

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


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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : May 11, 2020      (BOT) Date: May 21, 2020

SUBJECT: PC 19-09: Tommy's Car Wash, 601-645 W. North Avenue – Time Extension Request

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

**BACKGROUND/POLICY IMPLICATIONS:**

The Board of Trustees approved Ordinances 7663 and 7664 (PC 19-09) on June 20, 2019, which granted a conditional use for a new planned development with deviations and a major change to a planned development in order to provide for the construction of a car wash at the southwest corner of North Avenue and Route 53. Per the provisions of the Zoning Ordinance (Section 155.103(F)), if construction has not begun within twelve (12) months from the date of approval, the zoning relief granted is null and void unless an extension is granted by the Board of Trustees.

The property owner/developer believes that the start of construction may be delayed due to the ongoing pandemic, and has submitted the attached email requesting an extension of the approval granted by the Village Board.

Staff recommends that the Village Board approve Ordinances extending the time period to start construction of the proposed project for an additional twelve-month period (i.e., until June 20, 2021). The petitioner is requesting a waiver of first reading of the Ordinances.

**Fiscal Impact/Funding Source:**

Review (as necessary):

Finance Director \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager \_\_\_\_\_ Date \_\_\_\_\_

**NOTE:** All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the





## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

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

**MEETING DATE:** May 21, 2020

**SUBJECT:** **PC 19-09: Tommy's Car Wash, 601-645 W. North Avenue – Time Extension Request**

The Board of Trustees approved Ordinances 7663 and 7664 (PC 19-09) on June 20, 2019, which granted a conditional use for a new planned development with deviations and a major change to a planned development in order to provide for the construction of a car wash at the southwest corner of North Avenue and Route 53. Per the provisions of the Zoning Ordinance (Section 155.103(F)), if construction has not begun within twelve (12) months from the date of approval, the zoning relief granted is null and void unless an extension is granted by the Board of Trustees.

The property owner/developer believes that the start of construction may be delayed due to the ongoing pandemic, and has submitted the attached email requesting an extension of the approval granted by the Village Board.

### **ACTION REQUESTED**

Staff recommends that the Village Board approve Ordinances extending the time period to start construction of the proposed project for an additional twelve-month period (i.e., until June 20, 2021). The petitioner is requesting a waiver of first reading of the Ordinances.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING A TIME EXTENSION TO  
ORDINANCE 7663 GRANTING APPROVAL OF A  
CONDITIONAL USE AND COMPANION VARIATIONS FROM  
THE LOMBARD CODE OF ORDINANCES**

(PC 19-09: Tommy's Car Wash – 601 & 617 W. North Avenue)

WHEREAS, on June 20, 2019, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7663 which granted approval of a conditional use and companion variations from the Lombard Code of Ordinances; and,

WHEREAS, pursuant to Section 155.103(F) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, a conditional use and variation shall become null and void unless work thereon is substantially underway within twelve (12) months from the date of issuance, 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 Ordinance 7663; and

WHEREAS, the Village has received a letter from the property owner requesting a time extension of Ordinance 7663 for an additional twelve months; 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 7663 is hereby further 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 expiration date of Ordinance 7663 (i.e., June 20, 2021).

SECTION 2: That all other provisions associated with Ordinance 7663 not amended by this Ordinance shall remain in full force and effect.

SECTION 3: That this Ordinance is limited and restricted to the property located at 601 and 607 W. North Avenue, Lombard, Illinois and legally described as follows:



**PARCEL 1:** THAT PART OF LOT 28 DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF NORTH AVENUE (ROUTE 64) AND THE WEST LINE OF ROUTE 53 AND RUNNING THENCE WEST ON THE SOUTH LINE OF SAID NORTH AVENUE, 175.00 FEET; THENCE SOUTH ON A LINE PARALLEL WITH THE WEST LINE OF SAID ROUTE 53, 175.00 FEET; THENCE EAST ON A LINE PARALLEL WITH THE SOUTH LINE OF SAID NORTH AVENUE, 175.00 FEET TO A POINT IN THE WEST LINE OF SAID ROUTE 53; THENCE NORTH ON SAID WEST LINE, 175.00 FEET TO THE POINT OF BEGINNING, IN MILTON TOWNSHIP SUPERVISOR'S ASSESSMENT PLAT #8, BEING IN THE NORTH HALF OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 30, 1946 AS DOCUMENT 494624 IN DUPAGE COUNTY, ILLINOIS, AND CERTIFICATE OF CORRECTION RECORDED MAY 3, 1946 AS DOCUMENT 497148 (EXCEPTING THAT PART CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY UNDER THE CONDEMNATION IN CASE NUMBER 88ED-63, DESCRIBED AS FOLLOWS; COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF NORTH AVENUE (IL ROUTE 64) AND THE WEST LINE OF ROUTE 53 FOR A PLACE OF BEGINNING: THENCE SOUTH 00 DEGREES 38 MINUTES 07 SECONDS WEST ALONG THE WEST LINE OF ROUTE 53, 20.00 FEET; THENCE NORTH 26 DEGREES 21 MINUTES 32 SECONDS WEST, 21.86 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTH AVENUE; THENCE NORTH 87 DEGREES 28 MINUTES 50 SECONDS EAST ALONG SAID SOUTH LINE OF NORTH AVENUE, 10.00 FEET TO THE POINT OF BEGINNING) IN DUPAGE COUNTY, ILLINOIS.

**PARCEL 2:** LOT 1 IN BLECKE'S NORTH AVENUE ASSESSMENT PLAT OF PART OF LOT 28 IN MILTON TOWNSHIP SUPERVISORS ASSESSMENT PLAT #8 IN PART OF THE NORTH HALF OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, REFERENCE TO BE HAD TO SAID BLECKE'S NORTH AVENUE ASSESSMENT PLAT BEING RECORDED MARCH 22, 1956, DOCUMENT #793654 IN DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: 05-01-202-017 and 05-01-202-006

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 \_\_\_\_\_, 2020.

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First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020, pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Keith Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING A TIME EXTENSION TO  
ORDINANCE 7664 GRANTING APPROVAL OF A MAJOR  
CHANGE TO A PLANNED DEVELOPMENT PURSUANT TO  
SECTION 155.504 OF THE LOMBARD CODE OF ORDINANCES**

(PC 19-09: Heron Point Office Planned Development – 645 W. North Avenue)

WHEREAS, on June 20, 2019, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7664 which granted approval of a major change to a planned development pursuant to Section 155.504 of the Lombard Code of Ordinances; and,

WHEREAS, pursuant to Section 155.103(F) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, a conditional use shall become null and void unless work thereon is substantially underway within twelve (12) months from the date of issuance, 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 Ordinance 7664; and

WHEREAS, the Village has received a letter from the property owner requesting a time extension of Ordinance 7664 for an additional twelve months; 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 7664 is hereby further 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 expiration date of Ordinance 7664 (i.e., June 20, 2021).

SECTION 2: That all other provisions associated with Ordinance 7664 not amended by this Ordinance shall remain in full force and effect.

SECTION 3: That this Ordinance is limited and restricted to the property located at 645 W. North Avenue, Lombard, Illinois and legally described as follows:

LOT 1 IN LOT 1 OF HERON POINT PLAT OF RESUBDIVISION, A RESUBDIVISION OF LOT 1 IN HERON POINT PLAT OF RESUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 39



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NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
ACCORDING TO THE PLAT THEREOF RECORDED MARCH 30, 2005 AS  
DOCUMENT R2005-064497, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 05-01-202-020

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 \_\_\_\_\_, 2020.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_,  
2020.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2020, pursuant to a roll call  
vote as follows:

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Keith Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk