

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: David A. Hulseberg, Village Manager *dah*
DATE: March 14, 2011 (BOT) Date: March 23, 2011
TITLE: PC 09-04: 528 E. Madison Street (Lombard Mennonite Church)
SUBMITTED BY: Department of Community Development *WJ*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Department transmits for your consideration an ordinance granting a further time extension to Ordinance 6321, as amended by Ordinance 6455 extending the time period for construction of the conditional use for an additional twelve month period (April 16, 2012).

Staff recommends approval of this request.

Please place this item on the March 23, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):


Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *David A. Hulseberg* _____ Date 3/15/11

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: David A. Hulseberg, Village Manager

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

DATE: March 17, 2011

SUBJECT: Ordinance Extension – 528 E. Madison Street (PC 09-04)

The Board of Trustees approved Ordinance 6321 (PC 09-04) on April 16, 2009 which granted conditional use approval for a planned development and religious institution in the R2 -Single Family District.

The Board of Trustees approved an extension to Ordinance 6321 on March 18, 2010 which further extended Ordinance 6321 to twelve (12) months from the date of the adoption of the original Ordinance (i.e., April 16, 2011).

Per the provisions of Sections 155.103 (F)(11) and (C)(10) of the Zoning Ordinance, if construction has not begun within one (1) year from the date of approval, a conditional use is null and void unless an extension is granted by the Board of Trustees. A copy of Ordinance 6321 is attached for your reference.

After being advised that the relief was about to expire, the petitioner submitted a letter requesting an extension of the relief for an additional year. Staff believes that granting an extension is in the best interest of the Village, provided that the petitioner adheres to conditions incorporated in the Ordinance 6321.

RECOMMENDATION:

Please place this on the March 23, 2011 Village Board agenda. Staff recommends that the Village Board approve an Ordinance extending the time period for the previously approved conditional use for an additional twelve (12) month period from the last Ordinance expiration date, thus expiring April 16, 2012.

Toth, Michael

From: Nevin Hedlund [nhedlund@hedlundarchitects.com]
Sent: Tuesday, March 01, 2011 9:56 AM
To: Toth, Michael
Cc: James Halteman
Subject: RE: Lombard Mennonite Church - Variation Extension

Mr. Toth: I have confirmed with the church that they would like to request an extension of the variation for the Lombard Mennonite Church. Please let me know if anything is needed from us in completing this process. Thank you for your attention to this matter.

NEVIN HEDLUND, AIA

NEVIN HEDLUND ARCHITECTS, INC.
7985 LAKE ST.
RIVER FOREST, IL 60305
P 708.771.7117
F 708.771.7124
www.hedlundarchitects.com

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FRED BUCHOLZ
DUPAGE COUNTY RECORDER
JUN. 16, 2009 4:07 PM
OTHER 06-08-411-033
005 PAGES R2009-091935

ORDINANCE 6321

**GRANTING CONDITIONAL USE APPROVAL FOR A
PLANNED DEVELOPMENT AND RELIGIOUS
INSTITUTION IN THE R2 SINGLE FAMILY DISTRICT**

PIN: 06-08-411-032, -033, and -034

Address: ⁵³⁶528 E. Madison Street, Lombard, IL 60148

Return To:

**Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148**

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ORDINANCE NO. 6321

**AN ORDINANCE GRANTING CONDITIONAL USE APPROVAL
FOR A PLANNED DEVELOPMENT AND RELIGIOUS INSTITUTION IN THE
R2 SINGLE FAMILY DISTRICT**

⁵³⁶
PC 09-04; 528 E. Madison Street (Lombard Mennonite Church)

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 is zoned R2 Single-Family Residence District; and,

WHEREAS, an application has been filed requesting conditional use approval for a planned development and a religious institution; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on March 16, 2009 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 for a planned development and religious institution; 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: The following conditional use approvals for a planned development and religious institution are hereby granted relative to the Subject Property, subject to the conditions set forth in Section 2.

SECTION 2: The conditional use approvals set forth in Sections 1 above shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the Site Plan, prepared by Nevin Hedlund Architects, Inc., dated February 5, 2009.
2. That the petitioner shall satisfactorily address the comments included within the IDRC report.
3. All dumpsters located on the subject property shall be properly enclosed per Section 155.710 of the Lombard Zoning Ordinance.
4. The existing single family residence located at the southeast corner of the site shall be permitted with respect to the east side yard setback as a legal non-conforming structure..

SECTION 3: That the ordinance is limited and restricted to the property generally located at ~~528~~ ⁵³⁶ E. Madison, Lombard, Illinois and legally described as follows:

THE EAST 160 FEET OF THE SOUTH 377 FEET OF LOT 7 AND THE SOUTH TWO THIRDS OF LOT 8, EXCEPT FROM THE SAID SOUTH TWO THIRDS OF LOT 8 THE FOLLOWING THREE TRACTS: (1) THE NORTH 15 FEET OF SAID SOUTH TWO THIRDS OF LOT 8; (2) THAT EAST OF THE EAST 159 FEET OF THE SOUTH TWO THIRDS OF LOT 8 LYING SOUTH OF THE SAID NORTH 15 FEET; AND (3) THE SOUTH 220 FEET OF THE WEST 75 FEET OF THE EAST 234 FEET OF THE SOUTH TWO THIRDS OF LOT 8, IN BLOCK 14 IN LOMBARD HIGHLANDS, A SUBDIVISION OF PART OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON SEPTEMBER 3, 1920 AS DOCUMENT 144105 IN DUPAGE COUNTY, ILLINOIS; ALSO,

THE SOUTH 220 FEET OF THE WEST 75 FEET OF THE EAST 234 FEET OF THE SOUTH TWO THIRDS OF LOT 8 IN BLOCK 14 IN LOMBARD HIGHLANDS, A SUBDIVISION OF PART OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF

Ordinance No. 6321
Re: PC 09-04
Page 3

RECORDED ON SEPTEMBER 3, 1920 AS DOCUMENT 144105 IN DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: 06-08-411-032, -033, -034

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 _____, 2009.

First reading waived by action of the Board of Trustees this 16th day of April, 2009.

Passed on second reading this 16th day of April, 2009.

Ayes: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick and Soderstrom

Nays: None

Absent: None

Approved this 16th, day of April, 2009.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk



I, **Barbara A. Johnson**, 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

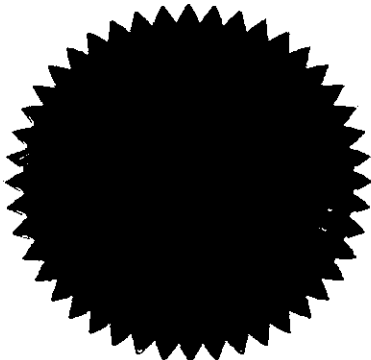
ORDINANCE 6321
GRANTING CONDITIONAL USE APPROVAL FOR
A PLANNED DEVELOPMENT AND RELIGIOUS
INSTITUTION IN THE R2 SINGLE FAMILY
DISTRICT

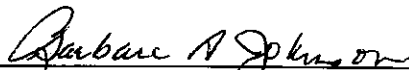
PIN: 06-08-411-032, -033 and -034

Address: 528 E. Madison Street, Lombard, IL

of the said Village as it appears from the official records of said Village duly approved this 16th day of April, 2009.

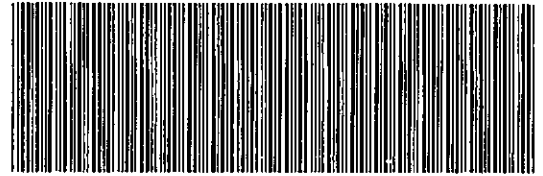
In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 20th day of May, 2009.





Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois

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FRED BUCHOLZ
DUPAGE COUNTY RECORDER
APR. 15, 2010 11:31 AM
OTHER 06-08-411-032
005 PAGES R2010-049163

ORDINANCE 6455

GRANTING A TIME EXTENSION OF ORDINANCE 6321

PIN: 06-08-411-032, 033 & 034

nka
Address: 528 (536) Madison Street
Lombard, Illinois

COPY *60148*

Return To:
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

ORDINANCE NO. 6455

**AN ORDINANCE GRANTING
A TIME EXTENSION TO ORDINANCE 6321**

aka 536
(PC 09-04: 528 Madison St)

WHEREAS, on April 16, 2009, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6321, granting a conditional use for a planned development and a religious institution in the R2 -Single Family District for the property at 528 Madison St; and

WHEREAS, pursuant to Section 155.103 (F)(12) 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 the conditional use ceases for more than one year from the date of granting thereof, 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 Ordinances 6321; and,

WHEREAS, the Village has received a letter requesting a time extension of said Ordinances; 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 6321 is hereby 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 date of the adoption of the original Ordinance (i.e., April 16, 2011).

SECTION 2: That all other provisions associated with Ordinance 6321, not amended by this Ordinance, shall remain in full force and effect.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Ordinance No. 6455
Re: PC 09-04 – Time Extension
Page 2

Passed on first reading this 4th day of March, 2010.

First reading waived by action of the Board of Trustees this _____ day of _____, 2010.

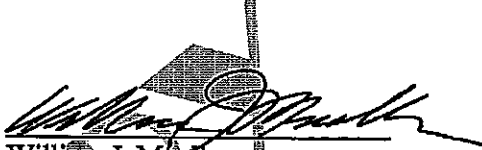
Passed on second reading this 18th day of March, 2010.

Ayes: Trustees Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware

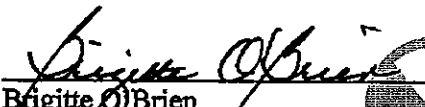
Nays: None

Absent: None


Approved this 18th, day of March, 2010.


William J. Mueller
Village President

ATTEST:


Brigitte O'Brien
Village Clerk

Published by me in pamphlet from this 19th day of March, 2010


Brigitte O'Brien
Village Clerk

nka
LEGAL DESCRIPTION FOR 528 (536) E. Madison, Lombard, IL

THE EAST 160 FEET OF THE SOUTH 377 FEET OF LOT 7 AND THE SOUTH TWO THIRDS OF LOT 8, EXCEPT FROM THE SAID SOUTH TWO THIRDS OF LOT 8 THE FOLLOWING THREE TRACTS: (1) THE NORTH 15 FEET OF SAID SOUTH TWO THIRDS OF LOT 8; (2) THAT EAST OF THE EAST 159 FEET OF THE SOUTH TWO THIRDS OF LOT 8 LYING SOUTH OF THE SAID NORTH 15 FEET; AND (3) THE SOUTH 220 FEET OF THE WEST 75 FEET OF THE EAST 234 FEET OF THE SOUTH TWO THIRDS OF LOT 8, IN BLOCK 14 IN LOMBARD HIGHLANDS, A SUBDIVISION OF PART OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON SEPTEMBER 3, 1920 AS DOCUMENT 144105 IN DUPAGE COUNTY, ILLINOIS; ALSO,

THE SOUTH 220 FEET OF THE WEST 75 FEET OF THE EAST 234 FEET OF THE SOUTH TWO THIRDS OF LOT 8 IN BLOCK 14 IN LOMBARD HIGHLANDS, A SUBDIVISION OF PART OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON SEPTEMBER 3, 1920 AS DOCUMENT 144105 IN DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: 06-08-411-032, -033, -034

COPIED



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.

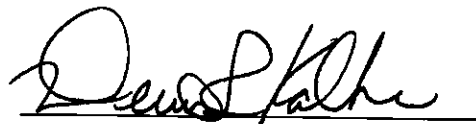
I further certify that attached hereto is a
copy of

ORDINANCE 6455
GRANTING A TIME EXTENSION OF ORDINANCE 6321

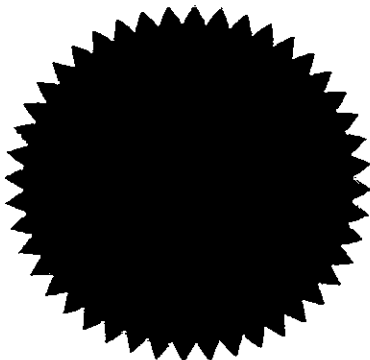
PIN: 06-08-411-032, 033 and 034
Address: 528 (536) E. Madison Street, Lombard, IL

of the said Village as it appears from the official records of said Village duly approved this 18th day of March, 2010.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 15th day of April, 2010.



Denise R. Kalke
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois



ORDINANCE NO. _____

**AN ORDINANCE GRANTING
A TIME EXTENSION TO ORDINANCE 6321**

(PC 09-04: 528 Madison St)

WHEREAS, on April 16, 2009, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6321, granting a conditional use for a planned development and a religious institution in the R2 -Single Family District for the property at 528 Madison St; and

WHEREAS, on March 18, 2010 Ordinance 6321 was further extended to twelve (12) months from the date of the adoption of the original Ordinance (i.e., April 16, 2011).

WHEREAS, pursuant to Section 155.103 (F)(12) 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 the conditional use ceases for more than one year from the date of granting thereof, 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 Ordinances 6321; and,

WHEREAS, the Village has received a letter requesting a time extension of said Ordinances; 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 6321 is hereby 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 date of the first extension of the original Ordinance (i.e., April 16, 2012).

SECTION 2: That all other provisions associated with Ordinance 6321, not amended by this Ordinance, shall remain in full force and effect.

Ordinance No. _____
Re: PC 09-04 – Time Extension #2
Page 2

SECTION 3: 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 _____, 2011.

First reading waived by action of the Board of Trustees this _____ day of _____, 2011.

Passed on second reading this _____ day of _____, 2011.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2011.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Published by me in pamphlet from this _____ day of _____, 2011

Brigitte O'Brien
Village Clerk