

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

 X 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: Scott R. Niehaus, Village Manager

DATE: July 7, 2017 (B of T) Date: July 20, 2017

TITLE: PC 16-11: 211 E. Roosevelt Road – Time Extension Request

SUBMITTED BY: Department of Community Development *bls*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an Ordinance granting a time extension to Ordinance 7244 granting a conditional use pursuant to Title 15, Chapter 155, Section 155.417 (G) (2) (A) of the Lombard Zoning Ordinance.

Staff recommends approval of this request.

The petitioner 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 

MEETING DATE: July 20, 2017

SUBJECT: **PC 16-11: 211 E. Roosevelt Road – Time Extension Request**

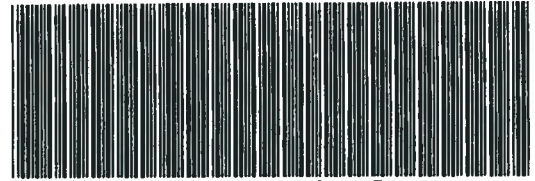
The Board of Trustees approved Ordinance 7244 (PC 16-11) on July 21, 2016 which granted approval of a conditional use for outside service area for outdoor dining. Per the provisions of the Zoning Ordinance (Section 155.103(F)), if construction has not begun within twelve (12) months from the date of 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 petitioner has submitted the attached letter requesting an extension of the approval granted by the Village Board.

A copy of Ordinance 7244 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 July 21, 2018). The petitioner is requesting a waiver of first reading of the Ordinance.



FRED BUCHOLZ

DUPAGE COUNTY RECORDER

AUG. 04, 2016

11:13 AM

OTHER \$32.00 06-20-110-006

006 PAGES R2016-080956

ORDINANCE 7244

**GRANTING A CONDITIONAL USE PURSUANT TO TITLE 15,
CHAPTER 155, SECTION 155.417(G)(2)(a) OF THE LOMBARD
ZONING ORDINANCE AND CHAPTER 153, SECTION 153.505
(B)(19)(b)(i)(a) OF THE LOMBARD SIGN ORDINANCE**

PIN(s): 06-20-110-006; (the "Subject Property")

ADDRESS: 211 E. Roosevelt Road, Lombard, IL 60148

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

**ORDINANCE 7244
PAMPHLET**

**PC 16-11: 211 E. ROOSEVELT ROAD
PITA PITA**



**PUBLISHED IN PAMPHLET FORM THIS 22nd DAY OF JULY, 2016, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.**

Sharon Kuderna

**Sharon Kuderna
Village Clerk**



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 7244

GRANTING A CONDITIONAL USE PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.417(G)(2)(a) OF THE LOMBARD ZONING ORDINANCE AND CHAPTER 153, SECTION 153.505 (B)(19)(b)(i)(a) OF THE LOMBARD SIGN ORDINANCE

PIN(s): 06-20-110-006; (the "Subject Property")

ADDRESS: 211 E. Roosevelt Road, Lombard, IL 60148

of the said Village as it appears from the official records
of said Village duly approved this 21st
day of July, 2016.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 3rd day of August, 2016.



A handwritten signature in black ink, appearing to read "Janet Downer", is written over a horizontal line.

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

ORDINANCE NO. 7244

**AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO
TITLE 15, CHAPTER 155, SECTION 155.417(G)(2)(a) OF THE
LOMBARD ZONING ORDINANCE AND CHAPTER 153, SECTION
153.505 (B)(19)(b)(i)(a)
OF THE LOMBARD SIGN ORDINANCE**

(PC 16-11; 211 E. 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 and Chapter 153 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)(a) of the Lombard Village Code to provide for an outside service area for outdoor dining, and a deviation from Section 505(B)(19)(b)(i)(a) of the Lombard Village Code to allow a fifty-two (52) square foot wall sign where thirty-five (35) square feet is the maximum allowed; and

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on June 20, 2016 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 deviation as 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 3 below, pursuant to Title 15, Chapter 155, Section 417(G)(2)(a) of the Lombard Village Code to provide for outside service area for outdoor dining.

SECTION 2: That a deviation is hereby granted from Section 505(B)(19)(b)(i)(a) to allow a fifty-two (52) square foot wall sign where thirty-five (35) square feet is the maximum allowed for the Subject Property, as described in Section 3 below.

SECTION 3: That this Ordinance is limited and restricted to the property and tenant space located at 211 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

LOTS 1 ~~AND 3~~ IN THE FINAL PLAT OF V-LAND LOMBARD HIGHLAND RESUBDIVISION, BEING A SUBDIVISION OF PART OF WEST ½ OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 12, 2006 AS DOCUMENT R2006-197358 IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-20-110-006; (the "Subject Property")

SECTION 4: The conditional use and deviation, as provided for in Section 1 and 2 of this Ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request from Diversify Designs, LLC and Reitan Architects, LLC, dated 5/13/16;
2. The conditional use permit for outdoor seating/dining is exclusively for the tenant space at 211 E. Roosevelt Road, as depicted on the submitted plans;
3. The outdoor dining activity shall not be operated after 11:00 p.m. on weeknights and 1:00 a.m. on Friday and Saturday nights. Wait staff shall be available for the outdoor dining area and shall monitor operations to ensure that the use is operated properly and legally;
4. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
5. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the outdoor seating is not established by said date, this relief shall be deemed null and void.

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 _____ day of _____, 2016.

First reading waived by action of the Board of Trustees this 21st day of July, 2016.

Ordinance No. 7244

Re: PC 16-11

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Passed on second reading this 21st day of July, 2016.

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

Nays: None

Absent: Trustee Pike

Approved this 21st day of July, 2016.


Keith T. Giagnorio
Village President

ATTEST:


Sharon Kuderna
Village Clerk

Published by me in pamphlet form on this 22nd day of July, 2016.


Sharon Kuderna
Village Clerk

PITA PITA MEDITERRANEAN GRILL

Rahil Bandukara & Mustafa Hammad

City of Lombard

June 30th 2017

OUTDOOR PATIO EXTENSION

Dear Jennifer,

Pita Pita in Lombard is requesting an extension to build out the patio at 211 E Roosevelt Rd.

As we are a new business in the first year we are unable to finance the cost of the build out. We would like to build out in the spring 2018 for a summer 2018 debut.

Thank you for the consideration,

Much Regards,

Pita Pita Lombard

Rahil Bandukara & Mustafa Hammad

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A TIME EXTENSION TO
ORDINANCE 7244 GRANTING A CONDITIONAL USE
PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.417
(G) (2) (a) OF THE LOMBARD ZONING ORDINANCE**

(PC 16-11; 211 E. Roosevelt Road)

WHEREAS, on July 21, 2016, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7244 which granted approval of a conditional use pursuant to Section 155.417 (G) (2) (a) of the Lombard Zoning Ordinance to provide for an outside service area for outdoor dining; 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 7244; 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 7244 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 twelve (12) months of the expiration date of this Ordinance (i.e., July 21, 2018).

SECTION 2: That all other provisions associated with Ordinance 7244 not amended by this Ordinance shall remain in full force and effect.

Ordinance No. _____
Re: PC 16-11 – Time Extension
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SECTION 3: That this Ordinance is limited and restricted to the property located at 211 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

LOT 1 IN THE FINAL PLAT OF V-LAND LOMBARD HIGHLAND RESUBDIVISION, BEING A SUBDIVISION OF PART OF WEST ½ OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 12, 2006 AS DOCUMENT R2006-197358 IN DUPAGE COUNTY, ILLINOIS.

Parcel Identification Number(s): 06-20-110-006; (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 _____, 2017.

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

Passed on second reading this ____ day of _____, 2017, pursuant to a roll call vote as follows:

Ayes: _____

Nayes: _____

Absent: _____

Approved by me this ____ day of _____, 2017.

Keith Giagnorio, Village President

ATTEST:

Ordinance No. _____
Re: PC 16-11 – Time Extension
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Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2017.

Sharon Kuderna, Village Clerk