

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: David A. Hulseberg, Village Manager

DATE: May 24, 2011 (BOT) Date: June 2, 2010

TITLE: PC 08-13: 19W471 Roosevelt Road and 351 E. Roosevelt Road
(Lombard Crossing)

SUBMITTED BY: Department of Community Development *DH*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a request to grant a third time extension in which to start construction of the approved project at 19W471 Roosevelt Road and 351 E. Roosevelt Road for an additional 12-month period.

Staff recommends approval of this request.

Staff is requesting a waiver of first reading.

Please place this item on the June 2, 2010 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *Timothy Sexton* _____ Date *5/25/11*

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 *WJH*

DATE: June 2, 2011

SUBJECT: PC 08-13: Lombard Crossing Planned Development – Request for Time Extension

The Board of Trustees approved Ordinance 6211 (PC 08-13) on June 19, 2008 which granted a conditional use for a planned development with companion variations and deviations, conditional use for a bank/financial institution, a multiple tenant retail center, a drive thru establishment, outdoor dining/service area and a use exception for a storage center. In addition, the Village Board approved an annexation agreement for the development.

Previous time extensions were granted on June 18, 2009 (Ordinance 6344) and June 17, 2010 (Ordinance 6495). 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, the conditional use is null and void unless an extension is granted by the Board of Trustees.

Since the last extension, the eastern 3.5 acres of the property had been foreclosed upon by PNC Bank. The western 1.1 acres is still controlled by William Chrisos, original property owner. After being advised that the relief was about to expire, both Mr. Chrisos and PNC Bank submitted letters requesting an extension for an additional year. In their letters, they indicated that they are close to entering into a contract with a purchaser. Staff can confirm that there is a retail user interested in acquiring the entire site. While the proposed purchaser may submit a different land plan requiring an amendment to the original development rights, 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 6211 and the annexation agreement.

Please note that pursuant to the annexation agreement, if the Village Board decides not to extend the conditional use approvals, a public hearing before the Plan Commission would be required, in order to revoke the conditional use approvals. In the event that the conditional use was revoked, the developer would still maintain its development rights, as outlined in the approved annexation agreement.

RECOMMENDATION:

Staff recommends that the Village Board approve an Ordinance extending the time period for the previously approved conditional use for an additional twelve month period, with a waiver of first reading of the aforementioned Ordinance.



May 9, 2011

Mr. Christopher Stilling, AICP
Village of Lombard- Director of Community Development
255 E. Wilson Avenue.
Lombard, IL 60148-3931

**RE: Lombard Crossings
351 E. Roosevelt Road and 19W471 Roosevelt Road
Request for Time Extension**

Dear Mr. Stilling,

At this time, we need to request a one year extension of our conditional use for the above referenced planned development. We have been marketing the property since October of 2010. The property has been marketed on Loop Net, The MLS, Co-Star, etc... Over the last six months we have had a limited number of inquires on the site. We currently are in discussions with a national tenant that is interested in developing the property. We hope to be under contract with said tenant within 30 days.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Alyssa Sinicrope'.

Alyssa Sinicrope
PNC Bank, Asset Manager Commercial OREO

May 9, 2011

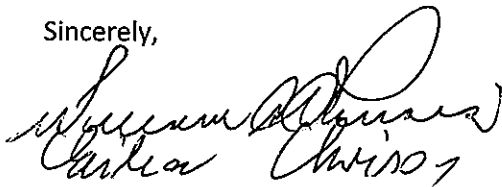
Mr. Christopher Stilling, AICP
Village of Lombard- Director of Community Development
255 E. Wilson Avenue.
Lombard, IL. 60148-3931

**RE: Lombard Crossings
351 E. Roosevelt Road and 19W471 Roosevelt Road
Request for Time Extension**

Dear Mr. Stilling,

At this time, we need to request a one year extension of our conditional use for the above referenced planned development. We have been marketing the property since October of 2010. The property has been marketed on Loop Net, The MLS, Co-Star, etc... Over the last six months we have had a limited number of inquires on the site. We currently are in discussions with a national tenant that is interested in developing the property. We hope to be under contract with said tenant within 30 days.

Sincerely,

A handwritten signature in black ink, appearing to read "William and Erika Chrisos". The signature is written in a cursive, flowing style.

William and Erika Chrisos
Owners



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
JUL 28 2009 10:38 AM
OTHER 06-20-106-050
005 PAGES R2009-116703

ORDINANCE 6344

GRANTING A TIME EXTENSION OF ORDINANCE 6211

PIN: 06-20-106-050 and -051

**Address: 19W471 Roosevelt Road and 351 E. Roosevelt Road,
Lombard, IL**

60148
COPIED

Return To:

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

ORDINANCE NO. 6344

**AN ORDINANCE GRANTING
A TIME EXTENSION OF ORDINANCE 6211**

(PC 08-13: 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossings))

WHEREAS, on June 19, 2008, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6211 granting a conditional use for a planned development with companion variations and deviations, conditional use for a bank/financial institution, a multiple tenant retail center, a drive thru establishment, outdoor dining/service area and a use exception for a storage center; to provide for the approval of the submitted site plans included as part of the petition; and

WHEREAS, pursuant to Sections 155.103 (F)(11) and (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, conditional uses and variations 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, while the owner has secured title to most of the Subject Property and has razed the existing structures on the property, construction has not commenced and no building permit has been issued for the development granted by Ordinance 6211; and,

WHEREAS, the Village has received a letter requesting an extension of Ordinance 6211; 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 6211 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 adoption of this Ordinance.

SECTION 2: That all other provisions associated with Ordinance 6211 shall remain in full force and effect.

Ordinance No. 6344
Re: PC 08-13 – Extension
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 _____, 2009.

First reading waived by action of the Board of Trustees this 18th day of June, 2009.

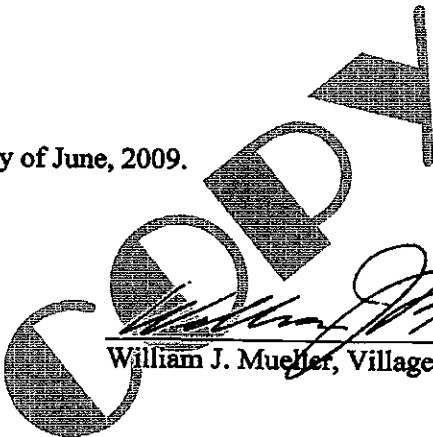

Passed on second reading this 18th day of June, 2009.

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

Nays: None

Absent: None

Approved by me this 18th day of June, 2009.



William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this 19th day of June, 2009.


Brigitte O'Brien, Village Clerk

The property generally located at 351 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

PARCEL 1

HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF AND EXCEPT THE WEST 134.5 FEET) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665, DUPAGE COUNTY ILLINOIS.

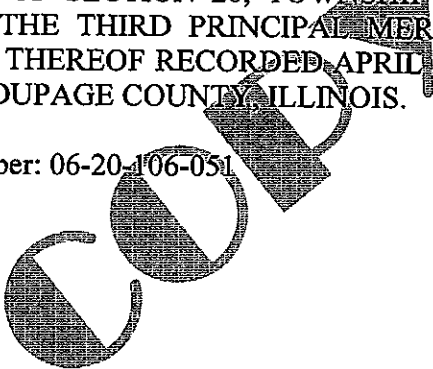
Parcel Number: 06-20-106-050

The property generally located at 19W471 E. Roosevelt Road, Lombard, Illinois and legally described as follows:

PARCEL 2

THE WEST 134.5 FEET OF HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665 IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-20-106-051





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 6344

GRANTING A TIME EXTENSION OF

ORDINANCE 62111

PIN: 06-20-106-050 and -051

Address: 433 E. St. Charles Road, Lombard, IL

of the said Village as it appears from the official records of said Village duly approved this 18th day of June, 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 30th day of June, 2009.

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



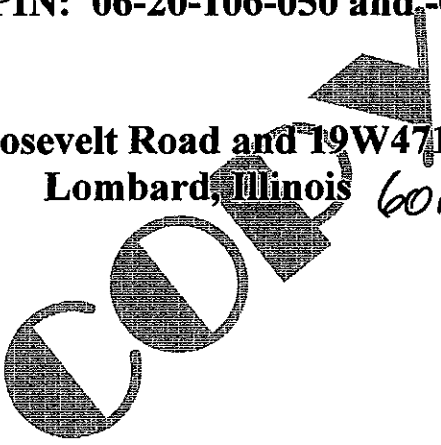
FRED BUCHOLZ
DUPAGE COUNTY RECORDER
JUL 01, 2010 10:50 AM
OTHER 06-20-106-050
006 PAGES R2010-084084

ORDINANCE 6495

**GRANTING A TIME EXTENSION TO ORDINANCE 6211 AS
AMENDED BY ORDINANCE 6344**

PIN: 06-20-106-050 and -051

**Address: 351 E. Roosevelt Road and 19W471 Roosevelt Road,
Lombard, Illinois 60148**



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

ORDINANCE NO. 6495

**AN ORDINANCE GRANTING
A TIME EXTENSION OF ORDINANCE 6211
AS AMENDED BY ORDINANCE 6344**

(PC 08-13: 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossings))

WHEREAS, on June 19, 2008, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6211 granting a conditional use for a planned development with companion variations and deviations, conditional use for a bank/financial institution, a multiple tenant retail center, a drive thru establishment, outdoor dining/service area and a use exception for a storage center; to provide for the approval of the submitted site plans included as part of the petition; and

WHEREAS, pursuant to Sections 155-103 (F)(11) and (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, conditional uses and variations 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, the President and Board of Trustees adopted Ordinance 6344 on June 18, 2009, granting an amendment to Ordinance 6211 which extended the period in which the petitioner shall obtain a building permit and start construction on the associated project by June 18, 2010; and

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 6211; 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:

Ordinance No. 6495
Re: PC 08-13 – Extension
Page 2

SECTION 1: Ordinances 6211 and 6344 are 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 adoption of this Ordinance.

SECTION 2: That all other provisions associated with Ordinances 6211 and 6344 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.

Passed on first reading this ____ day of _____, 2010.

First reading waived by action of the Board of Trustees this 17th day of June, 2010.

Passed on second reading this 17th day of June, 2010.

Ayes: Trustees Gron, Giagnorio, Wilson, Moreau, Fitzpatrick & Ware

Nays: None

Absent: None

Approved by me this 17th day of June, 2010.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this 18th day of June, 2010.

Ordinance No. 6495
Re: PC 08-13 – Extension
Page 3



Brigitte O'Brien, Village Clerk

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COPY

Legal Description

PARCEL 1

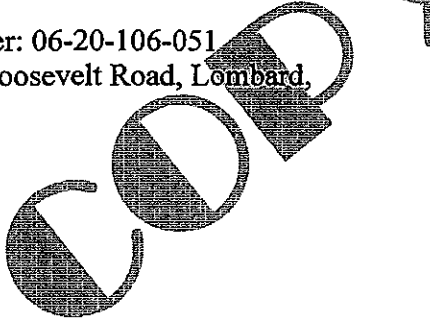
HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF AND EXCEPT THE WEST 134.5 FEET) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665, DUPAGE COUNTY ILLINOIS.

Parcel Number: 06-20-106-050
351 E. Roosevelt Road, Lombard

PARCEL 2

THE WEST 134.5 FEET OF HIGHLAND LANES SUBDIVISION (EXCEPT THE SOUTH 150 FEET THEREOF) IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1958 AS DOCUMENT 877665 IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-20-106-051
19W471 E. Roosevelt Road, Lombard,





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.

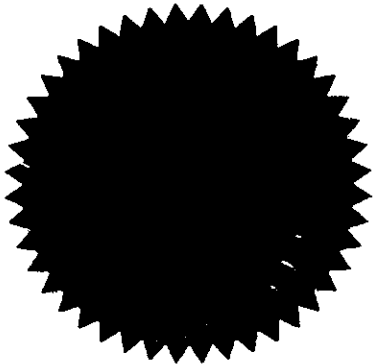
I further certify that attached hereto is a
copy of

ORDINANCE 6495
GRANTING A TIME EXTENSION TO ORDINANCE 6211
AS AMENDED BY ORDINANCE 6344

PIN'S: 06-20-106-050 and 051
Address: 351 E. Roosevelt Road and 19W471 Roosevelt
Road, Lombard, Ill.

of the said Village as it appears from the official records of said Village duly approved this 17th day of June, 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 23rd day of June, 2010.



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

ORDINANCE NO. _____

**AN ORDINANCE GRANTING
A TIME EXTENSION OF ORDINANCE 6211
AS AMENDED BY ORDINANCE 6344**

(PC 08-13: 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossings))

WHEREAS, on June 19, 2008, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6211 granting a conditional use for a planned development with companion variations and deviations, conditional use for a bank/financial institution, a multiple tenant retail center, a drive thru establishment, outdoor dining/service area and a use exception for a storage center; to provide for the approval of the submitted site plans included as part of the petition; and

WHEREAS, pursuant to Sections 155.103 (F)(11) and (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, conditional uses and variations 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, the President and Board of Trustees adopted Ordinance 6344 on June 18, 2009, granting an amendment to Ordinance 6211 which extended the period in which the petitioner shall obtain a building permit and start construction on the associated project by June 18, 2010; and

WHEREAS, the President and Board of Trustees adopted Ordinance 6495 on June 17, 2010, granting an amendment to Ordinance 6211 which extended the period in which the petitioner shall obtain a building permit and start construction on the associated project by June 17, 2011; and

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 6211; 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.

Ordinance No. _____
Re: PC 08-13 – 3rd Extension
Page 2

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: Ordinances 6211, 6344 and 6495 are 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 adoption of this Ordinance.

SECTION 2: That all other provisions associated with Ordinances 6211, 6344 and 6495 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.

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 by me this ____ day of _____, 2011.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Ordinance No. _____
Re: PC 08-13 – 3rd Extension
Page 3

Published by me in pamphlet form this _____ day of _____, 2011.

Brigitte O'Brien, Village Clerk