





## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**MEETING DATE:** May 17, 2018

**SUBJECT:** **PC 17-01: Oakview Estates Phase II, 400 E. St. Charles Road – Time Extension Request**

The Board of Trustees approved Ordinance 7342 (PC 17-01) on March 16, 2017, which granted approval of major changes to a planned development, a conditional use to allow three buildings on a lot of record, and companion variations for the property at 400 E. St. Charles Road. Per the provisions of the Zoning Ordinance (Section 155.103(F)), if construction has not begun within twelve (12) months from the date of approval, the zoning relief granted is null and void unless an extension is granted by the Board of Trustees.

At the request of the petitioner, on March 15, 2018, the Village Board approved Ordinance 7484, extending the approvals granted by Ordinance 7342 to June 17, 2018.

After being advised that the approved zoning relief and extension would expire prior to their slated construction start, the property owner has submitted the attached email requesting a second extension of the approval granted by the Village Board.

### **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 six-month period (i.e., until December 17, 2018). The petitioner is requesting a waiver of first reading of the Ordinance.



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

**AN ORDINANCE GRANTING A SECOND TIME EXTENSION TO ORDINANCE 7342 GRANTING MAJOR CHANGES TO A PLANNED DEVELOPMENT PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.504 OF THE LOMBARD ZONING ORDINANCE; APPROVING A CONDITIONAL USE TO ALLOW THREE PRINCIPAL BUILDINGS ON A LOT OF RECORD PURSUANT TO SECTION 155.208 OF THE LOMBARD ZONING ORDINANCE; AND APPROVING COMPANION VARIATIONS FOR THE PROPERTY AT 400 E. ST. CHARLES ROAD IN THE OAKVIEW ESTATES PLANNED DEVELOPMENT, AS ESTABLISHED BY ORDINANCE 5488**

(PC 17-01: Oakview Estates Planned Development Phase II – 400 E. St. Charles Road)

WHEREAS, on March 16, 2017, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7342 which granted approval of major changes to a planned development; approval of a conditional use to allow three principal buildings on a lot of record; and approval of companion variations; and,

WHEREAS, pursuant to Section 155.103(F) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, a conditional use shall become null and void unless work thereon is substantially underway within twelve (12) months from the date of issuance, unless further action is taken by the Village Board; and,

WHEREAS, at the request of the petitioner, on March 15, 2018, the Village Board approved Ordinance 7484, extending the approvals granted by Ordinance 7342 to June 17, 2018;

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 7342 and extended by Ordinance 7484; and

WHEREAS, the Village has received a letter from the owner requesting a second time extension of Ordinance 7342, for an additional six months; 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 7342 is hereby further amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within six (6) months of the expiration date of Ordinance 7484 (i.e., December 17, 2018).

SECTION 2: That all other provisions associated with Ordinance 7342 not amended by this Ordinance shall remain in full force and effect.

SECTION 3: That this Ordinance is limited and restricted to the property located at 400 E. St. Charles Road, Lombard, Illinois and legally described as follows:

THAT PART OF LOT 1 IN OAKVIEW ESTATES RESUBDIVISION BEING A RESUBDIVISION IN PART OF THE SOUTHEAST QUARTER OF SECTION 5, AND THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED AS DOCUMENT NUMBER R2006-038979 AND CERTIFICATE OF CORRECTION FILED APRIL 27, 2006 AS DOCUMENT R2006-077790, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT BEING THE MOST WESTERLY CORNER ON THE MOST NORTHERLY LINE OF LOT 1 AFORESAID AND RUNNING THENCE NORTH 67 DEGREES 31 MINUTES 49 SECONDS EAST ALONG SAID NORTHERLY LINE OF LOT 1, A DISTANCE OF 441.47 FEET; THENCE SOUTH 22 DEGREES 25 MINUTES 50 SECONDS EAST, A DISTANCE OF 52.24 FEET; THENCE NORTH 67 DEGREES 34 MINUTES 10 SECONDS EAST, A DISTANCE OF 25.69 FEET; THENCE SOUTH 18 DEGREES 47 MINUTES 44 SECONDS EAST, A DISTANCE OF 105.28 FEET; THENCE SOUTH 70 DEGREES 44 MINUTES 29 SECONDS WEST, A DISTANCE OF 27.98 FEET; THENCE SOUTH 77 DEGREES 19 MINUTES 05 SECONDS WEST, A DISTANCE OF 100.24 FEET; THENCE SOUTH 81 DEGREES 45 MINUTES 05 SECONDS WEST, A DISTANCE OF 90.17 FEET; THENCE SOUTH 08 DEGREES 01 MINUTE 37 SECONDS EAST, A DISTANCE OF 7.01 FEET; THENCE SOUTH 81 DEGREES 49 MINUTES 50 SECONDS WEST, A DISTANCE OF 206.98 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET AND WHOSE CHORD BEARS NORTH 56 DEEGREES 09 MINUTES 42 SECONDS WEST, A CHORD DISTANCE OF 81.99 FEET (AN ARC DISTANCE OF 90.26 FEET) TO A

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POINT OF TANGENCY; THENCE NORTH 01 DEGREE 20 MINUTES 01  
SECOND WEST, A DISTANCE OF 4.30 FEET TO THE POINT OF  
BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PROPERTY COMMONLY KNOWN AS: 400 EAST ST. CHARLES ROAD,  
LOMBARD, ILLINOIS 60148

CONTAINING: 51,906.12 SQ. FT., 1.19 ACRES

PIN: 06-05-426-009

SECTION 4: This ordinance shall be in full force and effect from and after  
its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2018.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_,  
2018.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2018, pursuant to a roll  
call vote as follows:

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

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

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

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Keith Giagnorio, Village President

ATTEST:

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

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Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Sharon Kuderna, Village Clerk



## Papke Anna

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**From:** Eric Carlson <eric@ecaarchitects.com>  
**Sent:** Tuesday, May 15, 2018 6:45 AM  
**To:** Heniff, William; Papke Anna  
**Subject:** FW: 400 E. St. Charles Rd. Lombard townhouse development project

Hi Bill and Anna, Do you need this on a formal letterhead, or will this email suffice?

Thanks,  
Eric

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**From:** Ivan Wolfson [[mailto:doc\\_iw@yahoo.com](mailto:doc_iw@yahoo.com)]  
**Sent:** Monday, May 14, 2018 8:38 PM  
**To:** Eric Carlson <[eric@ecaarchitects.com](mailto:eric@ecaarchitects.com)>  
**Cc:** Ivan Wolfson <[doc\\_iw@yahoo.com](mailto:doc_iw@yahoo.com)>; John R. Thomas <[ithomas@centrustbank.com](mailto:ithomas@centrustbank.com)>  
**Subject:** 400 E. St. Charles Rd. Lombard townhouse development project

Dear Eric,

I respectfully request that you formally ask the board for a 6-month extension on the permitting for the 400 E. St. Charles Rd. Lombard townhouse development project. I know that this has been a much longer process than any of us could have imagined, however with so much time having elapsed the construction materials and labor costs on a project of this type have risen to the point that our current investment resources and approved lending funds are not sufficient to ensure that this project would be fully completed with the currently available funds. Therefore my partner and I are in discussions with another investor who has demonstrated legitimate interest in joining with us on this project and in so doing contributing the necessary additional financing required to ensure the successful completion of this project. In effort to do this in the most responsible fashion legal documents will have to be drawn up and approved by both lawyers after which point we should have no further obstacles to moving forward with this project. I ask for 6 month so as to ensure sufficient time to complete this in the most thorough and effective manner without shortchanging any part of this essential revision to the partnership of this project.

Thank you very much for both your expertise, understanding and support throughout this process.

Respectfully, Ivan Wolfson

**Ivan A. Wolfson, Psy. D.**  
**Licensed Clinical Psychologist**  
**Wolfson Psychological Services, P.C.**  
**Phone 847.433.4450 Fax 847.433.5464**

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