

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: October 10, 2016 (B of T) Date: October 20, 2016

TITLE: PC 15-29: 390-396 E. St. Charles Road – Time Extension Request

SUBMITTED BY: Department of Community Development *HL*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an Ordinance granting a time extension to Ordinance 7163 granting a conditional use and variations pursuant to Title 15, Chapter 155, Section 155.414 of the Lombard Zoning Ordinance.

Staff recommends approval of this request.

The petitioner requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):

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

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

Village Manager X \_\_\_\_\_ 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:** Scott R. Niehaus, Village Manager

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

**DATE:** October 20, 2016

**SUBJECT:** PC 15-29; 390-396 E. St. Charles Road – Time Extension Request

The Board of Trustees approved Ordinance 7163 (PC 15-29) on January 7, 2016 which granted approval of a conditional use pursuant to Section 155.414 (C)(5) of the Lombard Zoning Ordinance for a day care center; a variance from Section 155.414 (F)(1) to reduce the required front yard setback from thirty feet (30') to thirteen feet (13'); and a variance from Section 155.414 (F) (4) to reduce the required rear yard setback from twenty feet (20') to eleven feet (11') for 390-396 E. St. Charles Road. Per the provisions of the Zoning Ordinance (Section 155.103(C) and 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.

After being advised that the approved zoning relief would expire prior to their slated construction start, the petitioner has submitted the attached letter requesting an extension of the approval granted by the Village Board.

A copy of Ordinance 7163 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 (i.e., until January 7, 2018). The petitioner is requesting a waiver of first reading of the Ordinance.

## Ganser, Jennifer

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**From:** pioneer543@aol.com  
**Sent:** Wednesday, October 05, 2016 5:27 PM  
**To:** Ganser, Jennifer  
**Subject:** Re: Time Extension

Good afternoon Jennifer,

Thank you for your update on our ordinance. We are so grateful for you. We will need to apply for a one year time extension with the Village Board. Never in a million years would we have thought that buying property and building our future home for Pioneer would take this long. We are sorry if we have caused any problems for the village.

Village of Lombard Board,

We, Jeannine Baran and Nancy Lantz, owners of Pioneer Child Care would like to request a time extension on our ordinance. We're still in the permit review process and have not closed on the property yet. We do feel very certain that construction will be substantially underway or completed by January 2018. Thank you for your understanding in this matter.

Sincerely,

Jeannine and Nancy

Jeannine Baran / Nancy Lantz  
Pioneer Child Care  
543 E. Taylor Road  
Lombard, IL 60148  
630-620-0033

-----Original Message-----

From: Ganser, Jennifer <GanserJ@villageoflombard.org>  
To: 'pioneer543@aol.com' <pioneer543@aol.com>  
Sent: Wed, Oct 5, 2016 2:38 pm  
Subject: Time Extension

Ladies,

Your ordinance of approval for 390 E. St. Charles Road will expire in January 2017, if construction is not substantially underway. However, you can apply for a one year time extension with the Village Board. No fees, no Plan Commission appearance! That would bring you to January 2018 to have construction substantially underway.

If you would like to request a time extension, please send me an email or letter stating as such with a reason why (such as still in permit review process, haven't closed on property, etc.)

Call/email if you have questions.

Jennifer



**Jennifer Ganser**

Assistant Director of  
Community Development  
Village of Lombard  
255 E Wilson Ave. Lombard, IL 60148

Phone: (630) 620-5717

Fax: (630) 620-2374

Email: [ganserj@villageoflombard.org](mailto:ganserj@villageoflombard.org)

Web: [www.villageoflombard.org](http://www.villageoflombard.org)

Follow us:   

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

**AN ORDINANCE GRANTING A TIME EXTENSION TO  
ORDINANCE 7163 GRANTING A CONDITIONAL USE AND  
VARIATIONS PURSUANT TO TITLE 15, CHAPTER 155,  
SECTION 155.414 OF THE LOMBARD ZONING ORDINANCE**

(PC 15-29; 390-396 E. St. Charles Road)

WHEREAS, on January 7, 2016, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7163 which granted approval of a conditional use pursuant to Section 155.414 (C)(5) of the Lombard Zoning Ordinance for a day care center; a variance from Section 155.414 (F)(1) to reduce the required front yard setback from thirty feet (30') to thirteen feet (13'); and a variance from Section 155.414 (F) (4) to reduce the required rear yard setback from twenty feet (20') to eleven feet (11') for 390-396 E. St. Charles Road; and,

WHEREAS, pursuant to Section 155.103 (C) and Section 155.103(F) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, a variation 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, construction has not commenced and no building permit has been issued for the development granted by Ordinance 7163; and

WHEREAS, the Village has received a letter from the owner requesting a time extension of said Ordinance; 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 7163 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 twelve (12) months of the expiration date of this Ordinance (i.e., January 7, 2018).

SECTION 2: That all other provisions associated with Ordinance 7163 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 390 E. St. Charles Road, Lombard, Illinois and legally described as follows:

LOT 4 IN HERBRECHT'S SUBDIVISION OF PARTS OF SECTIONS 5 AND 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDAN LYING NORTHEASTERLY OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF SAID LOT 4 TO A POINT ON THE NORTH LINE THEREOF 30.05 FEET WEST OF THE NORTHEAST CORNER THEREOF IN DUPAGE COUNTY, ILLINOIS.

Parcel Identification Number(s): 06-05-322-008; (the "Subject Property")

and 396 E. St. Charles Road, Lombard, Illinois and legally described as follows:

LOT 5 AND THAT PART OF LOT 4 LYING EASTERLY OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF SAID LOT 4 TO A POINT ON THE NORTH LINE OF SAID LOT 4, SAID POINT BEING 30.35 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 4 AS MEASURED ALONG THE SAID NORTH 4, IN HERBRECHT'S SUBDIVISION OF PART OF SECTIONS 5 AND 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 15, 1952 AS DOCUMENT 644910, IN DUPAGE COUNTY, ILLINOIS.

Parcel Identification Number(s): 06-05-322-009 and 06-05-322-006; (the "Subject Property")

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 \_\_\_\_\_, 2016.

Ordinance No. \_\_\_\_\_  
Re: PC 15-29 – Time Extension  
Page 3

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016, pursuant to a roll call vote as follows:

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

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

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

ATTEST:

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

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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



**FRED BUCHOLZ**  
DUPAGE COUNTY RECORDER  
FEB. 22, 2016 3:17 PM  
OTHER \$32.00 06-05-322-006  
006 PAGES R2016-016542

## **ORDINANCE 7163**

**GRANTING A CONDITIONAL USE PURSUANT TO SECTION 155.414 (C)(5) OF THE LOMBARD ZONING ORDINANCE FOR A DAY CARE CENTER; A VARIANCE FROM SECTION 155.414 (F)(1) TO REDUCE THE REQUIRED FRONT YARD SETBACK FROM THIRTY FEET (30') TO THIRTEEN FEET (13'); AND VARIANCE FROM SECTION 155.414 (F)(4) TO REDUCE THE REQUIRED REAR YARD SETBACK FROM TWENTY FEET (20') TO ELEVEN FEET (11')**

**PIN(S): 06-05-322-008; 06-05-322-009 and 06-05-322-006;  
(the "Subject Property")**

**ADDRESS: 390-396 E. St. Charles Road, Lombard, IL 60148**

**Prepared by and Return To:  
Village of Lombard  
255 E. Wilson Avenue  
Lombard, IL 60148**





I, **Janet Downer**, 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 7163

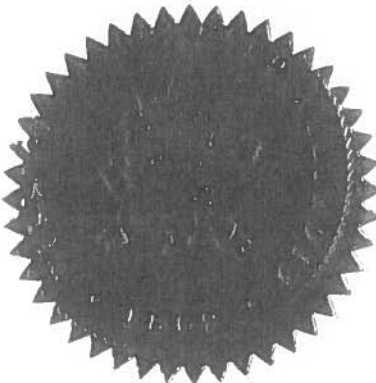
GRANTING A CONDITIONAL USE PURSUANT TO SECTION 155.414 (C)(5) OF THE LOMBARD ZONING ORDINANCE FOR A DAY CARE CENTER; A VARIANCE FROM SECTION 155.414 (F)(1) TO REDUCE THE REQUIRED FRONT YARD SETBACK FROM THIRTY FEET (30') TO THIRTEEN FEET (13'); AND VARIANCE FROM SECTION 155.414 (F)(4) TO REDUCE THE REQUIRED REAR YARD SETBACK FROM TWENTY FEET (20') TO ELEVEN FEET (11')

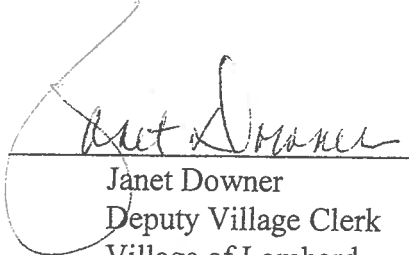
PIN(S): 06-05-322-008; 06-05-322-009 and 06-05-322-006; (the "Subject Property")

ADDRESS: 390-396 E. St. Charles Road, Lombard, IL 60148

of the said Village as it appears from the official records  
of said Village duly approved this 7th  
day of January, 2016.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 4th day of February, 2016.



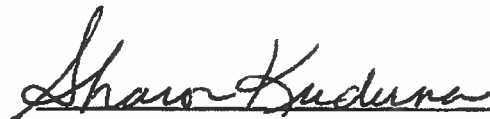
  
\_\_\_\_\_  
Janet Downer  
Deputy Village Clerk  
Village of Lombard  
DuPage County, Illinois

**ORDINANCE 7163  
PAMPHLET**

**PC 15-29: 390-396 E. ST. CHARLES ROAD;  
PIONEER DAY CARE**



**PUBLISHED IN PAMPHLET FORM THIS 8<sup>th</sup> DAY OF JANUARY, 2016, BY ORDER  
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE  
COUNTY, ILLINOIS.**



**Sharon Kuderna  
Village Clerk**

**ORDINANCE NO. 7163**

**AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO SECTION 155.414 (C)(5) OF THE LOMBARD ZONING ORDINANCE FOR A DAY CARE CENTER; A VARIANCE FROM SECTION 155.414 (F)(1) TO REDUCE THE REQUIRED FRONT YARD SETBACK FROM THIRTY FEET (30') TO THIRTEEN FEET (13'); AND VARIANCE FROM SECTION 155.414 (F)(4) TO REDUCE THE REQUIRED REAR YARD SETBACK FROM TWENTY FEET (20') TO ELEVEN FEET (11').**

(PC 15-29; Pioneer Day Care, 390-396 E. St. Charles 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, 390-396 E. St. Charles Road, the Subject Property, is zoned B2 General Neighborhood Shopping District; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Section 155.414 (C)(5) of the Lombard Zoning Ordinance for a day care center; a variance from Section 155.414 (F)(1) to reduce the required front yard setback from thirty feet (30') to thirteen feet (13'); and a variance from Section 155.414 (F) (4) to reduce the required rear yard setback from twenty feet (20') to eleven feet (11'); and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on December 21, 2015 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 petition 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.

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follow:

SECTION 1: That the following relief is hereby granted for the Subject Property, as described in Section 2 below:

1. A conditional use, pursuant to Section 155.414 (C) (5) of the Zoning Ordinance, to allow for a day care center;
2. A variance from Section 155.414 (F) (1) to reduce the required front yard setback from thirty feet (30') to thirteen feet (13'); and
3. A variance from Section 155.414 (F) (4) to reduce the required rear yard setback from twenty feet (20') to eleven feet (11').

**SECTION 2:** That this Ordinance is limited and restricted to the property located at 390 E. St. Charles Road, Lombard, Illinois and legally described as follows:

LOT 4 IN HERBRECHT'S SUBDIVISION OF PARTS OF SECTIONS 5 AND 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTHEASTERLY OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF SAID LOT 4 TO A POINT ON THE NORTH LINE THEREOF 30.05 FEET WEST OF THE NORTHEAST CORNER THEROF IN DUPAGE COUNTY, ILLINOIS.

Parcel Identification Number(s): 06-05-322-008; (the "Subject Property")

and 396 E. St. Charles Road, Lombard, Illinois and legally described as follows:

LOT 5 AND THAT PART OF LOT 4 LYING EASTERLY OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF SAID LOT 4 TO A POINT ON THE NORTH LINE OF SAID LOT 4, SAID POING BEING 30.35 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 4 AS MEASURED ALONG THE SAID NORTH 4, IN HERBRECHT'S SUBDIVISION OF PART OF SECTIONS 5 AND 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 15, 1952 AS DOCUMENT 644910, IN DUPAGE COUNTY, ILLINOIS.

Parcel Identification Number(s): 06-05-322-009 and 06-05-322-006; (the "Subject Property")

**SECTION 3:** The relief, as provided for in Section 1 of this Ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the plans prepared by K2 Studio dated October 9, 2015 and submitted as part of this request;
2. The petitioner shall be required to apply for and receive building permits for any improvements to the site;
3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report, including the traffic memo by KLOA;
4. Pursuant to the Zoning Ordinance, project construction shall commence within one (1) year from the date of approval of the ordinance, unless a time extension been granted by the Village Board. This conditional use approval shall become null and void eighteen (18) months from the date of approval if the proposed site improvements are not completed or an extension has been granted; and
5. For staff to research the property to the east for a possible easement.

**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 \_\_\_\_, 2016.

First reading waived by action of the Board of Trustees this 7<sup>th</sup> day of January, 2016.

Passed on second reading this 7<sup>th</sup> day of January, 2016.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware


Nays: None

Absent: None

Approved this 7<sup>th</sup> day of January, 2016.

  
Keith T. Giagnorio  
Village President

ATTEST:

  
Sharon Kuderna  
Village Clerk

Published by me in pamphlet form on this 8<sup>th</sup> day of January, 2016.

  
Sharon Kuderna  
Village Clerk