





## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *for WA*

**MEETING DATE:** May 3, 2018

**SUBJECT:** **PC 17-10: 815 S. Main Street – Time Extension Request**

The Board of Trustees approved Ordinance 7374 (PC 17-10) on May 18, 2017, which granted approval of a conditional use for a cultural facility/institution for the property at 815 S. Main Street. 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 property owner has submitted the attached communication requesting an extension of the approval granted by the Village Board.

A copy of Ordinance 7374 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 18, 2019).

Please put this on the May 3, 2018 Board of Trustees agenda, with a waiver of first reading requested by staff.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING A TIME EXTENSION TO  
ORDINANCE 7374 GRANTING CONDITIONAL USE  
APPROVAL FOR A CULTURAL FACILITY/INSTITUTION  
PURSUANT TO TITLE 15, CHAPTER 155, SECTION  
155.413(C)(1) OF THE LOMBARD ZONING ORDINANCE**

(PC 17-10: 815 S. Main Street)

WHEREAS, on May 18, 2017, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7374 which granted approval of a conditional use for a cultural facility/institution; 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 7374; 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 7374 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., May 18, 2019).

SECTION 2: That all other provisions associated with Ordinance 7374 not amended by this Ordinance shall remain in full force and effect.

Ordinance No. \_\_\_\_\_  
Re: PC 17-10 – Time Extension  
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SECTION 3: That this Ordinance is limited and restricted to the property generally located at 815 S. Main Street, Lombard, Illinois, and legally described as follows:

LOT 2 IN MORGAN M. MEYER SUBDIVISION, BEING A RESUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 17, 1970 AS DOCUMENT NUMBER R70-46035, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-17-113-018

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: \_\_\_\_\_

Nays: \_\_\_\_\_

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

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2018.

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

ATTEST:

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

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Re: PC 17-10 – Time Extension  
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Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Sharon Kuderna, Village Clerk

**Urish, Tami**

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**Subject:** FW: PC 17-10; 815 S. Main

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**From:** Patrick Wangler [<mailto:wptik@live.com>]

**Sent:** Monday, April 23, 2018 12:25 PM

**To:** Urish, Tami

**Cc:** Shilpa; Umang Patel; Ganser, Jennifer

**Subject:** Re: PC 17-10; 815 S. Main

Tami,

We respectfully request a time extension of 4-8 weeks to pick up our permit for the 815 S Main St project. Approximately half way through our design phase we were compelled to change our architect as our original firm had family issues that forced him to resign.

We are now confirming these Village excepted design changes with tenants.

We apologize for any inconvenience this delay causes and await your favorable response.

sincerely

Patrick Wangler

President

WTAP, Inc.

Sent from [Outlook](#)



**FRED BUCHOLZ**

**DUPAGE COUNTY RECORDER**

**AUG. 08, 2017**

**8:44 AM**

**OTHER**

**\$32.00 06-17-113-018**

**006 PAGES R2017-080517**

**ORDINANCE 7374**

**APPROVING A CONDITIONAL USE TO ALLOW FOR A  
CULTURAL FACILITY/INSTITUTION FOR THE PROPERTY  
AT 815 S. MAIN STREET**

**PIN(s): 06-17-113-018**

**ADDRESS: Indo-American Heritage Museum - 815 S. Main Street,  
Lombard, IL 60148**

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



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 7374

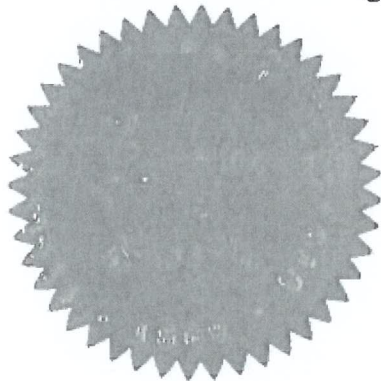
APPROVING A CONDITIONAL USE TO ALLOW FOR A  
CULTURAL FACILITY/INSTITUTION FOR THE PROPERTY  
AT 815 S. MAIN STREET

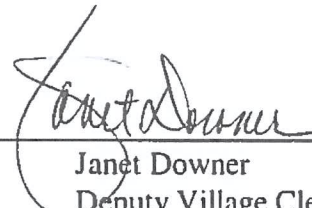
PIN(s): 06-17-113-018

ADDRESS: Indo-American Heritage Museum – 815 S. Main Street, Lombard, IL 60148

of the said Village as it appears from the official records  
of said Village duly approved this 18th  
day of May, 2017.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate  
Seal of said **Village of Lombard**, Du Page County, Illinois this 2nd  
day of August, 2017.



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



**ORDINANCE 7374  
PAMPHLET**

**PC 17-10: 815 S. MAIN STREET**



**PUBLISHED IN PAMPHLET FORM THIS 19<sup>th</sup> DAY OF MAY, 2017, BY ORDER  
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE  
COUNTY, ILLINOIS.**

  
**Sharon Kuderna  
Village Clerk**

**ORDINANCE NO. 7374**

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR A  
CULTURAL FACILITY/INSTITUTION PURSUANT TO TITLE 15,  
CHAPTER 155, SECTION 155.413(C)(1)  
OF THE LOMBARD ZONING ORDINANCE**

PC 17-10; 815 S. Main Street

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 B1 Limited Neighborhood Shopping District; and,

WHEREAS, an application has been filed requesting approval conditional uses pursuant to Section 155.413(C)(1) of the Lombard Zoning Ordinance to allow a cultural facility/institution; and,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on April 17, 2017 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of the conditional uses, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard have determined that it is in the best interest of the Village of Lombard to approve the requested zoning actions 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 the following conditional use for a cultural facility/institution is hereby granted for the Subject Property legally described in Section 2 and subject to the conditions set forth in Section 3.

SECTION 2: That this Ordinance is limited and restricted to the property located at 815 S. Main Street, Lombard, Illinois and legally described as follows:

LOT 2 IN MORGAN M. MEYER SUBDIVISION, BEING A RESUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN,

ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 17, 1970 AS DOCUMENT NUMBER R70-46035, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-17-113-018; (the "Subject Property").

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The parking lot shall be configured so as to meet all applicable Illinois Accessibility Code requirements.
2. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.
3. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
4. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the cultural facility is not established by said date, this relief shall be deemed null and void; and
5. The east and south property lines shall be maintained with a six foot (6') solid fence. The fence shall be maintained in a good state of repair at all times.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this 4th day of May, 2017.

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

Nays: None

Absent: None

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_, 2017.

Passed on second reading this 18<sup>th</sup> day of May, 2017.

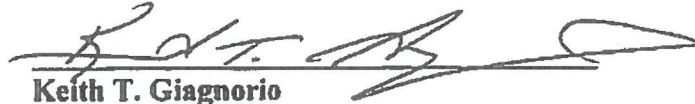
Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Pike and Ware

Nays: None

Absent: Johnston

Ordinance No. 7374  
Re: PC 17-10  
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Approved this 18<sup>th</sup> day of May, 2017.

  
Keith T. Giagnorio  
Village President

ATTEST:

  
Sharon Kuderna  
Village Clerk

Published by me in pamphlet form on this 19<sup>th</sup> day of May, 2017

  
Sharon Kuderna  
Village Clerk