

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: August 11, 2014 (B of T) Date: August 21, 2014

TITLE: PC 12-13: 401 E. North Avenue – 2nd Time Extension Request

SUBMITTED BY: Department of Community Development

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is an Ordinance extending the time period to start construction of the proposed project for an additional six (6) month period from September 6, 2014 to March 6, 2015. (DISTRICT #4)

Staff recommends that the Village Board approves the Ordinance.

Staff also 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 *WH*

DATE: August 21, 2014

SUBJECT: PC 12-13; 401 E. North Avenue – 2nd Time Extension Request

The Board of Trustees approved Ordinance 6746 (PC 12-13) on September 6, 2012 which granted approval of a conditional use for a drive-through establishment; a conditional use for an outside service area; a variation to allow signage within clear line of sight areas; a variation to allow wall signs that are two times the lineal front footage of the tenant space; variations to reduce the transitional landscape yard; and a minor plat of subdivisions with a variation from lot area for the property at 401 E. North Avenue. Per the conditional use provisions (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.

The Board of Trustees approved Ordinance 6849 on August 15, 2013 which granted a time extension until September 6, 2014 for the petitioner to obtain a building permit and start construction.

After being advised that the time extension and approved zoning relief would expire prior to their slated construction start in fall 2014, the petitioner has submitted the attached email requesting a second time extension of the conditional use approvals granted by the Village Board.

A copy of Ordinances 6746 and 6849 are 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 six (6) month period from September 6, 2014 to March 6, 2015. Staff also recommends a waiver of first reading of this Ordinance.

Ganser, Jennifer

From: Rishad Rajabali <rishad.rajabali@rajabaligroup.com>
Sent: Monday, August 11, 2014 10:51 AM
To: Ganser, Jennifer
Cc: Ganser, Jennifer; Urish, Tami; Bryant, Jana; Panfil, Matthew
Subject: RE: 401 E. North Ave.

Hi Jennifer –

I was speaking to Jana just now and I would like to go ahead and get an extension on my project at 401 E. North Ave. Hence, I would appreciate if you could go ahead and add it to the Staff's Agenda.

Please kindly confirm.

Regards,

Rishad Rajabali
President
The Rajabali Group, Inc.
Cell: (847) 722-2632
E-Mail: Rishad.Rajabali@rajabaligroup.com



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From: Panfil, Matthew [<mailto:PanfilM@villageoflombard.org>]
Sent: Wednesday, August 06, 2014 2:02 PM
To: Rishad Rajabali
Cc: Ganser, Jennifer; Urish, Tami
Subject: RE: 401 E. North Ave.

Rishad:

Jennifer and Tami have been copied on this e-mail so that everyone has the most up-to-date information.

- Matt

From: Rishad Rajabali [<mailto:rishad.rajabali@rajabaligroup.com>]
Sent: Wednesday, August 06, 2014 1:54 PM
To: Panfil, Matthew
Subject: RE: 401 E. North Ave.

Thank you Matt for the update!

I'm optimistic that we should be able to start construction this month. I'm just waiting on the Performance Bond to be finalized. Nevertheless, I will surely let Tami or Jennifer know by Monday if that is not the case for whatever reason. I believe you may have missed copying them on your previous email so if you could provide me with their info, I'll be sure to call them on Monday to let them know either way.

Regards,

Rishad Rajabali
President
The Rajabali Group, Inc.
Cell: (847) 722-2632
E-Mail: Rishad.Rajabali@rajabaligroup.com



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From: Panfil, Matthew [<mailto:PanfilM@villageoflombard.org>]
Sent: Wednesday, August 06, 2014 1:50 PM
To: Chris.Rosenburg@cbexchange.com; Rishad Rajabali
Subject: FW: 401 E. North Ave.

Chris & Rishad:

I have forwarded this e-mail to remind you that the expiration date for the conditional use time extension for 401 E. North Avenue is quickly approaching. If you do not anticipate beginning construction of the project prior to September 6, please contact the Village in order to request a second extension. As was the case last time, a letter from the property owner requesting another one-year extension for PC 12-13 (Ordinance Nos. 6746 and 6849).

In order for an extension request to be placed on the August 21 Village Board agenda, staff would need to receive the request by Monday, August 11.

Please note that I will be out of the office starting tomorrow, August 7 until Monday, August 18. I have copied Tami Urish, Planner, and Jennifer Ganser, Assistant Director of Community Development on this e-mail. They will be able to help you out with any questions or concerns while I am not here.

Thank you,

Matt Panfil, AICP
Senior Planner
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148
t 630.620.5744

f 630.629.2374

panfilm@villageoflombard.org

From: Panfil, Matthew
Sent: Friday, August 16, 2013 11:10 AM
To: 'Rosenburg, Chris'
Subject: RE: 401 E. North Ave.

Chris:

The extension was approved last night. The new expiration date is September 6, 2014.

- Matt

From: Rosenberg, Chris [<mailto:chris.rosenburg@cbexchange.com>]
Sent: Thursday, August 15, 2013 2:25 PM
To: Panfil, Matthew
Subject: Re: 401 E. North Ave.

Thank you

From: "Matthew Panfil" <PanfilM@villageoflombard.org>
To: "Chris Rosenberg" <chris.rosenburg@cbexchange.com>
Sent: Thursday, August 15, 2013 12:25:25 PM
Subject: RE: 401 E. North Ave.

Chris:

The extension is on tonight's Village Board agenda. I will be able to provide you an update tomorrow morning.

- Matt

From: Rosenberg, Chris [<mailto:chris.rosenburg@cbexchange.com>]
Sent: Thursday, August 15, 2013 2:20 PM
To: Panfil, Matthew
Subject: 401 E. North Ave.

Matt,

Wanted to see if the extension was granted and if so for how long. Please let me know when you get a minute.
Thanks

Chris Rosenberg
Coldwell Banker
D. 847-702-2219
Fax 781-810-9538
chris.rosenburg@cbexchange.com

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ORDINANCE NO. _____

AN ORDINANCE GRANTING A FURTHER TIME EXTENSION TO ORDINANCE 6746, AS AMENDED BY ORDINANCE 6849, GRANTING A CONDITIONAL USE FOR A DRIVE-THROUGH ESTABLISHMENT; A CONDITIONAL USE FOR AN OUTSIDE SERVICE AREA; A VARIATION TO ALLOW SIGNAGE WITHIN CLEAR LINE OF SIGHT AREAS; A VARIATION TO ALLOW WALL SIGNS THAT ARE TWO TIMES THE LINEAL FRONT FOOTAGE OF THE TENANT SPACE; VARIATIONS TO REDUCE THE TRANSITIONAL LANDSCAPE YARD; AND A MINOR PLAT OF SUBDIVISION WITH A VARIATION FROM LOT AREA.

(PC 12-13; 401 E. North Avenue)

WHEREAS, on September 6, 2012, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6746 which granted approval of a conditional use for a drive-through establishment; a conditional use for an outside service area; a variation to allow signage within clear line of sight areas; a variation to allow wall signs that are two times the lineal front footage of the tenant space; variations to reduce the transitional landscape yard; and a minor plat of subdivision with a variation from lot area; and,

WHEREAS, pursuant to Section 155.103 (F)(11) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, 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, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6849 on August 15, 2013, granting an amendment to Ordinance 6746 which extended the period in which the petitioner shall obtain a building permit and start construction on the associated project by September 6, 2014; and,

WHEREAS, construction has not commenced and the associated building permits are not anticipated to be issued by September 6, 2014, as required by Ordinance 6849; and

WHEREAS, the Village has received a letter requesting a further time extension of Ordinances 6746 and 6849; 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 6746 and 6849 are 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 the previously established time extension (i.e., March 6, 2015).

SECTION 2: That all other provisions associated with Ordinances 6746 and 6849 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 401 E. North Avenue, Lombard, Illinois and legally described as follows:

THAT PART OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF NORTH AVENUE, (STATE ROUTE 64) WHICH POINT IS 90 FEET EAST OF THE WEST LINE OF GRACE STREET; THENCE EAST ON THE SOUTH LINE OF NORTH AVENUE, A DISTANCE OF 195 FEET; THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF GRACE STREET, A DISTANCE OF 182 FEET; THENCE WEST PRALLEL WITH THE SOUTH LINE OF NORTH AVENUE, A DISTANCE OF 195 FEET; THENCE NORTH ON A LINE 90 FEET EAST OF AND PARALLEL TO THE WEST LINE OF GRACE STREET 182 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PART OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF NORTH AVENUE (ROUTE 64) WHICH POINT IS 90.0 FEET EAST OF THE WEST LINE OF GRACE STREET; THENCE ON AN ASSUMED BEARING NORTH 88 DEGREES 14 MINUTES

45 SECONDS EAST ALONG THE SOUTH LINE OF NORTH AVENUE 5.00 FEET; THENCE SOUTH 12 DEGREES 17 MINUTES 42 SECONDS WEST, 25.74 FEET TO THE EAST LINE OF GRACE STREET, BEING 90.0 FEET EAST OF AND PARALLEL TO THE WEST LINE OF GRACE STREET; THENCE NORTH 1 DEGREE 06 MINUTES 28 SECONDS EAST ALONG THE EAST LINE OF GRACE STREET, 25.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.
Parcel Number: 06-05-200-016; (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 _____, 2014.

First reading waived by action of the Board of Trustees this _____ day of _____, 2014.

Passed on second reading this _____ day of _____, 2014, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2014.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Ordinance No. _____
Re: PC 12-13 (2nd Time Extension)
Page 4

Published in pamphlet from this _____ day of _____, 2014.

Sharon Kuderna, Village Clerk