

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

Resolution or Ordinance (Blue) X
Recommendations of Boards, Commissions & Committees (Green)
Waiver of First Requested
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: April 8, 2008 (BOT) Date: April 17, 2008

TITLE: PC 07-10: 1263 S. Main Street

SUBMITTED BY: Department of Community Development *M/CAH*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a request to grant an extension of Ordinance 6012 relative to further extending the time period in which to start construction of the approved project at 1263 S. Main Street for an additional twelve-month period. (DISTRICT #6)

Staff is requesting a waiver of first reading.

Staff is recommending approval of this request.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Date _____
Finance Director X _____
Date _____
Village Manager X *C. Williams*
Date *4/10/08*

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: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Assistant Village Manager/Director of Community Development
OH/eh

DATE: April 17, 2008

SUBJECT: PC 07-10: 1263 S. Main Street - Extension of Conditional Use Approval

The Board of Trustees approved the attached Ordinance 6012 (PC 07-10) on April 19, 2007 that granted conditional use approval for a physical culture and massage establishment for the property at 1263 S. Main Street. 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.

As the petitioner's interior build-out is not substantially underway as of this date and that the subject property owner has yet to execute the required cross-access agreement, the petitioner has submitted the attached letter requesting an extension of the conditional use 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 project for an additional twelve-month period from the date of the original approval of the Ordinance (i.e., until April 19, 2009). Staff also requests a waiver of first reading of the Ordinance.

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

Return To:

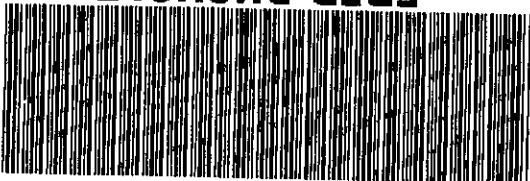
Lombard, IL 60148

ADDRESS: 1263 S. Main Street, Lombard

PIN: 06-20-100-039

ORDINANCE 6012
GRANTING A CONDITIONAL USE PURSUANT TO
TITLE 15, CHAPTER 155 SECTION 414 OF THE
LOMBARD ZONING ORDINANCE

ORDINANCE 6012
006 PAGES R2007-152811
OTHER 06-20-100-039
AUG. 16, 2007 9:30 AM
DUPAGE COUNTY RECORDER
FRED BUCHOLZ



ORDINANCE NO. 6012

**AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO
TITLE 15, CHAPTER 155, SECTION 414 OF THE
LOMBARD ZONING ORDINANCE**

(PC 07-10: 1263 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 is zoned B3 Community Shopping District; and,

WHEREAS, an application has been filed requesting approval of a conditional use to provide for a massage establishment on the property described in Section 2 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on March 19, 2007 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation 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 property described in Section 2 below and pursuant to Title 15, Chapter 155, Section 414 (C) 17 of

the Village of Lombard Zoning Ordinance to provide a massage establishment to be located on the Subject Property legally described in Section 2 below.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 1263 S. Main Street, Lombard, Illinois and legally described as follows:

The West 220 feet of the North 660 feet (except that part of the East 70 feet which is the Roosevelt Road right of way and except the west 150 feet of the north 190 feet and except the west 50 feet of the south 470 feet thereof) of the west ½ of the northwest ¼ of Section 20, Township 39 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois.

Parcel Number: 06-20-100-039

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

1. The conditional use for the physical culture and massage establishment is exclusively for the tenant space at 1263 South Main Street. Any expansion of the establishment within the existing shopping center beyond what was submitted as part of PC 07-10, shall require an amendment to the conditional use approval.
2. Any massage establishments to be located on the premises shall apply for and receive a business license from the Village of Lombard. Said establishments shall meet all provisions of Chapter 12, Section 122 of the Village Code and shall keep their license in good standing. Moreover, all massage therapists employed on the premises must have a current license from the State of Illinois for the conditional use to apply.

3. The petitioner shall apply for and receive a building permit for any improvements to the interior of the tenant space prior to starting and build-out of the tenant space. Moreover, the petitioner shall apply for and receive approval of a Certificate of Occupancy/Zoning Certificate prior to opening the business establishment.

4. The property owner shall submit to the Village a Plat of Easement granting cross-access to the abutting property at 55 East Roosevelt Road (06-20-100-066), prior to issuance of a certificate of occupancy, with the location of the cross-access easement subject to review and approval by the Village.

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 5th day of April, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

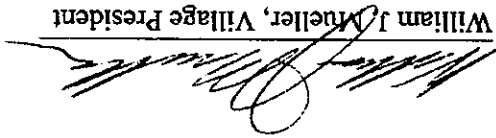
Passed on second reading this 19th day of April, 2007.

Ayes: Trustees Gron, Tross, O'Brien, Sebby, Florey and Soderstrom

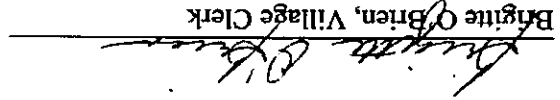
Nays: _____

Absent: _____

Approved this _____ day of _____, 2007.

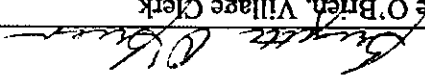

William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

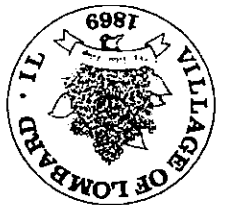
Ordinance No. 6012
Re: PC 07-10
Page 4

Published in pamphlet form this 24th day of April _____, 2007.



Brigitte O'Brien, Village Clerk

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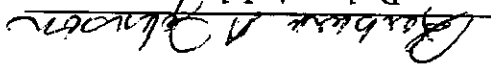
I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

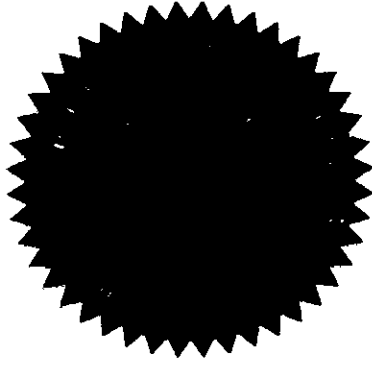
I further certify that attached hereto is a

copy of ORDINANCE 6012
GRANTING A CONDITIONAL USE PURSUANT TO TITLE 15,
CHAPTER 155, SECTION 414 OF THE
CODE OF LOMBARD, ILLINOIS
1263 S. MAIN STREET, LOMBARD
IL
PIN: 06-20-100-039

of the said Village as it appears from the official records of said Village duly approved April 19, 2007.

In Witness Whereof, I have herunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, DuPage County, Illinois this 30th day of April, 2007.


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



April 3, 2008

President William J. Mueller
Village Board of trustees
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

RE: PC 07-10: 1263 S. Main Street – Extension of Conditional Use Approval

Dear President Mueller and Village Board:

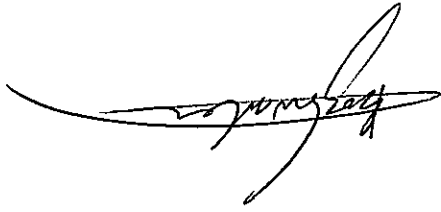
On April 5, 2007, the Lombard Board of Trustees approved PC 07-10, granting conditional use approval to allow for the operation of a massage establishment within the Oxford Corners Shopping Center, within the tenant space at 1263 S. Main Street. This approval was granted subject to conditions.

Section 155.103.F.11 of the Lombard Zoning Ordinance states, "in any case where the construction of an approved conditional use is not substantially underway within one year from the date of granting thereof, ... the conditional use or authorization thereof shall be null and void." Given this provision, I am respectfully requesting that the Village of Lombard grant an extension to the conditional use approval.

Since the original approval was granted, the property owner has been working with Village staff and the abutting property owner to secure a cross access agreement between the parties. With this effort nearly completed, I am also moving forward on securing the requisite approvals to build out the proposed tenant space to accommodate the proposed business establishment.

So that I can continue to move forward on this project without delay, I also request that the Village Board also grant a waiver of first reading of the requested ordinance as well.

Sincerely,

Lee Bog

31-Mur-08

SECTION 2: That all other provisions associated with Ordinance 6012, not amended by this Ordinance, shall remain in full force and effect.

SECTION 1: Ordinance 6210 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 original adoption of this Ordinance (i.e., April 19, 2009).

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

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.

WHEREAS, the Village has received a letter requesting a time extension of said Ordinance; and,

WHEREAS, construction has been deemed to not be substantially underway for the development granted by Ordinance 6012 and the conditions of approval have not been satisfied; 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 April 19, 2008, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6012, which granted approval of a conditional use for a physical culture and massage establishment for the property at 1263 S. Main Street; and

(PC 07-10: 1263 S. Main Street)

**AN ORDINANCE GRANTING
A TIME EXTENSION TO ORDINANCE 6012,
GRANTING A CONDITIONAL USE APPROVAL
FOR A PHYSICAL CULTURE AND MASSAGE ESTABLISHMENT**

ORDINANCE NO. _____

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 _____, 2008.

First reading waived by action of the Board of Trustees this _____ day of _____, 2008.

Passed on second reading this _____ day of _____, 2008.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2008.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Published by me in pamphlet from this _____ day of _____, 2008

Brigitte O'Brien
Village Clerk
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