

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *DH*

DATE: November 11, 2008 (BOT) Date: November 20, 2008

TITLE: PC 06-28: 300 West 22nd Street (Covington/Cove Landing Planned Development)

SUBMITTED BY: Department of Community Development *WD*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance granting a further 12-month time extension of Ordinance 5950 as amended by Ordinance 6112 for the property located at 300 W. 22nd Street and known as the Hunter's Woods development. (DISTRICT #3)

Staff recommends approval of this request.

Staff is requesting a waiver of first reading.

Please place this item on the November 20, 2008 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X _____
Date _____
Date _____
Date _____
11/12/08

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: David A. Hulseberg, Village Manager

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

DATE: November 20, 2008

SUBJECT: PC 06-28: 300 W. 22nd Street (Coving/Cove Landing Planned Development/Hunter's Woods) – Request for Further Time Extension of Ordinances 5950 and 6112

The Board of Trustees approved Ordinance 5950 (PC 06-28) on November 16, 2006 which granted an amendment to a conditional use for a planned development with a parking lot design variation for the property at 300 W. 22nd Street. A time extension to this ordinance was granted on November 15, 2007 (Ordinance 6112). Per the provisions of Sections 155.103 (F)(11) and (C)(10) of the Zoning Ordinance, if construction has not begun within one (1) year from the date of approval, the conditional use is null and void unless an extension is granted by the Board of Trustees.

After being advised that the relief was about to expire, the petitioner submitted a letter requesting an extension of the relief for an additional year. Staff believes that granting an extension is in the best interest of the Village, provided that the petitioner adheres to conditions incorporated in Ordinances 5950 and 6112.

For the Board's reference, a new developer (Diamond Development Company) is proposing to move forward with the project and is seeking to proceed with the project as it was approved in 2006.

RECOMMENDATION:

Staff recommends that the Village Board approve an Ordinance extending the time period for the previously approved conditional use for an additional twelve month period, with a waiver of first reading of the aforementioned Ordinance. A copy of Ordinances 5950 and 6112 are attached for your reference.

COPY

ORDINANCE NO. 6112

AN ORDINANCE GRANTING
A TIME EXTENSION OF ORDINANCE 5949

(PC 06-28: 300 W. 22nd Street)

WHEREAS, on November 16, 2007, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5949 granting further amendments to a conditional use approval for a planned development as approved by Ordinance 1174 adopted May 9, 1966; Ordinance 1321, adopted October 16, 1967; Ordinance 1390, adopted May 20, 1968; Ordinance 2977, adopted August 13, 1987; and Ordinance 3183, adopted August 17, 1989; to provide for the approval of the submitted site plans included as part of the petition; and

WHEREAS, the petition also requested approval of a variation from Section 155.602 (A)(3)(d) of the Zoning Ordinance to allow for off-street parking spaces to be located in a required front yard; all for the property located at 300 W. 22nd Street (hereinafter the "Subject Property"; and

WHEREAS, pursuant to Sections 155.103 (F)(11) and (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, conditional uses and variations are null and void if construction is not substantially underway within one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, while the owner has secured title to the Subject Property and has razed the existing structures on the property, construction has not commenced and no building permit has been issued for the development granted by Ordinance 5949; and,

WHEREAS, the Village has received a letter requesting an extension of Ordinance 5949; 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 5949 is hereby 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 date of adoption of this Ordinance.

SECTION 2: That all other provisions associated with Ordinance 5949 shall remain in full force and effect.

SECTION 3: 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 _____, 2007.

First reading waived by action of the Board of Trustees this 15th day of November, 2007.

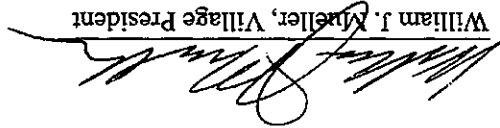
Passed on second reading this 15th day of November 2007.

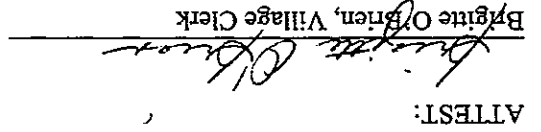
Ayes: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick and Soderstrom

Nays: None

Absent: None

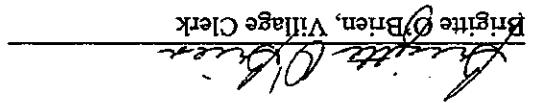
Approved by me this 15th day of November, 2007.


William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Ordinance No. 6112
Re: PC 06-28 – Extension
Page 3

Published by me in pamphlet form this 20th day of November, 2007.


Brigitte O'Brien, Village Clerk

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COPY

ORDINANCE NO. 5950

AN ORDINANCE AMENDING ORDINANCES 1174, 1321, 1390, 2977 AND 3183,
GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT IN THE
R5 GENERAL RESIDENCE DISTRICT, WITH A VARIATION FROM THE
PERMETER LANDSCAPE REQUIREMENTS SET FORTH IN THE LOMBARD
ZONING ORDINANCE

(PC 06-28: 300 W. 22nd Street (Covington/Cove Landing Planned Development))

See also Ordinances 5949

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 Lombard Village Code; and,

WHEREAS, the subject property is zoned R5 General Residence District - Planned Development; and,

WHEREAS, an application has been filed requesting amendments to the conditional use for a planned development as approved by Ordinance 1174 adopted May 9, 1966; Ordinance 1321, adopted October 16, 1967; Ordinance 1390, adopted May 20, 1968; Ordinance 2977, adopted August 13, 1987; and Ordinance 3183, adopted August 17, 1989; to provide for the approval of the submitted site plans included as part of the petition; and

WHEREAS, the petition also requests approval of a variation from Section 155.602 (A)(3)(d) of the Zoning Ordinance to allow for off-street parking spaces to be located in a required front yard; and

WHEREAS, a public hearing on such application for a planned development amendment with companion zoning relief has been conducted by the Village of Lombard Plan Commission on October 16, 2006, 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 planned development amendment and variation described herein; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard have reviewed the request and find it would be in the best interest of the Village to grant said approval subject to the terms and conditions established by this Ordinance, and in accordance with the findings and recommendations of the Plan Commission which are incorporated herein by reference.

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 300 West 22nd Street, legally described as follows:

The east 300.0 feet of the south 485.60 feet of the west half of the southeast quarter of Section 19, Township 39 North, Range 11 east of the Third Principal Meridian, in DuPage County, Illinois.

Subject Property Parcel Number: 06-19-400-026 (i.e., the Subject Property)

The planned development is legally described as:

The west half of the southeast quarter (except the north 660 feet thereof and except the north 31 acres of that part thereof lying south of the north 660 feet of said west half of the southwest quarter) of Section 19, Township 39 North, Range 11 east of the Third Principal Meridian, in DuPage County, Illinois.

Planned Development Parcel Numbers: 06-19-404-001 through 141; 06-19-405-001 through 151; 06-19-400-018 through 028

SECTION 2: An amendment to the conditional use for the Covington/Cove Landing Planned Development is hereby granted on the Subject Property, subject to the provisions noted in Section 4 below.

SECTION 3: A variation from Section from Section 155.602 (A)(3)(d) of the Zoning Ordinance to allow for off-street parking spaces to be located in a required front yard is hereby granted on the Subject Property, subject to the provisions noted in Section 4 below.

SECTION 4: The approval of the actions set forth in sections 2 and 3 above shall be subject to the following conditions:

1. The petitioner shall develop the site in accordance with the preliminary Plat/Site Plan, prepared by Southwest Engineering Consultants, Inc., dated August 2, 2006; the Preliminary Engineering Plan, prepared by Southwest Engineering Consultants, Inc., dated August 2, 2006; the Exterior Building Elevations, prepared by Kenar Homes, dated September 27, 2006; and the Preliminary Landscape plan, prepared by Jen Landscape Design, dated September 26, 2006; except as amended by other conditions of approval.

2. The petitioner shall submit to the Village for approval the following plats:

- a. A plat of dedication for the proposed rights-of-way dedication as well as the proposed public sidewalk easement.
- b. A plat of easement dedication for any public utilities and stormwater facilities, per Village Code.
- c. A plat of subdivision making the subject property a lot of record.

3. The petitioner shall apply for and receive approval from the Village and DuPage County for any site improvements prior to commencing construction on the subject property.

4. Modify the final plans to ensure compliance with the west side yard setback provisions are satisfactorily met.

5. The petitioner shall also satisfactorily address the comments set forth within the IDRC report as part of the building permit application.

6. All construction traffic associated with the project shall be limited to Elizabeth Street, south of the north line of the petitioner's property, and 22nd Street.

SECTION 5: That all other provisions of Ordinances 1174, 1321, 1390, 2977 and 3183 not amended by this Ordinance shall remain in full force and effect.

SECTION 6: That 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 2nd day of November, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

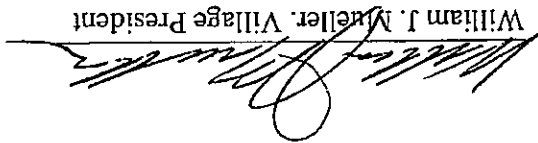
Passed on second reading this 16th day of November, 2006.

Ayes: Trustees Gron, Tross, O'Brien, Sebby, Florey and Soderstrom

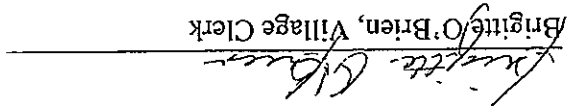
Nays: None

Absent: None

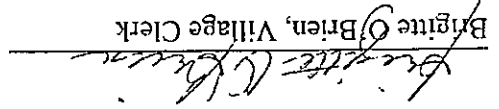
Approved this 16th day of November, 2006.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this 20th day of November, 2006


Brigitte O'Brien, Village Clerk

edwardgsee@yahoo.com

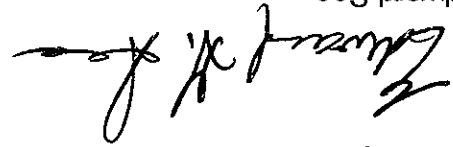
708-257-2417

Addison, IL 60101

525 N. Central

Diamond Development & Realty Company

Edward See



Sincerely,

Please feel free to call at 708-257-2417 me should you require anything else from us to facilitate this request. Thank you for your ongoing cooperation on this development.

We formally request a time extension of the subject Ordinance of approval for PC06-28. We are requesting this relief so that we may continue to work with both the Village of Lombard and DuPage County to gain approval of the final engineering and plat that was recently completed and submitted.

Dear Mr. Heniff:

RE: Request for Time Extension of Ord. PC 06-28
Hunters Ridge Condominiums – Lombard, IL

FAX (630) 629-2374 (1 page)

Lombard, IL 60148

255 E. Wilson Avenue

Department of Community Development

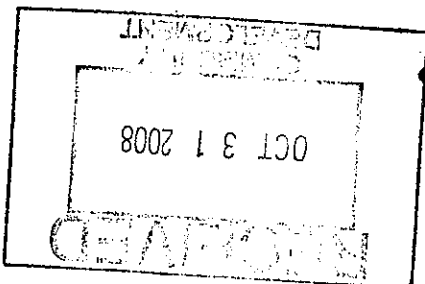
Village of Lombard

William Heniff

October 30, 2008

Commercial/Retail & Residential Developers

Diamond Development Co.



(PC 06-28: 300 W. 22nd Street)

**AN ORDINANCE GRANTING A FURTHER
TIME EXTENSION TO ORDINANCE 5950,
AS AMENDED BY ORDINANCE 6112**

ORDINANCE NO. _____

WHEREAS, on November 16, 2006, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5950 granting further amendments to a conditional use approval for a planned development as approved by Ordinance 1174 adopted May 9, 1966; Ordinance 1321, adopted October 16, 1967; Ordinance 1390, adopted May 20, 1968; Ordinance 2977, adopted August 13, 1987; and Ordinance 3183, adopted August 17, 1989; to provide for the approval of the submitted site plans included as part of the petition; and

WHEREAS, the petition also requested approval of a variation from Section 155.602 (A)(3)(d) of the Zoning Ordinance to allow for off-street parking spaces to be located in a required front yard; all for the property located at 300 W. 22nd Street (hereinafter the "Subject Property"; and

WHEREAS, pursuant to Sections 155.103 (F)(11) and (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, conditional uses and variations are null and void if construction is not substantially underway within one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, the President and Board of Trustees adopted Ordinance 6112 on November 15, 2007, granting an amendment to Ordinance 5950 which extended the period in which the petitioner shall obtain a building permit and start construction on the associated project by November 14, 2008; and

WHEREAS, construction has not commenced and the associated building permits are not anticipated to be issued by November 14, 2008, as required by Ordinance 6112; and,

WHEREAS, the Village has received a letter requesting a further extension of Ordinances 5950 and 6112; 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: Ordinances 5950 and 6112 is hereby 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 date of adoption of this Ordinance.

SECTION 2: That all other provisions associated with Ordinances 5950 and 6112 shall remain in full force and effect.

SECTION 3: 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 by me this _____ day of _____, 2008.

William J. Mueller, Village President

Ordinance No. _____
Re: PC 06-28 – 2nd Time Extension
Page 3

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2007.

Brigitte O'Brien, Village Clerk

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