

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

 X Resolution or Ordinance (Blue) X *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: October 24, 2016 (B of T) Date: November 3, 2016

TITLE: PC 15-26: 777 E. Butterfield Road – Time Extension Request

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an Ordinance granting a time extension to Ordinance 7150 granting conditional uses pursuant to Title 15, Chapter 155, Section 155.415 of the Lombard Zoning Ordinance. (DISTRICT #3)

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 *WJH*

MEETING DATE: November 3, 2016

SUBJECT: **PC 15-26: 777 E. Butterfield Road – Time Extension Request**

The Board of Trustees approved Ordinance 7150 (PC 15-26) on November 19, 2015 which granted approval of conditional uses for outside service areas (outdoor dining), a drive-through establishment, and for more than one principal structure on one lot-of-record for 777 E. Butterfield 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.

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 7150 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 November 19, 2017). The petitioner is requesting a waiver of first reading of the Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A TIME EXTENSION TO
ORDINANCE 7150 GRANTING CONDITIONAL USES
PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.415
OF THE LOMBARD ZONING ORDINANCE**

(PC 15-26; 777 E. Butterfield Road)

WHEREAS, on November 19, 2015, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7150 which granted approval of a conditional use pursuant to Section 155.415 (C)(20) of the Lombard Zoning Ordinance for outside service areas (outdoor dining) for other permitted or conditional use in this district; a conditional use pursuant to Section 155.415 (C)(6) of the Lombard Zoning Ordinance for drive-through and drive-in establishments/services; and conditional use pursuant to Section 155.208 (C) of the Lombard Zoning Ordinance for more than one principal structure on one lot-of-record for 777 E. Butterfield Road; 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 7150; 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 7150 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., November 19, 2017).

SECTION 2: That all other provisions associated with Ordinance 7150 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 777 E. Butterfield Road, Lombard, Illinois and legally described as follows:

LOT 2 IN FREED SUBDIVISION, BEING A SUBDIVISION IN SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1982 AS DOCUMENT R82-44604, IN DUPAGE COUNTY, ILLINOIS

Parcel Identification Number(s): 06-29-201-007; (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 _____, 2016.

First reading waived by action of the Board of Trustees this ____ day of _____, 2016.

Passed on second reading this ____ day of _____, 2016, pursuant to a roll call vote as follows:

Ayes: _____

Nayes: _____

Absent: _____

Approved by me this ____ day of _____, 2016.

Ordinance No. _____
Re: PC 15-26 – Time Extension
Page 3

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2016.

Sharon Kuderna, Village Clerk