

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

  X   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 R. Niehaus, Village Manager  
DATE: February 11, 2014 (B of T) Date: February 20, 2014  
TITLE: PC 12-10; 300 West Roosevelt Rd. – Second Time Extension Request  
SUBMITTED BY: Department of Community Development *WJ*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development 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, 2015 for the property located at 300 West Roosevelt Road. (DISTRICT #2)

Staff recommends approval of this request.

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 *WJH*

**DATE:** February 20, 2014

**SUBJECT:** **PC 12-10: 300 West Roosevelt Road (Jerusalem Café) – Second 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 the slated construction start in summer 2013, the petitioner/business owner was granted a time extension by Ordinance 6814. After the time extension was approved, the restaurant closed and re-opened under a new name and operator.

The new operator has submitted the attached letter requesting an extension of the conditional use approval granted by the Village Board of Trustees to May 2, 2015.

A copy of Ordinance 6726 and 6814 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, 2015).

**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, Jerusalem Cafe)

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, on May 2, 2013, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6814, which granted approval of time extension for the previously approved conditional use for a one year period; and

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinances 6726 and 6814; and

WHEREAS, subsequent to the passage of Ordinance 6814, the subject property has changed ownership and a new fast food restaurant, Jerusalem Café, has opened on the premises; and

WHEREAS, the Village has received a letter from the new owner/operator 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 and 6814 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, 2015).

SECTION 2: That all other provisions associated with Ordinance 6726 and 6814 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 \_\_\_\_\_, 2014.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014, pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Ordinance No. \_\_\_\_\_  
Re: PC 12-10CU – Second Time Extension  
Page 3

\_\_\_\_\_  
Keith Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Janet Downer, Deputy Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Janet Downer, Deputy Village Clerk

**Ganser, Jennifer**

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**From:** mousa al-sheikh <falafel@jerusalemcafe-lombard.com>  
**Sent:** Tuesday, January 07, 2014 12:22 PM  
**To:** Ganser, Jennifer  
**Cc:** falafel@jerusalemcafe-oakpark.com; falafel@jerusalemcafe-lombard.com  
**Subject:** extension to Wolfy's outdoor seating

Hello Jennifer,

Happy New Year!

Per the conversation we had at the village hall about Wolfy's patio plan; We would like to take advantage and request an extension to proceed with the project as weather improves in early spring.  
Please let me know if you need anything else from me,

Thank you for your help and cooperation,

Mohamed Al-Sheikh

Jerusalem Cafe  
300 West Roosevelt Rd  
Lombard, IL 60148

708-707-4914



**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 17<sup>th</sup> 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 20<sup>th</sup> day of June, 2012.



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 3<sup>rd</sup> day of May, 2012.

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

Passed on second reading this 17<sup>th</sup> 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 17<sup>th</sup> day of May, 2012.

  
\_\_\_\_\_  
William J. Mueller  
Village President

ATTEST:

  
\_\_\_\_\_  
Brigitte O'Brien  
Village Clerk

Published by me in pamphlet from this 18<sup>th</sup> day of May, 2012

  
\_\_\_\_\_  
Brigitte O'Brien  
Village Clerk

**ORDINANCE NO. 6814**

**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. 6814  
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 2nd day of May, 2012.

Passed on second reading this 2nd day of May, 2013, pursuant to a roll call vote as follows:

Ayes: Trustee Whittington, Foltyniewicz, Breen, Fitzpatrick, and Ware

Nays: None

Absent: None

Approved by me this 2nd day of May, 2013.

  
Keith Giagnorio, Village President

ATTEST:

Ordinance No. 6814  
Re: PC 12-10CU  
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\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this 3rd day of May, 2013.

  
\_\_\_\_\_  
Sharon Kuderna, Village Clerk