

MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development

DATE: October 20, 2005

SUBJECT: **Extension of Ordinance 5560 (PC 04-25; the Southwest Corner of Highland Avenue and Roosevelt Road)**

BACKGROUND:

The Board of Trustees approved Ordinance 5560 (PC 04-25) on October 7, 2005 which granted approval of a planned development with setback and signage deviations and a conditional use for a drive-through facility for the properties at the southwest corner of Highland Avenue and Roosevelt Road (201, 205 and 211 E. Roosevelt Road; 1200 South Highland Av.; and 112-116 & 120-124 E. 13th Street). Per the provisions of Section 155.103 (F)(11) of the Zoning Ordinance, 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. A copy of Ordinance 5560 is attached for your reference.

After being advised that the relief was about to expire, the petitioner submitted a letter requesting an extension of the relief for an additional year. As stated in the attached correspondence, the petitioner has performed a substantial amount of work on the property including removing the non-conforming residences and site utility activities. They have also been issued a mass grading permit by the Village and the building permits are nearly ready for final approval and issuance.

Staff believes that granting an extension is in the best interest of the Village, provided that the petitioner adheres to conditions incorporated in the Ordinance 5560. Should the relief expire, any future property owner or petitioner would need to go through the entire public hearing process to build on the property. As the petitioner's plans were deemed to be desirable and acceptable by the Village, we believe that granting the extension would provide the possibility of development to occur on the property in a more timely manner. Moreover, it will also allow the developer to start construction on the project this construction season.

However, as the property is a prominent property in the Village, staff recommends that the Village Board considers a first reading of the Ordinance extending Ordinance 5560 at the

October 20, 2005 meeting. Prior to final consideration of the Ordinance on November 3, 2005, the property owner shall either receive building permit approval and start construction of the project (and therefore the extension would no longer be necessary) or fine grade, place topsoil and hydro-seed and maintain the property until such time that construction commences on the property.

RECOMMENDATION:

Staff recommends that the Village Board approve a first reading of an Ordinance extending the time period for the previously approved variations for an additional year. Staff also recommends that final consideration of the extension should be conditioned to require that the petitioner fine grade, place topsoil and seed and maintain the property until such time that construction commences on the property.