

**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:** Scott Niehaus, Village Manager

**DATE :** March 26, 2019                      **(BOT) Date:** April 4, 2019

**SUBJECT:** PC 19-03, 830 Foxworth Boulevard (Clover Creek  
Apartments/Residences at Lakeside)

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

**BACKGROUND/POLICY IMPLICATIONS:**

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following zoning actions on the subject property located within the R5PD Planned Development District: Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Village Code, amend the Oak Creek Planned Development to approve a deviation from Section 155.210(A)(3)(b) of the Lombard Village Code to allow an accessory structure (trash compactor building) with a vertical distance from grade to the highest point of the roof of twenty and a half (20.5) feet where a maximum of seventeen (17) feet is permitted.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the April 4, 2019, Board of Trustees agenda for a first reading.

**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 *WJH*

**MEETING DATE:** April 4, 2019

**SUBJECT:** **PC 19-03, 830 Foxworth Boulevard (Clover Creek Apartments/Residences at Lakeside)**

Please find the following items for Village Board consideration as part of the April 4, 2019, Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 19-03; and
3. An Ordinance granting approval of a major change and deviation for a property within the Oak Creek Planned Development.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the April 4, 2019, Board of Trustees agenda for a first reading.





## VILLAGE OF LOMBARD

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April 4, 2019

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Michael A. Fugiel, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Bill T. Johnston, Dist. 4  
Robyn Pike, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
Scott R. Niehaus

*"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses 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."*

Mr. Keith T. Giagnorio,  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: PC 19-03, 830 Foxworth Boulevard (Clover Creek Apartments/Residences at Lakeside)**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following action on the subject property located within the R5PD Planned Development District: Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oak Creek Planned Development to approve a deviation from Section 155.210(A)(3)(b) of the Lombard Zoning Ordinance to allow an accessory structure (trash compactor building) with a vertical distance from grade to the highest point of the roof of twenty and a half (20.5) feet where a maximum of seventeen (17) feet is permitted.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 18, 2019. Sworn in to present the petition were: Anna Papke, Senior Planner; and Dean Pozarzycki, architect representing the petitioner.

Vice-Chairperson Flint read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, he proceeded with the petition.

Mr. Pozarzycki presented the petition. He said the current owners have recently acquired the subject property and are in the process of making improvements. One planned improvement is to centralize trash collection at the apartment complex. Currently, there are dumpsters in each building that are wheeled out for collection by Waste Management on collection days. The dumpsters take up



parking spaces while awaiting pick up and otherwise negatively impact the complex.

Mr. Pozaryzcki said the property owner plans to install a trash compactor on the site. Dumpsters will be periodically emptied into the trash compactor, and Waste Management will collect the trash from the compactor rather than multiple dumpsters throughout the site. The petitioner has designed a building to house the compactor. Due to clearance requirements for the compactor, the building will not meet height requirements for accessory structures. Mr. Pozaryzcki said he was available to answer any questions.

Vice-Chairperson Flint asked if any person would like to speak in favor or against this petition, or for public comment.

Diane Hatchett-Cohen addressed the Plan Commission. She asked if chemicals will be used in the compactor. She also was concerned about trash littering the apartment complex and attracting animals. She asked who would be responsible for ensuring the site remains clean.

Vice-Chairperson Flint asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked the petitioner to respond to the public comments.

Mr. Pozarzycki said there would be no chemicals used on site. He said the management of debris on the site is a housekeeping issue that the property management will need to address. He said the trash compactor would improve trash management on the site and would eliminate some instances of residents leaving large items near dumpsters on pick-up days.

Vice-Chairperson Flint asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked for the staff report.

Ms. Papke presented the staff report, which was submitted to the public record in its entirety. The petitioner proposes to install a trash compactor at the Clover Creek Apartment complex in order to centralize waste collection activities. The petitioner will construct a building to house the compactor and a waste collection area. The proposed building, which is considered an accessory structure under the Zoning Ordinance, will have a peak height of 20.5 feet, where the Zoning Ordinance permits accessory structures to have a peak height of 17 feet. The petitioner is therefore requesting a deviation for this standard. The petitioner states the additional height is necessary to allow adequate space to operate the trash compactor. Staff notes that the trash compactor building will be significantly shorter than the apartment buildings on the site, and will be well-screened from adjacent properties. Staff recommended approval of the petition subject to the conditions in the staff report.

Staff received a letter from a nearby resident with questions about the operational aspects of the trash compactor. That letter was forwarded to the petitioner, who provided a response to the resident. Further, the Forest Preserve District of DuPage County also provided a letter of no comment on the petition. Copies of these communications were available to the Plan Commissioners at the meeting.





Vice-Chairperson Flint asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Olbrysh asked who will be responsible for moving containers from inside the trash collection rooms in the buildings to the trash compactor, and who will check to see that the trash containers are full. Mr. Pozarzycki said either maintenance staff or possibly a third party vendor will perform this task.

Commissioner Sweetser asked if there is an established schedule for Waste Management to collect trash from the compactor. Mr. Pozarzycki said that this schedule will be determined once the compactor is operational and the property owner has an understanding of how quickly the compactor fills up.

Commissioner Sweetser asked if the trash collection schedule and process will be available on the property management website for the complex. Mr. Pozarzycki said the property manager/owner is responsive to tenant needs and has an on-site presence.

Commissioner Mrofcza asked if there would be recycling, and for clarification on the number of trash collection containers on the site. Mr. Pozarzycki said there is no recycling on the property. Mr. Pozarzycki discussed the number of trash collection containers on the site.

On a motion by Commissioner Burke, and a second by Commissioner Sweetser, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 19-03, subject to the following three (3) conditions:

1. That the petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Code;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
3. Pursuant to the Zoning Ordinance, the project construction shall commence within one (1) year from the date of approval of the ordinance, or this approval shall become null and void unless a time extension has been granted by the Village Board.

Respectfully,

**VILLAGE OF LOMBARD**

Donald Ryan, Chairperson  
Lombard Plan Commission

c. Lombard Plan Commission



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

**AN ORDINANCE GRANTING A MAJOR CHANGE TO A  
PLANNED DEVELOPMENT PURSUANT TO SECTION 155.504  
OF THE LOMBARD ZONING ORDINANCE TO APPROVE A  
DEVIATION TO ALLOW AN ACCESSORY STRUCTURE  
WITH A VERTICAL DISTANCE OF 20.5 FEET FROM GRADE  
TO HIGHEST POINT OF ROOF IN THE OAK CREEK  
PLANNED DEVELOPMENT, AS ESTABLISHED BY  
ORDINANCE 1351**

(PC 19-03: Clover Creek/Residences at Lakeside – 830 Foxworth Boulevard)

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, as described in Section 2 below, is zoned R5PD General Residence District Planned Development; and,

WHEREAS, the Subject Property, as described in Section 2 below, is subject to the standards for the Oak Creek Planned Development, as adopted by the President and Board of Trustees of the Village of Lombard by Ordinance 1351; and,

WHEREAS, an application has heretofore been filed requiring approval of the following action on the subject property located within the R5PD Planned Development District: Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oak Creek Planned Development to approve a deviation from Section 155.210(A)(3)(b) of the Lombard Zoning Ordinance to allow an accessory structure (trash compactor building) with a vertical distance from grade to the highest point of the roof of twenty and a half (20.5) feet where a maximum of seventeen (17) feet is permitted; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on March 18, 2019, 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 major change and deviation; 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:** That a major change and deviation for a portion of a planned development as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oak Creek Planned Development to approve a deviation from Section 155.210(A)(3)(b) of the Lombard Zoning Ordinance to allow an accessory structure (trash compactor building) with a vertical distance from grade to the highest point of the roof of twenty and a half (20.5) feet where a maximum of seventeen (17) feet is permitted

**SECTION 2:** That this ordinance is limited and restricted to the subject property generally located at 830 Foxworth Boulevard, Lombard, Illinois, and more specifically legally described as set forth below:

*PARCEL 1:*

*THAT PART OF THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 19 AND THE NORTHWEST FRACTIONAL 1/4 OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:*

*BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 1 IN FOXWORTH OF LOMBARD UNIT ONE; THENCE NORTH 14 DEGREES 14 MINUTES 14 SECONDS WEST, 154.89 FEET TO THE SOUTHERLY LINE OF FOXWORTH BOULEVARD AS DEDICATED; THENCE (THE FOLLOWING FOUR COURSES BEING ALONG THE RIGHT-OF-WAY OF SAID FOXWORTH BOULEVARD) NORTHEASTERLY ALONG A CURVED LINE, CONVEX TO THE SOUTHEAST, HAVING A RADIUS OF 473.00 FEET, A DISTANCE OF 70.35 FEET; THENCE NORTH 57 DEGREES 24 MINUTES 01 SECONDS EAST, 230.00 FEET; THENCE NORTHEASTERLY ALONG A CURVED LINE, CONVEX TO THE NORTHWEST, HAVING A RADIUS OF 267.00 FEET, A DISTANCE OF 44.40 FEET; THENCE NORTH 66 DEGREES 55 MINUTES 39 SECONDS EAST, 99.33 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF F.A. ROUTE 61 (AS RECORDED BY DOCUMENT R68-59201); THENCE (THE FOLLOWING THREE COURSES BEING ALONG SAID RIGHT-OF-WAY LINE) SOUTH 21 DEGREES 54 MINUTES 45 SECONDS EAST, 35.85 FEET THENCE SOUTH 32 DEGREES 55 MINUTES 06 SECONDS EAST, 192.98 FEET; THENCE SOUTH 19 DEGREES 14 MINUTES 53 SECONDS EAST, 182.27 FEET TO THE NORTH LINE OF UNITS B AND 9 IN BUTTERFIELD SUBDIVISION; THENCE NORTH 89 DEGREES 58 MINUTES 07 SECONDS WEST, ALONG SAID LINE, 526.49 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.*

*PARCEL 2:*

*THAT PART OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10 AND THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 19, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:*



BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF SAID F.A. ROUTE 61 AND THE NORTHERLY LINE OF SAID FOXWORTH BOULEVARD AND RUNNING THENCE (THE FOLLOWING FOUR COURSES BEING THE NORTHERLY LINE OF SAID FOXWORTH BOULEVARD) SOUTH 66 DEGREES 55 MINUTES 39 SECONDS WEST, 100.67 FEET; THENCE SOUTHWESTERLY ALONG A CURVED LINE, CONVEX TO THE NORTHWEST, HAVING A RADIUS OF 333.00 FEET, A DISTANCE OF 55.37 FEET, THENCE SOUTH 57 DEGREES 24 MINUTES 01 SECONDS WEST, 230.00 FEET, THENCE SOUTHWESTERLY ALONG A CURVED LINE, CONVEX TO THE SOUTHEAST, HAVING A RADIUS OF 407.00 FEET, A DISTANCE OF 200.76 FEET TO THE SOUTHEASTERLY CORNER OF LOT 9 IN FOXWORTH OF LOMBARD UNIT ONE; THENCE (THE FOLLOWING TWELVE COURSES BEING ALONG THE NORTHEASTERLY BOUNDARY OF SAID UNIT ONE) NORTH 11 DEGREES 16 MINUTES 46 SECONDS WEST, 111.03 FEET, THENCE NORTH 50 DEGREES 43 MINUTES 41 SECONDS WEST, 111.15 FEET; THENCE SOUTH 88 DEGREES 06 MINUTES 05 SECONDS WEST, 110.80 FEET; THENCE SOUTH 48 DEGREES 39 MINUTES 10 SECONDS WEST, 25.03 FEET; THENCE NORTH 35 DEGREES 18 MINUTES 43 SECONDS WEST, 171.35 FEET; THENCE NORTH 24 DEGREES 58 MINUTES 50 SECONDS WEST, 255.34 FEET; THENCE NORTH 19 DEGREES 58 MINUTES 43 SECONDS WEST, 18.90 FEET; THENCE NORTH 0 DEGREES 52 MINUTES 51 SECONDS EAST, 110.80 FEET; THENCE NORTH 40 DEGREES 17 MINUTES 23 SECONDS WEST, 110.80 FEET; THENCE NORTH 81 DEGREES 27 MINUTES 37 SECONDS WEST, 110.80 FEET; THENCE SOUTH 57 DEGREES 22 MINUTES 09 SECONDS WEST, 110.80 FEET; THENCE SOUTH 19 DEGREES 45 MINUTES 28 SECONDS WEST, 7.02 FEET TO THE NORTHEASTERLY CORNER OF LOT 156 IN FOXWORTH OF LOMBARD UNIT TWO; THENCE (THE FOLLOWING THREE COURSES BEING ALONG THE NORTHEASTERLY BOUNDARY OF SAID UNIT TWO) NORTH 70 DEGREES 14 MINUTES 32 SECONDS WEST, 180.00 FEET; THENCE NORTH 66 DEGREES 50 MINUTES 23 SECONDS WEST, 116.17 FEET; THENCE NORTH 52 DEGREES 05 MINUTES 39 SECONDS WEST, 114.22 FEET; THENCE NORTH 20 DEGREES 48 MINUTES 08 SECONDS EAST, 48.97 FEET; THENCE NORTH 11 DEGREES 54 MINUTES 11 SECONDS WEST 125.22 FEET; THENCE NORTH 54 DEGREES 27 MINUTES 56 SECONDS WEST, 125.22 FEET; THENCE SOUTH 83 DEGREES 41 MINUTES 54 SECONDS WEST, 150.33 FEET; THENCE NORTHEASTERLY ALONG A CURVED LINE, CONVEX TO THE NORTHWEST, HAVING A RADIUS OF 300.00 FEET, A DISTANCE OF 242.94 FEET THENCE NORTH 39 DEGREES 41 MINUTES 36 SECONDS EAST, 571.91 FEET TO THE SAID WESTERLY RIGHT-OF-WAY LINE OF F.A. ROUTE 61; THENCE (THE NEXT FIVE COURSES BEING ALONG THE SAID RIGHT-OF-WAY LINE) SOUTHEASTERLY ALONG A CURVED LINE, CONVEX TO THE SOUTHWEST, HAVING A RADIUS OF 4,179.41 FEET, A DISTANCE OF 310.04 FEET; THENCE SOUTH 45 DEGREES 38 MINUTES 28 SECONDS EAST, 205.71 FEET; THENCE SOUTH 54 DEGREES 38 MINUTES 59 SECONDS EAST, 480.67 FEET; THENCE SOUTHEASTERLY ALONG A CURVED LINE, CONVEX TO THE NORTHEAST, HAVING A RADIUS OF 2,704.79 FEET, A DISTANCE OF 944.15 FEET; THENCE SOUTH 21 DEGREES 54 MINUTES 45 SECONDS EAST, 180.90 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: 05-24-402-024, 06-19-301-006, and 06-19-302-007

**SECTION 3:** This ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Code;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
3. Pursuant to the Zoning Ordinance, the project construction shall commence within one (1) year from the date of approval of the ordinance, or this approval shall become null and void unless a time extension has been granted by the Village Board.

**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.





Ordinance No. \_\_\_\_\_  
Re: PC 19-03  
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Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019, pursuant to a roll call vote as follows:

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

Nays: \_\_\_\_\_

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

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

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

