

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: September 6, 2005 (B of T) Date: September 15, 2005

TITLE: PC 03-27: 240 E. Progress Road

SUBMITTED BY: Department of Community Development *DN/24*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance granting a further time extension of Ordinances 5358 and 5550 for construction of the conditional use for an additional twelve month period. Staff is requesting a waiver of first reading. (DISTRICT #4)

Staff recommends approval of this request with a waiver of first reading.

Fiscal Impact/Funding Source:

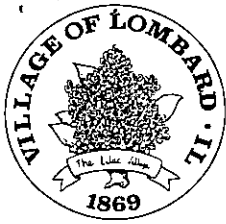
Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_

Finance Director X \_\_\_\_\_ Date \_\_\_\_\_

Village Manager X *W. T. Lichter* \_\_\_\_\_ Date *9/8/05*

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, Director of Community Development *DH/wth*

**DATE:** September 15, 2005

**SUBJECT:** **Further Extension of Ordinances 5358 and 5550 (PC 03-27; 240 Progress Road)**

The Board of Trustees approved Ordinance 5358 (PC 03-27) on September 18, 2003 which granted conditional use approval for a planned development for the property at 240 Progress Road. An extension to this ordinance was granted on September 16, 2004 (Ordinance 5550). Per the conditional use provisions, if construction has not begun within one (1) 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 conditional use was about to expire, the petitioner is requesting an extension of the conditional use. Staff believes that granting an extension is in the best interest of the Village, provided that the petitioner adhere to conditions incorporated in the original approval Ordinances.

For the Board's reference, a new developer is proposing to move forward with the project and they are now proceeding with engineering review for the project and is seeking to proceed with the project essentially as it was approved in 2003.

### **Recommendation**

Staff recommends that the Village Board approve an Ordinance extending the time period for construction of the conditional use an additional twelve months, until September 15, 2006, with a waiver of first reading. A copy of Ordinances 5358 and 5550 are also attached.

ORDINANCE NO. 5358

AN ORDINANCE  
GRANTING A CONDITIONAL USE  
FOR A PLANNED DEVELOPMENT WITH DEVIATIONS  
IN AN I LIMITED INDUSTRIAL DISTRICT

(PC 03-27; 240 Progress Road / Terrace Lakes Subdivision Lot 1)

(See also Ordinance No.(s) 5356, 5357, 5359)

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, concurrent with a request for a map amendment approval on the subject property, an application has heretofore been filed requesting approval of a conditional use for a planned development with deviations in an I Limited Industrial District; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 18, 2003 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 conditional use and variations 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;

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 conditional use for a planned development with the following deviations is hereby granted for the Subject Property legally described in Section 2 below, subject to the conditions set forth in Section 3 below:

- A. A deviation from Section 155.418 (J) reducing the required transitional building setback yard from forty-five (45) feet to forty-one (41) feet; and
- B. A deviation from Section 155.418 (K) reducing the required transitional landscape yard from thirty (30) feet to sixteen (16) feet.

SECTION 2: The conditional use for a planned development is limited and restricted to the property located at 240 Progress Road, Lombard, Illinois, (also referenced as Lot 1 of the Terrace Lakes Subdivision) and legally described as follows:

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32 AND THE WEST RIGHT-OF-WAY OF GRACE STREET; THENCE SOUTH 89 DEGREES 51 MINUTES 48 SECONDS WEST, 1290.04 FEET ALONG SAID NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32 TO THE EAST LINE OF THE PROGRESS BUSINESS CENTER PER DOCUMENT R88-105071; THENCE SOUTH 00 DEGREES 31 MINUTES 43 SECONDS EAST, 461.62 FEET ALONG SAID EAST LINE OF THE PROGRESS BUSINESS CENTER TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 28 MINUTES 17 SECONDS EAST, 103.69 FEET; THENCE NORTH 25 DEGREES 48 MINUTES 04 SECONDS WEST, 83.62 FEET; THENCE NORTH 07 DEGREES 42 MINUTES 36 SECONDS WEST, 150.89 FEET; THENCE NORTH 53 DEGREES 17 MINUTES 01 SECONDS EAST, 91.47 FEET; THENCE NORTH 22 DEGREES 34 MINUTES 25 SECONDS EAST, 138.03 FEET TO A FLOOD CONTROL, STORM WATER DRAINAGE AND DETENTION EASEMENT RECORDED OCTOBER 13, 1993 PER DOC. R93-231749; THENCE SOUTH 73 DEGREES 10 MINUTES 54 SECONDS EAST, 221.80 FEET ALONG SAID FLOOD CONTROL, STORM WATER DRAINAGE AND DETENTION EASEMENT; THENCE SOUTH 35 DEGREES 38 MINUTES 17 SECONDS EAST, 386.43 FEET ALONG SAID FLOOD CONTROL, STORM WATER DRAINAGE AND DETENTION EASEMENT; THENCE SOUTH 54 DEGREES 21 MINUTES 43 SECONDS WEST, 459.10 FEET TO SAID FLOOD CONTROL, STORM

WATER DRAINAGE AND DETENTION EASEMENT; THENCE SOUTH 89 DEGREES 28 MINUTES 17 SECONDS WEST, 235.50 FEET ALONG SAID FLOOD CONTROL, STORM WATER DRAINAGE AND DETENTION EASEMENT TO SAID EAST LINE OF PROGRESS BUSINESS CENTER; THENCE NORTH 00 DEGREES 31 MINUTES 43 SECONDS WEST, 240.00 FEET ALONG SAID EAST LINE OF PROGRESS BUSINESS CENTER TO THE POINT OF BEGINNING. IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 03-32-301-007 (part of )

SECTION 3 The conditional use set forth in Section 1 above shall be granted subject to compliance with the following conditions:

1. That the site shall be developed in conformance with the development plans prepared by Mackie Consultants, L.L.C. and Rothbart Construction, dated January 14, 2002 as well as the Terrace Lake Building elevations and conceptual floor plans, prepared by N. Batistich, Architects, dated February 8, 2002 and submitted as part of this request.
2. That the petitioner apply for and receive permit approval for all development activity proposed for the site. Said permit application shall address the Inter-Departmental Review Committee comments.

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 4th day of September, 2003.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Passed on second reading this 18th day of September, 2003.

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

Nays: None

Ordinance No. 5358  
Re: PC 03-27 Planned Development  
Page 4

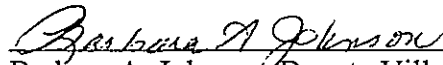
Absent: None

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Approved this 18th, day of September, 2003.

  
William J. Mueller, Village President

ATTEST:

  
Barbara A. Johnson, Deputy Village Clerk

**ORDINANCE NO. 5550**

**AN ORDINANCE GRANTING  
A TIME EXTENSION OF ORDINANCE 5358**

(PC 03-27: Terrace Lakes Planned Development (240 Progress Road))

WHEREAS, on September 18, 2003, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5358 granting conditional use approval for a planned development with a deviation from Section 155.418 (J) reducing the required transitional building setback yard; and a deviation from Section 155.418 (K) reducing the required transitional landscape yard, for the property at 240 Progress Road, Lombard, Illinois and located in the I Limited Industrial District; and,

WHEREAS, pursuant to Sections 155.103 (C)(10) and 155.103 (F)(11) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, variations and 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 5358; and,

WHEREAS, the Village has received a letter requesting an extension of Ordinance 5358; 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 5358 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 5358 shall remain in full force and effect.

Ordinance No. 5550  
Re: PC 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 \_\_\_\_\_, 2004.

First reading waived by action of the Board of Trustees this 16th day of September, 2004.


Passed on second reading this 16th day of September, 2004.

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

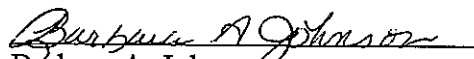
Nays: None

Absent: Trustee DeStephano

Approved this 16th day of Septber, 2004.

  
William J. Mueller  
Village President

ATTEST:

  
Barbara A. Johnson  
Deputy Village Clerk



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

**AN ORDINANCE GRANTING  
A FURTHER TIME EXTENSION OF ORDINANCES 5358 AND 5550**

(PC 03-27: Terrace Lakes Planned Development (240 Progress Road))

WHEREAS, on September 18, 2003, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5358 granting conditional use approval for a planned development with a deviation from Section 155.418 (J) reducing the required transitional building setback yard; and a deviation from Section 155.418 (K) reducing the required transitional landscape yard, for the property at 240 Progress Road, Lombard, Illinois and located in the I Limited Industrial District; and,

WHEREAS, pursuant to Sections 155.103 (C)(10) and 155.103 (F)(11) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, variations and 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 September 16, 2004, the President and Board of Trustees of the Village of Lombard adopted Ordinance 555 granting an extension to the conditional use approval for a one-year period; and,

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinances 5358 and 5550; and,

WHEREAS, the Village has received a letter requesting a further time extension of Ordinances 5358 and 5550; 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 5358 and 5550 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: That all other provisions associated with Ordinances 5358 and 5550 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 \_\_\_\_\_, 2005.

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

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

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

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

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

Approved this \_\_\_\_, day of \_\_\_\_\_, 2005.

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

ATTEST:

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Brigitte O'Brien  
Village Clerk