SECOND TIME EXTENSION TO ORDINANCE 5794, RELATIVE TO THE  
O'HARE/DUPAGE BUSINESS PARK 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, on January 4, 2007, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5964, which granted approval of time extension for the previously approved conditional use for a planned development for a one year period.

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinances 5794 and 5964; and,

WHEREAS, the Village has received a letter requesting an additional 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 and 5964 are hereby further amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twenty-four (24) months of the date of adoption of this Ordinance (i.e., January 3, 2010).

SECTION 2: That all other provisions associated with Ordinances 5794 and 5964, 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 \_\_\_\_\_, 2008.  
First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
William J. Mueller  
Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien  
Village Clerk

Published by me in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2008

Brigitte O'Brien  
Village Clerk

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