

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

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


TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE : March 6, 2016

(BOT) Date: March 15, 2018

SUBJECT: PC 17-01: Oakview Estates Phase II, 400 E. St. Charles Road – Time Extension Request

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Board of Trustees approved Ordinance 7342 (PC 17-01) on March 16, 2017, which granted approval of major changes to a planned development, a conditional use to allow three buildings on a lot of record, and companion variations for the property at 400 E. St. Charles Road. Per the provisions of the Zoning Ordinance (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.

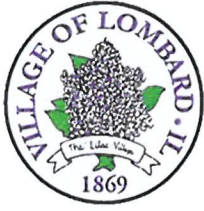
After being advised that the approved zoning relief would expire prior to their slated construction start, the property owner has submitted the attached letter requesting an extension of the approval granted by the Village Board.

Staff recommends that the Village Board approve an Ordinance extending the time period to start construction of the proposed project for an additional three-month period (i.e., until June 17, 2018). The petitioner is requesting a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:


Review (as necessary):
Finance Director _____ Date _____

Village Manager _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: March 15, 2018

SUBJECT: **PC 17-01: Oakview Estates Phase II, 400 E. St. Charles Road – Time Extension Request**

The Board of Trustees approved Ordinance 7342 (PC 17-01) on March 16, 2017, which granted approval of major changes to a planned development, a conditional use to allow three buildings on a lot of record, and companion variations for the property at 400 E. St. Charles Road. Per the provisions of the Zoning Ordinance (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 property owner has submitted the attached letter requesting an extension of the approval granted by the Village Board.

A copy of Ordinance 7342 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 three-month period (i.e., until June 17, 2018). The petitioner is requesting a waiver of first reading of the Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A TIME EXTENSION TO
ORDINANCE 7342 GRANTING MAJOR CHANGES TO A
PLANNED DEVELOPMENT PURSUANT TO TITLE 15,
CHAPTER 155, SECTION 155.504 OF THE LOMBARD ZONING
ORDINANCE; APPROVING A CONDITIONAL USE TO
ALLOW THREE PRINCIPAL BUILDINGS ON A LOT OF
RECORD PURSUANT TO SECTION 155.208 OF THE
LOMBARD ZONING ORDINANCE; AND APPROVING
COMPANION VARIATIONS FOR THE PROPERTY AT 400 E.
ST. CHARLES ROAD IN THE OAKVIEW ESTATES PLANNED
DEVELOPMENT, AS ESTABLISHED BY ORDINANCE 5488**

(PC 17-01: Oakview Estates Planned Development Phase II – 400 E. St. Charles Road)

WHEREAS, on March 16, 2017, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7342 which granted approval of major changes to a planned development; approval of a conditional use to allow three principal buildings on a lot of record; and approval of companion variations; and,

WHEREAS, pursuant to 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 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 7342; 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 7342 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 three (3) months of the expiration date of this Ordinance (i.e., June 17, 2018).

SECTION 2: That all other provisions associated with Ordinance 7342 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 400 E. St. Charles Road, Lombard, Illinois and legally described as follows:

THAT PART OF LOT 1 IN OAKVIEW ESTATES RESUBDIVISION BEING A RESUBDIVISION IN PART OF THE SOUTHEAST QUARTER OF SECTION 5, AND THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED AS DOCUMENT NUMBER R2006-038979 AND CERTIFICATE OF CORRECTION FILED APRIL 27, 2006 AS DOCUMENT R2006-077790, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT BEING THE MOST WESTERLY CORNER ON THE MOST NORTHERLY LINE OF LOT 1 AFORESAID AND RUNNING THENCE NORTH 67 DEGREES 31 MINUTES 49 SECONDS EAST ALONG SAID NORTHERLY LINE OF LOT 1, A DISTANCE OF 441.47 FEET; THENCE SOUTH 22 DEGREES 25 MINUTES 50 SECONDS EAST, A DISTANCE OF 52.24 FEET; THENCE NORTH 67 DEGREES 34 MINUTES 10 SECONDS EAST, A DISTANCE OF 25.69 FEET; THENCE SOUTH 18 DEGREES 47 MINUTES 44 SECONDS EAST, A DISTANCE OF 105.28 FEET; THENCE SOUTH 70 DEGREES 44 MINUTES 29 SECONDS WEST, A DISTANCE OF 27.98 FEET; THENCE SOUTH 77 DEGREES 19 MINUTES 05 SECONDS WEST, A DISTANCE OF 100.24 FEET; THENCE SOUTH 81 DEGREES 45 MINUTES 05 SECONDS WEST, A DISTANCE OF 90.17 FEET; THENCE SOUTH 08 DEGREES 01 MINUTE 37 SECONDS EAST, A DISTANCE OF 7.01 FEET; THENCE SOUTH 81 DEGREES 49 MINUTES 50 SECONDS WEST, A DISTANCE OF 206.98 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET AND WHOSE CHORD BEARS NORTH 56 DEEGREES 09 MINUTES 42 SECONDS WEST, A CHORD DISTANCE OF 81.99 FEET (AN ARC DISTANCE OF 90.26 FEET) TO A POINT OF TANGENCY; THENCE NORTH 01 DEGREE 20 MINUTES 01 SECOND WEST, A DISTANCE OF 4.30 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PROPERTY COMMONLY KNOWN AS: 400 EAST ST. CHARLES RAOD, LOMBARD, ILLINOIS 60148

Ordinance No. _____
Re: PC 17-01 – Time Extension
Page 3

CONTAINING: 51,906.12 SQ. FT., 1.19 ACRES

PIN: 06-05-426-009

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 _____, 2018.

First reading waived by action of the Board of Trustees this _____ day of _____, 2018.

Passed on second reading this _____ day of _____, 2018, pursuant to a roll call vote as follows:

Ayes: _____

Nayes: _____

Absent: _____

Approved by me this _____ day of _____, 2018.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2018.

Sharon Kuderna, Village Clerk

Custom Home Development Inc.

120 W. Golf Rd., Suite 217
Schaumburg, IL 60195
708-699-4301

February 20, 2018

Anna Papke
Community Development
Village of Lombard
255 E. Wilson Ave.
Lombard, IL 60148

Ms. Papke:

We would like to request an extension to the zoning relief associated with the construction of ten townhomes at 400 E. St. Charles Rd. Due to fact that we have not received our permits and have encountered some delays in our financing we have been unable to start construction. While our intent is to start as soon as possible, the timeline is getting tight to guarantee a start by the required deadline of March 16th. Since we are now in the middle of the winter season, we would like to extend the construction start date to the end of May, 2018.

We appreciate your consideration and assistance with this matter, and look forward to getting our project underway. If there are questions regarding our request, please feel free to contact me.

Kind regards,

Casey Surdel, Owner



FRED BUCHOLZ

DUPAGE COUNTY RECORDER

APR.06,2017

2:54 PM

OTHER

\$34.00 06-05-426-009

008 PAGES R2017-032940

ORDINANCE 7342

GRANTING MAJOR CHANGES TO A PLANNED DEVELOPMENT PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.504 OF THE LOMBARD ZONING ORDINANCE; APPROVING A CONDITIONAL USE TO ALLOW THREE PRINCIPAL BUILDINGS ON A LOT OF RECORD PURSUANT TO SECTION 155.208 OF THE LOMBARD ZONING ORDINANCE; AND APPROVING COMPANION VARIATIONS FOR THE PROPERTY AT 400 E. ST. CHARLES ROAD IN THE OAKVIEW ESTATES PLANNED DEVELOPMENT, AS ESTABLISHED BY ORDINANCE 5488

PIN(s): 06-05-426-009

**ADDRESS: Oakview Estates Planned Development Phase II,
400 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 7342

GRANTING MAJOR CHANGES TO A PLANNED DEVELOPMENT PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.504 OF THE LOMBARD ZONING ORDINANCE; APPROVING A CONDITIONAL USE TO ALLOW THREE PRINCIPAL BUILDINGS ON A LOT OF RECORD PURSUANT TO SECTION 155.208 OF THE LOMBARD ZONING ORDINANCE; AND APPROVING COMPANION VARIATIONS FOR THE PROPERTY AT 400 E. ST. CHARLES ROAD IN THE OAKVIEW ESTATES PLANNED DEVELOPMENT, AS ESTABLISHED BY ORDINANCE 5488

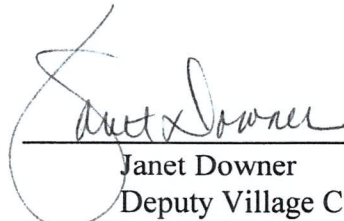
PIN(s): 06-05-426-009

ADDRESS: Oakview Estates Planned Development Phase II – 400 E. St. Charles Road,
Lombard, IL 60148

of the said Village as it appears from the official records
of said Village duly approved this 16th
day of March, 2017.

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 April, 2017.





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

**ORDINANCE 7342
PAMPHLET**

**PC 17-01: 400 E. ST. CHARLES ROAD
OAKVIEW ESTATES PHASE II**



PUBLISHED IN PAMPHLET FORM THIS 17th DAY OF MARCH, 2017, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.

Sharon Kuderna

Sharon Kuderna
Village Clerk

ORDINANCE NO. 7342

AN ORDINANCE GRANTING MAJOR CHANGES TO A PLANNED DEVELOPMENT PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.504 OF THE LOMBARD ZONING ORDINANCE; APPROVING A CONDITIONAL USE TO ALLOW THREE PRINCIPAL BUILDINGS ON A LOT OF RECORD PURSUANT TO SECTION 155.208 OF THE LOMBARD ZONING ORDINANCE; AND APPROVING COMPANION VARIATIONS FOR THE PROPERTY AT 400 E. ST. CHARLES ROAD IN THE OAKVIEW ESTATES PLANNED DEVELOPMENT, AS ESTABLISHED BY ORDINANCE 5488

(PC 17-01: Oakview Estates Planned Development Phase II – 400 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, the Subject Property, as described in Section 2 below, is zoned R4PD Limited General Residence District Planned Development; and,

WHEREAS, the Subject Property, as described in Section 2 below, is subject to the standards for the Oakview Estates Planned Development, as adopted by the President and Board of Trustees of the Village of Lombard by Ordinance 5488; and,

WHEREAS, an application has heretofore been filed requiring approval of the following major changes, conditional use and variations for a portion of a planned development, commonly referred to as Phase II of Oakview Estates (400 E. St. Charles Road), pursuant to the Lombard Zoning Ordinance (Title 15, Chapter 155 of the Village Code):

1. Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oakview Estates Planned Development, as established by Ordinance No. 5488, as follows:
 - a. Change the use from condominiums to attached single-family (townhomes);
 - b. Approve a deviation from Section 155.409(F)(3)(a) and 155.508(C)(6) to reduce minimum required front yard setback from 30 feet (30') to one foot (1');
 - c. Approve a deviation from Section 155.409(F)(3)(d) and 155.508(C)(6) to reduce minimum required rear yard setback from 30 feet (30') to 20 feet (20');
 - d. Approve a deviation from Section 155.409(F)(3)(c)(ii) and 155.508(C)(6) to reduce minimum required interior side yard setback for exterior lots from 15 feet (15') to five feet (5'); and
 - e. Approve a deviation from Section 155.409(G) to increase the maximum allowable building height from 36 feet (36') to 36 feet and six inches (36'6");

2. Pursuant to Section 155.208 (number of buildings on a lot of record) of the Lombard Zoning Ordinance, approve a conditional use for three principal structures on one lot of record;
3. Pursuant to Section 155.409(K)(3) (Restrictions on attached single-family dwellings) of the Lombard Zoning Ordinance, approve a variation to reduce the minimum separation between buildings containing attached single-family dwellings from thirty feet (30') to twenty feet (20');
4. Pursuant to Section 155.602(A)(3)(e) of the Lombard Zoning Ordinance, approve a variation to allow off-street parking spaces open to the sky to be located in a required front yard;

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on February 20, 2017, 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 major changes, approval of the conditional use and approval of the deviation; 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 follows:

SECTION 1: That major changes, conditional use and variations for a portion of a planned development as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

1. Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oakview Estates Planned Development, as established by Ordinance No. 5488, as follows:
 - a. Change the use from condominiums to attached single-family (townhomes);
 - b. Approve a deviation from Section 155.409(F)(3)(a) and 155.508(C)(6) to reduce minimum required front yard setback from 30 feet (30') to one foot (1');
 - c. Approve a deviation from Section 155.409(F)(3)(d) and 155.508(C)(6) to reduce minimum required rear yard setback from 30 feet (30') to 20 feet (20');

- d. Approve a deviation from Section 155.409(F)(3)(c)(ii) and 155.508(C)(6) to reduce minimum required interior side yard setback for exterior lots from 15 feet (15') to five feet (5'); and
 - e. Approve a deviation from Section 155.409(G) to increase the maximum allowable building height from 36 feet (36') to 36 feet and six inches (36'6");
2. Pursuant to Section 155.208 (number of buildings on a lot of record) of the Lombard Zoning Ordinance, approve a conditional use for three principal structures on one lot of record;
 3. Pursuant to Section 155.409(K)(3) (Restrictions on attached single-family dwellings) of the Lombard Zoning Ordinance, approve a variation to reduce the minimum separation between buildings containing attached single-family dwellings from thirty feet (30') to twenty feet (20');
 4. Pursuant to Section 155.602(A)(3)(e) of the Lombard Zoning Ordinance, approve a variation to allow off-street parking spaces open to the sky to be located in a required front yard;

SECTION 2: That this ordinance is limited and restricted to the subject property generally located at 400 E. St. Charles Road, Lombard, Illinois, and more specifically legally described as set forth below:

THAT PART OF LOT 1 IN OAKVIEW ESTATES RESUBDIVISION BEING A RESUBDIVISION IN PART OF THE SOUTHEAST QUARTER OF SECTION 5, AND THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED AS DOCUMENT NUMBER R2006-038979 AND CERTIFICATE OF CORRECTION FILED APRIL 27, 2006 AS DOCUMENT R2006-077790, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT BEING THE MOST WESTERLY CORNER ON THE MOST NORTHERLY LINE OF LOT 1 AFORESAID AND RUNNING THENCE NORTH 67 DEGREES 31 MINUTES 49 SECONDS EAST ALONG SAID NORTHERLY LINE OF LOT 1, A DISTANCE OF 441.47 FEET; THENCE SOUTH 22 DEGREES 25 MINUTES 50 SECONDS EAST, A DISTANCE OF 52.24 FEET; THENCE NORTH 67 DEGREES 34 MINUTES 10 SECONDS EAST, A DISTANCE OF 25.69 FEET; THENCE SOUTH 18 DEGREES 47 MINUTES 44 SECONDS EAST, A DISTANCE OF 105.28 FEET; THENCE SOUTH 70 DEGREES 44 MINUTES 29 SECONDS WEST, A DISTANCE OF 27.98 FEET; THENCE SOUTH 77 DEGREES 19 MINUTES 05 SECONDS WEST, A DISTANCE OF 100.24 FEET; THENCE SOUTH 81 DEGREES 45 MINUTES 05 SECONDS WEST, A DISTANCE OF 90.17 FEET; THENCE SOUTH 08 DEGREES 01 MINUTE 37 SECONDS EAST, A DISTANCE OF 7.01 FEET; THENCE SOUTH 81 DEGREES 49 MINUTES 50 SECONDS WEST, A DISTANCE OF 206.98 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT

HAVING A RADIUS OF 60.00 FEET AND WHOSE CHORD BEARS NORTH 56 DEEGREES 09 MINUTES 42 SECONDS WEST, A CHORD DISTANCE OF 81.99 FEET (AN ARC DISTANCE OF 90.26 FEET) TO A POINT OF TANGENCY; THENCE NORTH 01 DEGREE 20 MINUTES 01 SECOND WEST, A DISTANCE OF 4.30 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PROPERTY COMMONLY KNOWN AS: 400 EAST ST. CHARLES RAOD, LOMBARD, ILLINOIS 60148

CONTAINING: 51,906.12 SQ. FT., 1.19 ACRES

PIN: 06-05-426-009

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. That the major changes to a planned development, conditional use approval and variations approval are valid only for the subject property (400 E. St. Charles Road) within the Oakview Estates Planned Development;
2. That the petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Code, or as provided as part of the original planned development approval set forth in Ordinance 5488:
 - a. Civil engineering and landscape plans (with landscape plan to be revised per comments noted in this report), prepared by Craig R. Knoche & Associates, dated September 11, 2016, revised November 18, 2016 and February 1, 2017; and
 - b. Architectural plans, prepared by ECA Architects and Planners, dated November 7, 2016.
3. That the petitioner shall submit a signage plan at the permitting phase incorporating "no parking" and fire lane signage designed to keep the internal access driveway free of parked vehicles, and that such signage plan shall be subject to the approval of the Director of the Community Development Department and the Fire Marshal;
4. That the petitioner shall submit a petition to the Plan Commission for approval of a major plat of resubdivision at such time as the east portion of the subject property is deeded to the homeowners' association at 500 E. St. Charles Road;
5. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and

6. Pursuant to the Zoning Ordinance, the project construction shall commence within one (1) year from the date of approval of the ordinance, or this approval shall become null and void unless a time extension has been granted by the Village Board.

SECTION 4: That all other relief granted by Ordinance 5488 not amended by this ordinance of approval shall remain in full force and effect.

SECTION 5: 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 2nd day of March, 2017.

First reading waived by action of the Board of Trustees this ___ day of ___, 2017.

Passed on second reading this 16th day of March, 2017.

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


Nays: None

Absent: None

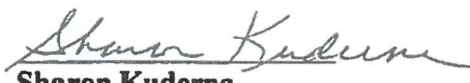
Approved this 16th day of March, 2017.


Keith T. Giagnorio
Village President

ATTEST:


Sharon Kuderna
Village Clerk

Published by me in pamphlet form on this 17th day of March, 2017


Sharon Kuderna
Village Clerk