

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: William T. Lichter, Village Manager

DATE: December 18, 2007 (BOT) Date: January 3, 2008

TITLE: PC 07-44: 336 through 369 Buckingham Court

SUBMITTED BY: Department of Community Development *dash*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village approve a variation from Section 155.205 (A)(1)(c)(1) to allow for an increase in fence height of up to eight feet in height along the rear property line of land abutting the Illinois State Toll Highway Authority property, where a maximum of six feet is allowed, for property located within the Buckingham Orchard R4PD Limited General Residence, Planned Development District. (DISTRICT #1)

The Plan Commission recommended approval of this petition with conditions.

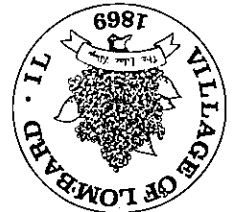
Please place this item on the January 3, 2008 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X *William T. Lichter*
Date _____
Date _____
Date *12/18/07*

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
Assistant Village Manager/Director of Community Development
DAL

DATE: January 3, 2008

SUBJECT: PC 07-44: 336 through 369 Buckingham Court (Buckingham Orchard Subdivision)

Attached are the following items for Village Board consideration as part of the January 3, 2008 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 07-44;
3. An Ordinance granting approval of the requested fence height variation, subject to conditions.
4. Plans associated with the petition.



VILLAGE OF LOMBARD

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January 3, 2007

Mr. William J. Mueller,
Village President, and
Board of Trustees

Village of Lombard

Subject: PC 07-44: 336 through 369 Buckingham Court (Buckingham Orchard Subdivision)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village approve a variation from Section 155.205 (A)(1)(c)(1) to allow for an increase in fence height of up to eight feet in height along the rear property line of land abutting the Illinois State Toll Highway Authority property, where a maximum of six feet is allowed, for property located within the Buckingham Orchard R4PD Limited General Residence, Planned Development District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on December 17, 2007. The petitioner Andy Klatt of Dearborn Buckingham Group, presented the petition and noted the requested relief. He stated that they are requesting approval of an eight-foot high fence along the west property line to provide for additional visual screening of the tollway from their development. He noted that the existing townhomes have an English basement design and the units are at a distinctly higher elevation. To date they have constructed twelve townhouse units in the developments, of which seven units have been sold.

Chairperson Ryan then opened the meeting for public comment. No one spoke in favor of or in opposition to the petition. He then requested the staff report. William Heniff, Senior Planner, stated that the Zoning Ordinance caps fence heights at six feet for residential properties. The developer would like to erect an eight foot high fence along the west property line, abutting the tollway property, to provide additional screening for existing and prospective residents.

Village President
William J. Mueller

Village Clerk
Bridgette O'Brien

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 4
Dana L. Moran, Dist. 4
Laura A. Fitzpatrick, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

He stated that the Illinois State Toll Highway Authority (ISTHA) has constructed noise/visual barrier fencing along selected stretches of the tollway. ISTHA does not have any plans to erect such walls or fencing at this location. The adjacent tollway property is not surplus land and includes the roadway cross section itself. It is not anticipated that the adjacent property would ever be redeveloped in the future. The constructed townhomes and their ancillary decks are at a distinctly higher elevation than the depressed tollway. The additional fence height does provide an additional at-grade visual screening for the residences. If the abutting property was a commercial or industrial use, the proposed fence would be permitted by right. Staff believes the segregation factors already provided for in the Zoning Ordinance for other abutting non-residential uses provides a rationale for supporting this request as well. Staff would not object to the 8' high fence extending all the way to the north property line of the planned development, in order to provide maximum screening of the tollway.

Chairperson Ryan then opened the meeting for comments among the Plan Commissioners.

Commissioner Sweetser asked the petitioner whether this petition is being requested on behalf of the residents. Additionally, she asked if this request is being made to provide visual screening for residents looking out their respective windows or to prevent others from looking into their residences from adjacent properties. Mr. Klatt stated that the request was being made on behalf of the existing and proposed residents and the intent is to help block the resident's view of the tollway.

Commissioner Burke inquired about the proposed fence design. Mr. Klatt noted that the eight-foot cedar fence is intended to mirror the fencing that was approved along Route 53 as part of the Buckingham Meadow development.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition complies with the standards required by the Lombard Zoning Ordinance and that the requested relief is consistent with the approved planned development and granting the relief is in the public interest. Therefore, the Plan Commission, by a roll call vote of 5-0, recommended to the Corporate Authorities **approval** of the petition associated with PC 07-44 subject to the following conditions:

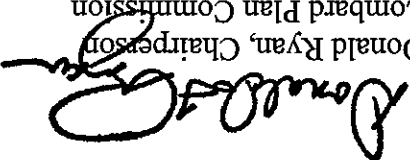
1. The proposed fence shall be constructed in accordance with the submitted plans as shown on the Buckingham Orchard Landscape Plan Exhibit (with proposed fence location), dated October 25, 2006, prepared by Pugsilie & Lahate Ltd.; consistent with the petitioner's submitted photographs of the proposed 8' fence.

2. The petitioner's proposed fence shall be permitted along the west property line of the approved planned development and abutting the adjacent tollway property, from the Pleasant Lane public right-of-way to the southern extent of the approved planned development. Any other fencing within the planned development shall meet the provisions of the Zoning Ordinance.

3. The petitioner shall apply for a building permit for the proposed fence prior to installation. The permit should also satisfactorily address any companion engineering issues as well.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

att-
c. Petitioner
Lombard Plan Commission

**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission
FROM: Department of Community Development
HEARING DATE: December 17, 2007
PREPARED BY: William J. Heniff, AICP
Senior Planner

TITLE

PC 07-44; 336 through 369 Buckingham Court (Buckingham Orchard Subdivision): The petitioner requests that the Village approve a variation from Section 155.205 (A)(1)(c)(1) to allow for an increase in fence height of up to eight feet in height along the rear property line of land abutting the Illinois State Toll Highway Authority property, where a maximum of six feet is allowed, for property located within the Buckingham Orchard R4PD Limited General Residence, Planned Development District.

GENERAL INFORMATION

Property Owner/Petitioner: Buckingham Orchard LLC
1775 Winnetka Road
Northfield, IL 60093

PROPERTY INFORMATION

Existing Land Use: Vacant land under development as townhomes
Size of Property: 3.48 acres
Comprehensive Plan: Low-Medium Density Residential
Existing Zoning: R4PD Limited General Residence District, planned development

Surrounding Zoning and Land Use:

North: Unincorporated DuPage County property zoned R-4 Single Family Residential District and property within the Village zoned R1 Single Family Residential District; developed as single family residences

South: R4PD Limited General Residence District, Planned Development; vacant land to be developed as attached single-family residences (Lyonhart Manor)
East: R4 Limited General Residential District; developed as attached single-family residences (Columbine Glen townhomes)
West: Veterans Memorial Tollway (Interstate 355)

ANALYSIS

SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development:

1. Petition for Public Hearing, with response to standards, dated November 13, 2007.
2. Buckingham Orchard Landscape Plan Exhibit (with proposed fence location), dated October 25, 2006, prepared by Pugsilie & Lahate Ltd.
3. Buckingham Orchard Final Plat of Subdivision, prepared by TFW Surveying, dated July 19, 2004.
4. Photographs of the proposed 8' fence, submitted by the petitioner.

DESCRIPTION

The petitioner is requesting approval of zoning relief to provide for an eight-foot high fence along the west property line of the Buckingham Orchard Planned Development. As the maximum height allowed by code is for a six foot high fence, the petitioner is seeking approval of the requisite relief. The intent of the fence is to provide additional screening of the adjacent Veterans Memorial Tollway (Interstate 355) for the prospective townhome residents in the development.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Public Works Engineering does not have any comments on the petition.

ENGINEERING

The Private Engineering Services Division (PES) does not object to the proposal to extend the fence height along I-355, from the southern lot line extending to just north of the northern most unit. The fence shall not extend into the public right of way. No grade changes are permitted to accommodate the fence without separate PES approval. There is a private storm sewer between the west face of the units and the western most property line that will need to be located by the developer prior to the fence being constructed.

BUILDING & FIRE

The Fire Department does not have any comments on the petition.

PLANNING

As of December, 2007, the petitioner completed the initial grading of the site and has completed construction of two townhome buildings on the west side of Buckingham Court as set forth in their 2004 approval (PC 04-28) and their 2006 amendments thereto (PC 06-10 for a modified site plan and PC 06-33 for deck height relief).

Compliance with the Zoning Ordinance

Section 155.205 (A)(1)(c)(1) of the Zoning Ordinance caps fence heights at six feet for residential properties. The developer would like to erect an eight foot high fence along the west property line, abutting the tollway property, to provide additional screening for existing and prospective residents. The fence is intended to be a solid fence (i.e., opacity of less than 25%) and of wood construction.

In consideration of this request and the submitted response to standards, staff notes the following:

- The Illinois State Toll Highway Authority (ISTHA) has constructed noise/visual barrier fencing along selected stretches of the tollway. Such fencing can be up to twelve feet or more in height. As those fences or walls are located within state rights-of-way, they are considered to be exempt from the Zoning Ordinance provisions. ISTHA's general policy is that such walls or fences are erected in locations where the adjacent residences existed prior to the tollway construction itself. ISTHA does not have any plans to erect such walls or fencing at this location.

- The adjacent tollway property is not surplus land and includes the roadway cross section itself. It is not anticipated that the adjacent property would ever be redeveloped in the future.

- The constructed townhomes and their ancillary decks are at a distinctly higher elevation than the depressed tollway. The additional fence height does provide an additional at-grade visual screening for the residences. Given the existing and approved slopes on the property, other screening options such as berms are not feasible. A very high hedgerow (also a type of fence) would not provide the same level of benefit either, since the desired screening is between the 6' and 8' height levels.

- If the abutting property was a commercial or industrial use, the 8' fence would be permitted by right. Staff believes the segregation factors already provided for in the Zoning Ordinance for other abutting non-residential uses provides a rationale for supporting this request as well.

In further review of the proposed fencing, staff notes that the northern thirty feet of the west property line would be considered a corner side yard setback area. Staff notes that the abutting right of way and Pleasant Lane roadway profile is established at a significantly higher elevation and the grade differential is the result of the existing bridge over the tollway. Since the adjacent tollway property will not redevelop, there are no clear line of sight issues present, and as the Pleasant Lane roadway profile will not change, staff would not object to the 8' high fence extending all the way to the north property line of the planned development, in order to provide maximum screening of the tollway. However, fencing will not be allowed within the Pleasant Lane right of way itself.

Compliance with the Approved Planned Development

The Buckingham Orchard planned development approvals did not specifically address fencing issues. The proposed fence is intended to look like a traditional residential fence. Provided that the fencing does not impact other approved plan elements (i.e., the approved engineering and landscape plans), staff would consider such fencing consistent with the approved planned development.

Compatibility with Adjacent Properties

As noted earlier, the fencing is meant to further segregate the townhomes from the tollway property. Staff believes that the additional fencing shall provide an additional screening benefit for adjacent properties (Lyonhart Manor Subdivision, Columbine Glen townhomes) as well.

FINDINGS AND RECOMMENDATIONS

Staff has reviewed and concurs with the petitioner's response to standards and supports the petitioner's request based upon the comments noted above. Staff finds that the requested relief is appropriate at the subject location and is compatible with surrounding uses. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

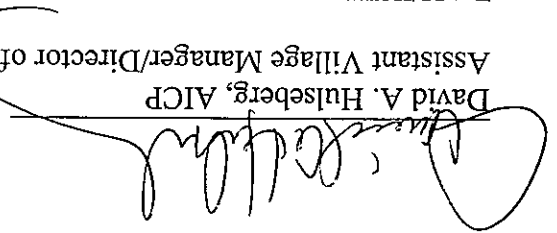
Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance, the requested relief is consistent with the approved planned development, granting the relief would provide for a better development and is in the public interest; and therefore, I move that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of PC 07-44, subject to the following conditions:

1. The proposed fence shall be constructed in accordance with the submitted plans as shown on the Buckingham Orchard Landscape Plan Exhibit (with proposed fence location), dated October 25, 2006, prepared by Fugslie & Lahaie Ltd.; consistent with the petitioner's submitted photographs of the proposed 8' fence.

2. The petitioner's proposed fence shall be permitted along the west property line of the approved planned development and abutting the adjacent tollway property, from the Pleasant Lane public right-of-way to the southern extent of the approved planned development. Any other fencing within the planned development shall meet the provisions of the Zoning Ordinance.

3. The petitioner shall apply for a building permit for the proposed fence prior to installation. The permit should also satisfactorily address any companion engineering issues as well.

Inter-Departmental Review Group Report Approved By:

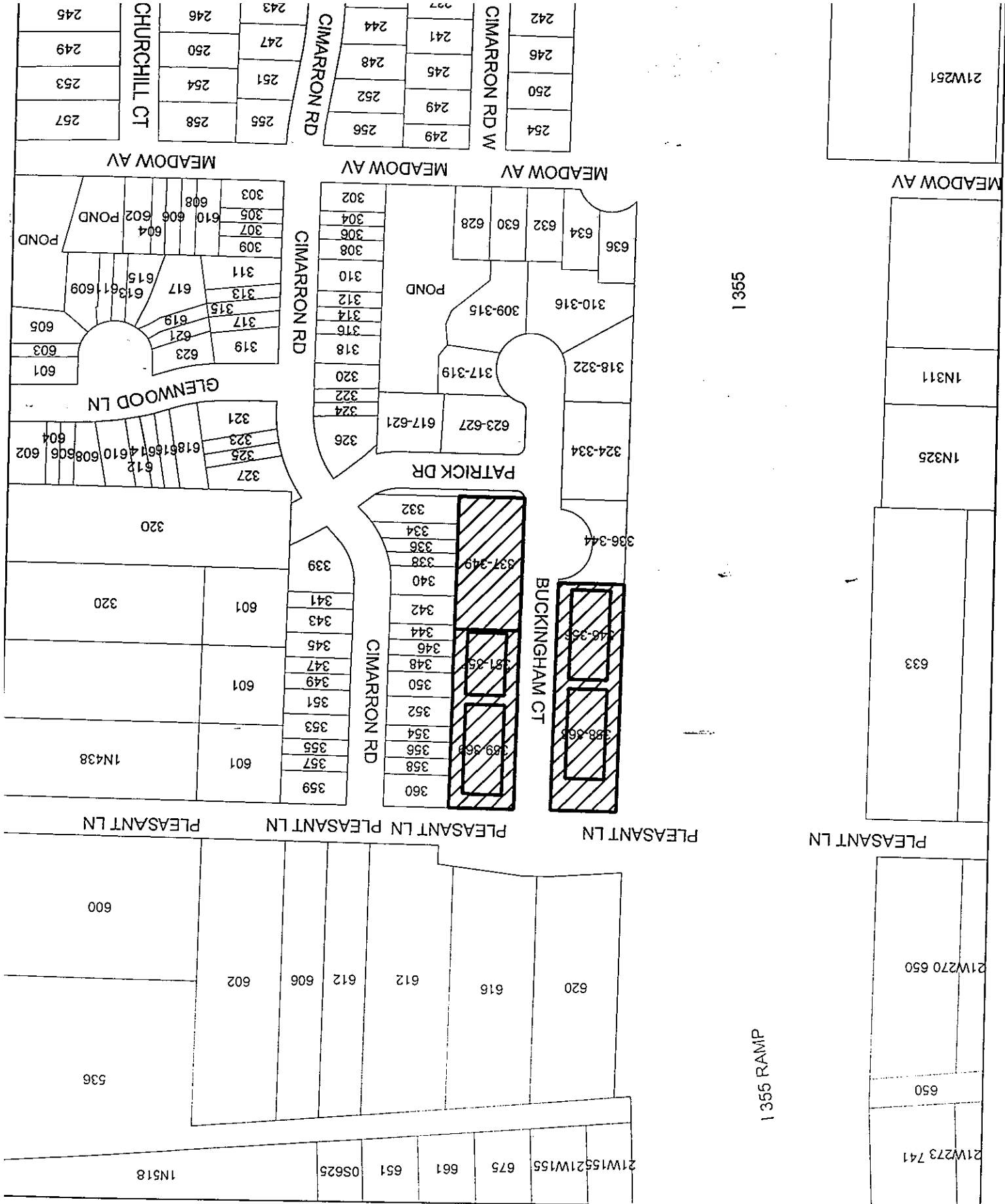

David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

DAH/WJH:

att
c. Petitioner

Location Map

PC 07-44



1 355 I

1 355 RAMP

November 30th, 2007

Village of Lombard
255 E. Wilson
Lombard, IL, 60148
Attn: Bill Heniff

Project: Buckingham Orchard, Lombard, IL
Re: Proposed Fence Variation, Section 155.103.C.7

Dear Mr. Heniff,

Below is the response to the above stated ordinance and its standards.

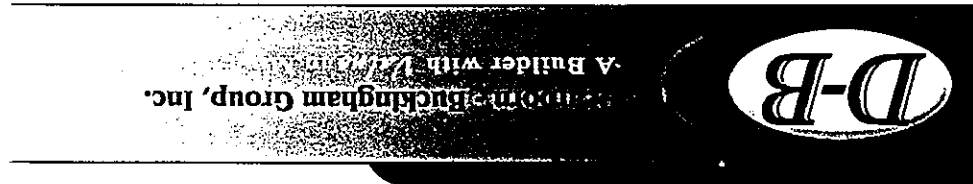
1. The subject properties of the proposed fence about IDOT property (I-355) and the floors of the subject properties are raised above grade (English basements). A 6' fence is inadequate to appropriately screen I-355 with the existing floor heights.
2. The area which we are attempting to screen is the IDOT/I-355 corridor. This interface is unique to most properties in the Village of Lombard.
3. The primary purpose of this variance request is to provide Buckingham Orchard residents visual screening from the busy IDOT/I-355 corridor.
4. The hardship caused by this ordinance is caused by the ordinance itself and by nothing else. There will be no detrimental effects to either the immediate or surrounding properties of the subject area.
5. Allowing a variance to this ordinance will only allow an additional 2' to be added to the permitted fence height. This will not alter any character but will actually enhance the character of the neighborhood.
7. The proposed variation will in no way or form impair any light, ventilation, drainage, or existing property values nor will it increase any dangers or congestion.

Please feel free to contact me at (847) 881 2560 with any questions concerning this matter.

Sincerely,

Andy Klatt
Field Construction Manager
The Dearborn-Buckingham Group, Inc

Cc: File



AN ORDINANCE GRANTING A VARIATION FROM
SECTION 155.205 (A)(1)(c)(1) OF THE LOMBARD ZONING ORDINANCE
PROVIDING FOR AN INCREASE IN FENCE HEIGHT

PC 07-44: 336 through 369 Buckingham Court (Buckingham Orchard Townhomes)

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 R4PD Limited General Residence District, Planned Development; and,

WHEREAS, an application has heretofore been filed requesting approval of a variation from Section 155.205 (A)(1)(c)(1) of the Zoning Ordinance to allow for an increase in fence height of up to eight feet in height along the rear property line of land abutting the Illinois State Toll Highway Authority property, where a maximum of six feet is allowed; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on December 17, 2007 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the variation described herein; 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: This ordinance is limited and restricted to the property generally located at 336 through 369 Buckingham Court, Lombard, Illinois and legally described as follows:

Blocks 1 through 4 and Lots 5 through 8 of the Final Planned Development Plat/Plat of Subdivision for Buckingham Orchard, being a resubdivision of part of Lots 18 and 19 in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east 1/2 of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded December 7, 2005 as document R2005-271050, in DuPage County, Illinois.

Parcel Numbers: 05-01-207-001 through 003; 05-01-205-013 through 015; 05-01-401-054; and 05-01-408-007
(hereinafter the "Subject Property")

SECTION 2: A variation from Section 155.205 (A)(1)(c)(1) of the Zoning Ordinance to allow for an increase in fence height of up to eight feet in height along the rear property line of land abutting the Illinois State Toll Highway Authority property, where a maximum of six feet is allowed, is hereby granted for the Subject Property, subject to the conditions set forth in Section 3 below:

SECTION 3: The variation set forth in Section 2 above shall be granted subject to compliance with the following conditions:

1. The proposed fence shall be constructed in accordance with the submitted plans as shown on the Buckingham Orchard Landscape Plan Exhibit (with proposed fence location), dated October 25, 2006, prepared by Pugsilie & Lahate Ltd.; consistent with the petitioner's submitted photographs of the proposed 8' fence.

2. The petitioner's proposed fence shall be permitted along the west property line of the approved planned development and abutting the adjacent tollway property, from the Pleasant Lane public right-of-way to the southern extent of the approved planned development. Any other fencing within the planned development shall meet the provisions of the Zoning Ordinance.

3. The petitioner shall apply for a building permit for the proposed fence prior to installation. The permit should also satisfactorily address any companion engineering issues as well.

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 _____, 2008.

First reading waived by action of the Board of Trustees this _____ day of _____, 2008.

Passed on second reading this _____ day of _____, 2008.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2008.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Ordinance No. _____
Re: PC 07-44
Page 4

Published by me in pamphlet form this _____ day of _____, 2008.

Brigitte O'Brien, Village Clerk