

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

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

DATE: August 25, 2009 (BOT) Date: September 3, 2009

TITLE: PC 09-24: 701 & 747 E. 22nd Street

SUBMITTED BY: Department of Community Development *WJW*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petitions. Both petitions request:

1. Repeal Ordinance 1915A, and as amended, which established a conditional use for a planned development, in their entirety.
2. Approve a major plat of resubdivision for the subject property, with a variation from Section 154.506 (G) of the Subdivision and Development Ordinance requiring lot lines to be approximately at right angles or radial to the adjacent street.

For the property at 701 E. 22nd Street:

1. Approve a new conditional use for a planned development exclusively for the 701 E. 22nd Street property, with the following variations and deviations from the Zoning Ordinance:
 - a. A deviation from Section 155.412 (F) and a planned development variation from Section 155.508 (C)(6)(a), to reduce the east interior side yard setback from ten feet (10') to zero feet (0') to provide for an existing overhead corridor and foundation walls;
 - b. A deviation from Section 155.412 (H) to provide for an increase in the floor area ratio above the maximum allowed 0.35 for an existing four-story office building.
 - c. A deviation from Section 155.412 (G) to increase the maximum building height from forty-five feet (45') to fifty-five feet (55') for an existing four-story office building.
 - d. A deviation from Section 155.412 (I) to reduce the minimum required open space from thirty-five percent (35%) to approximately twenty seven percent (27%) of the lot area.
 - e. A planned development variation from Section 155.508 (C)(7) to allow for the property to not provide an additional twenty-five percent (25%) open space beyond that which is required in the underlying O Office Zoning District.
 - f. A variation from Section 155.602, Table 6.3 to allow for a reduction in the requisite parking requirements from 4 spaces to 2.5 spaces per 1,000 square feet of gross floor area, as originally set forth in Ordinance 2590.
 - g. A variation from Section 155.210 (A) to allow for an increase in the maximum height for two (2) accessory structure (existing parking garages), as originally set forth in Ordinance 2189 and Ordinance 4837.

- h. A variation from Section 155.210 (A) and a planned development variation from Section 155.508 (C)(6)(a), to reduce the east interior side yard setback from ten feet (10') to zero feet (0') for an existing parking garage.
 - i. A deviation from Section 155.602 (A)(3)(e) to allow for a reduction in the parking lot front yard setback requirement from thirty feet (30') to twenty-seven feet (27') for an existing parking lot.
 - j. A variation from Section 155.706 (B) to not require interior parking lot landscaping for all existing parking lots.
 - k. A variation from Sections 155.706 (C) and 155.709 (B) to reduce the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared vehicular cross-access.
 - l. A variation from Section 155.206 (B) (2) (b) to allow an existing monopole microwave tower to be one-hundred twenty foot (120') instead of the maximum allowed height of forty-five feet (45'), as originally set forth in Ordinance 2590.
 - m. A variation from Section 155.206 (A) (4) (b) to allow for two (2) existing ground mounted dishes and one (1) existing ground mounted antenna, for a total of three (3) instead of the maximum permitted one (1) ground mounted antenna tower or dish.
2. Grant any other relief necessary to memorialize previously granted development rights to allow for all existing improvements on the subject property.
 3. Grant site plan approval authority to the Lombard Plan Commission, pursuant to Section 155.511 of the Lombard Zoning Ordinance.

Recommendation: The Plan Commission recommended approval of this petition with conditions.

For the property at 747 E. 22nd Street:

1. Approve a new conditional use for a planned development exclusively for the 747 E. 22nd Street property, with the following variations and deviations from the Zoning Ordinance:
 - a. A deviation from Section 155.412 (F) and a planned development variation from Section 155.508 (C)(6)(a) and to reduce the west interior side yard setback from ten feet (10') to zero feet (0') to provide for an overhead corridor and foundation walls;
 - b. A variation from Section 155.602, Table 6.3 to allow for a reduction in the requisite parking requirements from 4 spaces to 2.5 spaces per 1,000 square feet of gross floor area, as originally set forth in Ordinance 2590.
 - c. A variation from Section 155.210 (A) to allow for an increase in the maximum height for an accessory structure from seventeen feet (17') to thirty-six feet (36') for parking garage(s) to be constructed on the subject property, as previously granted through Ordinance 2590.
 - d. A variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared vehicular cross-access.
 - e. A variation from Section 155.210 (A) and a planned development variation from Section 155.508 (C)(6)(a), to reduce the west interior side yard setback from ten feet (10') to zero feet (0') for proposed new parking garage, as previously granted through Ordinance 2590.
 - f. A deviation from Section 155.412 (H) to provide for an increase in the floor area ratio above the maximum allowed 0.35 for an existing four-story office building and a future parking garage.
 - g. A deviation from Section 155.412 (G) to increase the maximum building height from forty-five feet (45') to sixty-nine feet (69') for an existing four-story office building.

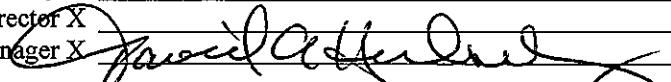
2. Grant any other relief necessary to memorialize previously granted development rights to allow for all existing improvements on the subject property.
3. Grant site plan approval authority to the Lombard Plan Commission, pursuant to Section 155.511 of the Lombard Zoning Ordinance.

The Plan Commission recommended approval of this petition with amended conditions.

Please place this item on the September 3, 2009 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X  _____	Date 8/26/09

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 Heniff, AICP
Director of Community Development

DATE: September 3, 2009

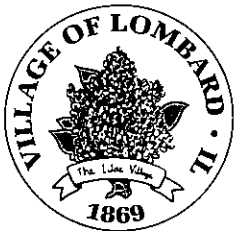
SUBJECT: PC 09-24: 701 & 747 East 22nd Street

Attached please find the following items for Village Board consideration as part of the September 3, 2009 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 09-24;
3. An Ordinance repealing planned development Ordinance 1915A, as amended by Ordinance 2189, Ordinance 2590, Ordinance 4131 and Ordinance 4837 for 701 & 747 E 22nd Street.
4. An Ordinance granting a final plat of subdivision for 701 & 747 E 22nd Street.
5. An Ordinance granting a new Conditional Use for a Planned Development with deviations and variations for the property at 701 E 22nd Street.
6. An Ordinance granting a new Conditional Use for a Planned Development with deviations and variations for the property at 747 E 22nd Street.
7. Plans associated with the petition.

The Plan Commission recommended approval of the zoning actions associated with the petition.





VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3931
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

September 3, 2009

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
Zachary C. Wilson, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

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

Subject: PC 09-24; 701 & 747 East 22nd Street

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:

1. Repeal Ordinance 1915A, and as amended, which established a conditional use for a planned development, in their entirety.
2. Approve a major plat of resubdivision for the subject property, with a variation from Section 154.506 (G) of the Subdivision and Development Ordinance requiring lot lines to be approximately at right angles or radial to the adjacent street.

For the property at 701 E. 22nd Street:

1. Approve a new conditional use for a planned development exclusively for the 701 E. 22nd Street property, with the following variations and deviations from the Zoning Ordinance:

- a. A deviation from Section 155.412 (F) and a planned development variation from Section 155.508 (C)(6)(a), to reduce the east interior side yard setback from ten feet (10') to zero feet (0') to provide for an existing overhead corridor and foundation walls;
- b. A deviation from Section 155.412 (H) to provide for an increase in the floor area ratio above the maximum allowed 0.35 for an existing four-story office building.
- c. A deviation from Section 155.412 (G) to increase the maximum building height from forty-five feet (45') to fifty-five feet (55') for an existing four-story office building.

"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."

- a. A deviation from Section 155.412 (I) to reduce the minimum required open space from thirty-five percent (35%) to approximately twenty seven percent (27%) of the lot area.
- b. A planned development variation from Section 155.508 (C)(7) to allow for the property to not provide an additional twenty-five percent (25%) open space beyond that which is required in the underlying O Office Zoning District.
- c. A variation from Section 155.602, Table 6.3 to allow for a reduction in the requisite parking requirements from 4 spaces to 2.5 spaces per 1,000 square feet of gross floor area, as originally set forth in Ordinance 2590.
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For the property at 747 E. 22nd Street:

1. Approve a new conditional use for a planned development exclusively for the 747 E. 22nd Street property, with the following variations and deviations from the Zoning Ordinance:

- k. A deviation from Section 155.412 (F) and a planned development variation from Section 155.508 (C)(6)(a) and to reduce the west interior side yard setback from ten feet (10') to zero feet (0') to provide for an overhead corridor and foundation walls;
 - l. A variation from Section 155.602, Table 6.3 to allow for a reduction in the requisite parking requirements from 4 spaces to 2.5 spaces per 1,000 square feet of gross floor area, as originally set forth in Ordinance 2590.
 - m. A variation from Section 155.210 (A) to allow for an increase in the maximum height for an accessory structure from seventeen feet (17') to thirty-six feet (36') for parking garage(s) to be constructed on the subject property, as previously granted through Ordinance 2590.
 - n. A variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared vehicular cross-access.
 - o. A variation from Section 155.210 (A) and a planned development variation from Section 155.508 (C)(6)(a), to reduce the west interior side yard setback from ten feet (10') to zero feet (0') for proposed new parking garage, as previously granted through Ordinance 2590.
 - p. A deviation from Section 155.412 (H) to provide for an increase in the floor area ratio above the maximum allowed 0.35 for an existing four-story office building and a future parking garage.
 - q. A deviation from Section 155.412 (G) to increase the maximum building height from forty-five feet (45') to sixty-nine feet (69') for an existing four-story office building.
2. Grant any other relief necessary to memorialize previously granted development rights to allow for all existing improvements on the subject property.
 3. Grant site plan approval authority to the Lombard Plan Commission, pursuant to Section 155.511 of the Lombard Zoning Ordinance.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on August 17, 2009.

Michael Roth, 22300 Cabot Dr, Suite 455, Lisle, IL presented the petition. He stated that he represents the owners of the property at 747 E. 22nd Street, however he would be speaking on behalf of both property owners. He also introduced Dan Cobb, attorney representing the owners for 701 E. 22nd Street.

Mr. Roth outlined the request and indicated this is not to build new construction other than what has been here for 25 years. The 2 properties are at 701 and 747 E. 22nd. He stated that both properties are improved with a four story office building. He then directed everyone's attention to an aerial which highlights the current improvements.

Mr. Roth then explained the various ordinances that were approved over the last 25 years that granted the existing buildings. He started by saying that the original development was approved by an annexation agreement in 1975 under Ordinance 1915A. Over the years, the plan and ordinances were amended to allow for what currently exists today. In 1983 the parcel was divided via an assessment division and the single Planned Development currently governs both properties. He said that the 2 owners of the properties treat each parcel as separate lots. He stated that the Village and owners believe a separation should occur.

Mr. Roth explained that both owners are seeking to repeal all the original ordinances and grant 2 new planned developments for each parcel. He stated that the deviations were all originally granted and that the request is to just codify what was originally approved. He said that the deviations and variations are to merely allow the present improvements.

Mr. Roth explained that the only change would be for a new parking garage for the property at 747 E 22nd Street. He stated that this was originally granted as part of the previous approvals. He indicated that currently, the parking is not shared and the owners of 747 E 22nd Street are underparked He agreed that any new structure proceed as site plan approval and that it would be aseptically attractive.

Vice Chairperson Flint opened the meeting for public comment.

Gary Green, Vice President of Operations of Northern Baptist Seminary, spoke and stated their property is located directly south of the site. He said that he appreciates the opportunity to talk about the petition. He stated that Northern Baptist Seminary have been in Lombard since 1963 and have had a number of campus improvements and expansions and understands the process. He indicated that they have some questions, however most have been answered. He also mentioned the letter they provided to the Commissioners. He said that they have a few questions that have not been answered:

1. The first question relates to the new parking lot deck that may be built on the 747 E. 22nd Street property.
2. The second question relates to the 0' perimeter landscaping and the closeness to their seminary. He asked that the Commissioners take a look at the issue and provide the 5' setback.

Mr. Roth responded by stating that they are asking to locate the parking structure in the same location where the surface parking lot presently exists and would be immediately adjacent to the other parking structure. He also stated that there is a good deal of vegetation that exists between the parking lot and the seminary's property. He felt that matching the building lines and décor was more important than maintaining the 5' setback. He said this won't propose an undue

hardship and they are asking for what the plan that was approved by the Village. A 0' setback is a better plan given there is sufficient screening.

Christopher Stilling, Assistant Director of Community Development, stated that the setback relief was for the western lot line and not the southern lot line, adjacent to the Northern Baptist Seminary property. Mr. Stilling said that the minimum 25' setback to the south would be provided as this meets Village Code.

Mr. Roth then responded to the standards for conditional use for a planned development and standards for variations. He stated that these properties existed well and fit in with the Comprehensive Plan and zoning rules and same uses will continue. He said that they feel they meet the standards and are asking for a positive recommendation.

Commissioner Olbrysh asked what percentage of the 747 E. 22nd Street building represents 128,000 square feet. Mr. Stilling stated approximately 55%.

Vice Chairperson Flint then requested the staff report.

Christopher Stilling, Assistant Director, presented the staff report. Mr. Stilling asked that the Commissioners take separate action for each property. He then stated that staff drafted the IDRC report to submit to the public record in its entirety. The Subject Property, commonly known as the "Mid-Con Planned Development", is zoned OPD Office Business District Planned Development and was approved by Ordinance 1915A in 1975, as amended from time to time. The site is currently improved with 2 four (4) story office buildings and related surface parking and parking structures. Following the original approvals, the property was divided via an assessment division and two (2) different owners now control each property and their related buildings (701 E. 22nd Street & 747 E. 22nd Street). The original planned development was uniformly approved for both parcels. The current owners wish to repeal the original planned development ordinance and related zoning relief and create their own planned developments for each building/parcel. This request will be intended to allow each lot by itself to be in compliance with Village Code. No new structures or changes are being proposed, other than what was previously granted by the Village.

In order to facilitate this request, each property will be required to receive the necessary zoning approvals to memorialize previously granted development rights and to allow for all existing improvements on the subject property. Please note that the building at 747 E. 22nd Street may construct a three-story parking deck over the existing surface parking lot at the rear of the property, at a later date. As this improvement and zoning relief was previously granted under the original planned development, the proposed new planned development would include those same rights.

Mr. Stilling explained that on December 11, 1975 the Lombard Board of Trustees approved Ordinance No. 1915, which provided for the annexation of the site, a rezoning to the Office Business District (now O Office District) and planned development approval. Modifications to the initial planned development were approved over the years.

Mr. Stilling stated that the petitioners, owners of both properties, are seeking to repeal the original planned development ordinance and related zoning relief noted above; and create their own separate planned developments for each newly created lot. No new structures or changes are being proposed other than what was previously approved. The proposal is only intended to allow each property, with their respective improvements, the necessary Village Code approvals to allow each use to continue in its current condition. As such, this petition was reviewed in the context of the new development regulations. The petitioner is requesting numerous zoning actions to facilitate the development as proposed. Staff believes that the zoning actions set forth in this petition satisfactorily addresses outstanding zoning and property ownership issues for these properties.

Mr. Stilling explained that establishing a conditional use for a planned development for each property is an appropriate way to address the unique site constraints and address separate ownership issues that currently exist. As proposed, each property would receive their own planned development and be governed by new ordinances. This is necessary to memorialize previously granted development rights and to allow for all existing improvements on the subject property

With reference to the 701 E. 22nd Street Property, Mr. Stilling outlined a few of the deviations and variations associated for the site. He stated that the proposed new lot is 278,784 square feet in area. Pursuant to the Zoning Ordinance, the maximum Floor Area ratio (FAR) is 0.35 or 97,574 square feet of principal building and accessory structures. The existing building is 214,000 square feet and the combined building area for both parking garages is 75,893 resulting in a total FAR of 1.04. Therefore a deviation from the maximum allowed FAR is required. Since the improvements already exist on site, staff supports this request.

Mr. Stilling explained the parking variation for 701 E. 22nd Street by stating that Ordinance 2590 allowed for the property to provide for one off-street parking space per 400 square feet of office space (or 2.5 spaces per 1,000 square feet). In 2000, the Village Board approved PC 00-27 (Ordinance 4837) for an amendment to the planned development to allow for a second parking garage on the property. This was because the property owner at that time recognized that the existing parking supply for the site did not meet the actual demand for the existing office building. Prior to the amendment, there were 601 parking spaces on the site for a 214,000 square foot office building, which calculates to a parking ratio of 2.8 spaces per 1,000 square feet. With the addition of the new parking garage, the total number of on-site parking spaces is 903 spaces. This results in a ratio of 4.2 spaces per 1,000 square feet, meeting current code. Although the property currently meets the minimum parking requirements of the Zoning Ordinance, the property owner wishes to still maintain their rights to the 2.5 spaces per 1,000 square feet of building area, as previously established by Ordinance 2590. It is important to note that there is no shared parking for both buildings. As this relief was previously granted, staff has no objections to this relief.

Mr. Stilling then explained the requested deviations and variations associated with the 747 E. 22nd Street property. He said that the proposed new lot is 592,620 square feet in area. Pursuant to the Zoning Ordinance, the maximum FAR is 0.35 or 207,417 square feet of principal building and accessory structures. The existing building is 210,000 square feet. The property owner also

has rights to construct a three-story parking garage where the current surface parking is located. In order to maintain those rights, the FAR relief includes the future parking structure. As a result, the combined building area for both the existing building and future parking garage is 498,750 resulting in a FAR of 0.84. Therefore a deviation from the maximum allowed FAR is required. Since the improvements already exist on site and the rights to construct the new garage were previously granted, staff has no objections to this request.

Mr. Stilling addressed the parking variation for the 747 E. 22nd Street property by stating that Ordinance 2590 allowed for the entire property to provide for one off-street parking space per 400 square feet of office space (or 2.5 spaces per 1,000 square feet). At the time the property was developed, it was under the same ownership and parking was shared. When the property was divided via an assessment division and sold to different owners, shared parking between both properties was no longer provided. As a result, the property at 747 E. 22nd Street has a total of 320 parking spaces resulting in a ratio of 1.52 spaces per 1,000 square feet of building area. Ordinance 2590 requires that a minimum of 2.5 spaces per 1,000 square feet of building area be provided. Therefore the existing property does not provide adequate parking to meet the previous relief granted. The original planned development approvals (Ordinance 1915, as amended by Ordinance 2189 & 2590) granted the rights to construct a parking deck on this property. The property owner is requesting to maintain the rights to have parking at the ratio of 2.5 spaces per 1,000 square feet of building area. Staff supports this request, provided that until a parking deck is constructed, the most the building can be occupied by a tenant is 128,000 square feet of floor area. This is to ensure that the minimum 2.5 spaces per 1,000 square feet is met.

With regards to the Sign Ordinance, Mr. Stilling said no additional signage is proposed as part of this request. The existing sign for 701 E. 22nd Street meets the Sign Code and the property at 747 E. 22nd Street currently has no signage. Previous signage relief had been granted in the past via Site Plan Approval. Those sign have since been removed. Staff recommends that any new signage meet the current provisions of the Sign Ordinance. Signage not meeting the Sign Ordinance shall be subject to Site Plan Approval.

Mr. Stilling talked about the development compatibility with the Subdivision and Development Ordinance by stating that the existing development includes two tracts of land that were created by an assessment division in 1989. The proposed major plat of subdivision is intended to create 2 lots of record. The property owners for both properties are seeking a variation from Section 154.506 (G) of the Subdivision and Development Ordinance requiring lot lines to be approximately at right angles or radial to the adjacent street. This variation is necessary to accommodate the shared access between both lots. The proposed lot will exceed the minimum lot width and area requirements of the underlying zoning district. Staff recommends that the plat be approved.

Mr. Stilling said that staff finds that both requests meet the standards for conditional use, standards for conditional use for a planned development with deviations and standards for variations, and that staff recommends approval of both requests, subject to he conditions in the staff report.

Vice Chairperson Flint then opened the meeting for comments among the Commissioners.

September 3, 2009

PC 09-24

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Commissioner Sweetser wanted to confirm what the setback would be for a new parking deck. Mr. Stilling stated that code requires a minimum setback of 25 feet.

Commissioner Olbrysh stated that he agrees with staff report and the deviations seemed to be monumental and then you realize that we are allowing the existing site to continue in its current condition. He asked if there are parking permits for the 701 E. 22nd Street property. Mr. Stilling stated that Village Code does not require permits.

Commissioner Cooper asked if they change the plan, can we require them to meet the landscaping requirements. Mr. Stilling stated that any major change would require Plan Commission review and that can be reviewed at that time.

Commissioner Sweetser motioned to approve PC 09-24 for the property at 701 E. 22nd Street. The motion was seconded by Commissioner Olbrysh.

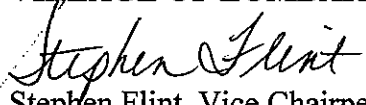
After due consideration of the petition and the testimony presented, the requested relief complies with the standards required by the Lombard Zoning and Subdivision and Development Ordinances; and, therefore, moved that the Plan Commission accept the findings and recommendations of the Inter-Departmental Review Report as the findings of the Plan Commission and that repealing Ordinance 1915A, as amended, in its entirety and establishing a new planned development with deviations and variations for the property at 701 E. 22nd Street is in the public interest; and therefore, by a roll call vote of 6 to 0, recommends to the Corporate Authorities **approval** of the zoning actions associated with PC 09-24.

Commissioner Sweetser motioned to approve PC 09-24 for the property at 747 E. 22nd Street, removing condition #3 per staff's request. The motion was seconded by Commissioner Olbrysh.

After due consideration of the petition and the testimony presented, the requested relief complies with the standards required by the Lombard Zoning and Subdivision and Development Ordinances; and, therefore, moved that the Plan Commission accept the findings and recommendations of the Inter-Departmental Review Report as the findings of the Plan Commission and that repealing Ordinance 1915A, as amended, in its entirety and establishing a new planned development with deviations and variations for the property at 747 E. 22nd Street is in the public interest; and therefore, by a roll call vote of 6 to 0, recommends to the Corporate Authorities **approval** of the zoning actions associated with PC 09-24.

Respectfully,

VILLAGE OF LOMBARD


Stephen Flint, Vice Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: August 17, 2009

FROM: Department of Community
Development

PREPARED BY: Christopher Stilling
Assistant Director

TITLE

PC 09-24: 701 & 747 East 22nd Street: The petitioners are requesting the following:

1. Repeal Ordinance 1915A, and as amended, which established a conditional use for a planned development, in their entirety.
2. Approve a major plat of resubdivision for the subject property, with a variation from Section 154.506 (G) of the Subdivision and Development Ordinance requiring lot lines to be approximately at right angles or radial to the adjacent street.

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 - k. A variation from Sections 155.706 (C) and 155.709 (B) to reduce the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared vehicular cross-access.
 - l. A variation from Section 155.206 (B) (2) (b) to allow an existing monopole microwave tower to be one-hundred twenty foot (120') instead of the maximum allowed height of forty-five feet (45'), as originally set forth in Ordinance 2590.
 - m. A variation from Section 155.206 (A) (4) (b) to allow for two (2) existing ground mounted dishes and one (1) existing ground mounted antenna, for a total of three (3) instead of the maximum permitted one (1) ground mounted antenna tower or dish.
2. Grant any other relief necessary to memorialize previously granted development rights to allow for all existing improvements on the subject property.
 3. Grant site plan approval authority to the Lombard Plan Commission, pursuant to Section 155.511 of the Lombard Zoning Ordinance.

For the property at 747 E. 22nd Street:

1. Approve a new conditional use for a planned development exclusively for the 747 E. 22nd Street property, with the following variations and deviations from the Zoning Ordinance:
 - a. A deviation from Section 155.412 (F) and a planned development variation from Section 155.508 (C)(6)(a) and to reduce the west interior side yard setback from ten feet (10') to zero feet (0') to provide for an overhead corridor and foundation walls;
 - b. A variation from Section 155.602, Table 6.3 to allow for a reduction in the requisite parking requirements from 4 spaces to 2.5 spaces per 1,000 square feet of gross floor area, as originally set forth in Ordinance 2590.
 - c. A variation from Section 155.210 (A) to allow for an increase in the maximum height for an accessory structure from seventeen feet (17') to thirty-six feet (36') for parking garage(s) to be constructed on the subject property, as previously granted through Ordinance 2590.
 - d. A variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared vehicular cross-access.
 - e. A variation from Section 155.210 (A) and a planned development variation from Section 155.508 (C)(6)(a), to reduce the west interior side yard setback from ten feet (10') to zero feet (0') for proposed new parking garage, as previously granted through Ordinance 2590.
 - f. A deviation from Section 155.412 (H) to provide for an increase in the floor area ratio above the maximum allowed 0.35 for an existing four-story office building and a future parking garage.
 - g. A deviation from Section 155.412 (G) to increase the maximum building height from forty-five feet (45') to sixty-nine feet (69') for an existing four-story office building.
2. Grant any other relief necessary to memorialize previously granted development rights to allow for all existing improvements on the subject property.
3. Grant site plan approval authority to the Lombard Plan Commission, pursuant to Section 155.511 of the Lombard Zoning Ordinance.

GENERAL INFORMATION

Petitioner
701 E. 22nd Street Property: 701 Lombard, LLC
c/o Bridget M. O'Keefe
Daspin & Aument LLP
227 W. Monroe Street, Suite 3500
Chicago, IL 60606

Property Owner
701 E. 22nd Street Property: 701 Lombard, LLC
701 E 22nd Street
Lombard, IL 60148

Petitioner
747 E. 22nd Street Property: MCN 747 22nd Street, LLC
c/o Michael M. Roth & Aaron Dixon
Ice Miller LLP
2300 Cabot Drive, Suite 455
Lisle, IL 60532

Property Owner
747 E. 22nd Street Property: MCN 747 22nd Street, LLC
2300 Cabot Drive, Suite 455
Lisle, IL 60532

PROPERTY INFORMATION

Existing Zoning: O PD Office District – Planned Development

Existing Land Use: Office Building

Size of Property: The entire planned development consists of 20 acres of which 6.4 acres exists on the 701 E. 22nd Street property and 13.6 acres exists on the 747 E. 22nd street property.

Comprehensive Plan: The Comprehensive Plan identifies the site for office use.

SURROUNDING ZONING AND LAND USE

North: 22nd Street and five properties zoned R-1 Single Family Residential and one property zoned R-2 Single Family Residential within the Village of Lombard and additional

property within unincorporated DuPage County zoned R4 (Single Family Residential District)

- South: Property zoned O PD (Office District – Planned Development); developed as office/institutional uses (Northern Baptist Theological Seminary)
- East: Property zoned R4 PD (Limited General Residence District – Planned Development); developed as Fountain Square condominium development
- West: Property zoned B3 PD (Community Shopping District – Planned Development); developed as a commercial use (Target)

ANALYSIS

SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development on July 17, 2009:

1. Petition for Public Hearing for 701 E. 22nd Street.
2. Petition for Public Hearing for 747 E. 22nd Street.
3. Description of Request for 701 E. 22nd Street.
4. Description of Request for 747 E. 22nd Street.
5. Land Title Survey, prepared by Gremley & Biederman, dated March 16, 2000, last revised March 18, 2008, depicting the existing improvements on the property at 747 E. 22nd Street.
6. Land Title Survey, prepared by Accurate Survey Service, dated February 7, 2007, depicting the existing improvements on the property at 701 E. 22nd Street.
7. Final Plat of Subdivision (701-747 22nd Street Subdivision), by Intech Consultants, dated November 7, 2008, last revised January 21, 2009.

BACKGROUND

The Subject Property, commonly known as the “Mid-Con Planned Development”, is zoned OPD Office Business District Planned Development and was approved by Ordinance 1915A in 1975, as amended from time to time. The site is currently improved with 2 four (4) story office buildings and related surface parking and parking structures. Following the original approvals, the property was

divided via an assessment division and two (2) different owners now control each property and their related buildings (701 E. 22nd Street & 747 E. 22nd Street). The original planned development was uniformly approved for both parcels. The current owners wish to repeal the original planned development ordinance and related zoning relief and create their own planned developments for each building/parcel. This request will is intended to allow each lot by itself to be in compliance with Village Code.. No new structures or changes are being proposed, other than what was previously granted by the Village.

In order to facilitate this request, each property will be required to receive the necessary zoning approvals to memorialize previously granted development rights and to allow for all existing improvements on the subject property. Please note that the building at 747 E. 22nd Street may construct a three-story parking deck over the existing surface parking lot at the rear of the property, at a later date. As this improvement and zoning relief was previously granted under the original planned development, the proposed new planned development would include those same rights.

ENGINEERING

The Private Engineering Services Division has no comments.

PUBLIC WORKS

As of the date of the report, Public Works does not have any comments on the zoning actions requested as part of this petition.

FIRE AND BUILDING

BIS/Fire Department has the following comments:

- Any new parking deck or structure shall be designed in accordance with current building and fire codes, standards and ordinances.
- It is the respective owner(s) responsibility to identify separate and address any shared life safety and/or fire protection system issues that may exist between the two buildings.

PLANNING

Planned Development History

On December 11, 1975 the Lombard Board of Trustees approved Ordinance No. 1915, which provided for the annexation of the site, a rezoning to the Office Business District (now O Office District) and planned development approval. Modifications to the initial planned development were approved as follows:

Ordinance 2189 (May 25, 1978)

This Ordinance amended the original planned development and annexation agreement revising the site plan to allow for 2 four-story office buildings.

Ordinance 2590 (March 24, 1983)

These approvals allowed for the construction of a microwave tower (701 E. 22nd Street) and reduced the required number of parking spaces (1 space per 400 square feet of ground floor area) for both properties.

Ordinance 4131 (March 7, 1996)

Allowed the construction of a freestanding sign to be setback less than 10' from the front property line. This sign has since been removed.

Ordinance 4837 (July 20, 2000)

An amendment to the existing planned development allowed for the construction of a second parking structure, with variations, for the property at 701 E. 22nd Street.

Compatibility with the Zoning Ordinance

The petitioners, owners of both properties, are seeking to repeal the original planned development ordinance and related zoning relief noted above; and create their own separate planned developments for each newly created lot. No new structures or changes are being proposed other than what was previously approved. The proposal is only intended to allow each property, with their respective improvements, the necessary Village Code approvals to allow each use to continue in its current condition. As such, this petition was reviewed in the context of the new development regulations. The petitioner is requesting numerous zoning actions to facilitate the development as proposed. Staff believes that the zoning actions set forth in this petition satisfactorily addresses outstanding zoning and property ownership issues for these properties.

Conditional use for a planned development:

Establishing a conditional use for a planned development for each property is an appropriate way to address the unique site constraints and address separate ownership issues that currently exist. As proposed, each property would receive their own planned development and be governed by new ordinances. This is necessary to memorialize previously granted development rights and to allow for all existing improvements on the subject property.

701 E. 22nd Street Property

The property owners are seeking to have Ordinance 1915A, as amended, repealed in their entirety, and establish this property as a new planned development with deviations and variations. The following deviations are associated with this property:

A deviation from Section 155.412 (F) and a planned development variation from Section 155.508 (C)(6)(a), to reduce the east interior side yard setback from ten feet (10') to zero feet (0');

Due to the new lot lines to be created by the subdivision of the subject property, this deviation will allow for the existing overhead corridor and foundation walls to remain. Since each property is already owned by separate entities and the improvements are existing, staff supports this request.

A deviation from Section 155.412 (H) to provide for an increase in the floor area ratio above the maximum allowed 0.35 for an existing four-story office building;

The proposed new lot is 278,784 square feet in area. Pursuant to the Zoning Ordinance, the maximum Floor Area ratio (FAR) is 0.35 or 97,574 square feet of principal building and accessory structures. The existing building is 214,000 square feet and the combined building area for both parking garages is 75,893 resulting in a total FAR of 1.04. Therefore a deviation from the maximum allowed FAR is required. Since the improvements already exist on site, staff supports this request.

A deviation from Section 155.412 (G) to increase the maximum building height from forty-five feet (45') to fifty-five feet (55') for an existing four-story office building;

The existing building is 55 feet in height. The original planned development (Ordinance 1915) allowed for up to eight stories, not to exceed 110 feet in height. Ordinance 2189 amended the planned development to allow the two buildings to be constructed at their current height. Staff supports this request because at the time the project was approved; building height was regulated by FAR only. The FAR allowed was 2.0.

A deviation from Section 155.412 (I) to reduce the minimum required open space from thirty-five percent (35%) to approximately twenty seven percent (27%) of the lot area;

The Zoning Ordinance requires a minimum of 34,151 square feet of open space (35%). The open space provided is 22,302 square feet (27%). Since the improvements already exist on site, staff supports this request.

A deviation from Section 155.602 (A)(3)(e) to allow for a reduction in the parking lot front yard setback requirement from thirty feet (30') to twenty-seven feet (27') for an existing parking lot;

The existing parking lot, located in front of 701 E 22nd Street is setback 27' from the front lot line. Most of the spaces are for handicap accessibility. Since most of the parking for employees of the building is in the two parking garages located at the rear of the site, staff does not object to this request.

701 E. 22nd Street Property

In addition to the above mentioned deviations, the following variations are requested as part of this planned development:

A planned development variation from Section 155.508 (C)(7) to allow for the property to not provide an additional twenty-five percent (25%) open space beyond that which is required in the underlying O Office Zoning District;

The underlying O - Office District regulations require a minimum of 35% open space for each property. Section 155.508(C)(7) requires that open space in a planned development must be at least 25% more than is required in the underlying district if a deviation is associated with the petition. The existing property currently provides for 27% open space. Since the improvements already exist on site, staff does not object to this request.

A variation from Section 155.602, Table 6.3 to allow for a reduction in the requisite parking requirements from 4 spaces to 2.5 spaces per 1,000 square feet of gross floor area, as originally set forth in Ordinance 2590;

Ordinance 2590 allowed for the property to provide for one off-street parking space per 400 square feet of office space (or 2.5 spaces per 1,000 square feet). In 2000, the Village Board approved PC 00-27 (Ordinance 4837) for an amendment to the planned development to allow for a second parking garage on the property. This was because the property owner at that time recognized that the existing parking supply for the site did not meet the actual demand for the existing office building. Prior to the amendment, there were 601 parking spaces on the site for a 214,000 square foot office building, which calculates to a parking ratio of 2.8 spaces per 1,000 square feet. With the addition of the new parking garage, the total number of on-site parking spaces is 903 spaces. This results in a ratio of 4.2 spaces per 1,000 square feet, meeting current code. Although the property currently meets the minimum parking requirements of the Zoning Ordinance, the property owner wishes to still maintain their rights to the 2.5 spaces per 1,000 square feet of building area, as previously established by Ordinance 2590. It is important to note that there is no shared parking for both buildings. As this relief was previously granted, staff has no objections to this relief.

A variation from Section 155.210 (A) to allow for an increase in the maximum height for two (2) accessory structure (existing parking garages), as originally set forth in Ordinance 2189 & Ordinance 4837;

Both existing parking garages are three-stories or 36 feet in height. The first garage, which is located at the southwest corner of the site, was approved as part of the original planned development Ordinance 1915, as amended by Ordinance 2189. The second garage, which is located directly to the east of the first garage, was approved as part of Ordinance 4837. This Ordinance provided relief for accessory structure building height. Staff has no objections to this relief.

A variation from Section 155.210 (A) and a planned development variation from Section 155.508 (C)(6)(a), to reduce the east interior side yard setback from ten feet (10') to zero feet (0') for an existing parking garage;

The eastern most garage is setback 0' from the east side lot line. This is a result of the petitioner's request to subdivide each lot. Since each property is already owned by separate entities and the improvements are existing, staff supports this request.

A variation from Section 155.706 (B) to not require interior parking lot landscaping for all existing parking lots;

The existing surface spaces located in the front of the building and at the rear of the building do not provide any landscaping. This was originally approved as part of planned development Ordinance 1915, as amended by Ordinance 2189. Staff has no objections to this relief.

A variation from Sections 155.706 (C) and 155.709 (B) to reduce the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared vehicular cross-access;

An existing shared access provides ingress/egress for both buildings (701 and 747 E 22nd Street). Given the overall lot configuration, and the existing cross access provisions, staff does not object to this request.

A variation from Section 155.206 (B) (2) (b) to allow an existing monopole microwave tower to be one-hundred twenty foot (120') instead of the maximum allowed height of forty-five feet (45'), as originally set forth in Ordinance 2590;

There is an existing 120' tall monopole microwave tower located at the southwest corner of the site, next to the existing building. This tower was approved as part of Ordinance 2590. According to Village records, the tower served as part of the communication system for the previous land owner (Natural Gas Pipeline Co. of America). Since the improvements already exist on site, staff supports this request.

A variation from Section 155.206 (A) (4) (b) to allow for two (2) existing ground mounted dishes and one (1) existing ground mounted antenna, for a total of three (3) instead of the maximum permitted one (1) ground mounted antenna tower or dish;

In addition to the existing microwave tower, the site also has 2 satellite dishes located at the southwest corner of the site. Pursuant to the Zoning Ordinance, no more than 1 ground mounted antenna, tower or satellite dish is allowed on the site. Since there are 2 satellite dishes and 1 tower, for a total of three (3), a variation is required. Previous relief was not granted to the property for these improvements as they met the provisions of the Zoning Ordinance at the time of their construction. Staff does not object to this request

747 E. 22nd Street Property

The property owners are seeking to have Ordinance 1915A, as amended, repealed in their entirety, and establish this property as a new planned development with deviations and variations. The following deviations are associated with this property:

A deviation from Section 155.412 (F) and a planned development variation from Section 155.508 (C)(6)(a) and to reduce the west interior side yard setback from ten feet (10') to zero feet (0') to provide for an overhead corridor and foundation walls;

Due to the new lot lines, this deviation will allow for the existing overhead corridor and foundation walls to remain. Since each property is already owned by separate entities and the improvements are existing staff supports this request.

A deviation from Section 155.412 (H) to provide for an increase in the floor area ratio above the maximum allowed 0.35 for an existing four-story office building and a future parking garage;

The proposed new lot is 592,620 square feet in area. Pursuant to the Zoning Ordinance, the maximum FAR is 0.35 or 207,417 square feet of principal building and accessory structures. The existing building is 210,000 square feet. The property owner also has rights to construct a three-story parking garage where the current surface parking is located. In order to maintain those rights, the FAR relief includes the future parking structure. As a result, the combined building area for both the existing building and future parking garage is 498,750 resulting in a FAR of 0.84. Therefore a deviation from the maximum allowed FAR is required. Since the improvements already exist on site

and the rights to construct the new garage were previously granted, staff has no objections to this request.

A deviation from Section 155.412 (G) to increase the maximum building height from forty-five feet (45') to sixty-nine feet (69') for an existing four-story office building;

The existing building is 69 feet in height. The original planned development (Ordinance 1915) allowed for up to eight stories, not to exceed 110 feet in height. Ordinance 2189 amended the planned development to allow the two buildings to be constructed at their current height. Staff supports this request because at the time the project was approved; building height was regulated by FAR only. The FAR allowed was 2.0.

747 E. 22nd Street Property

In addition to the above mentioned deviations, the following variations are requested as part of this planned development:

A variation from Section 155.602, Table 6.3 to allow for a reduction in the requisite parking requirements from 4 spaces to 2.5 spaces per 1,000 square feet of gross floor area, as originally set forth in Ordinance 2590;

Ordinance 2590 allowed for the entire property to provide for one off-street parking space per 400 square feet of office space (or 2.5 spaces per 1,000 square feet). At the time the property was developed, it was under the same ownership and parking was shared. When the property was divided via an assessment division and sold to different owners, shared parking between both properties was no longer provided. As a result, the property at 747 E 22nd Street has a total of 320 parking spaces resulting in a ratio of 1.52 spaces per 1,000 square feet of building area. Ordinance 2590 requires that a minimum of 2.5 spaces per 1,000 square feet of building area be provided. Therefore the existing property does not provide adequate parking to meet the previous relief granted. The original planned development approvals (Ordinance 1915, as amended by Ordinance 2189 & 2590) granted the rights to construct a parking deck on this property. The property owner is requesting to maintain the rights to have parking at the ratio of 2.5 spaces per 1,000 square feet of building area. Staff supports this request, provided that until a parking deck is constructed, the most the building can be occupied by a tenant is 128,000 square feet of floor area. This is to ensure that the minimum 2.5 spaces per 1,000 square feet is met.

A variation from Section 155.210 (A) to allow for an increase in the maximum height for an accessory structure from seventeen feet (17') to thirty-six feet (36') for parking garage(s) to be constructed on the subject property, as previously granted through Ordinance 2590;

Although the property does not contain a parking structure, rights to construct a garage were granted by Ordinance 2590. However, the property owner has not provided detailed plans and has not indicated whether or not they will proceed with a new parking deck. Staff supports this request since the property currently does not meet the minimum parking requirements established by Ordinance 2590. Furthermore, the height variation will be consistent with the adjacent parking garages and it is located away from the residentially zoned properties. Staff recommends that any new parking deck shall be subject to Site Plan Approval.

A variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared vehicular cross-access;

An existing shared access provides ingress/egress for both buildings (701 and 747 E 22nd Street). Given the overall lot configuration, and the existing cross access provisions, staff does not object to this request.

A variation from Section 155.210 (A) and a planned development variation from Section 155.508 (C)(6)(a), to reduce the west interior side yard setback from ten feet (10') to zero feet (0') for proposed new parking garage, as previously granted through Ordinance 2590;

Although the property does not contain a parking structure, rights to construct a garage were granted by Ordinance 2590. Staff supports this request since the property currently does not meet the minimum parking requirements established by Ordinance 2590. Furthermore, the setback variation will be consistent with the adjacent parking garages and it is located away from the residentially zoned properties.

Compatibility with the Comprehensive Plan

The Comprehensive Plan identifies the site for Office Use. The existing use complies with the recommendations of the Comprehensive Plan.

Compatibility with Surrounding Land Uses

The subject property is bordered on the west and south by properties zoned for non-residential uses. To the east is R4 PD (Fountain Square condominium development), however a large detention area and wetland are located between the improvements on both properties and the existing condominium development. While the property to the north is mostly unincorporated and zoned for single family residential uses and the pattern of development has not changed in the past 31 years, the existing improvements can be considered compatible with surrounding land uses.

Compatibility with the Sign Ordinance

No additional signage is proposed as part of this request. The existing sign for 701 E 22nd Street meets the Sign Code and the property at 747 E 22nd Street currently has no signage. Previous signage relief had been granted in the past via Site Plan Approval. Those sign have since been removed. Staff recommends that any new signage meet the current provisions of the Sign Ordinance. Signage not meeting the Sign Ordinance shall be subject to Site Plan Approval.

Compatibility with the Subdivision and Development Ordinance

Currently the existing development includes two tracts of land that were created by an assessment division in 1989. The proposed major plat of subdivision is intended to create 2 lots of record. The property owners for both properties are seeking a variation from Section 154.506 (G) of the Subdivision and Development Ordinance requiring lot lines to be approximately at right angles or radial to the adjacent street. This variation is necessary to accommodate the shared access between both lots. The proposed lot will exceed the minimum lot width and area requirements of the underlying zoning district. Staff recommends that the plat be approved.

FINDINGS AND RECOMMENDATIONS

Staff recommends approval of both new planned developments subject to the conditions noted below. Staff has added these conditions in an attempt address any building and fire issues. In addition, the condition related to traffic signalization was a previous condition of Ordinance 2590. Additionally, since the proposed garage is intended to meet existing parking demands, additional traffic generation is not anticipated.

Staff recommends that the Plan Commission take separate action for each property. The Commissioners can use the language below or amend it as they deem appropriate.

For the property at 701 E 22nd Street

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Lombard Zoning Ordinance and the Subdivision and Development Ordinance, subject to conditions of approval. As such, the IDRC recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the requested relief complies with the standards required by the Lombard Zoning and Subdivision and Development Ordinances; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Review Report as the findings of the Plan Commission and that repealing Ordinance 1915A, as amended, in its entirety and establishing a new planned development with deviations and variations for the property at 710 E 22nd Street is in the public interest; and therefore, I recommend to the Corporate Authorities approval of PC 09-24 subject to the following conditions:

1. The site shall be maintained in accordance with the Land Title Survey, prepared by Accurate Survey Service, dated February 7, 2007, depicting the existing improvements for the property at 701 E 22nd Street.
2. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.
3. In the event traffic ingress and egress at the main entrance of the development warrants signalization of the intersection, the cost of such signalization shall be the responsibility of the property owners and after installation the Village will maintain the system. (Previous condition of Ordinance 2590).

For the property at 747 E 22nd Street

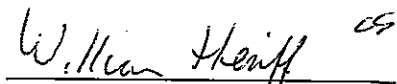
Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Lombard Zoning Ordinance and the Subdivision and Development Ordinance, subject to conditions of approval. As such, the IDRC recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the requested relief complies with the standards required by the Lombard Zoning and Subdivision and Development

Ordinances; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Review Report as the findings of the Plan Commission and that repealing Ordinance 1915A, as amended, in its entirety and establishing a new planned development with deviations and variations for the property at 747 E 22nd Street is in the public interest; and therefore, I recommend to the Corporate Authorities approval of PC 09-24 subject to the following conditions:

1. The site shall be maintained in accordance with the Land Title Survey, prepared by Gremley & Biederman, dated March 16, 2000, last revised March 18, 2008, depicting the existing improvements on the property at 747 E 22nd Street.
2. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.
3. The Plan Commission shall be granted site plan approval authority for the subject property.
4. A minimum of 2.5 parking spaces per 1,000 square feet of building floor area shall be maintained at all times.
5. Any new parking garage shall be subject to Site Plan Approval. The plans shall depict the location of any interim parking areas while the proposed garage is under construction.
6. In the event traffic ingress and egress at the main entrance of the development warrants signalization of the intersection, the cost of such signalization shall be the responsibility of the property owners and after installation the Village will maintain the system. (Previous condition of Ordinance 2590).

Inter-Departmental Review Group Report Approved By:

 ^{CS}

William J. Heniff AICP
Director of Community Development

c: Petitioner

COPY

R78-86340

RECORDER
DU PAGE COUNTY

1978 SEP 11 PM 2:00

George T. Russell

ORDINANCE NO. 2189

AN ORDINANCE AMENDING AN ANNEXATION AGREEMENT
(Brown & Root, PC 78-9)

WHEREAS, the property referred to herein has been previously annexed to the Village of Lombard pursuant to an Annexation Agreement by virtue of the passage of Ordinance 1914; and

WHEREAS, the Annexation Agreement relating thereto, dated December 11, 1975, incorporates therein a site plan labelled Exhibit "B" which calls for an 8 story complex to be constructed on the subject property; and

WHEREAS, it is desired that said site plan, labelled Exhibit "B" be amended to allow the construction of a 3 and 4 story complex instead of the 8 story complex originally proposed; and

WHEREAS, it is in the best interests of the Village of Lombard that said Annexation Agreement be amended as herein set forth,

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DuPAGE COUNTY, ILLINOIS as follows:

Section 1: That the Annexation Agreement relating to the property annexed pursuant to Ordinance 1914, passed and approved December 11, 1975, be and the same is amended by deleting therefrom the attached Exhibit "B" consisting of 5 sheets and substituting therefor Exhibit "B" consisting of 4 sheets, being a site plan prepared by Skidmore, Owings and Merrill, and dated April 3, 1978.

Section 2: That except as modified herein, the provisions of the Annexation Agreement dated December 11, 1975, by and between Northern Baptist Theological Seminary, Brown and Root, Inc., and the Village of Lombard, recorded June 25, 1976, in the Office of the Recorder of Deeds for DuPage County, Document No. R76-41421, be and are hereby ratified and confirmed.

Section 3: That the Village President and Village Clerk are hereby authorized and directed to execute the attached Amendment to Annexation Agreement incorporating the deletion of the original Exhibit "B" and inclusion of the revised Exhibit "B", a copy of which is also attached hereto.

Section 4: That the Village Clerk is hereby authorized and directed to record a certified copy of said Amendment to Annexation Agreement, as attached hereto, in the office of the DuPage County Recorder of Deeds.

Section 5: That this Ordinance shall be in full force and effect from and upon its passage and approval pursuant to law.

Passed on first reading this 25th day of May, 1978.

First reading waived by action of the Board of Trustees this day of , 1978.

Passed on second reading this 8th day of June, 1978.

Ayes: Gariopy, Garrity, Mueller, Piraino, Pool and Yungas

Nays: None

Absent: None

by Lombard

AMENDMENT TO ANNEXATION AGREEMENT

THIS AMENDMENT, entered into this 1st day of June, 1978, by and between BROWN & ROOT, INC., a Texas corporation authorized to carry on business in the State of Illinois, hereinafter called "Developer", and the VILLAGE OF LOMBARD, an Illinois municipal corporation located in DuPage County, Illinois, hereinafter called "Village",

W I T N E S S E T H:

WHEREAS, the parties heretofore entered into an Annexation Agreement dated December 11, 1975, and recorded in the Office of the Recorder of Deeds of Du Page County, Illinois, as Document No. R76-41421, annexing to the Village certain real estate legally described in Exhibit A attached hereto and by this reference made a part hereof, hereinafter referred to as the "Subject Property"; and

WHEREAS, the Developer has, following said annexation, completed the purchase of the Subject Property and is now the owner thereof in fee simple absolute; and

WHEREAS, the Developer is about to commence the improvement of the Subject Property in accordance with the said Annexation Agreement, the rezoning ordinance adopted by the Village and known as Ordinance No. 1915-A passed and approved by the Board of Trustees of the Village December 11, 1975, and the special use permit for a Planned Unit Development on the Subject Property; and

WHEREAS, prior to commencing such improvements, the Developer wishes to make certain modifications in the site plan adopted by the parties as Exhibit B to the Annexation Agreement; and

WHEREAS, upon the Developer's Petition therefor, the Village has set and held a hearing on said proposed change in the Annexation Agreement, has furnished the proper notice thereof

R78 - 86340

Approved this 12th day of June, 1978.

Maryth E. Pallas
Village President

Approved as to Form:

John H. Arnold
Village Attorney

Attest:

Lorraine G. Gerhardt
Village Clerk

Not Published _____

Published _____

Date

Paper

R78-86340

in accordance with applicable ordinances and statutes, and has duly adopted an ordinance approving and authorizing such Amendment to the Annexation Agreement;

NOW, THEREFORE, the parties hereto agree that the Annexation Agreement be and the same is modified by deleting from said Agreement Exhibit B and substituting therefor as a new Exhibit B the site plan attached hereto and marked "Exhibit B."

In all other respects said Annexation Agreement, Ordinance No. 1915-A, and said special use permit are and the same shall remain unmodified and in full force and effect.

IN WITNESS whereof, BROWN & ROOT, INC. and the VILLAGE OF LOMBARD have caused this instrument to be executed by their proper officers duly authorized to execute the same the day and year first above written.

BROWN & ROOT, INC.,
a Texas corporation

By *H. T. Robinson*
H. T. Robinson
Vice President

ATTEST:

E. H. [Signature]

VILLAGE OF LOMBARD,
an Illinois municipal corporation

By *Mary E. [Signature]*

ATTEST:

Mary A. [Signature]
Deputy Village Clerk

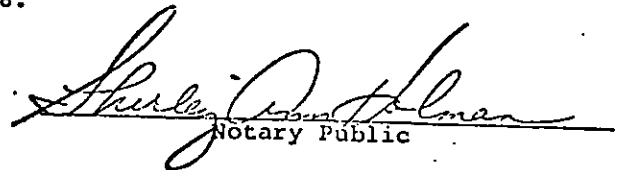
R78 - 86340

STATE OF TEXAS)
) SS
COUNTY OF HARRIS)

I, Shirley Ann Holman, a Notary Public
in and for the County and State aforesaid, DO HEREBY CERTIFY
that H. T. Robinson, Vice President and E. D. Redding, Secretary

who are personally known to me to be the same persons whose
names are subscribed to the foregoing instrument as, respectively
H. T. Robinson, Vice President and E. D. Redding Secretary
of BROWN & ROOT, INC., a Texas corporation, and to me personally
known to be such H. T. Robinson, Vice President and E. D. Redding,
Secretary they signed and delivered the said instrument and
caused the corporate seal of said corporation to be affixed there-
to, pursuant to authority given by the Board of Directors of said
corporation as their free and voluntary act and as the free and
voluntary act and deed of said corporation, for the uses and pur-
poses therein set forth.

GIVEN under my hand and notarial seal this 24th day
of July, 1978.


Notary Public

My commission expires:

31 October 1978

R78 - 86340

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, Carol Bauer , a Notary Public
in and for said County, in the State aforesaid, DO HEREBY
CERTIFY THAT Mardyth E. Pollard and Sharon A. Salvetti

who are personally known to me to be the same persons whose
names are subscribed to the foregoing instrument as, re-
spectively President and Secretary of VILLAGE OF LOMBARD, an
Illinois municipal corporation, and to me personally known to
be such officers, appeared before me this day in person and
severally acknowledged that as such President and Secretary
they signed and delivered the said instrument and caused the
corporate seal of said municipal corporation to be affixed
thereto, pursuant to authority given by the Board of Trustees
of said municipal corporation as their free and voluntary act
and as the free and voluntary act and deed of said municipal
corporation, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 6th day
of September, 1978.

Carol Bauer
Notary Public

My commission expires:

October 7, 1979

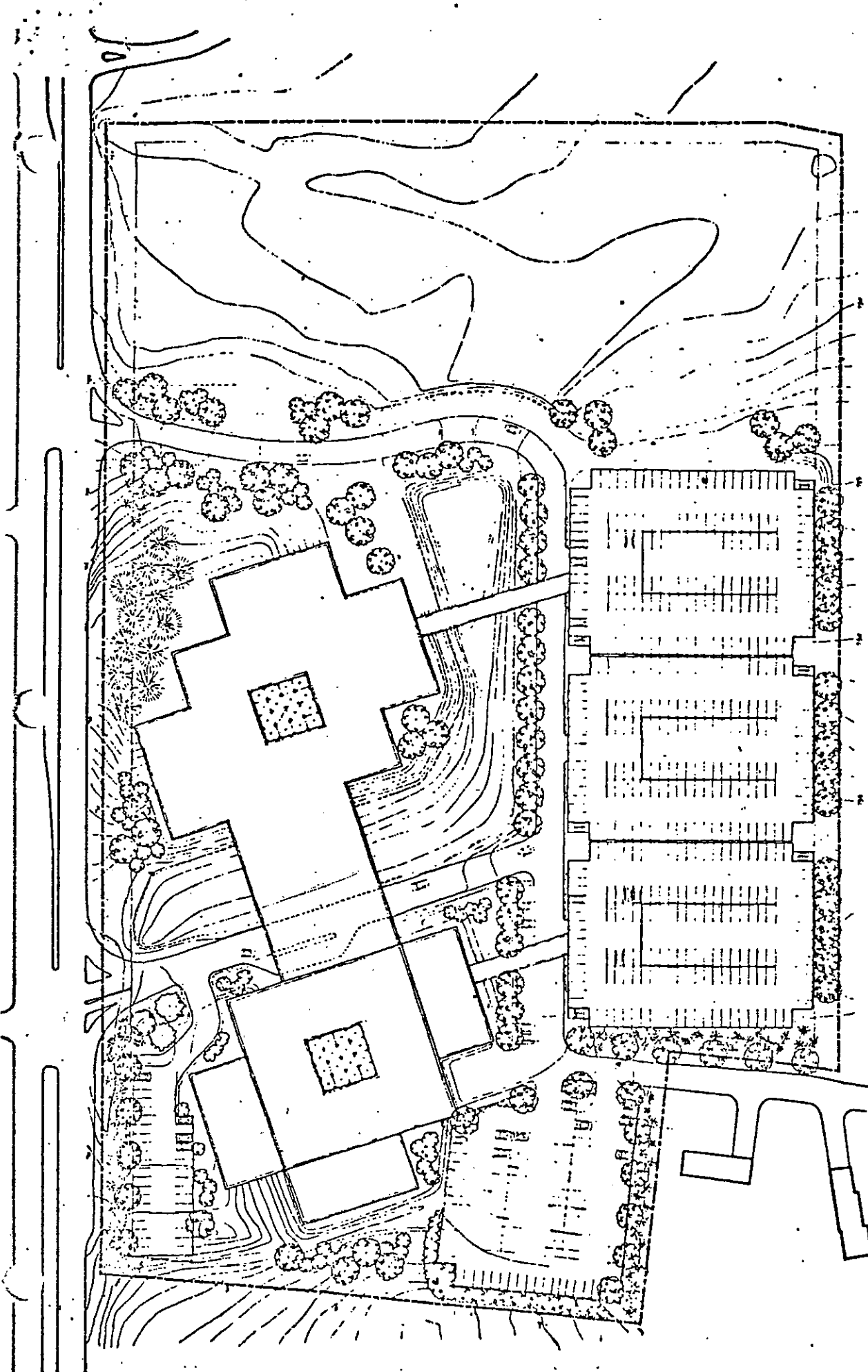
R78 - 86340

EXHIBIT A

R76-29289

That part of the Northern Baptist Theological Seminary Assessment Plat situated in the Northeast quarter of Section 29, Township 39 North, Range 11, East of the Third Principal Meridian, recorded as Document No. R66-5285, described as follows: Commencing at the Northeast corner of the Northeast quarter of said Section 29; thence South 89 degrees 57 minutes 16 seconds West, along the North line of said Northeast quarter, a distance of 70.0 feet to the place of beginning; thence South 0 degrees, 09 minutes, 06 seconds East, along the East line of said Northern Baptist Theological Seminary Assessment Plat being described as parallel with and 70.00 feet West of the East line of said Section 29, a distance of 736.60 feet to an angle point; thence South 11 degrees, 41 minutes, 16 seconds West, along said East line of the Northern Baptist Theological Seminary Assessment Plat, a distance of 69.66 feet; thence South 89 degrees 57 minutes, 16 seconds West, along a line parallel with the North line of the Northeast quarter of said Section 29, a distance of 965.70 feet to a point on a curve; thence Northerly along a curve concave Westerly, having a radius of 767.39 feet, and a chord bearing North, 6 degrees 42 minutes 19 seconds East, a distance of 103.24 feet to a point of reverse curvature; thence Northerly along a curve to the right, having a radius of 1661.63 feet, a distance of 70.47 feet; thence North 84 degrees 10 minutes 59 seconds West, a distance of 283.33 feet to a point on the West line of said Northern Baptist Theological Seminary Assessment Plat; thence North 5 degrees 49 minutes 01 seconds East, along said West line of the Northern Baptist Theological Seminary Assessment Plat, a distance of 606.30 feet to a point on the North line of the Northeast quarter of said Section 29; thence North 89 degrees 57 minutes, 16 seconds East, along the North line of said Northeast quarter, a distance of 1181.25 feet to the place of beginning, in DuPage County, Illinois.

R78-86340



⊕ 1:40'

ILLUSTRATIVE SITE PLAN

4-3-78
EXHIBIT B (SHEET 1 OF 4)

BROWN & ROOT OFFICE PARK

Skidmore, Owings & Merrill

R78-86340

LEFT TURN LANE IN MEDIUM (PHASE 1)

STREET LIGHTING: BASED ON EXISTING SPACING (APPROX. 200 FT) AND LIGHTING STANDARDS FOR 22ND ST. (PHASE 1).

PARKING STRUCTURE: OPTIONAL IN PHASE 1. MINIMUM PARKING REQUIREMENTS TO BE MET.

⊕ 1"=40'

4-3-78
EXHIBIT B (SHEET 2 OF 4)

22ND ST

BIOMIMICRY INTERSECTION (PHASE 2)

LANDSCAPED SCREENING (PHASE 1)

LANDSCAPED SCREENING (PHASE 1)

PHASE 2

PHASE 1

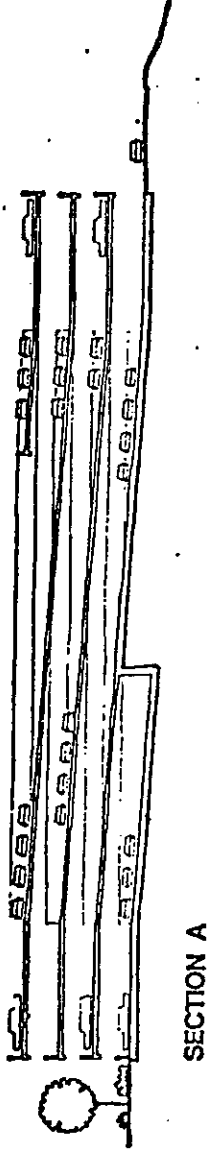
A A' B B'

ILLUSTRATIVE SITE PLAN - PHASING

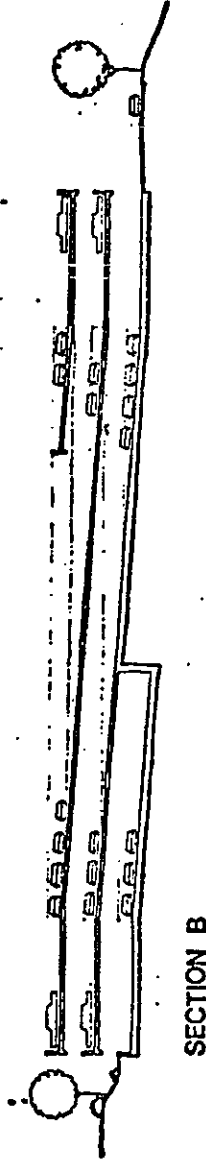
BROWN & ROOT OFFICE PARK

Skidmore, OWINGS & Merrill

Biological Illustrations



SECTION A



SECTION B

1/16" = 1'-0"

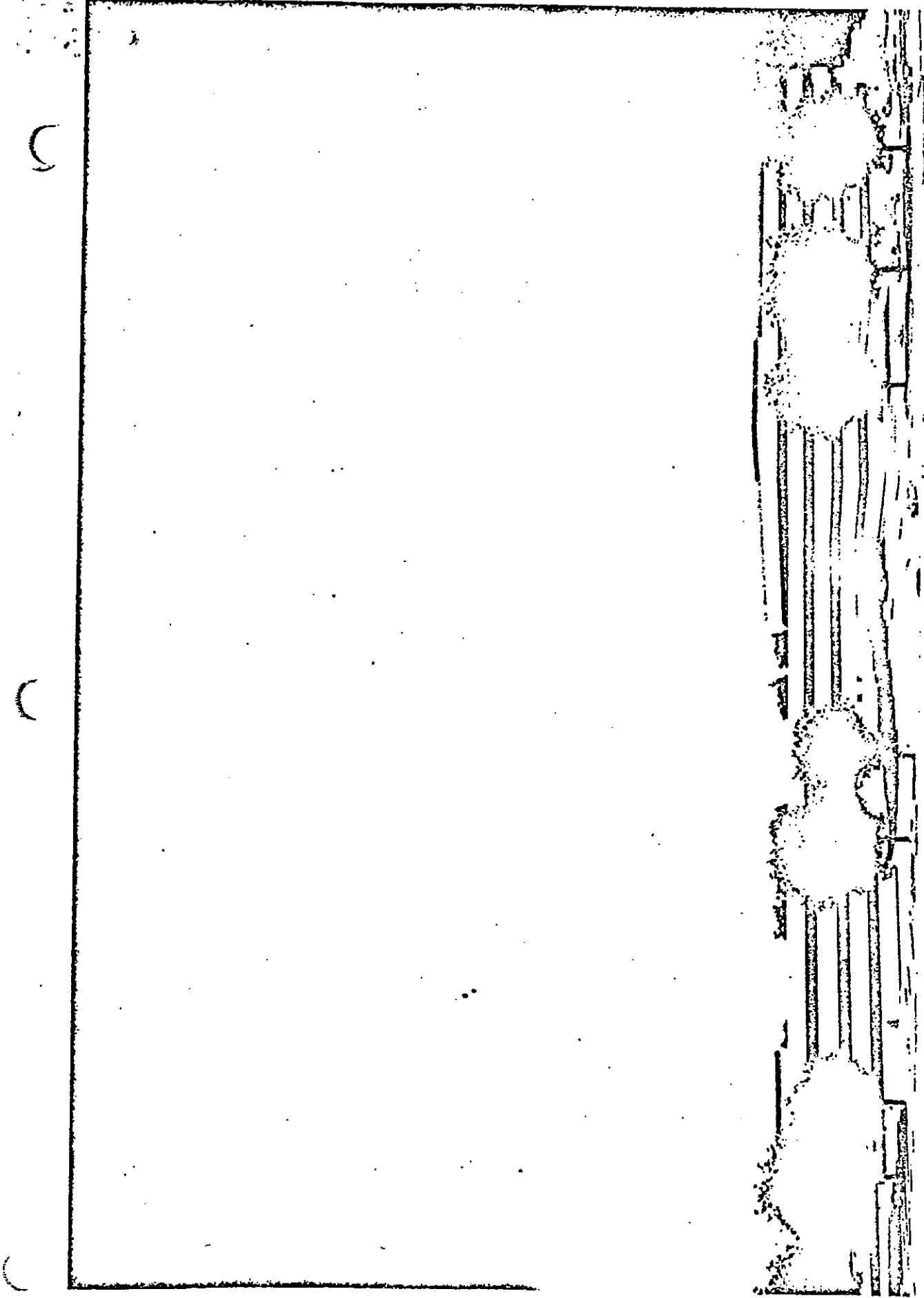
4-3-78

EXHIBIT B (SHEET 3 OF 4)

SECTIONS - PARKING STRUCTURES

BROWN & ROOT OFFICE PARK

SKETCHES (CONTRACTORS' USE)



R78 - 86340

4-3-78
EXHIBIT B (SHEET 4 OF 4)



VILLAGE OF LOMBARD

48 N. Park /
Lombard, Illinois 60148
312/620-5700

Village President
Mardyth E. Pollard

Village Clerk
Mary Francis Carroll

Trustees
Gregory J. Yangas, Dist. 1
William H. Pool, Dist. 2
John W. Garipey, Dist. 3
Anthony B. Piraino, Dist. 4
William J. Mueller, Dist. 5
John F. Garrity, Dist. 6

Village Manager
W. B. Browning

I, LORRAINE G. GERHARDT, hereby certify that I am the duly qualified Village Clerk of the Village of Lombard, Du Page County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Village Clerk I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I do further certify that attached hereto is a true and correct copy of Ordinance Number 2189, of the said Village duly passed on June 8, 1978 as it appears from the official records of said Village in my care and custody.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the corporate seal of said Village of Lombard, Du Page County, Illinois this 12th day of June, 1978.



Lorraine G. Gerhardt
Village Clerk
Village of Lombard
Du Page County, Illinois

R78 - 86340

AN ORDINANCE AMENDING THE LOMBARD ZONING ORDINANCE
OTHERWISE KNOWN AS ORDINANCE NO. 842

WHEREAS, the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois have heretofore adopted Ordinance 842, otherwise known as the Lombard Zoning Ordinance; and

WHEREAS, said ordinance was adopted on January 4, 1960 and has from time to time been amended; and

WHEREAS, an application has been filed with the appropriate Village board or commission requesting the issuance of a special use permit to allow a Planned Unit Development and the finalization of an acceptable pre-annexation agreement, approval of the site plans and phasing plans by the Plan Commission and approval of the engineering plans by the Public Works Department on the property commonly located on the south side of 22nd Street and approximately 1800 feet west of Meyers Road; and

WHEREAS, a recommendation has been made to the President and Board of Trustees that said application be granted and that the Zoning Ordinance be amended accordingly; and

WHEREAS, the President and Board of Trustees concur with said recommendation,

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois as follows:

Section 1: That a special use be and hereby is granted permitting a Planned Unit Development and the finalization of an acceptable pre-annexation agreement, approval of the site plans and phasing plans by the Plan Commission and approval of the engineering plans by the Public Works Department on the property commonly located on the south side of 22nd Street and approximately 1800 feet west of Meyers Road, the legal description of which is as follows:

THAT PART OF THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT SITUATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT NO. R66-5885. DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 29: THENCE S. 89° 57' 16" W. ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 70.0 FEET TO THE PLACE OF BEGINNING: THENCE S. 0° 09' 06" E. ALONG THE EAST LINE OF SAID NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT BEING DESCRIBED AS PARALLEL WITH AND 70.00 FEET WEST OF THE EAST LINE OF SAID SECTION 29. A DISTANCE OF 736.60 FEET TO AN ANGLE POINT: THENCE S. 11° 41' 16" W. ALONG SAID EAST LINE OF THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT. A DISTANCE OF 69.66 FEET: THENCE S. 89° 57' 16" W.

COPY

ALONG A LINE PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29. A DISTANCE OF 965.70 FEET TO A POINT ON A CURVE: THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 767.39 FEET AND A CHORD BEARING N. 6° 42' 19" E., A DISTANCE OF 103.24 FEET TO A POINT OF REVERSE CURVATURE: THENCE NORTHERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1661.83 FEET, A DISTANCE OF 70.47 FEET; THENCE N. 84° 10' 59" W., A DISTANCE OF 283.34 FEET TO A POINT ON THE WEST LINE OF SAID NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT; THENCE N. 5° 49' 01" E. ALONG SAID WEST LINE OF THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT, A DISTANCE OF 606.30 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29; THENCE N. 89° 57' 16" E. ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1181.25 FEET TO THE PLACE OF BEGINNING. - IN DU PAGE COUNTY, ILLINOIS.

Section 2: That the above described property be and hereby is rezoned from R-1 Single Family Residence District to B-5 Office Business District with the above special use as heretofore set forth in Section 1.

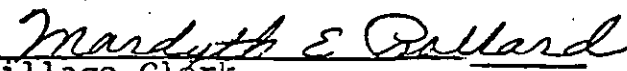
Section 3: This ordinance shall be in full force and effect from and after its passage pursuant to law.

PASSED AND APPROVED this 11th day of December 1975.

APPROVED:


Village President

ATTEST:

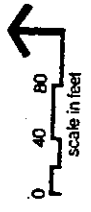
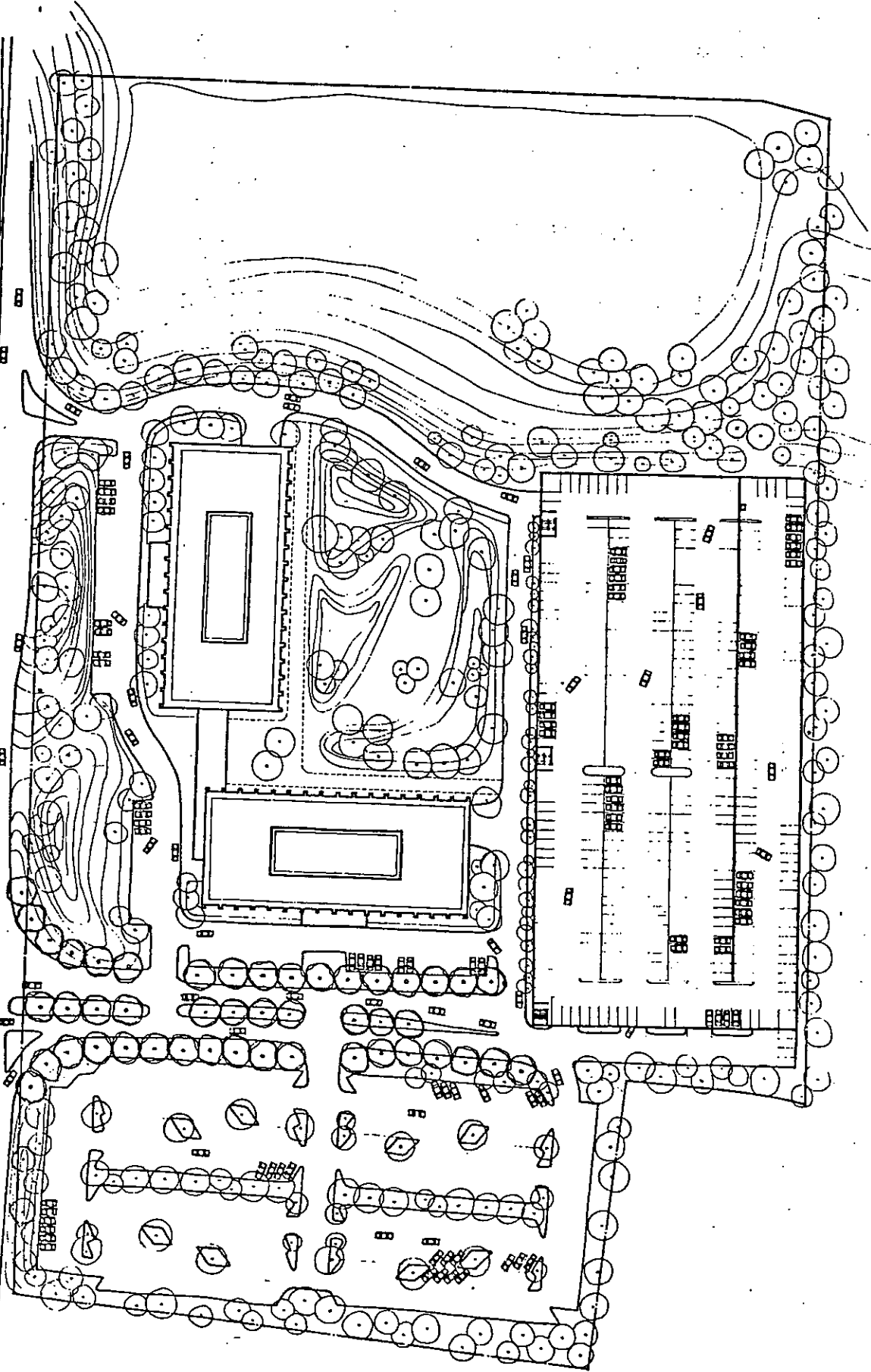

Village Clerk

AYES: 6

NAYS: 0

ABSENT: -

22ND STREET



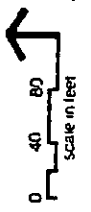
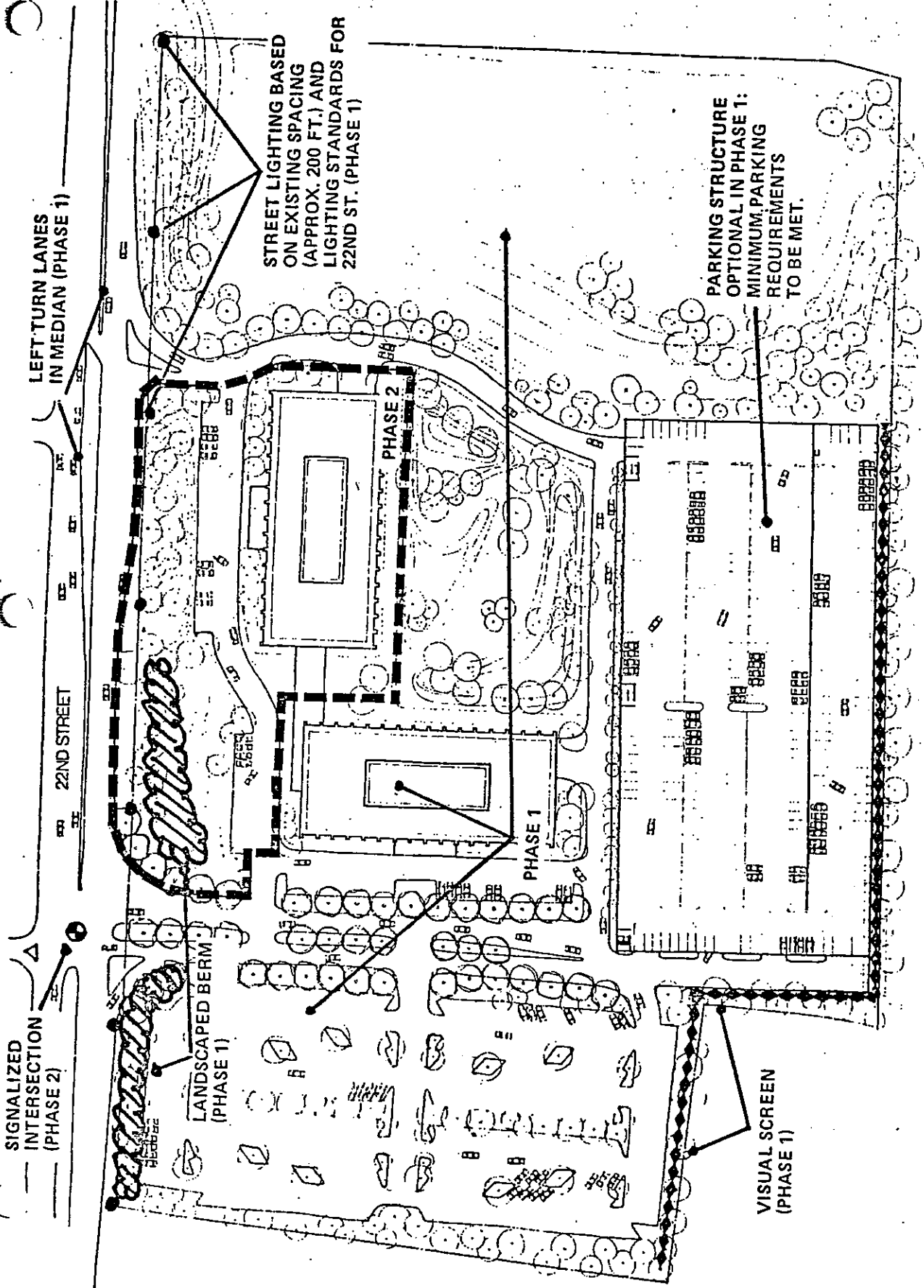
ILLUSTRATIVE SITE PLAN

LOMBARD OFFICES • BROWN & ROOT, INC.

BARTON-ASCHMAN ASSOCIATES, INC.

EVANSTON, ILLINOIS

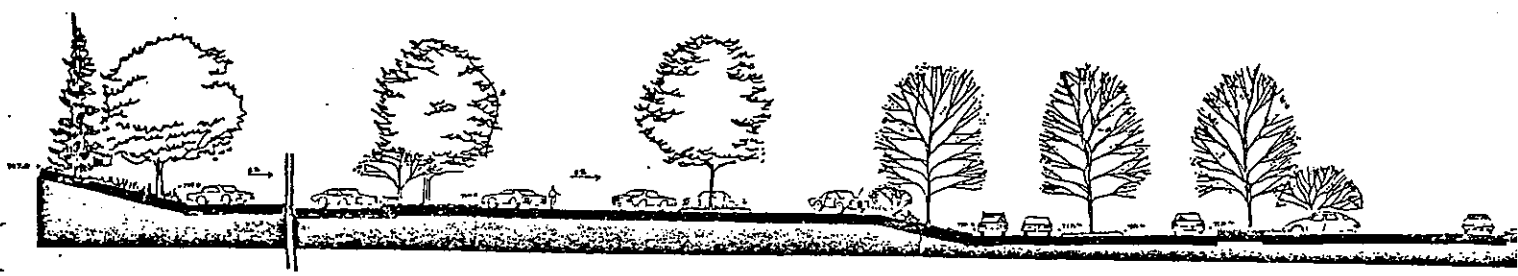
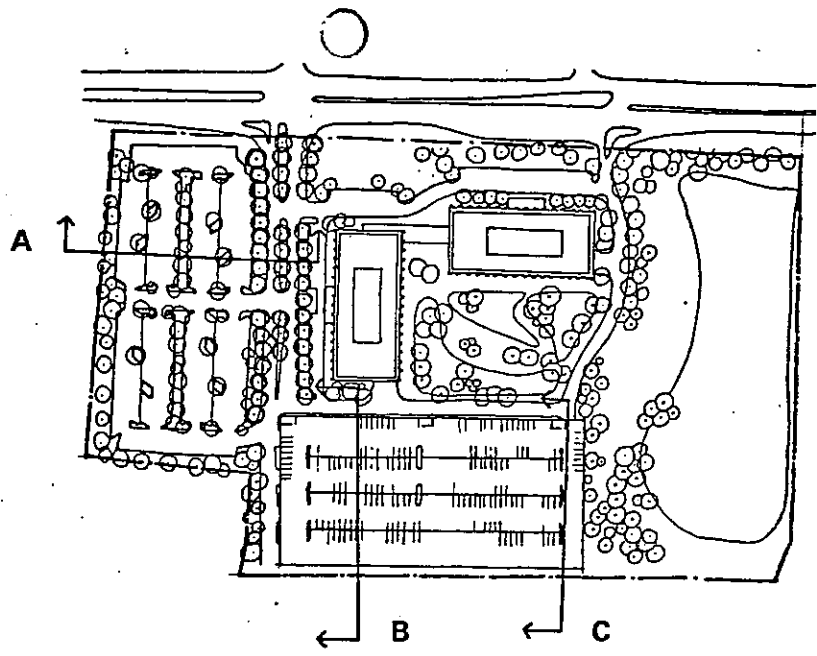
EXHIBIT B
(SHEET 1 OF 5)



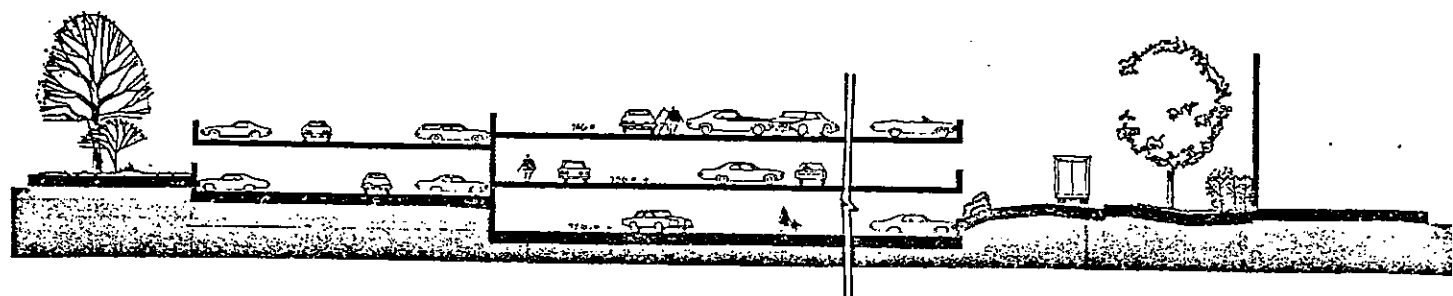
ILLUSTRATIVE SITE PLAN

LOMBARD OFFICES • BROWN & ROOT, INC.
 BARTON-ASCHMAN ASSOCIATES, INC. • EVANSTON, ILLINOIS

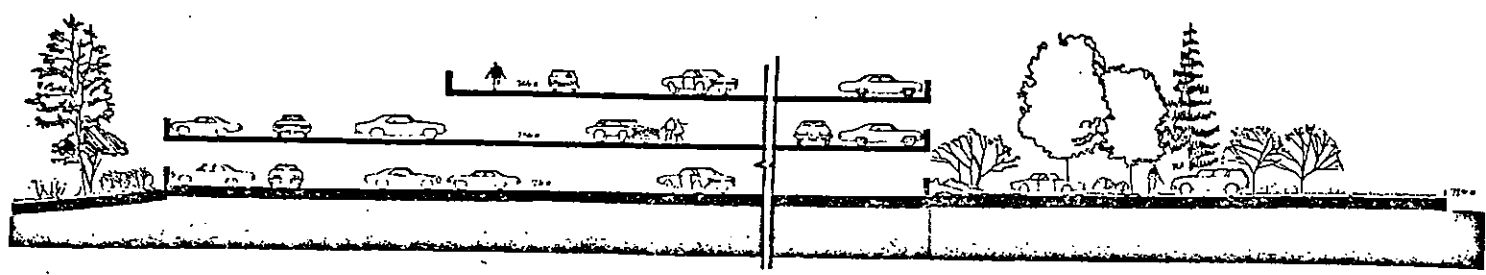
PHASING—EXHIBIT B
 (SHEET 2 OF 5)



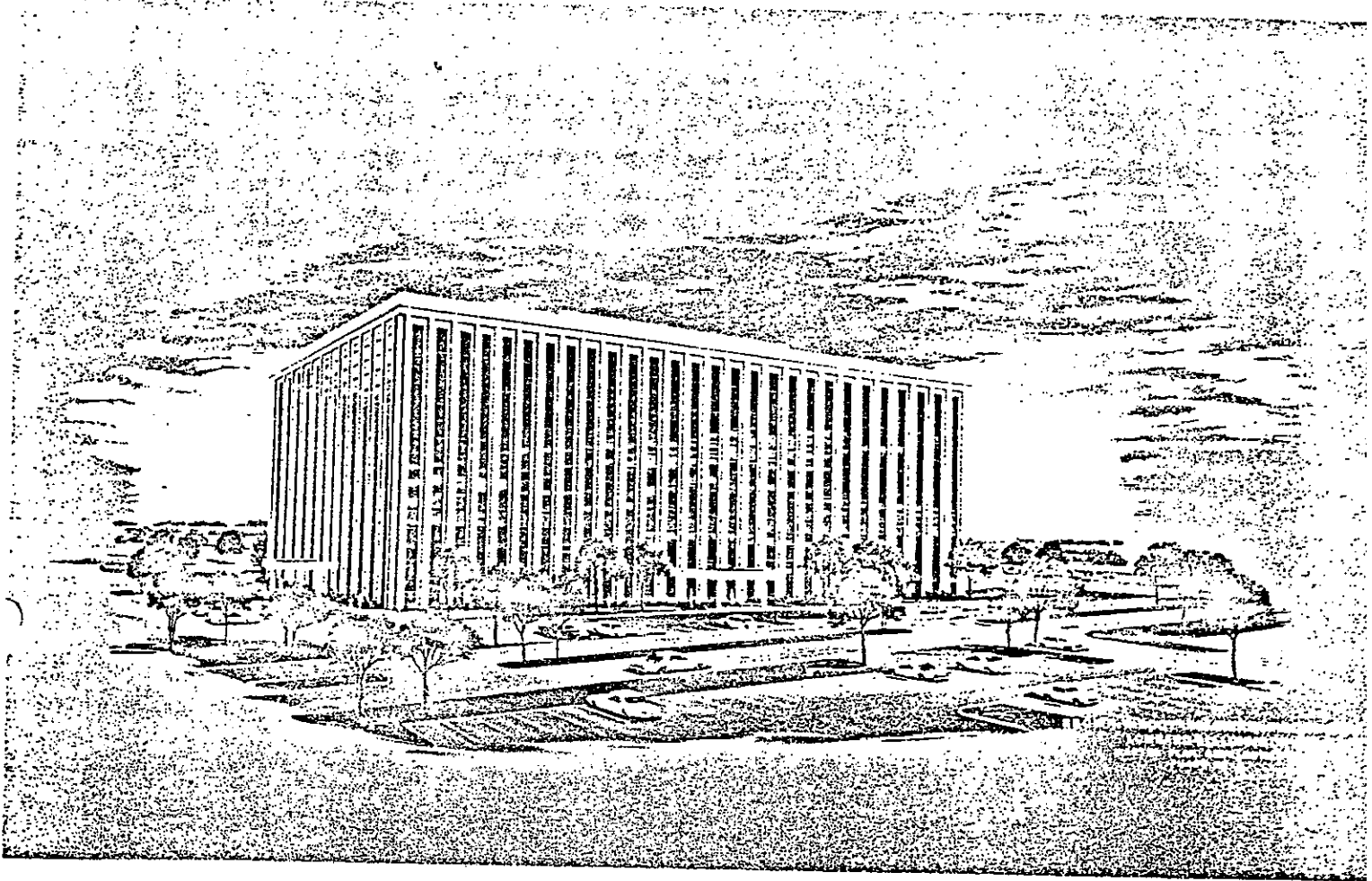
SECTION "A"

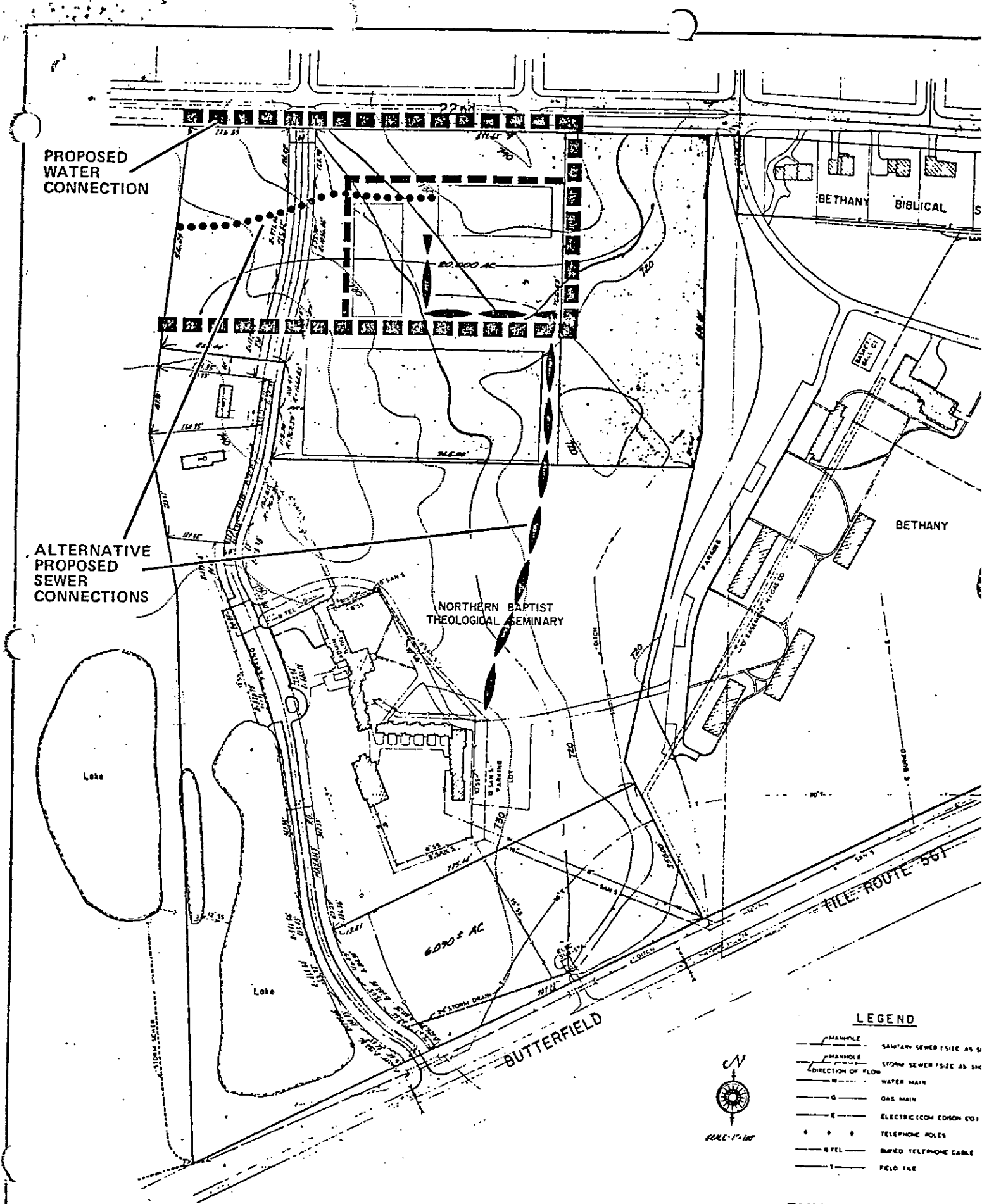


SECTION "B"



SECTION "C"





Topographic Map by Wight and Co.
 Proposed Utilities added by Barton-Aschman Associates, Inc.

LEGEND

	SANITARY SEWER (SIZE AS SH)
	STORM SEWER (SIZE AS SH)
	DIRECTION OF FLOW
	WATER MAIN
	GAS MAIN
	ELECTRIC (COM EDISON CO)
	TELEPHONE POLES
	BURIED TELEPHONE CABLE
	FIELD LINE

EXHIBIT B: UTILITIES
SHEET 5 OF 5

AN ORDINANCE AMENDING ORDINANCE 1915A
AS AMENDED BY ORDINANCE 2189
(PC 83-8)

WHEREAS, an application has been filed requesting an amendment to Ordinance 1915A as amended by Ordinance 2189; and

WHEREAS, the property located at 701 E. 22nd Street was granted a B-5 Planned Unit Development upon annexation to the Village of Lombard on December 11, 1975; and

WHEREAS, the Village of Lombard adopted the Lombard Zoning Ordinance #2151 on February 9, 1978 which zoned the property O/I Planned Unit Development; and

WHEREAS, the Lombard Plan Commission held a public hearing on March 9, 1983 in accordance with proper legal notice to consider a request for an amendment to that Planned Unit Development Ordinance; and

WHEREAS, the Lombard Plan Commission reviewed the amendment and recommended to the President and the Board of Trustees that said application be granted; and

WHEREAS, the President and Board of Trustees find that it would be in the best interest of the Village of Lombard to grant the amendment; and,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS, as follows:

Section 1: That the Planned Unit Development Ordinance 1915A passed and approved on 12/11/75 and amended by Ordinance #2189 be and the same is amended as follows:

- A. Attachment of site plan.
- B. To restructure the phasing plan to allow the development of Phase II, a second, four-story office building of approximately 200,000 square feet to be built in phases, any or all of which may be built at the owner's option. The phases of the building will be designed in such a way that a completed building will always result. The owner will have the right to commence construction of any or all of the phases of the building at any time before December 31, 1993.
- C. To allow for the construction of a 120 foot microwave tower to be built between the existing building and the existing parking structure as indicated on the attached site plan.
- D. The owner will increase the parking requirements to provide a minimum of one off-street parking space per 400 square feet of ground floor area.
- E. The Plan Commission shall retain the right of site plan approval in accordance with Lombard Zoning Ordinance #2151.
- F. Mid-Con Corp. promises to pay the expense of a traffic signal, if and when the Village determines it to be necessary.
- G. Mid-Con Corp. will be responsible for sidewalks.

Section 2: This ordinance is limited and restricted to the property legally described as follows:

Lot 1 in Brown & Root Assessment Plat of part of the Northeast 1/4 of Section 29, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded May 2, 1977 as Document R77-31714, in DuPage County, Illinois.

Parcel No. 06-29-200-032

Section 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Passed on first reading this _____ day of _____, 1983.

First reading waived by action of the Board of Trustees this
24th day of March, 1983.

Passed on second reading this 24th day of March, 1983.


Ayes: Brandt, Cwiklinski, Francis, Kufrin, Manna, Van Den Eeden

Nays: None

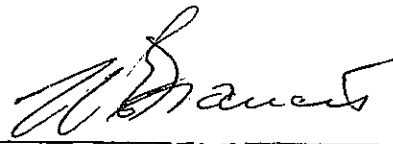
Absent: None

Approved this 24th day of March, 1983.

APPROVAL AS TO FORM:

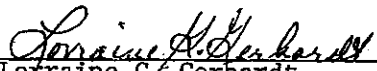


Rita Elsner
Village Attorney



William E. Francis
Village President Pro-Tem

ATTEST:



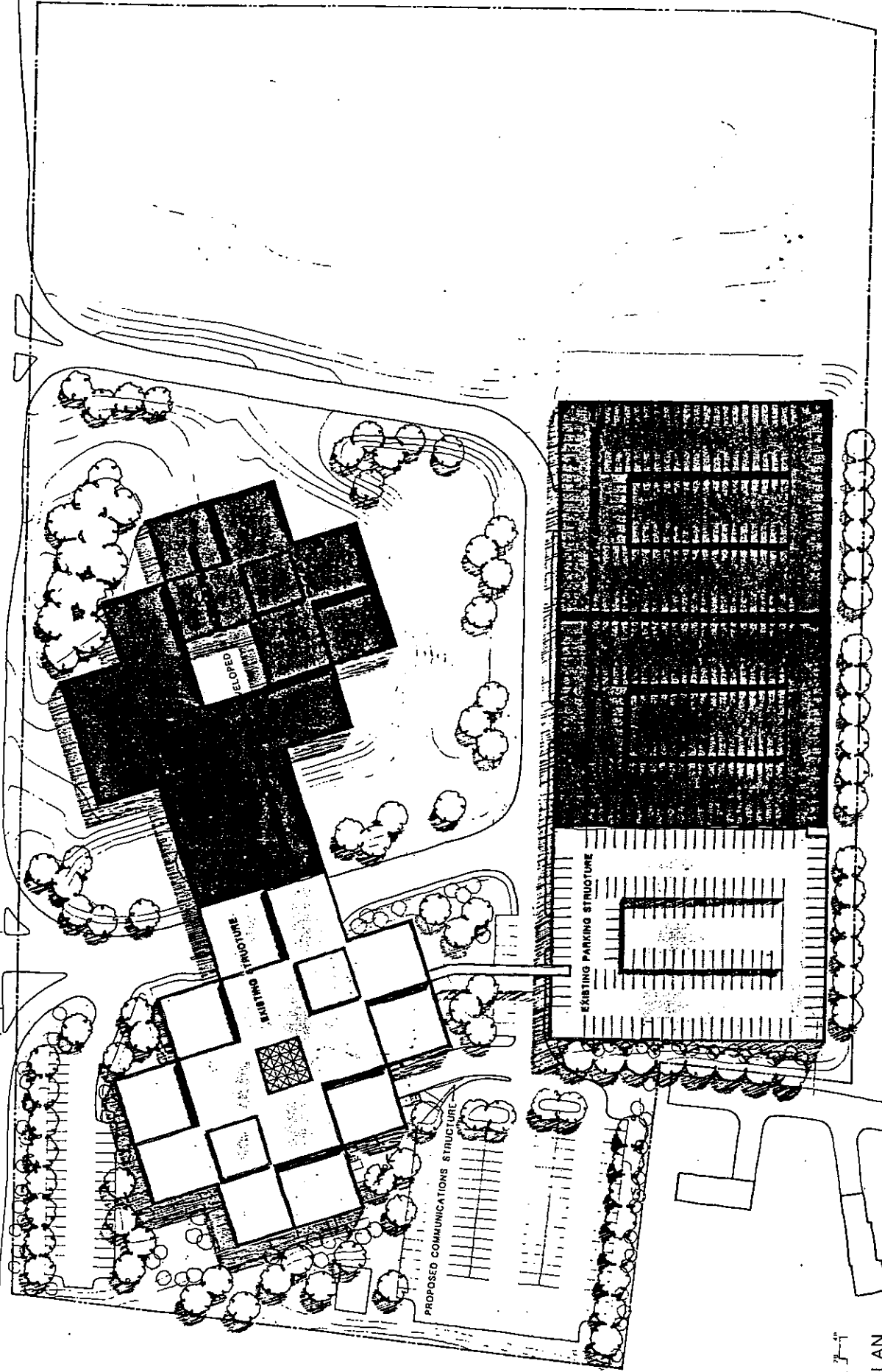
Lorraine G. Gerhardt
Village Clerk

Not Published _____

Published 3/25/83 Pamphlet
Date Newspaper

Effective 4/4/83

22ND STREET



1/2" = 1'-0"
SITE PLAN

MIDCON CORP.

LOMBARD, ILLINOIS

COPY

ORDINANCE NO. 4131

**AN ORDINANCE AMENDING ORDINANCE NO. 1915A IN REGARD
TO THE CONDITIONAL USE FOR A PLANNED DEVELOPMENT
(VULCAN MATERIALS SIGN)**

(PC 96-03: 747 East 22nd Street)

WHEREAS, an application has been filed requesting an amendment to Ordinance 1915A as amended by Ordinance 2189 and 2590; and,

WHEREAS, the petition of the owners was subject to a public hearing before the Plan Commission on February 14, 1996; and,

WHEREAS, the Plan Commission has recommended the granting of certain amendments to the Planned Development for the Vulcan Materials' sign, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard hereby adopt the findings and recommendations of the Plan Commission as set forth herein, and make same part hereof, subject to certain revisions as more fully set forth below;

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 Ordinance No 1915A, adopted December 11, 1975 is hereby amended as follows:

A. To allow the construction of an additional freestanding identification sign with the following conditions:

1. The freestanding identification sign shall be located in a manner so as to not obstruct the line-of-sight of on-coming traffic.
2. The freestanding identification sign shall meet all the regulations established within the Lombard Sign Ordinance.

Ordinance No. 4131

Re: PC 96-03

Page 2

3. The proposed amendment to the Planned Development shall become null and void if the construction of the sign is not substantially underway within one (1) year from the date of Village Board approval.

Section 2: That this ordinance is limited and restricted to the property generally located at 747 East 22nd Street, Lombard, Illinois and legally described as follows:

Of property described as that part of Lot 1 in Brown and Root Assessment Plat, recorded as Document No. R77-31714 of that part of the Northern Baptist Theological Seminary Assessment Plat situated in the Northeast Quarter of Section 29, Township 39 North, Range 11, East of the Third Principal Meridian, recorded as Document No. R66-5885, described as follows: Commencing at the Northeast corner of the Northeast Quarter of said Section 29; thence South 89 degrees 57 minutes 16 seconds West along the North line of said Northeast Quarter, a distance of 70.0 feet to the point of beginning; thence South 00 degrees 09 minutes 06 seconds East along the East line of said Northern Baptist Theological Seminary Assessment Plat being described as parallel with and 70.0 feet West of the East line of said Section 29, a distance of 736.60 feet to an angle point; thence South 11 degrees 41 minutes 16 seconds West, along said East line of the Northern Baptist Theological Seminary Assessment Plat, a distance of 69.66 feet; thence South 89 degrees 57 minutes 16 seconds West along a line parallel with the North line of the Northeast Quarter of Section 29, a distance of 736.18 feet; thence North 00 degrees 01 minutes 20 seconds West, a distance of 326.45 feet; thence North 18 degrees 29 minutes 51 seconds West, a distance of 154.84 feet; thence North 71 degrees 30 minutes 09 seconds East, a distance of 3.07 feet; thence North 18 degrees 31 minutes 49 seconds West, a distance of 122.53 feet; thence South 71 degrees 30 minutes 09 seconds West, a distance of 3.00 feet; thence North 18 degrees 29 minutes 51 seconds West, a distance of 32.04 feet; thence North 09 degrees 39 minutes 56 seconds West, a distance of 48.33 feet; thence North 05 degrees 29 minutes 49 seconds East, a distance of 42.43 feet; thence North 26 degrees 34 minutes 53 seconds East, a distance of 34.93 feet; thence North 51 degrees 07 minutes 44 seconds East, a distance of 21.92 feet to a point on the South right of way line of 22nd Street; thence North 00 degrees 02 minutes, 44 seconds West, a distance of 50.00 feet to a point on the North line of the Northeast Quarter of said Section 29; thence North 89 degrees 57 minutes 16 seconds East, along the North line of said Northeast Quarter, a distance of 818.02 feet to the point of beginning, (excepting therefrom the Northerly 50 feet, dedicated for highway purposes (22nd St.) in DuPage County, Illinois.

Parcel No. 06-29-200-040

Ordinance No. 4131

Re: PC 96-03

Page 3

Section 3: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 1996.

First reading waived by action of the Board of Trustees this

7th day of March, 1996.

Passed on second reading this 7th day of March, 1996.

Ayes: Trustees Tross, Koenig, Jaugilas, Gatz and Mackett

Nayes: None

Absent: Trustee Mackett

Approved this 7th day of March, 1996.


William J. Mueller, Village President

ATTEST:


Lorraine G. Gerhardt, Village Clerk

COPY

ORDINANCE NO. 4837

**AN ORDINANCE AMENDING ORDINANCE NO. 1915A FOR A CONDITIONAL USE
FOR A PLANNED DEVELOPMENT AND AN EXCEPTION FOR ACCESSORY
STRUCTURE HEIGHT**

(PC 00-27: 701 East 22nd Street)

WHEREAS, an application has been filed requesting an amendment to Ordinance 1915A, as amended by Ordinances 2189, 2590 and 4131; and,

WHEREAS, the petition of the owners was subject to a public hearing before the Plan Commission on June 19, 2000; and,

WHEREAS, the Plan Commission has recommended the granting of an amendment to the Planned Development for the construction of an accessory parking structure and an exception in accessory structure height, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard hereby adopt the findings and recommendations of the Plan Commission as set forth herein, and make same part hereof, subject to certain revisions as more fully set forth below;

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 Ordinance No 1915A, adopted December 11, 1975 is hereby amended as follows:

- A. To allow the construction of an additional parking structure; and
- B. To allow for an exception to increase the allowable accessory structure building height from 15 feet to 36 feet; subject to the following conditions:
 1. The site shall be developed essentially in conformance with the site plan submittal dated May 15, 2000 and made a part of the petitioner's request.

Ordinance No. 4837

Re: PC 00-27

Page 2

2. If stormwater detention is determined to be required by the Village, the developer shall provide the necessary detention or provide sufficient fees in-lieu of detention for the proposed development.
3. The petitioner shall submit any necessary and supporting documentation as requested by the Director of Community Development to depict the location of any interim parking areas while the proposed garage is under construction.
4. The petitioner shall submit a landscape plan to the Village for review and approval in accordance with the Lombard Zoning Ordinance.
5. The petitioner shall meet the codes and ordinances of the Village of Lombard.

Section 2: That this ordinance is limited and restricted to the property generally located at 701 East 22nd Street, Lombard, Illinois and legally described as follows:

PARCEL 2 IN MIDCON ASSESSMENT PLAT, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 6, 1983 AS DOCUMENT R83-34520, IN DUPAGE COUNTY, ILLINOIS.

Parcel No. 06-29-200-039

Section 3: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 2000.

First reading waived by action of the Board of Trustees this

20th day of July, 2000.

Passed on second reading this 20th day of July, 2000.

Ayes: Trustees Borgatell, Tross, Schaffer, Sebby and Kufrin

Nays: None


Ordinance No. 4837

Re: PC 00-27

Page 3

Absent: Trustee Florey

Approved this 20th day of July, 2000.

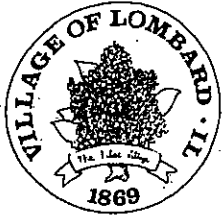


William J. Mueller, Village President

ATTEST:



Lorraine G. Gerhardt, Village Clerk

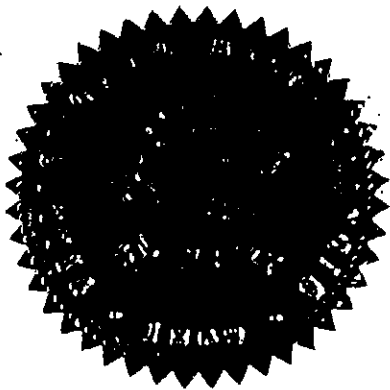


I, Lorraine G. Gerhardt, hereby certify that I am the duly qualified Village Clerk of the Village of Lombard, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a true and correct copy of ORDINANCE 4837
AMENDING ORDINANCE 1915A FOR A CONDITIONAL USE
FOR A PLANNED DEVELOPMENT AND AN EXCEPTION
FOR ACCESSORY STRUCTURE HEIGHT FOR
701 E. 22ND STREET PARCEL NUMBER 06-29-200-039

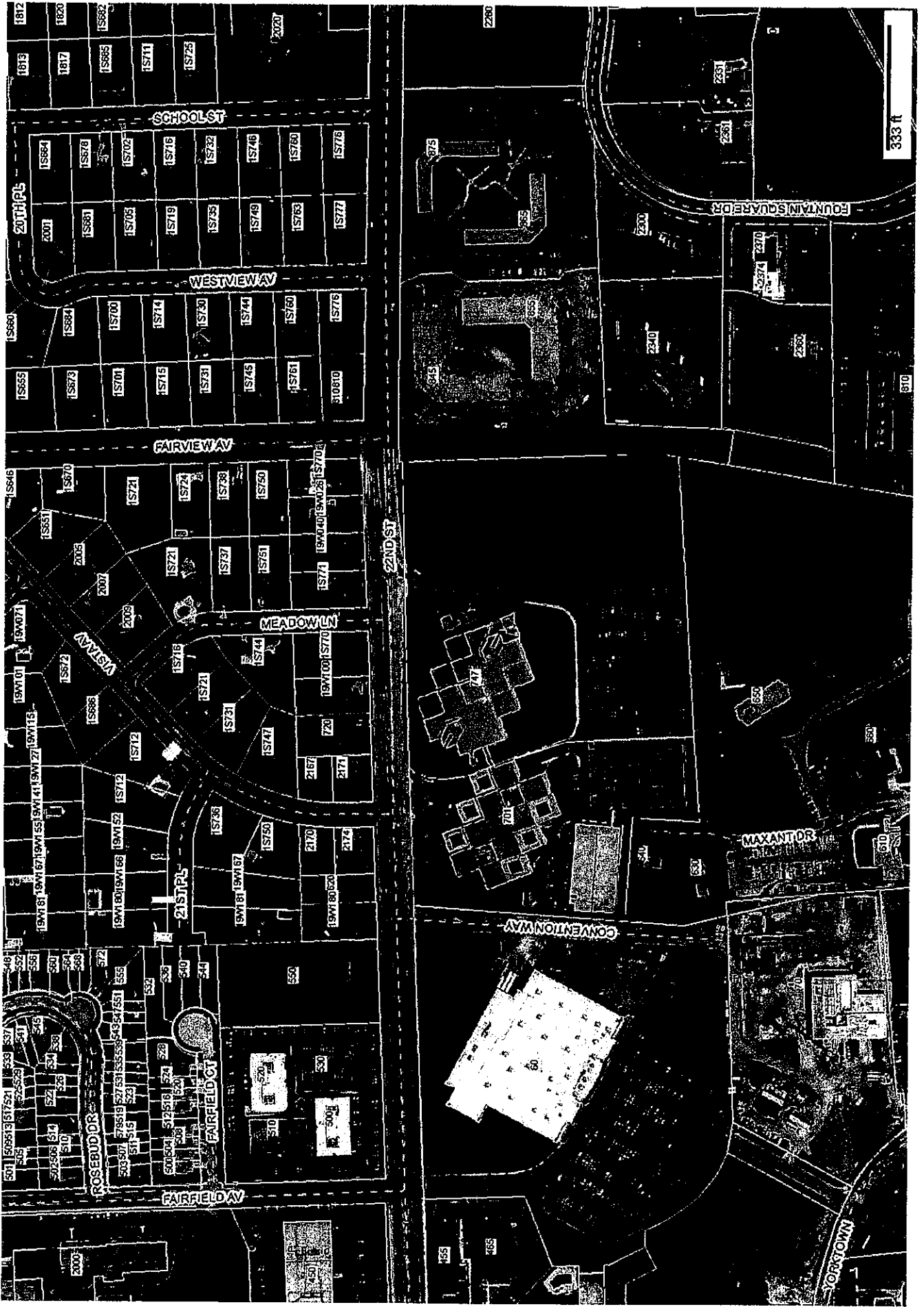
of the said Village as it appears from the official records of said Village duly passed on JULY 20, 2000.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said Village of Lombard, Du Page County, Illinois this 28TH day of AUGUST, 2000.



Lorraine G. Gerhardt
Lorraine G. Gerhardt
Village Clerk
Village of Lombard
DuPage County, Illinois

701 & 747 E 22nd Street



**ATTACHMENT TO PETITION FOR SUBDIVISION AND
REPEAL OF PUD AND CREATION OF NEW PUD FOR THE 701
E. 22ND STREET PARCEL ONLY**

Background

Ordinance No. 1915-A was approved by the Village of Lombard in 1975. The underlying zoning was B-5 Office District. Ordinance No. 1915-A approved a 20.0002 acre office planned unit development under single ownership permitting improvements including two office buildings and a parking garage on a single lot of record. In 1983 the 20.0002 acres was separated per a tax division into 2 parcels commonly known as 701 and 747 East 22nd Street (Parcels 2 and 1 in the Midcon Assessment Plat recorded June 6, 1983 as Document R83-34520). The property that is the subject of this Petition is Parcel 2 (P.I.N. 06-29-200-039), being generally the westerly 6.3973 acres (commonly known as 701 East 22nd Street). Parcel 1 was eventually sold to an unrelated owner, and is the subject of a separate petition for a new PUD approval. A more detailed zoning history of the property is listed in Exhibit 1, attached.

Although the 2 owners have unofficially treated each of their properties as separate lots¹, there has not been the formal legal separation of the parcels into 2 separate lots of record which the Village of Lombard has recognized should occur to insure the health and safety of the tenants and visitors to both parcels and to simplify the Village's dealings with the 2 separate parcels.

Land Use Request

As a result of the foregoing changes in circumstances, the Petitioner, the owner of the 6.3973 acre 701 East 22nd Street parcel, seeks the adoption of ordinances repealing Lombard Ordinance No. 1915-A, as amended, and approving the subdivision of the two parcels, and approving a new PUD to be known as the "701 E. 22nd St. PUD," and which simultaneously approves the preliminary and final PUD plan and plat (per Zoning Code §155.503(C)) for that PUD. The 701 E. 22nd St. PUD shall be subject to the same rights and obligations as were set forth in the plans, plat, and other materials supporting Ordinance No. 1915-A as amended, except as are set forth in the ALTA survey and subdivision plat submitted herewith. The deviations from Village standards identified in Bill Heniff's letter dated May 14, 2008 to Bridget O'Keefe, attached hereto as Exhibit 2, are hereby being approved.

The approval under this Petition will be in conjunction with separate approval of a new PUD, and the preliminary and final PUD plan and plat for the adjacent property located at 747 E. 22nd St., being Parcel 1 (13.6029 acres) in the same Midcon Assessment Plat. Petitioner does not seek PUD approval to construct any new improvements on the

¹ In 2000, the Village approved a petition to amend the PUD to approve an addition to the existing parking garage which only benefited the 6.3973 acre 701 East 22nd street parcel, and not the PUD as a whole. The request and certain separation acts including the closing of the walkway between the 2 buildings supports the treatment of the PUD by the owners and the Village as two separate lots, as is now being officially requested in this Petition.

property other than that which may be allowed under Ordinance No. 1915-A, as amended.

Specifically, the request in this Petition is to:

(i) Repeal Ordinance 1915-A as amended.

(ii) Subdivide the 701 E. 22nd St. and 747 E. 22nd St. parcels, and approve a preliminary and final PUD plan and plat for the property located at 701 E. 22nd St., being Parcel 1 (6.3973 acres), in the Midcon Assessment Plat, in accordance with and subject to the same rights and obligations provided by Ordinance No. 1915-A, as amended, incorporating the plans, plats, supporting materials incorporated under Ordinance No. 1915-A, as amended, as well as permit and as-built drawings on file with the Village, except as may be shown in the ALTA survey and subdivision plats submitted herewith, and this application and attachments. The deviations from Village standards identified in Bill Heniff's letter dated May 14, 2008 to Bridget O'Keefe, attached hereto as Exhibit 2, are hereby being approved.

(iii) waive all other new submittal requirements for the preliminary and final plan and plat, pursuant to authority under §155.507(B) 3) of the Lombard Zoning Code; and

(iv) ratify and approve any and all existing deviations from standards that (a) are the result of the construction of the improvements existing on the date of approval of this amendatory ordinance; (b) were authorized under Ordinance 1915-A and its amendments such that the parcel in its existing state is hereby approved in all respects; and (c) resulting from the ALTA survey and subdivision plat submitted herewith. Such deviations are set forth in Exhibit 2, attached, being Bill Heniff's letter dated May 14, 2008 to Bridget O'Keefe.

Petitioner's request to repeal the existing PUD and approve a new PUD as aforesaid:

1. will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;
2. will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood in which it is located;
3. will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
4. contains adequate public utilities, access roads, drainage and/or necessary facilities;
5. contains adequate ingress and egress so designed as to minimize traffic congestion in the public streets;

6. is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and

7. in all other respects, conforms to the applicable regulations of the district in which it is located and/or the PUD.

C/72931.9

**ATTACHMENT TO PETITION FOR SUBDIVISION AND REPEAL OF
PUD AND CREATION OF NEW PUD FOR THE
747 E. 22ND STREET PARCEL ONLY**

Background

Ordinance No. 1915-A was approved by the Village of Lombard in 1975. The underlying zoning was B-5 Office District. Ordinance No. 1915-A approved a 20.0002 acre office planned unit development under single ownership permitting improvements including two office buildings and a parking garage on a single lot of record. In 1983 the 20.0002 acres was separated per tax division into 2 parcels commonly known as 747 and 701 East 22nd Street. (Parcels 1 and 2 in the Midcon Assessment Plat recorded June 6, 1983 as Document R83-34520), Parcel 1 (P.I.N. 06-29-200-040), being generally the easterly 13.6029 acres (commonly known as 747 East 22nd Street), was eventually sold to an unrelated owner. A more detailed zoning history of the property is listed in Exhibit 1, attached.

Although the 2 owners have unofficially treated each of their properties as separate lots¹, there has not been the formal legal separation of the parcels into 2 separate lots of record which the Village of Lombard has recognized should occur to insure the health and safety of the tenants and visitors to both parcels and to simplify the Village's dealings with the 2 separate parcels.

Land Use Request

As a result of the foregoing changes in circumstances, the Petitioner, the owner of the 13.6029 acre 747 E. 22nd Street parcel, seeks the adoption of ordinances repealing Lombard Ordinance No. 1915-A, as amended, and approving the subdivision of the two parcels, and approving a new PUD to be known as the "747 E. 22nd Street PUD," and which simultaneously approves the preliminary and final PUD plan and plat (per Zoning Code §155.503(C)) for that PUD. The 747 E. 22nd Street PUD shall be subject to the same rights and obligations as were set forth in the plans, plat, and other materials supporting Ordinance No. 1915-A as amended, except as are set forth in the ALTA survey and subdivision plat submitted herewith. Any deviation from Village standards under Ordinance 1915-A, as amended, and any deviations from Ordinance 1915-A as amended under the ALTA survey and subdivision plat submitted herewith, other than the parking requirement of 2.5 spaces per 1,000 square feet of ground floor area, are hereby being approved. Petitioner also seeks to have this new PUD, governing this parcel, allow the construction of a parking structure which is complementary to the 747 E. 22nd Street property (Parcel 1) only.

¹ In 2000, the Village approved a petition to amend the PUD to approve an addition to the existing parking garage which only benefited the 6.3973 acre 701 East 22nd street parcel, and not the PUD as a whole. The request and certain separation acts including the closing of the walkway between the 2 buildings supports the treatment of the PUD by the owners and the Village as two separate lots, as is now being officially requested in this Petition.

The approval under this Petition will be in conjunction with separate approval of a new PUD, and the preliminary and final PUD plan and plat for the adjacent property located at 701 E. 22nd St., being Parcel 2 (6.3973 acres) in the same Midcon Assessment Plat. Petitioner does not seek PUD approval to construct any new improvements on the property other than that which may be allowed under Ordinance No. 1915-A, and that which is set forth in (ii) below.

Specifically, the request in this Petition is to

(i) Repeal Ordinance 1915-A as amended.

(ii) Subdivide the 701 E. 22nd St. and 747 E. 22nd St. parcels, and approve a preliminary and final PUD plan and plat for the property located at 747 E. 22nd St., being Parcel 1 (13.6029 acres), in the Midcon Assessment Plat, in accordance with and subject to the same rights and obligations provided by Ordinance No. 1915-A, as amended, incorporating the plans, plats, supporting materials incorporated under Ordinance No. 1915-A, as amended, as well as permit and as-built drawings on file with the Village, except as may be shown in the ALTA survey and subdivision plats submitted herewith, and this application and attachments.

(iii) permit the owner of the 747 East 22nd Street parcel (the "747 Parcel") to develop and construct a parking structure (the "747 Garage") on the existing surface parking lot (the "Parking Lot") located south of the existing office building on the 747 Parcel (the "747 Building"). Unless the Village agrees otherwise, the 747 Garage would (i) have no more than 4 structured parking levels (if vertical parking is pursued) as measured from surface grade, (ii) be aesthetically similar to (or more attractive than) the existing parking structure located on the 701 Property; (iii) not materially adversely impact the use or operation of the 701 Property., and (iv) not adversely impact the access to and from the 701 Property. The 747 Garage may include an above-ground pedestrian walkway connecting the 747 Building and the 747 Garage. Provided that the owner of the 747 Parcel obtains all applicable building permits and the 747 Garage and associated walkway are constructed in accordance with this paragraph, no further approvals from the Village of Lombard Plan Commission or Board of Trustees shall be necessary.

(iv) waive all other new submittal requirements for the preliminary and final plan and plat, pursuant to authority under §155.507(B) 3) of the Lombard Zoning Code; and

(v) ratify and approve any and all existing deviations from standards that (a) are the result of the construction of the improvements existing on the date of approval of ordinances adopted pursuant to this application; (b) were authorized under Ordinance 1915-A and its amendments, such that the parcel in its existing state is hereby approved in all respects other than the parking requirement of 2.5 spaces

per 1,000 square feet of ground floor area; and (c) resulting from the ALTA survey and subdivision plat submitted herewith.

Petitioner's request to repeal the existing PUD and approve a new PUD as aforesaid:

1. will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;
2. will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood in which it is located;
3. will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
4. contains adequate public utilities, access roads, drainage and/or necessary facilities;
5. contains adequate ingress and egress so designed as to minimize traffic congestion in the public streets;
6. is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and
7. in all other respects, conforms to the applicable regulations of the district in which it is located and/or the PUD.

C/72927.13



August 17, 2009

NORTHERN Seminary

BIBLICAL • MISSIONAL • PERSONAL

Lombard Plan Commission
Village Hall
255 East Wilson Avenue
Lombard, IL 60148

Commission Members:

Thank you for the opportunity to appear before you regarding your hearing related to the properties at 701 and 747 East 22nd Street.

Northern Baptist Theological Seminary moved to Lombard from Chicago in 1963. Since then we have expanded our campus in a number of significant ways and we are grateful for the opportunity to provide congregational and pastoral leadership training to residents of Lombard and the greater Chicago land area.

We have appeared before you and the Village Board of Trustees on several other occasions. We value your support of our school and your partnership with us for the past 46 years.

I would like to present to you some questions and concerns on behalf of the Seminary related to this petition.

First, we understand from the Notice that the proposed PUD will expand the Owners' ability to further develop their property, in some instances at considerable impact to their neighbors – including Northern Seminary. Several of the proposed changes will impact both the Seminary's residential properties that adjoin 701 and 747 East 22nd Street and the green space to the south and east of the 747 property.

As an initial matter, we are confused by the statement in the July 29, 2009 Notice of Public Hearing (first paragraph of "Background") that "*no new structures or changes are being proposed, other than what was previously granted.*" Our understanding is that the 20 changes outlined in the Notice have *not* in fact been previously granted by the plan commission, but are the reason for this evening's public hearing. Please confirm our understanding in this regard.

Second, the Seminary believes that four of the proposed changes are not in the best interest of the Village, the immediate neighborhood, or Northern Seminary. Those changes would:

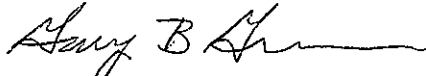
1. Increase the allowable height of parking garages (2 existing garages and one future garage) [701 item (g) and 747 item (c)];
2. Eliminate the requirement for interior parking-lot landscaping [701 item (j) and 747 item (d)];

3. Eliminate the current perimeter landscaping requirement [701 item (k) 747 item (d)], ostensibly to “provide for shared vehicular cross-access”; and
4. Increase the allowable height for the microwave tower from 45 to 120 feet [701 item (l)].

As you consider a new PUD for the 701 and 747 East 22nd Street properties, we encourage you to enforce and not grant a variance from the requirements of the Village’s Zoning Ordinance for the above four items.

Thank you again for the opportunity to appear before you regarding these important matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary B. Green", with a long horizontal flourish extending to the right.

Gary Green
Vice President of Operations

ORDINANCE NO. _____

AN ORDINANCE REPEALING IN ITS ENTIRETY ORDINANCE 1915A, AS AMENDED, WHICH ESTABLISHED A CONDITIONAL USE FOR THE PROPERTIES AT 701 E. 22ND STREET AND 747 E. 22ND STREET, LOMBARD, ILLINOIS

PC 09-24: 701 E. 22nd Street and 747 E 22nd Street

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, in 1975, the President and Board of Trustees adopted Ordinance 1915A, approving a planned development and other zoning relief for the property commonly known as 701 E. 22nd Street, Lombard ("701 E. 22nd Street"), Lombard, Illinois, and 747 E. 22nd Street, Lombard, Illinois, ("747 E. 22nd Street") (collectively the "Property"), legally described as follows:

THAT PART OF THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT SITUATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT NO. R66-5885, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 29: THENCE S. 89° 57' 16" W. ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 70.0 FEET TO THE PLACE OF BEGINNING: THENCE S. 0° 09' 06" E. ALONG THE EAST LINE OF SAID NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT BEING DESCRIBED AS PARALLEL WITH AND 70.00 FEET WEST OF THE EAST LINE OF SAID SECTION 29, A DISTANCE OF 736.60 FEET TO AN ANGLE POINT: THENCE S. 11° 41' 16" W. ALONG SAID EAST LINE OF THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT, A DISTANCE OF 69.66 FEET: THENCE S. 89° 57' 16" W. ALONG A LINE PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 965.70 FEET TO A POINT ON A CURVE: THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 767.39 FEET AND A CHORD BEARING N. 6° 42' 19" E., A DISTANCE OF 103.24 FEET TO A POINT OF REVERSE CURVATURE: THENCE NORTHERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1661.83 FEET, A DISTANCE OF 70.47 FEET: THENCE N. 84° 10' 59" W., A DISTANCE OF 283.33 FEET TO A POINT ON THE WEST LINE OF SAID NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT: THENCE N. 5° 49' 01" E. ALONG SAID WEST LINE OF THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT, A DISTANCE OF 606.36

Ordinance No. _____

Re: PC 09-24 (701 and 747 E 22nd Street)

Page 2

FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29: THENCE N. 89° 57' 16" E. ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1181.25 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.
; and

WHEREAS, the Property was since divided into two (2) parcels by an assessment plat, and is legally described, as follows:

PARCEL 1 IN MIDCON ASSESSMENT PLAT, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 6, 1983 AS DOCUMENT R83-34520, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 747 E 22nd Street, Lombard, Illinois
PIN: 06-29-200-040

PARCEL 2 IN MIDCON ASSESSMENT PLAT, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 6, 1983 AS DOCUMENT R83-34520, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 701 E 22nd Street, Lombard, Illinois
PIN: 06-29-200-039; and

WHEREAS, Ordinance 1915A was amended by the President and Board of Trustees by Ordinance No. 2590 on March 24, 1983, by Ordinance No. 4131 on March 7, 1996, and by Ordinance No. 4837 on July 20, 2000; and

WHEREAS, ownership of 701 E. 22nd Street and 747 E. 22nd Street now exists in two (2) separate owners, who have filed applications, requesting that Ordinance 1915A be repealed in its entirety, that a major plat of resubdivision be approved regarding the Property, and that new conditional uses for a planned development be adopted for 701 E. 22nd Street and 747 E. 22nd Street, respectively; and

WHEREAS, a public hearing on such applications has been conducted by the Village of Lombard Plan Commission on August 17, 2009 pursuant to appropriate and legal notice; and

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending the repeal of Ordinance No. 1915A, as amended, as it is no longer necessary.

Ordinance No. _____
Re: PC 09-24 (701 and 747 E 22nd Street)
Page 3

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 the Plan Commission has made its report of findings and recommendations, and such are adopted by reference as findings of this Board of Trustees as fully as if completely set forth at length herein. All exhibits submitted at the aforesaid public hearing are also incorporated herein by reference.

SECTION 2: That Ordinance 1915A, as amended, is hereby repealed in its entirety, and is null and void.

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 _____, 2009.

First reading waived by action of the Board of Trustees this ____ day of _____, 2009.

Passed on second reading this ____ day of _____, 2009.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____, day of _____, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

ORDINANCE NO. _____

AN ORDINANCE APPROVING A MAJOR PLAT OF RESUBDIVISION FOR THE PROPERTIES AT 701 E. 22ND STREET AND 747 E. 22ND STREET, LOMBARD, ILL.

PC 09-24: 701 E. 22nd Street and 747 E 22nd Street

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, in 1975, the President and Board of Trustees adopted Ordinance 1915A, which has since been amended from time to time, approving a planned development and other zoning relief for the property commonly known as 701 E. 22nd Street, Lombard ("701 E. 22nd Street"), and 747 E. 22nd Street, Lombard, Illinois, ("747 E. 22nd Street") (collectively the "Property") legally described, as follows:

THAT PART OF THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT SITUATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT NO. R66-5885, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 29: THENCE S. 89° 57' 16" W. ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 70.0 FEET TO THE PLACE OF BEGINNING: THENCE S. 0° 09' 06" E. ALONG THE EAST LINE OF SAID NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT BEING DESCRIBED AS PARALLEL WITH AND 70.00 FEET WEST OF THE EAST LINE OF SAID SECTION 29, A DISTANCE OF 736.60 FEET TO AN ANGLE POINT: THENCE S. 11° 41' 16" W. ALONG SAID EAST LINE OF THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT, A DISTANCE OF 69.66 FEET: THENCE S. 89° 57' 16" W. ALONG A LINE PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 965.70 FEET TO A POINT ON A CURVE: THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 767.39 FEET AND A CHORD BEARING N. 6° 42' 19" E., A DISTANCE OF 103.24 FEET TO A POINT OF REVERSE CURVATURE: THENCE NORTHERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1661.83 FEET, A DISTANCE OF 70.47 FEET: THENCE N. 84° 10' 59" W., A DISTANCE OF 283.33 FEET TO A POINT ON THE WEST LINE OF SAID NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT: THENCE N. 5° 49' 01" E. ALONG SAID WEST LINE OF THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT, A DISTANCE OF 606.36

Ordinance No. _____

Re: PC 09-24 (701 and 747 E 22nd Street)

Page 2

FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29: THENCE N. 89° 57' 16" E. ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1181.25 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.
; and

WHEREAS, the Property was since divided into two (2) parcels by an assessment plat, and is legally described, as follows:

PARCEL 1 IN MIDCON ASSESSMENT PLAT, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 6, 1983 AS DOCUMENT R83-34520, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 747 E 22nd Street, Lombard, Illinois
PIN: 06-29-200-040

PARCEL 2 IN MIDCON ASSESSMENT PLAT, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 6, 1983 AS DOCUMENT R83-34520, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 701 E 22nd Street, Lombard, Illinois
PIN: 06-29-200-039; and

WHEREAS, the President and Board of Trustees has repealed Ordinance 1915A on _____, 2009; and

WHEREAS, ownership of 701 E. 22nd Street and 747 E. 22nd Street now exists in two (2) separate owners, who have filed applications, requesting approval of a Major Plat of Resubdivision for the Property with a variation from Section 154.506(G) of the Village of Lombard Subdivision and Development Ordinance requiring lot lines to be approximately at right angles or radial to the adjacent street, and certain other zoning relief; and

WHEREAS, a public hearing on such applications has been conducted by the Village of Lombard Plan Commission on August 17, 2009 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 Plat of Resubdivision.

Ordinance No. _____
Re: PC 09-24 (701 and 747 E 22nd Street)
Page 3

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 the Plan Commission has made its report of findings and recommendations, and such are adopted by reference as findings of this Board of Trustees as fully as if completely set forth at length herein. All exhibits submitted at the aforesaid public hearing are also incorporated herein by reference.

SECTION 2: The Major Plat of Subdivision, attached hereto as Exhibit A, is approved with a variation from Section 154.506(G) of the Village of Lombard Subdivision and Development Ordinance.

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 _____, 2009.

First reading waived by action of the Board of Trustees this ____ day of _____, 2009.

Passed on second reading this ____ day of _____, 2009.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

ORDINANCE NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT FOR 701 E. 22ND STREET, LOMBARD, ILLINOIS

PC 09-24: 701 E 22nd Street

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 (the "Zoning Code"); and

WHEREAS, 701 E. 22nd Street is zoned OPD Office District – Planned Development, and legally described as follows:

Lot 2 in the 701-747 22nd Street Subdivision being part of the northeast quarter of section 29, township 39 north, range 11 east of the third principal meridian, in DuPage County, Illinois.

PIN: 06-29-200-039

(the "Subject Property"); and

WHEREAS, an application has been filed by the owner of the Subject Property requesting approval of a conditional use for a planned development with deviations and variations from the Lombard Zoning Code (Title 155 of the Village Code), as set forth in Section 2 below; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 17, 2009 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 a conditional use for a planned development with deviations and variations, and Site Plan Approval, finding that such zoning relief complied with the standards of the Zoning Code.

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 the Plan Commission has made its report of findings and recommendations, and such are adopted by reference as findings of this Board of Trustees as fully as if completely set forth at length herein. All exhibits submitted at the aforesaid public hearing are also incorporated herein by reference.

SECTION 2: That a conditional use for a planned development with the following variations, deviations, and other relief (the “Planned Development”) is hereby granted for the Subject Property, subject to the conditions set forth in Section 3:

1. A deviation from Section 155.412 (F) of the Zoning Code and a planned development variation from Section 155.508 (C)(6)(a) of the Zoning Code, to reduce the east interior side yard setback from ten feet (10’) to zero feet (0’) to provide for an existing overhead corridor and foundation walls;
2. A deviation from Section 155.412 (H) of the Zoning Code to provide for an increase in the floor area ratio above the maximum allowed 0.35 for an existing four-story office building.
3. A deviation from Section 155.412 (G) of the Zoning Code to increase the maximum building height from forty-five feet (45’) to fifty-five feet (55’) for an existing four-story office building.
4. A deviation from Section 155.412 (I) of the Zoning Code to reduce the minimum required open space from thirty-five percent (35%) to approximately twenty seven percent (27%) of the lot area.
5. A planned development variation from Section 155.508 (C)(7) of the Zoning Code to allow for the property to not provide an additional twenty-five percent (25%) open space beyond that which is required in the underlying O Office Zoning District.
6. A variation from Section 155.602, Table 6.3, of the Zoning Code to allow for a reduction in the requisite parking requirements from 4 spaces to 2.5 spaces per 1,000 square feet of gross floor area, as originally set forth in Ordinance 2590.
7. A variation from Section 155.210 (A) of the Zoning Code to allow for an increase in the maximum height for two (2) accessory structure (existing parking garages), as originally set forth in Ordinance 2189 and Ordinance 4837.
8. A variation from Section 155.210 (A) of the Zoning Code and a planned development variation from Section 155.508 (C)(6)(a) of the Zoning Code, to reduce the east interior side yard setback from ten feet (10’) to zero feet (0’) for an existing parking garage.
9. A deviation from Section 155.602 (A)(3)(e) of the Zoning Code to allow for a reduction in the parking lot front yard setback requirement from thirty feet (30’) to twenty-seven feet (27’) for an existing parking lot.

10. A variation from Section 155.706 (B) of the Zoning Code to not require interior parking lot landscaping for all existing parking lots.
11. A variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Code to reduce the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared vehicular cross-access.
12. A variation from Section 155.206 (B) (2) (b) of the Zoning Code to allow an existing monopole microwave tower to be one-hundred twenty foot (120') instead of the maximum allowed height of forty-five feet (45'), as originally set forth in Ordinance 2590.
13. A variation from Section 155.206 (A) (4) (b) of the Zoning Code to allow for two (2) existing ground mounted dishes and one (1) existing ground mounted antenna, for a total of three (3) instead of the maximum permitted one (1) ground mounted antenna tower or dish.
14. Site plan approval authority is granted to the Lombard Plan Commission, pursuant to Section 155.511 of the Zoning Code.

SECTION 3: The Planned Development shall be granted subject to compliance with the following conditions:

1. The site shall be maintained in accordance with the Land Title Survey, prepared by Accurate Survey Service, dated February 7, 2007, depicting the existing improvements for the property at 701 E 22nd Street.
2. All comments in the Inter-Departmental Review Committee Report, dated August 17, 2009, and presented to the Plan Commission, shall be satisfactorily addressed.
3. In the event traffic ingress and egress at the main entrance of the development warrants signalization of the intersection, the cost of such signalization shall be the responsibility of the property owners and after installation the Village will maintain the system.

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 _____, 2009.

First reading waived by action of the Board of Trustees this _____ day of _____, 2009.

Ordinance No. _____
Re: PC 09-24 (701 E 22nd Street)
Page 4

Passed on second reading this ____ day of _____, 2009.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

ORDINANCE NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT FOR 747 E. 22ND STREET, LOMBARD, ILLINOIS

PC 09-24: 747 E 22nd Street

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 (the "Zoning Code"); and

WHEREAS, 747 E. 22nd Street is zoned OPD Office District – Planned Development, and legally described as follows:

Lot 1 in the 701-747 22nd Street Subdivision being part of the northeast quarter of section 29, township 39 north, range 11 east of the third principal meridian, in DuPage County, Illinois.

PIN: 06-29-200-040

(the "Subject Property"); and

WHEREAS, an application has been filed by the owner of the Subject Property requesting approval of a conditional use for a planned development with deviations and variations from the Zoning Code, as set forth in Section 2 below; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 17, 2009 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 a conditional use for a planned development with deviations and variations, and Site Plan Approval, finding that such zoning relief complied with the standards of the Zoning Code.

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 the Plan Commission has made its report of findings and recommendations, and such are adopted by reference as findings of this Board of Trustees as fully as if completely set forth at length herein. All exhibits submitted at the aforesaid public hearing are also incorporated herein by reference.

SECTION 2: That a conditional use for a planned development with the following variations, deviations, and other relief (the "Planned Development") is hereby granted for the Subject Property, subject to the conditions set forth in Section 3:

1. A deviation from Section 155.412 (F) of the Zoning Code and a planned development variation from Section 155.508 (C)(6)(a) of the Zoning Code and to reduce the west interior side yard setback from ten feet (10') to zero feet (0') to provide for an overhead corridor and foundation walls;
2. A variation from Section 155.602, Table 6.3, of the Zoning Code to allow for a reduction in the requisite parking requirements from 4 spaces to 2.5 spaces per 1,000 square feet of gross floor area, as originally set forth in Ordinance 2590.
3. A variation from Section 155.210 (A) of the Zoning Code to allow for an increase in the maximum height for an accessory structure from seventeen feet (17') to thirty-six feet (36') for parking garage(s) to be constructed on the subject property, as previously granted through Ordinance 2590.
4. A variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Code reducing the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared vehicular cross-access.
5. A variation from Section 155.210 (A) of the Zoning Code and a planned development variation from Section 155.508 (C)(6)(a) of the Zoning Code, to reduce the west interior side yard setback from ten feet (10') to zero feet (0') for proposed new parking garage, as previously granted through Ordinance 2590.
6. A deviation from Section 155.412 (H) of the Zoning Code to provide for an increase in the floor area ratio above the maximum allowed 0.35 for an existing four-story office building and a future parking garage.
7. A deviation from Section 155.412 (G) of the Zoning Code to increase the maximum building height from forty-five feet (45') to sixty-nine feet (69') for an existing four-story office building.
8. Site plan approval authority is granted to the Lombard Plan Commission, pursuant to Section 155.511 of the Zoning Code.

SECTION 3: The Planned Development shall be granted subject to compliance with the following conditions:

1. The site shall be maintained in accordance with the Land Title Survey, prepared by Gremley & Biederman, dated March 16, 2000, last revised March 18, 2008, depicting the existing improvements on the property at 747 E 22nd Street.

2. All comments in the Inter-Departmental Review Committee Report, dated August 17, 2009, and presented to the Plan Commission, shall be satisfactorily addressed.
3. A minimum of 2.5 parking spaces per 1,000 square feet of building floor area shall be maintained at all times.
4. Any new parking garage shall be subject to Site Plan Approval. The plans shall depict the location of any interim parking areas while the proposed garage is under construction.
5. In the event traffic ingress and egress at the main entrance of the development warrants signalization of the intersection, the cost of such signalization shall be the responsibility of the property owners and after installation the Village will maintain the system.

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 _____, 2009.

First reading waived by action of the Board of Trustees this ____ day of _____, 2009.

Passed on second reading this ____ day of _____, 2009.

Ayes: _____

Nays: _____

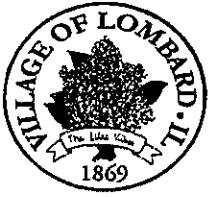
Absent: _____

Approved this _____, day of _____, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk



#090499 and #090500

MEMORANDUM

TO: David A. Hulseberg, Village Manager

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

DATE: September 17, 2009

SUBJECT: **PC 09-24: 701 & 747 East 22nd Street - Ordinances on Second Reading**

At the September 3, 2009 Village Board meeting, the Village Board approved a first reading of the Ordinances approving the requested planned development amendments for the above mentioned petition. Subsequent to the first reading, one of the petitioner's attorneys denoted a few items within the draft ordinances that should be amended. Two of these corrections were scrivener's errors. The third item clarifies that the zoning actions set forth within the planned development ordinances are meant to encompass all relief necessary for the existing buildings and structures to be recognized as conforming structures pursuant to the Zoning Ordinance provisions. The proposed changes do not affect the petition as they were properly advertised and the language setting forth this provision is included within the petitioner's request for relief.

Please replace the old ordinances with the new attached ordinances.

If you have any questions, please contact me.

ORDINANCE NO. _____

AN ORDINANCE REPEALING IN ITS ENTIRETY ORDINANCE 1915A, AS AMENDED, WHICH ESTABLISHED A CONDITIONAL USE FOR THE PROPERTIES AT 701 E. 22ND STREET AND 747 E. 22ND STREET, LOMBARD, ILLINOIS

PC 09-24: 701 E. 22nd Street and 747 E 22nd Street

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, in 1975, the President and Board of Trustees adopted Ordinance 1915A, approving a planned development and other zoning relief for the property commonly known as 701 E. 22nd Street, Lombard ("701 E. 22nd Street"), Lombard, Illinois, and 747 E. 22nd Street, Lombard, Illinois, ("747 E. 22nd Street") (collectively the "Property"), legally described as follows:

THAT PART OF THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT SITUATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT NO. R66-5885, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 29: THENCE S. 89° 57' 16" W. ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 70.0 FEET TO THE PLACE OF BEGINNING: THENCE S. 0° 09' 06" E. ALONG THE EAST LINE OF SAID NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT BEING DESCRIBED AS PARALLEL WITH AND 70.00 FEET WEST OF THE EAST LINE OF SAID SECTION 29, A DISTANCE OF 736.60 FEET TO AN ANGLE POINT: THENCE S. 11° 41' 16" W. ALONG SAID EAST LINE OF THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT, A DISTANCE OF 69.66 FEET: THENCE S. 89° 57' 16" W. ALONG A LINE PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 965.70 FEET TO A POINT ON A CURVE: THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 767.39 FEET AND A CHORD BEARING N. 6° 42' 19" E., A DISTANCE OF 103.24 FEET TO A POINT OF REVERSE CURVATURE: THENCE NORTHERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1661.83 FEET, A DISTANCE OF 70.47 FEET: THENCE N. 84° 10' 59" W., A DISTANCE OF 283.33 FEET TO A POINT ON THE WEST LINE OF SAID NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT: THENCE N.

Ordinance No. _____
Re: PC 09-24 (701 and 747 E 22nd Street)
Page 2

5° 49' 01" E. ALONG SAID WEST LINE OF THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT, A DISTANCE OF 606.30 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29: THENCE N. 89° 57' 16" E. ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1181.25 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.
; and

WHEREAS, the Property was since divided into two (2) parcels by an assessment plat, and is legally described, as follows:

PARCEL 1 IN MIDCON ASSESSMENT PLAT, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 6, 1983 AS DOCUMENT R83-34520, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 747 E 22nd Street, Lombard, Illinois
PIN: 06-29-200-040

PARCEL 2 IN MIDCON ASSESSMENT PLAT, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 6, 1983 AS DOCUMENT R83-34520, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 701 E 22nd Street, Lombard, Illinois
PIN: 06-29-200-039; and

WHEREAS, Ordinance 1915A was amended by the President and Board of Trustees by Ordinance No. 2590 on March 24, 1983, by Ordinance No. 4131 on March 7, 1996, and by Ordinance No. 4837 on July 20, 2000; and

WHEREAS, ownership of 701 E. 22nd Street and 747 E. 22nd Street now exists in two (2) separate owners, who have filed applications, requesting that Ordinance 1915A be repealed in its entirety, that a major plat of resubdivision be approved regarding the Property, and that new conditional uses for a planned development be adopted for 701 E. 22nd Street and 747 E. 22nd Street, respectively; and

WHEREAS, a public hearing on such applications has been conducted by the Village of Lombard Plan Commission on August 17, 2009 pursuant to appropriate and legal notice; and

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Re: PC 09-24 (701 and 747 E 22nd Street)
Page 3

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending the repeal of Ordinance No. 1915A, as amended, as it is no longer necessary.

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 the Plan Commission has made its report of findings and recommendations, and such are adopted by reference as findings of this Board of Trustees as fully as if completely set forth at length herein. All exhibits submitted at the aforesaid public hearing are also incorporated herein by reference.

SECTION 2: That Ordinance 1915A, as amended, is hereby repealed in its entirety, and is null and void.

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 _____, 2009.

First reading waived by action of the Board of Trustees this ____ day of _____, 2009.

Passed on second reading this ____ day of _____, 2009.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____, day of _____, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Ordinance No. _____
Re: PC 09-24 (701 and 747 E 22nd Street)
Page 4

ORDINANCE NO. _____

AN ORDINANCE APPROVING A MAJOR PLAT OF RESUBDIVISION FOR THE PROPERTIES AT 701 E. 22ND STREET AND 747 E. 22ND STREET, LOMBARD, ILL.

PC 09-24: 701 E. 22nd Street and 747 E 22nd Street

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, in 1975, the President and Board of Trustees adopted Ordinance 1915A, which has since been amended from time to time, approving a planned development and other zoning relief for the property commonly known as 701 E. 22nd Street, Lombard (“701 E. 22nd Street”), and 747 E. 22nd Street, Lombard, Illinois, (“747 E. 22nd Street”) (collectively the “Property”) legally described, as follows:

THAT PART OF THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT SITUATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT NO. R66-5885, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 29: THENCE S. 89° 57’ 16” W. ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 70.0 FEET TO THE PLACE OF BEGINNING: THENCE S. 0° 09’ 06” E. ALONG THE EAST LINE OF SAID NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT BEING DESCRIBED AS PARALLEL WITH AND 70.00 FEET WEST OF THE EAST LINE OF SAID SECTION 29, A DISTANCE OF 736.60 FEET TO AN ANGLE POINT: THENCE S. 11° 41’ 16” W. ALONG SAID EAST LINE OF THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT, A DISTANCE OF 69.66 FEET: THENCE S. 89° 57’ 16” W. ALONG A LINE PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 965.70 FEET TO A POINT ON A CURVE: THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 767.39 FEET AND A CHORD BEARING N. 6° 42’ 19” E., A DISTANCE OF 103.24 FEET TO A POINT OF REVERSE CURVATURE: THENCE NORTHERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1661.83 FEET, A DISTANCE OF 70.47 FEET: THENCE N. 84° 10’ 59” W., A DISTANCE OF 283.33 FEET TO A POINT ON THE WEST LINE OF SAID NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT: THENCE N.

Ordinance No. _____
Re: PC 09-24 (701 and 747 E 22nd Street)
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5° 49' 01" E. ALONG SAID WEST LINE OF THE NORTHERN BAPTIST THEOLOGICAL SEMINARY ASSESSMENT PLAT, A DISTANCE OF 606.30 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29: THENCE N. 89° 57' 16" E. ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1181.25 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.
; and

WHEREAS, the Property was since divided into two (2) parcels by an assessment plat, and is legally described, as follows:

PARCEL 1 IN MIDCON ASSESSMENT PLAT, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 6, 1983 AS DOCUMENT R83-34520, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 747 E 22nd Street, Lombard, Illinois
PIN: 06-29-200-040

PARCEL 2 IN MIDCON ASSESSMENT PLAT, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 6, 1983 AS DOCUMENT R83-34520, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 701 E 22nd Street, Lombard, Illinois
PIN: 06-29-200-039; and

WHEREAS, the President and Board of Trustees has repealed Ordinance 1915A, as amended, on _____, 2009; and

WHEREAS, ownership of 701 E. 22nd Street and 747 E. 22nd Street now exists in two (2) separate owners, who have filed applications, requesting approval of a Major Plat of Resubdivision for the Property with a variation from Section 154.506(G) of the Village of Lombard Subdivision and Development Ordinance requiring lot lines to be approximately at right angles or radial to the adjacent street, and certain other zoning relief; and

WHEREAS, a public hearing on such applications has been conducted by the Village of Lombard Plan Commission on August 17, 2009 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 Plat of Resubdivision.

Ordinance No. _____
Re: PC 09-24 (701 and 747 E 22nd Street)
Page 3

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 the Plan Commission has made its report of findings and recommendations, and such are adopted by reference as findings of this Board of Trustees as fully as if completely set forth at length herein. All exhibits submitted at the aforesaid public hearing are also incorporated herein by reference.

SECTION 2: The Major Plat of Subdivision, attached hereto as Exhibit A, is approved with a variation from Section 154.506(G) of the Village of Lombard Subdivision and Development Ordinance.

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 _____, 2009.

First reading waived by action of the Board of Trustees this ____ day of _____, 2009.

Passed on second reading this ____ day of _____, 2009.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____, day of _____, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

ORDINANCE NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT FOR 701 E. 22ND STREET, LOMBARD, ILLINOIS

PC 09-24: 701 E 22nd Street

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 (the “Zoning Code”); and

WHEREAS, 701 E. 22nd Street is zoned OPD Office District – Planned Development, and legally described as follows:

Lot 2 in the 701-747 22nd Street Subdivision being part of the northeast quarter of section 29, township 39 north, range 11 east of the third principal meridian, in DuPage County, Illinois.

PIN: 06-29-200-039

(the “Subject Property”); and

WHEREAS, an application has been filed by the owner of the Subject Property requesting approval of a conditional use for a planned development with deviations and variations from the Lombard Zoning Code (Title 155 of the Village Code), as set forth in Section 2 below; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 17, 2009 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 a conditional use for a planned development with deviations and variations, and Site Plan Approval, finding that such zoning relief complied with the standards of the Zoning Code.

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 the Plan Commission has made its report of findings and recommendations, and such are adopted by reference as findings of this Board of Trustees as fully as if completely set forth at length herein. All exhibits submitted at the aforesaid public hearing are also incorporated herein by reference.

SECTION 2: That a conditional use for a planned development with the following variations, deviations, and other relief (the “Planned Development”) is hereby granted for the Subject Property, subject to the conditions set forth in Section 3:

1. A deviation from Section 155.412 (F) of the Zoning Code and a planned development variation from Section 155.508 (C)(6)(a) of the Zoning Code, to reduce the east interior side yard setback from ten feet (10’) to zero feet (0’) to provide for an existing overhead corridor and foundation walls;
2. A deviation from Section 155.412 (H) of the Zoning Code to provide for an increase in the floor area ratio above the maximum allowed 0.35 for an existing four-story office building.
3. A deviation from Section 155.412 (G) of the Zoning Code to increase the maximum building height from forty-five feet (45’) to fifty-five feet (55’) for an existing four-story office building.
4. A deviation from Section 155.412 (I) of the Zoning Code to reduce the minimum required open space from thirty-five percent (35%) to approximately twenty seven percent (27%) of the lot area.
5. A planned development variation from Section 155.508 (C)(7) of the Zoning Code to allow for the property to not provide an additional twenty-five percent (25%) open space beyond that which is required in the underlying O Office Zoning District.
6. A variation from Section 155.602, Table 6.3, of the Zoning Code to allow for a reduction in the requisite parking requirements from 4 spaces to 2.5 spaces per 1,000 square feet of gross floor area, as originally set forth in Ordinance 2590.
7. A variation from Section 155.210 (A) of the Zoning Code to allow for an increase in the maximum height for two (2) accessory structure (existing parking garages), as originally set forth in Ordinance 2189 and Ordinance 4837.
8. A variation from Section 155.210 (A) of the Zoning Code and a planned development variation from Section 155.508 (C)(6)(a) of the Zoning Code, to reduce the east interior side yard setback from ten feet (10’) to zero feet (0’) for an existing parking garage.
9. A deviation from Section 155.602 (A)(3)(e) of the Zoning Code to allow for a reduction in the parking lot front yard setback requirement from thirty feet (30’) to twenty-seven feet (27’) for an existing parking lot.

10. A variation from Section 155.706 (B) of the Zoning Code to not require interior parking lot landscaping for all existing parking lots.
11. A variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Code to reduce the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared vehicular cross-access.
12. A variation from Section 155.206 (B) (2) (b) of the Zoning Code to allow an existing monopole microwave tower to be one-hundred twenty foot (120') instead of the maximum allowed height of forty-five feet (45'), as originally set forth in Ordinance 2590.
13. A variation from Section 155.206 (A) (4) (b) of the Zoning Code to allow for two (2) existing ground mounted dishes and one (1) existing ground mounted antenna, for a total of three (3) instead of the maximum permitted one (1) ground mounted antenna tower or dish.
14. Site plan approval authority is granted to the Lombard Plan Commission, pursuant to Section 155.511 of the Zoning Code.
15. Grant any other relief necessary to memorialize previously granted development rights to allow for all existing improvements on the subject property as depicted on the Land Title Survey, prepared by Accurate Survey Service, dated February 7, 2007.

SECTION 3: The Planned Development shall be granted subject to compliance with the following conditions:

1. The site shall be maintained in accordance with the Land Title Survey, prepared by Accurate Survey Service, dated February 7, 2007, depicting the existing improvements for the property at 701 E 22nd Street.
2. All comments in the Inter-Departmental Review Committee Report, dated August 17, 2009, and presented to the Plan Commission, shall be satisfactorily addressed.
3. In the event traffic ingress and egress at the main entrance of the development warrants signalization of the intersection, the cost of such signalization shall be the responsibility of the property owners and after installation the Village will maintain the system.

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 09-24 (701 E 22nd Street)
Page 4

Passed on first reading this _____ day of _____, 2009.

First reading waived by action of the Board of Trustees this _____ day of _____, 2009.

Passed on second reading this _____ day of _____, 2009.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____, day of _____, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

ORDINANCE NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT FOR 747 E. 22ND STREET, LOMBARD, ILLINOIS

PC 09-24: 747 E 22nd Street

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 (the “Zoning Code”); and

WHEREAS, 747 E. 22nd Street is zoned OPD Office District – Planned Development, and legally described as follows:

Lot 1 in the 701-747 22nd Street Subdivision being part of the northeast quarter of section 29, township 39 north, range 11 east of the third principal meridian, in DuPage County, Illinois.

PIN: 06-29-200-040

(the “Subject Property”); and

WHEREAS, an application has been filed by the owner of the Subject Property requesting approval of a conditional use for a planned development with deviations and variations from the Zoning Code, as set forth in Section 2 below; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 17, 2009 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 a conditional use for a planned development with deviations and variations, and Site Plan Approval, finding that such zoning relief complied with the standards of the Zoning Code.

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 the Plan Commission has made its report of findings and recommendations, and such are adopted by reference as findings of this Board of Trustees as fully as if completely set forth at length herein. All exhibits submitted at the aforesaid public hearing are also incorporated herein by reference.

SECTION 2: That a conditional use for a planned development with the following variations, deviations, and other relief (the "Planned Development") is hereby granted for the Subject Property, subject to the conditions set forth in Section 3:

1. A deviation from Section 155.412 (F) of the Zoning Code and a planned development variation from Section 155.508 (C)(6)(a) of the Zoning Code and to reduce the west interior side yard setback from ten feet (10') to zero feet (0') to provide for an overhead corridor and foundation walls;
2. A variation from Section 155.602, Table 6.3, of the Zoning Code to allow for a reduction in the requisite parking requirements from 4 spaces to 2.5 spaces per 1,000 square feet of gross floor area, as originally set forth in Ordinance 2590.
3. A variation from Section 155.210 (A) of the Zoning Code to allow for an increase in the maximum height for an accessory structure from seventeen feet (17') to thirty-six feet (36') for parking garage(s) to be constructed on the subject property, as previously granted through Ordinance 2590.
4. A variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Code reducing the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared vehicular cross-access.
5. A variation from Section 155.210 (A) of the Zoning Code and a planned development variation from Section 155.508 (C)(6)(a) of the Zoning Code, to reduce the west interior side yard setback from ten feet (10') to zero feet (0') for proposed new parking garage, as previously granted through Ordinance 2590.
6. A deviation from Section 155.412 (H) of the Zoning Code to provide for an increase in the floor area ratio above the maximum allowed 0.35 for an existing four-story office building and a future parking garage.
7. A deviation from Section 155.412 (G) of the Zoning Code to increase the maximum building height from forty-five feet (45') to sixty-nine feet (69') for an existing four-story office building.
8. Site plan approval authority is granted to the Lombard Plan Commission, pursuant to Section 155.511 of the Zoning Code.
9. Grant any other relief necessary to memorialize previously granted development rights to allow for all existing improvements on the subject property as depicted on the Land Title Survey, prepared by Gremley & Biederman, dated March 16, 2000, last revised March 18, 2008.

SECTION 3: The Planned Development shall be granted subject to compliance with the following conditions:

1. The site shall be maintained in accordance with the Land Title Survey, prepared by Gremley & Biederman, dated March 16, 2000, last revised March 18, 2008, depicting the existing improvements on the property at 747 E 22nd Street.
2. All comments in the Inter-Departmental Review Committee Report, dated August 17, 2009, and presented to the Plan Commission, shall be satisfactorily addressed.
3. A minimum of 2.5 parking spaces per 1,000 square feet of building floor area shall be maintained at all times.
4. Any new parking garage shall be subject to Site Plan Approval. The plans shall depict the location of any interim parking areas while the proposed garage is under construction.
5. In the event traffic ingress and egress at the main entrance of the development warrants signalization of the intersection, the cost of such signalization shall be the responsibility of the property owners and after installation the Village will maintain the system.

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 _____, 2009.

First reading waived by action of the Board of Trustees this ____ day of _____, 2009.

Passed on second reading this ____ day of _____, 2009.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2009.

William J. Mueller. Village President

Ordinance No. _____
Re: PC 09-24 (747 E 22nd Street)
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ATTEST:

Brigitte O'Brien, Village Clerk