

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

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: October 24, 2007 (BOT) Date: November 1, 2007

TITLE: PC 06-24: 433 E. St. Charles Road

SUBMITTED BY: Department of Community Development *del*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance granting an 18-month time extension to Ordinance 5937 which approved a conditional use for a recreational facility (water park) located in the C/R Conservation/Recreation District. (DISTRICT #5)

Staff is requesting a waiver of first reading.

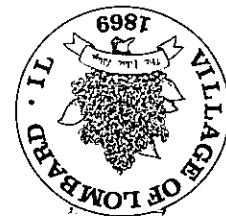
Please place this item on the November 1, 2007 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Date _____
Finance Director X *M. T. Lichter* _____
Date _____
Village Manager X _____
Date *10/24/07* _____

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
Assistant Village Manager/Director of Community Development

DATE: November 1, 2007

SUBJECT: PC 06-24: 433 E. St. Charles Road (Moran Water Park)

The Board of Trustees approved Ordinance 5937 (PC 06-24) on October 19, 2007 which granted conditional use approval for a recreational facility (water park) for the property at 433 E. St. Charles Road. 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 (Lombard Park District) has requested an extension of the conditional use. This extension would allow the Park District to represent that the zoning approvals are in place should they decide to proceed with a future referendum and/or construction activity for the water park.

Attached please find an Ordinance granting a time extension to Ordinance 5937 which granted a conditional use for the water park. A copy of Ordinance 5937 is also attached. Staff is also requesting a waiver of first reading.

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ORDINANCE NO. 5937

AN ORDINANCE APPROVING A CONDITIONAL USE FOR A RECREATIONAL FACILITY (WATER PARK) IN THE CONSERVATION/RECREATION DISTRICT

PC 06-24: 433 East St. Charles Road (Moran Water Park)

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 Lombard Village Code; and

WHEREAS, the Moran Water Park, located at 433 East St. Charles Road, within Lombard Common Park, as legally described in Section 1 below (the "Subject Property"), is zoned CR Conservation Recreation District; and

WHEREAS, an application has been filed with the Village of Lombard requesting approval of a conditional use for a recreational facility (water park) on the Subject Property (the "Petition"); and

WHEREAS, a public hearing was conducted by the Plan Commission on September 18, 2006, pursuant to appropriate and legal notice, and the Plan Commission recommended approval of the Petition, subject to conditions; and

WHEREAS, the President and Board of Trustees concur with the recommendation of the Plan Commission and have determined that it is in the best interest of the Village to approve the Petition.

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 the ordinance is limited and restricted to the property generally located at 433 East St. Charles Road, Lombard, Illinois, and legally described as follows:

Lot 1 in Lombard Commons Plat of Consolidation, being a subdivision of a part of the Northeast Quarter of Section 8, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded November 4, 1999 as document R1999-232901, in DuPage County Illinois.

Parcel Number: 06-08-201-004

SECTION 2: The President and Board of Trustees, hereby finds that the Petition does meet the standards for conditional uses and hereby grants a conditional use for a recreational facility (water park) on the Subject Property described in Section 1 above and subject to the conditions of approval set forth in Section 3.

SECTION 3: That the conditional use approval as set forth herein shall be subject to the following conditions:

1. The site be developed in compliance with Site Plan Packet materials, prepared by Cordogan, Clark and Associates, Inc., dated July 25 and August 7, 2006 and submitted as part of this Petition.

2. As part of the permit submittal, the Petitioner shall satisfactory address the engineering preliminary permit review comments provided by the Village.

3. The Petitioner shall dedicate to the Village a thirty-foot public utility easement over any existing and/or proposed public utilities on 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 required by law.

Passed on first reading this 5th day of October, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

Passed on second reading this 19th day of October _____, 2006, pursuant to a roll

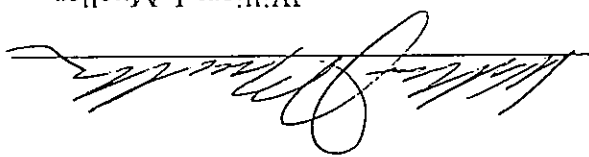
call vote as follows:

AYES: Trustees Gron, Tross, O'Brien, Sebby, Florey and Soderstrom

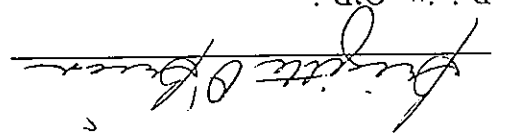
NAYS: None

ABSENT: None

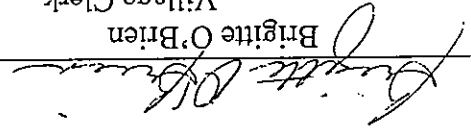
APPROVED by me this 19th day of October _____, 2006.


William J. Mueller
Village President

ATTEST:


Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this 24th day of October, 2006.


Brigitte O'Brien
Village Clerk

ORDINANCE NO. _____

**AN ORDINANCE GRANTING
AN EXTENSION OF ORDINANCE 5937**

(PC 06-24: 433 East St. Charles Road (Moran Water Park))

WHEREAS, on October 5, 2006, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5937 granting conditional use approval for a recreational facility (water park) for the property at 433 E. St. Charles Road, Lombard, Illinois and located in an CR Conservation Recreation 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 amendment granted by Ordinance 5937; and,

WHEREAS, the Village has received a letter requesting an extension of Ordinance 5937; 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 5937 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, and all construction is completed per the approved plans within eighteen (18) months from the date of adoption of this Ordinance.

SECTION 2: That all other provisions associated with Ordinance 5937 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 _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2007.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk