

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: Scott R. Niehaus, Village Manager

DATE : March 10, 2020 **(BOT) Date:** March 19, 2020

SUBJECT: PC 19-03: Clover Creek/Residences at Lakeside, 830 Foxworth Boulevard
– Time Extension Request

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

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an Ordinance extending the time period to start construction of the proposed project for an additional twelve-month period (i.e., until April 18, 2021).

The Board of Trustees approved Ordinance 7650 (PC 19-03) on April 18, 2019, which granted a major change to a planned development to approve a deviation related to an accessory structure for the property at 830 Foxworth Boulevard. Per the provisions of the Zoning Ordinance (Section 155.103(F)), if construction has not begun within twelve (12) months from the date of approval, the zoning relief granted is null and void unless an extension is granted by the Board of Trustees

Staff recommends approval of the request.

The petitioner is requesting a waiver of first reading of the Ordinance.

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 agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: March 19, 2020

SUBJECT: **PC 19-03: Clover Creek/Residences at Lakeside, 830 Foxworth Boulevard
– Time Extension Request**

The Board of Trustees approved Ordinance 7650 (PC 19-03) on April 18, 2019, which granted a major change to a planned development to approve a deviation related to an accessory structure for the property at 830 Foxworth Boulevard. Per the provisions of the Zoning Ordinance (Section 155.103(F)), if construction has not begun within twelve (12) months from the date of approval, the zoning relief granted is null and void unless an extension is granted by the Board of Trustees.

After being advised that the approved zoning relief would expire prior to the slated construction start, the property owner has submitted the attached email requesting an extension of the approval granted by the Village Board.

ACTION REQUESTED

Staff recommends that the Village Board approve an Ordinance extending the time period to start construction of the proposed project for an additional twelve-month period (i.e., until April 18, 2021). The petitioner is requesting a waiver of first reading of the Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A TIME EXTENSION TO
ORDINANCE 7650 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, on April 18, 2019, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7650 which granted a major change to a planned development to approve a deviation related to an accessory structure; and,

WHEREAS, pursuant to Section 155.103(F) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, a variation shall become null and void unless work thereon is substantially underway within twelve (12) months from the date of issuance, unless further action is taken by the Village Board; and,

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 7650; and

WHEREAS, the Village has received a letter from the property owner requesting a time extension of Ordinance 7650 for an additional twelve months; 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 7650 is hereby further 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 expiration date of Ordinance 7650 (i.e., April 18, 2021).

SECTION 2: That all other provisions associated with Ordinance 7650 not amended by this Ordinance shall remain in full force and effect.

SECTION 3: That this Ordinance is limited and restricted to the property located at 830 Foxworth Boulevard, Lombard, Illinois and legally described as follows:

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 8 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 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 _____, 2020.

First reading waived by action of the Board of Trustees this _____ day of _____, 2020.

Passed on second reading this _____ day of _____, 2020, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Ordinance No. _____
Re: PC 19-03 –Time Extension
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Approved by me this _____ day of _____, 2020.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2020.

Sharon Kuderna, Village Clerk

Papke Anna

From: Layssa Nogueira <lnogueira@jrk.com>
Sent: Monday, March 09, 2020 6:02 PM
To: Papke Anna
Subject: RE: 830 Foxworth Trash Compactor Zoning Entitlements

Please be cautious

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Anna,

Sorry for the delay. Please be advised that we are formally submitting a request for an extension on the project due to the cost of the building.

Please let me know if there's anything else you need from me.

Thanks,
Layssa

From: Papke Anna <PapkeA@villageoflombard.org>
Sent: Monday, March 9, 2020 1:27 PM
To: Laretta Collins <lcollins@jrk.com>; Dean <architectdean@earthlink.net>
Cc: Joshua Park <jpark@jrk.com>; Layssa Nogueira <lnogueira@jrk.com>
Subject: RE: 830 Foxworth Trash Compactor Zoning Entitlements

Thank you. I will be on the lookout for the request.

Anna

	<p>Anna Papke, AICP Senior Planner Village of Lombard 255 E. Wilson Ave. Lombard, IL 60148</p> <p>Phone: (630) 620-5758 Fax: (630) 629-2374 Email: papkea@villageoflombard.org Web: www.villageoflombard.org</p> <p>Follow us:   </p>
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From: Laretta Collins <lcollins@jrk.com>
Sent: Monday, March 09, 2020 1:19 PM
To: Papke Anna <PapkeA@villageoflombard.org>; Dean <architectdean@earthlink.net>
Cc: Joshua Park <jpark@jrk.com>; Layssa Nogueira <lnogueira@jrk.com>
Subject: RE: 830 Foxworth Trash Compactor Zoning Entitlements

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