

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: Scott R. Niehaus, Village Manager

DATE: December 5, 2016 (B of T) Date: December 15, 2016

TITLE: PC 15-23: 505-537 W. North Avenue and 715-733 N. Columbine Avenue  
- Time Extension

SUBMITTED BY: Department of Community Development *tlb*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance granting a time extension to Ordinance 7204 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:** December 15, 2016

**SUBJECT:** **PC 15-23; 505-537 W. North Avenue and 715-733 N. Columbine Avenue – Time Extension Request**

The Board of Trustees approved Ordinance 7204 (PC 15-23) on March 17, 2016 which granted approval of a conditional use for a planned development with companion conditional uses and deviation. Per the provisions of the Zoning Ordinance, 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 7204 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 to June 1, 2017. The petitioner is requesting a waiver of first reading of the Ordinance.

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

**AN ORDINANCE GRANTING A TIME EXTENSION TO  
ORDINANCE 7204 GRANTING A CONDITIONAL USE AND  
VARIATIONS PURSUANT TO TITLE 15, CHAPTER 155,  
SECTION 155.414 OF THE LOMBARD ZONING ORDINANCE**

(PC 15-23; 505-537 W. North Avenue and 715-733 N. Columbine Avenue)

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 for a planned development with the following companion conditional uses and deviations as follows:

- a. a conditional use pursuant to Section 155.414 (C)(8) of the Lombard Zoning Ordinance for gasoline sales;
- b. deviation pursuant to Section 153.504 (B)(5)(d) to allow for two (2) freestanding signs on one parcel of property, where one (1) is allowed;
- c. deviation pursuant to Section 153.504 (B)(5)(b) to allow for the sign surface area to be forty-nine (49) square feet, where thirty (30) square feet is allowed, for each freestanding sign;
- d. deviation pursuant to Section 153.223 (E) to allow for a motor fuel reader board at twenty-four (24) square feet, where nine (9) square feet in area, is allowed, for each freestanding sign;
- e. a deviation pursuant to Section 155.414 (J) for the transitional yard setback to be seven feet (7'), where ten feet (10') is required;
- f. a variation pursuant to Section 154.306 (D)(3)(b) to omit the sidewalk requirement on Broadview Avenue, where it is otherwise required for a Major Development; 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 conditional use and 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 7204; 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 7204 is hereby further amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway by June 1, 2017.

SECTION 2: That all other provisions associated with Ordinance 7204 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 505-537 W. North Avenue and 715-733 N. Columbine Avenue, Lombard, Illinois and legally described as follows:

LOTS 4 THROUGH 11 AND LOTS 32 THROUGH 35 IN BLOCK G IN LOMBARD TERRACE SUBDIVISION, BEING A RESUBDIVISION OF PART OF ELMORE'S NORTHVIEW, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED AS DOCUMENT NUMBER R1993,341767 AND ALSO LOT 2 IN JAMES D. RAINE'S RESUBDIVISION OF LOTS 1, 2, AND 3 IN BLOCK G IN LOMBARD TERRACE, BEING A RESUBDIVISION OF PART OF ELMORE'S NORTHVIEW, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED AS DOCUMENT NUMBER R1970-027995, IN DUPAGE COUNTY, IL.

Parcel Identification Number(s): 06-06-100-011, -010, -009, -008, -007, -006, -005, -004, -048, -012, -013, -014, and -015; (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.

Ordinance No. \_\_\_\_\_  
Re: PC 15-23 – Time Extension  
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Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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: \_\_\_\_\_

Nayes: \_\_\_\_\_

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