

MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development

DATE: July 21, 2005

SUBJECT: **Extension of Ordinance 5508 (ZBA 04-06; 935 E. St. Charles Road)**

BACKGROUND:

The Board of Trustees approved Ordinance 5508 (ZBA 04-06) on June 17, 2004 which granted approval of lot area and setback variations for the property at 935 E. St. Charles Road. Per the provisions of Section 155.103 (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. A copy of Ordinance 5508 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. As stated in the correspondence, the petitioner has applied for and received conceptual approval of the engineering for the site and the building permits are nearly ready for final approval by the Village. The petitioner has represented that the initial tenants that were going to occupy the building decided to relocate to another strip center under construction in Villa Park. As such, he does not have any tenants ready to occupy the premises at this time.

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 5508. Should the relief expire, any future property owner or petitioner would need to go through the entire public hearing process to build on the property. As the petitioner's plans were deemed to be desirable and acceptable by the Village, we believe that granting the extension would provide the possibility of development to occur on the property in a more timely manner.

However, as the property is a gateway property into the Village, staff recommends that the Village Board considers a first reading of the Ordinance extending Ordinance 5508 at the July 21, 2004 meeting. Prior to final consideration of the Ordinance on August 18, 2005, the property owner shall either receive building permit approval and start construction of the project (and

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therefore the extension would no longer be necessary) or fine grade, place topsoil and seed and maintain the property until such time that construction commences on the property.

RECOMMENDATION:

Staff recommends that the Village Board approve a first reading of an Ordinance extending the time period for the previously approved variations for an additional year. Staff also recommends that final consideration of the extension should be conditioned to require that the petitioner fine grade, place topsoil and seed and maintain the property until such time that construction commences on the property.

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