

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: May 6, 2008 (BOT) Date: May 15, 2007

TITLE: PC 07-12: 1135 N. Garfield Avenue

SUBMITTED BY: Department of Community Development *John*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance granting a 12-month time extension to Ordinance 6021, granting a conditional use approval to allow for more than one principal building on a lot of record and a variation to the maximum building height. (DISTRICT #4)

Staff recommends approval of this request.

Staff is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X *M. T. Lichter*
Date _____
Date *5/7/08*
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: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Assistant Village Manager/Director of Community Development *DAH*

DATE: May 15, 2008

SUBJECT: PC 07-12: 1135 N. Garfield Street - Extension of Zoning Approvals

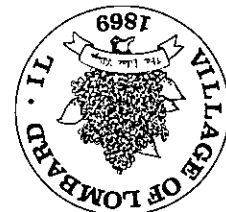
The Board of Trustees approved the attached Ordinance 6021 (PC 07-12) on May 3, 2007 that granted conditional use approval to allow for more than one principal building on a lot of record and a variation from Section 155.417 to allow for a building height of up to sixty-five feet (65') for a salt dome, where a maximum of forty-five feet (45') is permitted. This relief was granted in order to provide for the future construction of the Public Works facility.

Per the conditional use and variation provisions (Sections 155.103 (C)(10) and (F)(11) of the Zoning Ordinance), if construction has not begun within one year from the date of approval, the variation and conditional use is null and void unless an extension is granted by the Board of Trustees. The Public Works Department has requested that the Village grant the necessary time extensions for the zoning approval, so that they can continue to proceed with the site improvements.

Since the initial approval, the Public Works Department has been utilizing the site for the storage of selected bulk material. They have also submitted for approval a building permit for paving and utility improvements for the proposed buildings.

ACTION REQUESTED

Staff recommends that the Village Board approve an Ordinance extending the time period to start construction of the project for an additional twelve-month period from the date of the original approval of the Ordinance (i.e., until May 3, 2009). Staff also requests a waiver of first reading of the Ordinance.



Memorandum

TO: William J. Heniff, AICP, Senior Planner

FROM: David P. Gorman, PE, Acting Director of Public Works *DPG*

DATE: May 1, 2008

SUBJECT: Extension Request for PW Facility at 1135 N. Garfield Street

The Village Board had passed Ordinance No. 6021 on May 3, 2007 to approve a conditional use for the planned Public Works Salt Dome and Operations Building. This development is still in design and awaiting IDOT funding approval. Therefore, the Public Works Department requests a one-year extension of the conditional use approval.

Please forward this request to the Village Board for consideration. I can be reached at 620-5765 if there are any questions. Thank you.

DC:dg H:\PW\Director\Deputy Director\Correspondence\Wenios\Garfield PC Extension.doc

COPY

ORDINANCE NO. 6021

AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.418 (C) OF THE LOMBARD ZONING ORDINANCE, PROVIDING FOR MORE THAN ONE PRINCIPAL BUILDING ON A LOT OF RECORD AND A VARIATION FROM SECTION 155.417 PROVIDING FOR AN INCREASE IN THE MAXIMUM BUILDING HEIGHT

(PC 07-12: 1135 N. Garfield Street (Public Works Salt Dome & Operations Building))

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 I Limited Industrial District; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Title 15, Chapter 155, Section 418 (C) of the Lombard Village Code to allow for more than one principal building on a lot of record; and

WHEREAS, said application also requests approval of a variation pursuant to Title 15, Chapter 155, Section 417 of the Lombard Village Code to allow for a building height of up to sixty-five feet (65') for a salt dome, where a maximum of forty-five feet (45') is permitted; and

WHEREAS, a public hearings on the forgoing application were conducted by the Village of Lombard Plan Commission on April 16, 2007 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 and variation described herein, subject to one condition; 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 4 below, pursuant to Title 15, Chapter 155, Section 418 (C) of the Lombard Village Code to allow for more than one principal building on a lot of record and a variation pursuant to Title 15, Chapter 155, Section 417 of the Lombard Village Code to allow for a building height of up to sixty-five feet (65') for a salt dome, where a maximum of forty-five feet (45') is permitted, subject to the conditions set forth in Section 3 below.

SECTION 2: That this Ordinance is limited and restricted to the property located at 1135 N. Garfield Street, Lombard, Illinois and legally described as follows:

LOT 3 IN THE LOMBARD BUSINESS PARK SUBDIVISION, BEING A SUBDIVISION IN SECTION 32, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 28, 1989 AS DOCUMENT NO. R89-90960, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 03-32-301-026; (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 condition:

1. That the proposed development shall meet all federal, state and local stormwater drainage requirements.

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 _____, 2007.

First reading waived by action of the Board of Trustees this 3rd day of May, 2007.

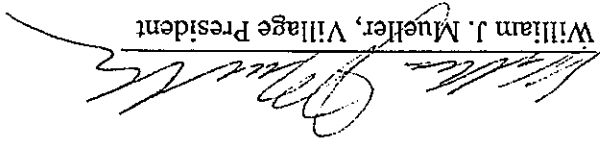
Passed on second reading this 3rd day of May, 2007, pursuant to a roll call vote as follows:

Ayes: Trustees Gron, Tross, O'Brien, Seby, Florey & Soderstrom

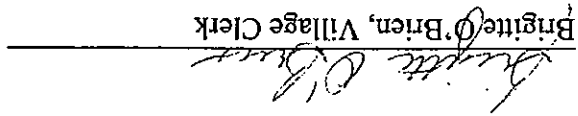
Nays: None

Absent: None

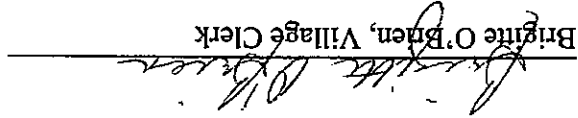
Approved by me this 3rd day of May, 2007.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published by me in pamphlet from this 7th day of May, 2007.


Brigitte O'Brien, Village Clerk

**AN ORDINANCE GRANTING A TIME EXTENSION TO ORDINANCE 6021,
GRANTING A CONDITIONAL USE APPROVAL TO ALLOW FOR MORE THAN
ONE PRINCIPAL BUILDING ON A LOT OF RECORD
AND A VARIATION TO THE MAXIMUM BUILDING HEIGHT**

(PC 07-12: 1135 N. Garfield Street)

WHEREAS, on May 3, 2007, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6021, which granted approval of a conditional use to allow for more than one principal building on a lot of record and a variation from Section 155.417 to allow for a building height of up to sixty-five feet (65') for a salt dome, where a maximum of forty-five feet (45') is permitted, for the property at 1135 N. Garfield Street; and

WHEREAS, pursuant to Section 155.103(C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, variations 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, pursuant to Section 155.103(F)(11) of the Lombard Zoning Ordinance, 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 been deemed to not be substantially underway for the development granted by Ordinance 6021 and the conditions of approval have not been satisfied; and,

WHEREAS, the Village has prepared a memorandum 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 6021 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 original adoption of this Ordinance (i.e., May 3, 2009).

SECTION 2: That all other provisions associated with Ordinance 6021, not amended by this Ordinance, 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 _____, 2008.

First reading waived by action of the Board of Trustees this _____ day of _____, 2008.

Passed on second reading this _____ day of _____, 2008.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2008.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Ordinance No. _____
Re: PC 07-12 – Time Extension
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Published by me in pamphlet form this _____ day of _____, 2008

Brigitte O'Brien
Village Clerk

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