

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Timothy Sexton, Acting Village Manager
DATE: October 1, 2013 (B of T) Date: October 3, 2013
TITLE: DuPage County Public Hearing Z13-040A: Ken Loch Golf
SUBMITTED BY: Department of Community Development

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is a Resolution of Objection for Z13-040A, objecting to the rezoning and conditional use for a planned development as it is inconsistent with the existing DuPage County Comprehensive Plan and the Village's Comprehensive Plan. (DISTRICTS - UNINCORPORATED)

Staff requests approval of this resolution.

Please place this item on the October 3, 2013 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____

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: Timothy Sexton, Acting Village Manager

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

DATE: October 3, 2013

SUBJECT: DuPage County Public Hearing Z13-040A: Ken Loch Golf Course

On July 26, 2013, the Village Board passed a resolution of objection (Resolution No. 117-13) associated with a filing for a public hearing to DuPage County for a conditional use for a map amendment (rezoning) for the unincorporated property located at 1S535-1S601 Finley Road, commonly known as the Ken Loch Golf Course. The petition sought to have the County rezone the property from its existing R4 Single Family Residence District designation to the R6 General Residence District. The petitioner is Mike Roth, Counsel for the current property owner, Kensinger Realty Investments, LLC. In consideration of the resolution, the Village Board made the following findings:

1. The proposed map amendment is inconsistent with the adopted 1990 DuPage County Comprehensive Plan which identifies the Subject Property for open space purposes.
2. The proposed map amendment is inconsistent with the 1997 Countywide Land Use Plan, prepared by DuPage County, which identifies the Subject Property for single family residential purposes.
3. The proposed map amendment is inconsistent with the Lombard Comprehensive Plan. The Village Board, in its approval on June 6, 2013 (as Ordinance 6842). The Village Board reaffirmed the open space/golf course amenity designation for the Subject Property. The Ordinance of approval also stated, among other things, that the golf course amenity shall be preferred, but any other open space amenity is acceptable as the primary use. In addition, accessory land uses that complement and facilitate the preservation of the primary use, not to exceed 25% of the principal open space use, may be appropriate.
4. The proposed R6 map amendment could provide up to approximately 14.52 units per acre by right. As the Subject Property is 30.91 acres, approximately 448 units could be built. The petitioner has yet to provide any documentation to the public record demonstrating how such an increase in density would be able to address the impacts of any such development, in order to satisfactorily address the findings required for such map amendments in the DuPage County Zoning Ordinance. Moreover, any consideration of a map amendment absent preliminary development plans can create the potential for by-right development that may not be compatible with adjacent properties and land uses.

Subsequent to the close of the public hearing by DuPage County, the petitioner amended their petition to include a companion conditional use for a planned development on the subject property (DuPage County ZBA Case Z13-040A). The amended petition included the attached concept plan for the proposed development which would consist of a mix of townhomes and multiple family units. Staff notes that the proposed plan is similar to the concept plan that was previously shared with the Village Board as part of an April, 2012 workshop session. The petitioner has represented their possible intent to connect to Illinois American Water's private water utility, which currently serves the unincorporated Butterfield East Subdivision.

As the subject property is located within the ultimate municipal boundaries of the Village, we received notice of the amended public hearing. We have been provided the opportunity to provide comments regarding this petition, which is scheduled to be heard by the DuPage County Zoning Board of Appeals on October 10, 2013.

Staff notes that the amended plan addresses some of the concerns expressed in section 4, as it provides some level of specificity. The plan does provide for fewer units than the maximum number possible within the DuPage County R6 District. However, the submittal does not address the primary concerns expressed in sections 1 through 3 above; namely, that the proposal is inconsistent with all past long-range comprehensive planning documents adopted by the Village or DuPage County. Given this disconnect between the adopted plans and the requested zoning, there is not a rational basis to support the requested density increase requested to the County.

As with the past request, attached is a new draft Resolution of Objection relative to this petition. Given the expedient date of the filing by the petitioner and the date of the hearing, staff is bringing this item directly to the Village Board for consideration. Should the Village Board approve the resolution, it will be filed with the DuPage County Clerk's Office and will require a 3/4ths majority of all County Board members to approve the request.

ACTION REQUESTED

Staff recommends that the Lombard Village Board adopt a Resolution of Objection for Z13-040A, objecting to the rezoning and conditional use for a planned development as it is inconsistent with the existing DuPage County Comprehensive Plan and the Village's Comprehensive Plan.

Exhibit 5-Site Plan

SITE PLAN FOR: WOODMOOR ON FINLEY ROAD



SITE DATA	
GROSS SITE AREA	30.81 Acres
Final Coverage	9.21 Acres
Buildings, Parking	9.08 Acres
Internal ROW	1.08 Acres
Open Space	23.70 Acres
Wetlands	1.08 Acres
Wetland Buffers	2.37 Acres
Detention	13.70 Acres
Common Area	18.82 Ac. (60.23%)
TOTAL OPEN SPACE	288
RENTAL UNITS FOR SALE UNITS	104
TOTAL UNITS	392
GROSS DENSITY	12.68 DU/AC.
PARKING	
Rental	TOTAL
Surface	303
Garages	208
Tot. Rental Parking	511 (1.775:1 Ratio)
Townhomes/Rowhomes	
Surface	36
Garages	203
Parking Subtotal	244 (2.34:1 Ratio)
Tot. Rental Parking	208
Tot. For Sale Pkg.	432 (4.34:1 Ratio)

Subject Property:
Ken Loch Golf Course
1 S 801 Finley Road
Lombard, Illinois 60148

Du Page County- York Township
Section 19 T38NR11E

Parcel Identification Numbers
06-18-400-000 1.00 Acres
06-18-400-001 5.17 Acres
06-18-400-011 22.77 Acres
Parcel Acreage 29.75 Acres
Finley Road ROW 1.16 Acres
Total Acreage 30.81 Acres

Owner:
Kensinger Realty
Investments, LLC.
137 Sunny Drive
Bloomington, Illinois 61710

Developer:
Downen Homes, Inc.
4402 Lake Road, Suite B
Cary, Illinois 60025

Land Planner:
BSB Design
1540 East Dundee Road
Suite 310
Palatine, Illinois 60074



September 16, 2013



Scale: 1" = 100'-0"

RESOLUTION NO. _____

**A RESOLUTION OF OBJECTION TO A REQUEST TO DU PAGE COUNTY
TO GRANT A REZONING OF THE PROPERTY FROM THE R4 SINGLE FAMILY
RESIDENCE DISTRICT TO THE R6 GENERAL RESIDENCE DISTRICT AND
GRANTING OF A COMPANION CONDITIONAL USE FOR A PLANNED
DEVELOPMENT FOR THE PROPERTY COMMONLY KNOWN AS
THE KEN LOCH GOLF COURSE**

(Unincorporated Property located at 1S535-1S601 Finley Road; Ken Loch Golf Course)

WHEREAS, the Corporate Authorities of the Village of Lombard (hereinafter “the Village”) were advised that DuPage County received a request a request for a map amendment (rezoning) for the unincorporated property located at 1S535 Finley Road, commonly known as the Ken Loch Golf Course (hereinafter “the Subject Property”), Docket Number Z13-040; and,

WHEREAS, said request petitioned DuPage County to rezone the subject property from its existing DuPage County designation from the R4 Single Family Residential District to the R6 General Residence District; and

WHEREAS, the subject property is within the Village of Lombard’s planning jurisdiction, within its ultimate municipal boundaries and wholly surrounded by property within the corporate limits of the Village; and,

WHEREAS, the following issues and concerns were raised by the Village regarding the request:

1. The proposed map amendment is inconsistent with the adopted 1990 DuPage County Comprehensive Plan which identifies the Subject Property for open space purposes.
2. The proposed map amendment is inconsistent with the 1997 Countywide Land Use Plan, prepared by DuPage County, which identifies the Subject Property for single family residential purposes.
3. The proposed map amendment is inconsistent with the Lombard Comprehensive Plan adopted January 22, 1998 (Ordinance 4403) and as amended on June 17, 2010 (Ordinance 6500) and as further amended on June 6, 2013 (as Ordinance 6842). The latest amendment to the Village’s Comprehensive Plan was specifically reviewed by the Lombard Plan Commission on September 10, 2012 (PC 12-18), with a continuation of the public hearing and taking of additional evidence and

testimony on October 15, 2012, November 19, 2012, December 17, 2012 and January 28, 2013, with a recommendation to keep the property designated for open space purposes. Through the extensive analysis and public testimony, the Village Board reaffirmed the open space/golf course amenity designation for the Subject Property. Furthermore, Ordinance 6842 states that “Regarding Ken-Loch Golf Links, the Village should amend its annexation recommendations to ensure that the property remains in use as open space. The previously offered alternative of large-lot single family development would result in an irreplaceable loss of open space. Accordingly, the property should only be annexed as part of a request and companion plan to enhance the open space/golf course amenity for the Village. The golf course amenity shall be preferred, but any other open space amenity is acceptable as the primary use. In addition, accessory land uses that complement and facilitate the preservation of the primary use, not to exceed 25% of the principal open space use, may be appropriate.”

4. The proposed R6 map amendment could provide up to approximately 14.52 units per acre by right. As the Subject Property is 30.91 acres, approximately 448 units could be built. The petitioner has yet to provide any documentation to the public record demonstrating how such an increase in density would be able to address the impacts of any such development, in order to satisfactorily address the findings required for such map amendments in the DuPage County Zoning Ordinance. Moreover, any consideration of a map amendment absent preliminary development plans can create the potential for by-right development that may not be compatible with adjacent properties and land uses.

WHEREAS, at a Special Meeting of the Lombard Village Board of Trustees on July 26, 2013, the Village Board unanimously adopted a resolution of objection to the petition; and

WHEREAS, the Village filed said resolution with the DuPage County Clerk’s Office and represented said objection at the August 8, 2013 public hearing of the DuPage County Zoning Board of Appeals; and

WHEREAS, subsequent to the DuPage County Zoning Board of Appeals meeting, the petitioner has filed with DuPage County for an amendment to their original petition (DuPage County Case Z13-040A; hereinafter “the amended petition”); and

WHEREAS, the amended petition also seeks approval of a conditional use for a planned development along with the previous map amendment request; said petition scheduled to be heard by the DuPage County Zoning Board of Appeals on October 10, 2013; and

Resolution No. _____
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WHEREAS, the Village finds that amended petition does not address the concerns previously expressed within Sections 1 through 3 above that served as a basis for passage of the original resolution of objection and therefore does not warrant a reconsideration of the resolution of objection previously adopted by the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That the DuPage County Board be and hereby is notified of the opposition of the Corporate Authorities of the Village of Lombard to the granting of the map amendment and companion conditional use for a planned development as requested in DuPage County ZBA Case Z13-040A.

Adopted this ____ day of _____, 2013.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2013.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk