

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: April 23, 2013 (BOT) Date: May 2, 2013

TITLE: PC 12-10: 300 W. Roosevelt Rd.

SUBMITTED BY: Department of Community Development *W*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration an Ordinance granting a time extension to Ordinance 6726 granting a conditional use pursuant to Title 15, Chapter 155, Section 155.417(G)(2) of the Lombard Zoning Ordinance extending the time period to start construction of the project until May 2, 2014 for the property located within the B4A Roosevelt Road Corridor District.

Staff recommends approval of this request.

Please place this item on the May 2, 2013 Board of Trustees agenda.

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: David A. Hulseberg, AICP, ICMA-CM, Village Manager

FROM: William Heniff, AICP, Director of Community Development *WHL*

DATE: May 2, 2013

SUBJECT: **PC 12-10: 300 West Roosevelt Road (Wolfy's Restaurant) – Time Extension Request**

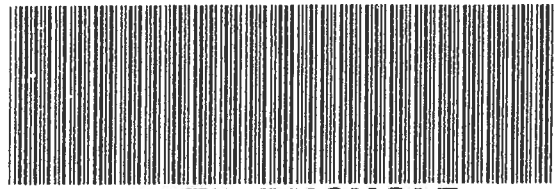
The Board of Trustees approved Ordinance 6726 (PC 12-10) on May 17, 2012 which granted approval for a conditional use for the property at 300 West Roosevelt Road. Per the conditional use provisions (Section 155.103(F)(11) of the Zoning Ordinance), if construction has not begun within one (1) year from the date of approval, the conditional use is null and void unless an extension is granted by the Board of Trustees.

After being advised that the approved zoning relief would expire prior to their slated construction start in Summer 2013, the petitioner has submitted the attached letter requesting an extension of the conditional use approval granted by the Village Board.

A copy of Ordinance 6726 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 twelve-month period (i.e., until May 2, 2014). Staff also recommends a waiver of first reading of the Ordinance.



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
JUL 10, 2012 10:48 AM
OTHER 06-18-419-048
005 PAGES R2012-088235

ORDINANCE 6726

**GRANTING A CONDITIONAL USE PURSUANT
TO TITLE 15, CHAPTER 155, SECTION 155.417(G)(2) OF
THE LOMBARD ZONING ORDINANCE**

PIN: 06-18-419-048

Address: 300 W. Roosevelt Rd., Lombard IL 60148

**Return To:
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148**



I, **Denise R. Kalke**, 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 6726

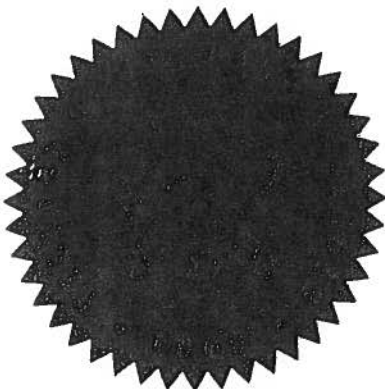
GRANTING A CONDITIONAL USE PURSUANT TO TITLE 15,
CHAPTER 155, SECTION 155.417(G)(2) OF THE LOMBARD,
ZONING ORDINANCE

PIN : 06-18-419-048

ADDRESS: 300 W. Roosevelt Road, Lombard, IL 60148

of the said Village as it appears from the official records of said Village duly approved this 17th day of May, 2012.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 20th day of June, 2012.



A handwritten signature in cursive script that reads "Denise R. Kalke".

Denise R. Kalke
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois

ORDINANCE NO. 6726

**AN ORDINANCE GRANTING A CONDITIONAL USE
PURSUANT TO TITLE 15, CHAPTER 155, SECTION
155.417(G)(2) OF THE LOMBARD ZONING ORDINANCE**

(PC 12-10; 300 W. Roosevelt 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 defined below is zoned B4A - Roosevelt Road Corridor District ; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Title 15, Chapter 155, Section 417(G)(2) of the Lombard Village Code to provide for an outside service area for outdoor dining; and

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on April 16, 2012 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 conditional use described herein; 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 a conditional use is hereby granted for the Subject Property, as described in Section 2 below, pursuant to Title 15, Chapter 155, Section 417(G)(2) of the Lombard Village Code to provide for outside service area for outdoor dining.

SECTION 2: That this Ordinance is limited and restricted to the property located at 300 W. Roosevelt Road, Lombard, Illinois and legally described as follows:

LOT 1 IN BUSH'S SUBDIVISION OF PART OF THE SOUTHEAST ¼ OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED OCTOBER 19, 1979 AS DOCUMENT R79-95390, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-18-419-048; (the "Subject Property").

SECTION 3: The conditional use, as provided for in Section 1 of this Ordinance shall be granted subject to compliance with the following conditions:

1. The subject property shall be developed in substantial compliance with the site plan, attached as Exhibit A.
2. The petitioner shall apply for and receive a building permit for the proposed outdoor dining area. Said permit shall satisfactorily address all IDRC comments and provide a minimum 4 foot high fencing around the outdoor dining area. The fencing shall be of a wrought iron or black aluminum design, in a manner acceptable to the Director of Community Development.
3. The dumpster associated with the petitioner's establishment shall be fully enclosed pursuant to Village Code.
4. Prior to the issuance of a building permit, the petitioner shall revise the existing handicapped parking space to meet the minimum required dimensions, striping and signage per the Illinois Accessibility Code.

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 3rd day of May, 2012.

First reading waived by action of the Board of Trustees this _____ day of _____, 2012.

Passed on second reading this 17th day of May, 2012.

Ordinance No. 6726
Re: PC 12-10
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Ayes: Trustees Gron, Giagnorio, Wilson, Breen, Fitzpatrick and Ware

Nays: None

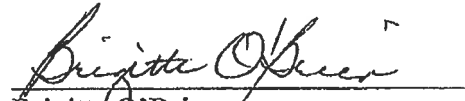
Absent: None

Approved this 17th day of May, 2012.



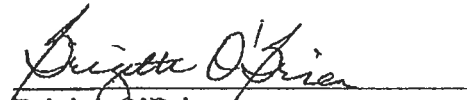
William S. Mueller
Village President

ATTEST:



Brigitte O'Brien
Village Clerk

Published by me in pamphlet from this 18th day of May, 2012



Brigitte O'Brien
Village Clerk

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A TIME EXTENSION TO
ORDINANCE 6726 GRANTING A CONDITIONAL USE
PURSUANT TO TITLE 15, CHAPTER 155, SECTION
155.417(G)(2) OF THE LOMBARD ZONING ORDINANCE**

(PC 12-10; 300 W. Roosevelt Road, Wolfy's Restaurant)

WHEREAS, on May 17, 2012, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6726 which granted approval of a conditional use pursuant to Title 15, Chapter 155, Section 417(G)(2) of the Lombard Village Code to provide for an outside service area for outdoor dining; 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, construction has not commenced and the associated building permits are not anticipated to be issued by May 17, 2013, as required by Ordinance 6726; and

WHEREAS, the Village has received a letter requesting a further 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 6726 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 twelve (12) months of the expiration date of this Ordinance (i.e., May 2, 2014).

Ordinance No. _____
Re: PC 12-10CU
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SECTION 2: That all other provisions associated with Ordinance 6726 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 300 W. Roosevelt Road, Lombard, Illinois and legally described as follows:

LOT 1 IN BUSH'S SUBDIVISION OF PART OF THE SOUTHEAST ¼ OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED OCTOBER 19, 1979 AS DOCUMENT R79-95390, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-18-419-048; (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 _____, 2013.

First reading waived by action of the Board of Trustees this _____ day of _____, 2012.

Passed on second reading this _____ day of _____, 2013, pursuant to a roll call vote as follows:

Ayes: _____

Nayes: _____

Absent: _____

Approved by me this _____ day of _____, 2013.

Keith Giagnorio, Village President

Ordinance No. _____
Re: PC 12-10CU
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ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2013.

Sharon Kuderna, Village Clerk