

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 : November 26, 2018 **(BOT) Date:** December 6, 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.

At the request of the petitioner, on March 15, 2018, the Village Board approved Ordinance 7484, extending the approvals granted by Ordinance 7342 to June 17, 2018. Also at the request of the petitioner, on May 17, 2018, the Village Board approved Ordinance 7529, extending the approvals granted by Ordinance 7342 to December 17, 2018.

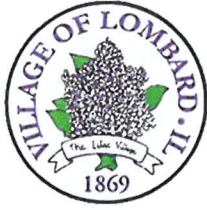
After being advised that the approved zoning relief and extension would expire prior to their slated construction start, the project team has submitted the attached letter requesting a third extension of the approval granted by the Village Board.

Staff recommends that the Village Board approve an Ordinance extending the time period to start construction of the proposed project for an additional six-month period (i.e., until June 17, 2019). 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 *WJH*

MEETING DATE: December 6, 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.

At the request of the petitioner, on March 15, 2018, the Village Board approved Ordinance 7484, extending the approvals granted by Ordinance 7342 to June 17, 2018. Also at the request of the petitioner, on May 17, 2018, the Village Board approved Ordinance 7529, extending the approvals granted by Ordinance 7342 to December 17, 2018.

After being advised that the approved zoning relief and extension would expire prior to their slated construction start, the project team has submitted the attached letter requesting a third extension of the approval granted by the Village Board.

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 six-month period (i.e., until June 17, 2019). The petitioner is requesting a waiver of first reading of the Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A THIRD 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, at the request of the petitioner, on March 15, 2018, the Village Board approved Ordinance 7484, extending the approvals granted by Ordinance 7342 to June 17, 2018; and

WHEREAS, at the request of the petitioner, on May 17, 2018, the Village Board approved Ordinance 7529, extending the approvals granted by Ordinance 7342 to December 17, 2018; and

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 7342 and extended by Ordinances 7484 and 7529; and

WHEREAS, the Village has received a letter from the project team requesting a third time extension of Ordinance 7342, for an additional six months; 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 six (6) months of the expiration date of Ordinance 7529 (i.e., June 17, 2019).

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

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:

Ordinance No. _____
Re: PC 17-01 – Third Time Extension
Page 4

Sharon Kuderna, Village Clerk

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

Sharon Kuderna, Village Clerk

Ivan A. Wolfson
149 Oak Knoll Terrace
Highland Park, IL 60035
Phone (847) 340-1867 Fax (847) 433-5464

November 20, 2018

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

To whom it may concern:

I would like to respectfully request an additional 6-month (minimum) extension to the zoning approvals obtained through petition #PC17-01, 400 E. St. Charles Rd. Casey Surdel is dissolving his interest in Rock Solid Development. Casey was to be the General Contractor for the construction of the buildings. With him leaving company, I, Ivan Wolfson, the remaining Member, am seeking a new investor and general contractor to construct the project. The 6 months is needed to secure the required partners and GC, as well as avoid winter construction. Additionally, I wish to request that this building permit be transferred to a new name as I may need to dissolve the Rock Solid Development, LLC name in effort to reduce my personal liability for various unknown activities and commitments of my prior partner.

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

Kind regards,

Ivan Wolfson, Owner