
THE VILLAGE OF BLOOMINGDALE

DUPAGE COUNTY, ILLINOIS

ORDINANCE

NUMBER 2023-11

AN ORDINANCE GRANTING AN EXTENSION TO A SPECIAL USE PERMIT, AND ASSOCIATED APPROVALS, FOR THE PROPERTY LOCATED AT 135 LAKEVIEW DRIVE; (MEDINAH ON THE LAKES)

FRANCO A. COLADIPIETRO, Mayor

PAMELA S. HAGER, Village Clerk

VINCE ACKERMAN
WILLIAM BELMONTE
BILL BOLEN
FRANK BUCARO
PATRICK SHANNON
JUDI VON HUBEN

Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Bloomingdale
on this the 27th day of February, 2023

ORDINANCE NO. 2023-11

**AN ORDINANCE
GRANTING AN EXTENSION TO A SPECIAL USE PERMIT, AND ASSOCIATED
APPROVALS, FOR THE PROPERTY LOCATED AT 135 LAKEVIEW DRIVE;
(MEDINAH ON THE LAKES)**

WHEREAS, the Village of Bloomingdale (hereinafter referred to as “Village”) is a Home Rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, the Village is authorized by the Municipal Code, 65 ILCS 5/11-13-5, to vary its zoning regulations where there are practical difficulties or particular hardship in observing those regulations for the use, construction or alteration of buildings or structures of the use of land;

WHEREAS, on July 13, 2020, the Village approved Ordinance No. 2020-15, which granted the necessary approvals for a Planned Development for the construction of attached dwelling townhomes with exceptions from the Village Code for the property commonly known as 135 Lakeview Drive (“Subject Property”);

WHEREAS, on December 13, 2021, the Village Approved Ordinance No. 2021-46, which granted an extension to the approvals for the Planned Development at the Subject Property;

WHEREAS, Section 11-3-4F(4) of the Village Code provides in relevant part: “where a special use permit has been granted and a building permit has not been obtained within eighteen (18) months after the date of granting thereof, then, without further action by the planning and zoning commission and the president and board of trustees, the special use permit approval shall automatically be terminated and canceled and null and void.”

WHEREAS, the Petitioner that was granted the relief provided by Ordinance No. 2020-15, and extended by Ordinance No. 2021 - 46, has experienced unforeseen difficulties since the passing of said ordinance(s) and claims that it will be unable to make the alteration that was permitted therein by July 13, 2023;

WHEREAS, the Petitioner is requesting a second extension to the termination date provided by Ordinance No. 2021-46 and Section 11-3-4F(4);

WHEREAS, the Village finds this request to be reasonable in that the requested extension is appropriate under the given circumstances;

WHEREAS, the corporate authorities of the Village of Bloomingdale find that the granting of the requested extension has no detrimental impact on the health, welfare or safety of the public in general and finds that the petitioner has met his burden in demonstrating the grounds for the requested relief and extension thereto.

NOW, THEREFORE, BE IT ORDAINED, in open meeting assembled, by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois, pursuant to the Village's Home Rule Powers, as follows:

Section One - Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to the Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section Two– Grant of Extension

The corporate authorities of the Village of Bloomingdale hereby grant the requested extension to the approvals granted by Ordinance No. 2020-15 and Ordinance 2021-46 by an additional twenty-four months. If the Petitioner does not make the alteration as permitted by Ordinance No. 2020-15 by July 13, 2025, said approvals shall terminate/expire and Petitioner shall be required to reapply for such relief.

Section Three – Conditions to Granting of the Extension

All other conditions and restrictions provided by Ordinance No. 2020-15, Ordinance No. 2021- 46, and the Village Code are still in full force and effect.

Section Four: Penalty

Any person violating the terms and conditions of this Ordinance shall, following prior notice thereof by the Village to such offending person and such opportunity to correct such violation(s) as the Village may determine appropriate, be subject to a penalty not exceeding \$1,000.00, with each and every day that such violation of this Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other actions they deem proper

to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees of the Village.

Section Five: Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law; provided, however, this Ordinance shall not take effect until the Consent (a copy of which is attached hereto and made a part hereof as EXHIBIT A) is executed by the Petitioner and by the owner, thereby memorializing its agreement to be bound by the terms and conditions contained within this Ordinance. Such execution shall take place within forty-five (45) days after the passage and approval of this Ordinance or within such extension of time as may be granted by the Board of Trustees by motion prior to the expiration of said forty-five day (45) period. If the Consent is not executed within forty-five (45) days after passage and approval of this Ordinance or within an extension of time granted during said forty-five (45) day period, this Ordinance shall be void and of no force or effect, and the request for relief identified herein shall be deemed abandoned.

Section Six - Conflict Clause

That all ordinances or parts of ordinances in conflict with the terms of this Ordinance shall be repealed to the extent of said conflict.

Section Seven - Publication

This Ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section Eight: Recording

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees.

[Remainder of Page Intentionally Left Blank; Roll Call to Follow]

DECIDED pursuant to a roll call vote as follows:

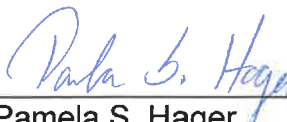
	YES	NO	ABSENT	PRESENT
Vince Ackerman	X			
William Belmonte	X			
Bill Bolen	X			
Frank Bucaro	X			
Patrick Shannon	X			
Judi Von Huben	X			
Franco A. Coladipietro (only if necessary)				
TOTAL	6	0	0	

PASSED AND APPROVED by the Village of Bloomingdale Board of Trustees on the 27th day of February, 2023.



Franco A. Coladipietro
Village President

ATTEST:



Pamela S. Hager
Village Clerk

Exhibit A

Consent

The undersigned, Peter Brennan, owner of the Subject Property, described in the foregoing Ordinance 2023-11 ("Ordinance"), having read a copy of the Ordinance, do hereby accept, concur, and agree to develop, use and maintain the Subject Property in accordance with the terms and conditions stated in the Ordinance, to the extent that the Owner has use and control over the Subject Property as of the date of the approval of the Ordinance. This consent shall be binding upon all parties in interest and all successors and assigns to the Subject Property.

Peter Brennan, Manager – Foxford
Communities/Bloomington 72, LLC.

By: Peter Brennan

Its: Manager

SUBSCRIBED AND SWORN to before me
this 9th day of March, 2023.

Nora Saucedo
Notary Public
(SEAL)

