

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

Resolution or Ordinance (Blue) _____
Recommendations of Boards, Commissions & Committees (Green) _____
Other Business (Pink) _____

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: May 24, 2006 (BOT) Date: June 1, 2006

TITLE: PC 05-06: 210, 214, 215, 224 and 228 S. Lincoln Street & 205 W. Maple Street (St. John's Evangelical Lutheran Church & School)

SUBMITTED BY: Department of Community Development



BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance amending Ordinance No. 5665 and granting a time extension to the conditional use. (DISTRICT #1)

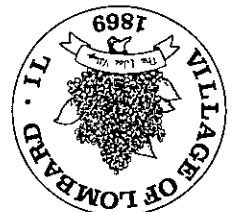
The petitioner is requesting a waiver of first reading.
Staff recommends approval of this request.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X W. L. Lichter
Date _____
Date 5/24/06

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, Director of Community Development
DH

DATE: June 1, 2006

SUBJECT: PC 05-06: 210, 214, 215, 224 and 228 S. Lincoln Street & 205 W. Maple Street (St. John's Evangelical Lutheran Church & School) – Request for Time Extension

The Board of Trustees approved Ordinance 5665 (PC 05-06) on June 2, 2005 which granted a conditional use for a planned development with deviations for the properties at 210, 214, 215, 224 and 228 S. Lincoln Street (i.e., St. John's Evangelical Lutheran Church & School). The actions were requested in order to construct a new elementary school on their property.

Per the provisions of Section 155.103 (F)(1) 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. A copy of Ordinance 5665 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. For reference purposes, the petitioner has undertaken a number of actions to facilitate the development of the project, including:

1. Applied for and received a demolition permit for the existing residence on the proposed school property.
2. Received approval for an amended permit to remove a below grade foundation which was found as part of the soil testing activities on the site.
3. Received approval for a 8' temporary construction fence around the entire school property.
4. Submitted the final plan of planned development per the Zoning Ordinance.
5. Submitted a tentative construction schedule for Village review.
6. Applied for a full site improvements permit, which was applied for on April 21, 2006. Staff is finalizing red-lined comments on the plans and they will be sent to the permit applicant accordingly.
7. Utilities are being cut-off to the existing residence, with the residence being demolished the week of May 29, 2006.

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 5665. Staff notes that other religious institutions and/or private schools in the Village have received time extensions to commence their construction activities, most recently Christ the King Church/School, St. Thomas Marthoma Church

and Northern Baptist Theological Seminary. However, as the applicant has submitted the final engineering plans for review and as staff could not ensure that the final engineering plans could be approved in order for construction to start on the project prior to June 2, 2006, staff is supportive of the time extension. To ensure that the project will be underway in a timely manner, staff recommends that the time extension shall be for a ninety (90) day period (i.e., full construction must start by September 1, 2006).

RECOMMENDATION:

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

ORDINANCE 5665

**AN ORDINANCE GRANTING APPROVAL OF AMENDMENTS TO
ORDINANCES 1816, 4363 AND 4363A AND
GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT
WITH DEVIATIONS AND VARIATIONS PURSUANT TO
THE LOMBARD ZONING ORDINANCE**

(PC 05-06: 210, 214, 215, 224 and 228 S. Lincoln Street & 205 W. Maple Street (St. John's
Evangelical Lutheran Church & School))

(See also Ordinance No.(s) 5664)

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 requesting approval of an amendment to
Ordinance 1816 granting approval of a conditional use for a noncommercial Recreational
building/community center and an amendment to Ordinances 4363 and 4363A granting approval
of a conditional use for a religious institution and for a private elementary school.

WHEREAS, said application also requests approval of a conditional use for a
planned development with deviations and variations to the Lombard Zoning Ordinance as set
forth herein for the property described in Section 6 below; and,

WHEREAS, a public hearings have been conducted by the Village of Lombard
Plan Commission on March 21 and April 18, 2005, pursuant to appropriate and legal notice; and,
WHEREAS, the Plan Commission has filed its recommendations with the
President and Board of Trustees recommending denial of the petition as described herein; and,

WHEREAS, at the Village Board meeting of May 19, 2005, the President and
Board of Trustees remanded the petition back to the Plan Commission to consider additional
information received by the Village Board pertaining to the proposed building massing, building
materials and the provisions of the Zoning Ordinance as it relates to the petitioner's submittal;
and

WHEREAS, the Plan Commission, at its Special Meeting of May 23, 2005, considered the additional testimony and materials relative to the remand from the Village Board; and

WHEREAS, in consideration of this additional information, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the petition as described herein, subject to terms and conditions; 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 an amendment to Ordinance 1816, adopted August 1, 1974, granting approval of a conditional use for a noncommercial recreational building/community center (Senior Center) is hereby granted for the property described in Section 4 below, subject to compliance with the conditions set forth in Section 5 below.

SECTION 2: That an amendment to Ordinances 4363 and 4363A adopted September 18, 1997 granting approval of a conditional use for a religious institution and for a private elementary school (with companion variations) is hereby granted for the property described in Section 4 below, subject to compliance with the conditions set forth in Section 5 below.

SECTION 3: That a conditional use is hereby granted for the property described in Section 4 below and pursuant to Title 15, Chapter 155, Section 406(C)(6) of the Village of Lombard Zoning Ordinance so as to allow said property to be used for a planned development with the following deviations and variations, subject to compliance with the conditions set forth in Section 5 below:

- a. A variation from Section 155.508 (C)(6)(a) and a deviation from Section 155.406 (F)(1) to allow for a front yard setback of eighteen feet (18') where thirty feet (30') is required;

- b. A deviation from Section 155.406 (F)(2) to allow for a corner side yard setback of one foot (1') where twenty feet (20') is required;
- c. A variation from Section 155.406 (H) and Section 155.508 (C) (7), reducing the minimum required open space below the minimum 75 percent requirement;
- d. A variation from Sections 155.708 and 155.709 reducing the requisite foundation and perimeter lot landscaping along the corner side yard; and
- e. A variation from Section 155.602 (C), Table 6.3 reducing the number of requisite parking spaces.

SECTION 4: This ordinance is limited and restricted to the properties generally located at 210, 214, 215, 224 and 228 S. Lincoln Street & 205 W. Maple Street, Lombard, Illinois, and legally described as follows:

Parcel 1:
LOT 1 IN ST. JOHN'S PLAT OF CONSOLIDATION OF PART OF LOT 8, ALL OF LOTS 9, 10, AND 11, AND PART OF LOT 12 IN BLOCK 27 IN THE TOWN OF "LOMBARD", BEING A SUBDIVISION IN SECTIONS 5, 6, 7, 8 AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF CONSOLIDATION RECORDED OCTOBER 17, 1997 AS DOCUMENT R97-158850, IN DUPAGE COUNTY, ILLINOIS.

Parcel 2:
LOT 1 IN ST. JOHN'S RESUBDIVISION OF LOT 1 IN BLOCK 28 IN THE TOWN OF "LOMBARD", A SUBDIVISION OF PARTS OF SECTIONS 5, 6, 7, 8, AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ST. JOHN'S RESUBDIVISION RECORDED SEPTEMBER 8, 1982 AS DOCUMENT R82-40632, IN DUPAGE COUNTY, ILLINOIS.

Parcel 3:
LOTS 2, 3, 4, AND THE EAST HALF OF LOTS 5 IN BLOCK 28 IN THE TOWN OF "LOMBARD", A SUBDIVISION IN SECTIONS 5, 6, 7, 8, AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1868 AS DOCUMENT 9483, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-07-217-017; 06-07-216-024, 014, 015, 016 and 018

SECTION 5: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site essentially in accordance with site plan prepared by Legat Architects, Inc., dated February, 2005 and as amended by the petitioners submittal dated April, 2005 and made a part of this request, except where amended by the conditions of approval.
2. That upon the opening of the new school, the existing school building shall be used exclusively for capital plant, storage purposes, offices and/or meeting space. Should the petitioner or any subsequent property owners seek to operate uses such as, but not limited to, day care facilities, pre-school activities or elementary school activities within the old school building, a conditional use amendment will be required.
3. That the requisite open space shall be provided in accordance with the submitted site plan and that the open space within the overall planned development shall not be lower than 30% of the overall planned development area.
4. That the petitioner shall apply for and receive a building permit for the proposed improvements. Said permit shall also include the following elements:
 - a. That the petitioner shall submit a photometric lighting plan for the property consistent with Village Code.
 - b. That the proposed trash enclosure shall be constructed of the same materials as the principal building and shall be designed consistent with Village Code.
 - c. That rooftop mechanical units shall be screened from adjacent residential properties.
 - d. That the petitioner shall satisfactorily address the comments included within the IDR/C report.
 - e. That a Plat of Consolidation shall be submitted to the Village for review and approval consolidating the parcels on the west side of Lincoln owned by the petitioner into a single lot of record.
5. That the petitioner shall designate the following areas accordingly:

- a. The proposed driveway located west of the recreation/senior center building shall be designated as a no parking lane.
- b. The delivery/emergency access area shall be used for loading activities only and visitor parking shall not be allowed at this location.
- c. The access driveway for the delivery area for the school shall be relocated to access from Lincoln Avenue. Said driveway shall be designed of a hard surface asphalt or concrete and its final design shall be subject to review and approval by the Director of Community Development.

- 6. That the site shall be constructed and operated in conformance with the Lombard Village Code.
- 7. That the following changes be made to the building elevations:
 - a. The east elevation of the school building shall be modified to include a brick/masonry component, with the design subject to the review and approval of the Director of Community Development.
 - b. The west elevation shall include additional window treatments on the second level of the gymnasium building elevation, with the design subject to the review and approval of the Director of Community Development.

- 8. That trash collection shall not occur on the school property prior to 8:00 a.m.
- 9. That the petitioner shall provide additional landscape plant materials along the west property line, consisting of a mix of higher growing evergreen and shade trees that at maturity will provide additional screening of the school building.
- 10. That the building shall not exceed 30 feet in building height.
- 11. That all exterior elevations of the building shall be constructed of brick and masonry.

SECTION 6: 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 _____, 2005.

Ordinance No. 5665

Re: PC 05-06

Page 6

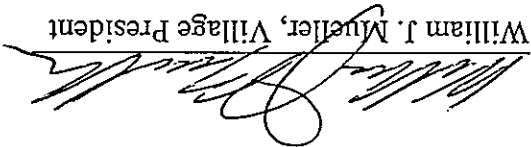
First reading waived by action of the Board of Trustees this 2nd
of June, 2005.
Passed on second reading this 2nd day of June, 2005.

Ayes: Trustees Tross, Sebby, Florey and Soderstrom

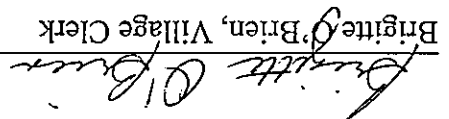
Nays: Trustees Gron and O'Brien

Absent: None

Approved this 2nd day of June, 2005.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

St. John's Lutheran Church and School

215 South Lincoln Avenue, Lombard, IL 60148 (630) 629-2515
web: www.stjohnslombard.org e-mail: stjohnslombard@comcast.net

Tom Taylor
Congregational Vice-Chairman
Building Committee Chairman

Via e-Mail and Certified Mail

April 12, 2006

Mr. William J. Heniff, AICP

Senior Planner
Village of Lombard
Department of Community Development

255 E. Wilson
Lombard, IL 60148

Mr. Heniff,

Based upon discussions you have had with Legat Architects on behalf of St. John's Lutheran Church and School, it is our understanding that we must either begin construction by 6/2/2006 or request an extension to the approved ordinances for PC05-06.

We have recently met a self-imposed requirement as it pertains to financials of the project. By obtaining this milestone we are allowed by the congregation to move into the construction phase of the project. We remain in compliance with all Village requirements, but as a result of recently meeting our self-imposed requirement we are a few months behind our original schedule.

Although St. John's has hired a construction manager and we plan to begin construction by 6/2, we are requesting an extension to address items which could potentially delay the start of the construction phase. Our understanding is that a normal extension request is for a period 1 year.

Obtaining an extension will allow us to accommodate the following items which could potentially delay the start of the construction phase.

- Finalization of Financing
 - We have been working with a local commercial financial institution that has requested an appraisal of our campus and an environmental study. Those were requested on 3/29.

It is our understanding that these activities and reports may take 6-8 weeks to complete.

- Permit to Build
 - Legat Architects will be submitting our Planned Development Final Plan in mid-April. It is our understanding that the review of this submittal may take 6-8 weeks.

- Bid Process
 - While our budget is ample, the extension would be of assistance in the event that contractor bids come in over the approved budget or if there are delays in the responsiveness of the bidders. Either of these events may cause delays in the start of the construction phase.

- Relocation of a Teachers Aide
 - We currently have a teacher's aide residing in the house located at 228 South Lincoln Avenue. This property will need to be demolished as part of the new school project. Our preference is not to have to relocate this staff member while the school year is in progress. We are targeting her relocation in mid-June.

Our intention is that once we start the construction phase in June we will build in a diligent manner.

Thank you for your consideration of a one year extension of PC 05-06 and Ordinance No. 5665. Our understanding of the process is that the first reading of this request will be at the Village Trustee meeting on 5/4 and a second reading will occur on 5/18.

Please let me know if you need any additional information.

Sincerely,

Thomas S. Taylor
Thomas.s.taylor@comcast.net
ttaylor@havigs.com

CC: St. John's Building Committee
Legat Architects
Arthur Fakes Attorney at Law

ORDINANCE NO. _____

**AN ORDINANCE GRANTING
A TIME EXTENSION OF ORDINANCE 5665**

(PC 05-06: 210, 214, 215, 224 and 228 S. Lincoln Street & 205 W. Maple Street)
(St. John's Evangelical Lutheran Church & School)

WHEREAS, on June 2, 2005, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5665 granting an amendment to Ordinances 4363 and 4363A adopted September 18, 1997 granting approval of a conditional use for a religious institution and for a private elementary school (with companion variations); and a conditional use approval for a planned development with deviations and variations, as follows:

- a. A variation from Section 155.508 (C)(6)(a) and a deviation from Section 155.406 (F)(1) to allow for a front yard setback of eighteen feet (18') where thirty feet (30') is required;
- b. A deviation from Section 155.406 (F)(2) to allow for a corner side yard setback of one foot (1') where twenty feet (20') is required;
- c. A variation from Section 155.406 (H) and Section 155.508 (C) (7), reducing the minimum required open space below the minimum 75 percent requirement;
- d. A variation from Sections 155.708 and 155.709 reducing the requisite foundation and perimeter lot landscaping along the corner side yard; and
- e. A variation from Section 155.602 (C), Table 6.3 reducing the number of requisite parking spaces;

all associated with the property located at 210, 214, 215, 224 and 228 S. Lincoln Street & 205 W. Maple Street, Lombard (hereinafter the "Subject Property"; 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, while the owner 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 5665; and,

WHEREAS, the Village has received a letter requesting an extension of Ordinance 5665; 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 5665 is hereby amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within ninety (90) days from the date of adoption of this Ordinance.

SECTION 2: All other provisions associated with Ordinance 5665 shall remain in full force and effect.

SECTION 3: This ordinance is limited and restricted to the properties generally located at 210, 214, 215, 224 and 228 S. Lincoln Street & 205 W. Maple Street, Lombard, Illinois, and legally described as follows:

Parcel 1:
LOT 1 IN ST. JOHN'S PLAT OF CONSOLIDATION OF PART OF LOT 8, ALL OF LOTS 9, 10, AND 11, AND PART OF LOT 12 IN BLOCK 27 IN THE TOWN OF "LOMBARD", BEING A SUBDIVISION IN SECTIONS 5, 6, 7, 8 AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF CONSOLIDATION RECORDED OCTOBER 17, 1997 AS DOCUMENT R97-158850, IN DUPAGE COUNTY, ILLINOIS.

Parcel 2:
LOT 1 IN ST. JOHN'S RESUBDIVISION OF LOT 1 IN BLOCK 28 IN THE TOWN OF "LOMBARD", A SUBDIVISION OF PARTS OF SECTIONS 5, 6, 7, 8, AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ST. JOHN'S RESUBDIVISION RECORDED SEPTEMBER 8, 1982 AS DOCUMENT R82-40632, IN DUPAGE COUNTY, ILLINOIS.

Parcel 3:
LOTS 2, 3, 4, AND THE EAST HALF OF LOTS 5 IN BLOCK 28 IN THE TOWN OF LOMBARD, A SUBDIVISION IN SECTIONS 5, 6, 7, 8, AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1868 AS DOCUMENT 9483, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-07-217-017; 06-07-216-024, 014, 015, 016 and 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 _____, 2006.

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

Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2006.

Brigitte O'Brien, Village Clerk

H:\CD\WORD\USER\RPC\CAS\S\S2005\PC 05-06\Ord Extension.doc