

**ORDINANCE 7177
PAMPHLET**

**PC 15-27C: YORKTOWN COMMONS
PLANNED DEVELOPMENT**



PUBLISHED IN PAMPHLET FORM THIS 22nd DAY OF JANUARY, 2016, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.



Sharon Kuderna
Village Clerk

ORDINANCE NO. 7177

GRANTING CONDITIONAL USE APPROVAL FOR A PLANNED DEVELOPMENT WITH COMPANION DEVIATIONS, USE EXCEPTIONS, AND VARIATIONS

(PC 15-27C: Yorktown Commons Planned Development)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Subject Property, as described in Section 2 below, is zoned B3 Community Shopping District; and,

WHEREAS, an application has heretofore been filed required approval of a conditional use for a planned development, commonly referred to as Yorktown Commons, with the following companion deviations, use exceptions, and variations from the Lombard Zoning Ordinance (Title 15, Chapter 155 of the Village Code):

1. Deviations and variations from the B3 Community Shopping District's lot and bulk requirements, Sections 155.415 (D), (E), (F), (G), (H), (I), (J), and (K) of the Lombard Zoning Ordinance, to allow for the establishment of a form-based code predicated upon lot, bulk, and design standards and guidelines as set forth within the Yorktown Commons Planned Development Design Guidelines included within the petitioner's submission;
2. Approve the Yorktown Commons Planned Development Design Guidelines as the preliminary plan for the subject property and to extend the timeframe for the final plan approval as set forth in the Yorktown Commons Planned Development Design Guidelines;
3. A variation from Section 155.508 (B)(3) of the Lombard Zoning Ordinance to allow for use exceptions, ground-floor residential dwelling units, for more than forty percent (40%) of the site are or more than forty percent (40%) of the total floor area, whichever is less;
4. A variation from Section 155.707 of the Lombard Zoning Ordinance to waive transitional landscape yard requirements where residential uses are proposed in the B3 Community Shopping District; and
5. A variation from the Planned Development Standards, Article IX of the Lombard Zoning Ordinance, to establish the process for administration of the Yorktown Commons Planned Development Guidelines as set forth in Section IV of the Yorktown Commons Planned Development Design Guidelines and granting site plan approval authority to the Plan Commission, pursuant to Section 155.511 of the Lombard Zoning Ordinance; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on November 23, 2015 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 conditional use for a planned development with companion deviations, use exceptions, and variations described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

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

SECTION 1: That a conditional use for a planned development with the following companion deviations, use exceptions, and variations from the Lombard Zoning Ordinance as set forth below is hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

1. Deviations and variations from the B3 Community Shopping District's lot and bulk requirements, Sections 155.415 (D), (E), (F), (G), (H), (I), (J), and (K) of the Lombard Zoning Ordinance, to allow for the establishment of a form-based code predicated upon lot, bulk, and design standards and guidelines as set forth within the Yorktown Commons Planned Development Design Guidelines included within the petitioner's submission;
2. Approval of the Yorktown Commons Planned Development Design Guidelines as the preliminary plan for the subject property and to extend the timeframe for the final plan approval as set forth in the Yorktown Commons Planned Development Design Guidelines;
3. A variation from Section 155.508 (B)(3) of the Lombard Zoning Ordinance to allow for use exceptions, ground-floor residential dwelling units, for more than forty percent (40%) of the site are or more than forty percent (40%) of the total floor area, whichever is less;
4. A variation from Section 155.707 of the Lombard Zoning Ordinance to waive transitional landscape yard requirements where residential uses are proposed in the B3 Community Shopping District; and
5. A variation from the Planned Development Standards, Article IX of the Lombard Zoning Ordinance, to establish the process for administration of the Yorktown Commons Planned Development Guidelines as set forth in Section IV of the Yorktown Commons Planned Development Design Guidelines and granting site plan approval authority to the Plan Commission, pursuant to Section 155.511 of the Lombard Zoning Ordinance.

SECTION 2: That this ordinance is limited and restricted to the subject property generally located at the intersection of Grace Street and Yorktown Shopping Center ring road, Lombard, Illinois, and more specifically legally described as set forth below and depicted as part of Exhibit A attached hereto and made a part hereof:

THOSE PARTS OF LOTS 3 AND 4 (EXCEPT THAT PART OF SAID LOT 4 DEDICATED FOR GRACE STREET PER DOCUMENT R72-57164 RECORDED SEPTEMBER 20, 1972) ALL IN THE RESUBDIVISION OF LOT 1 IN YORKTOWN, BEING A RESUBDIVISION IN SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION OF LOT 1 RECORDED AUGUST 4, 1971 AS DOCUMENT R71-37751, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE THE FOLLOWING TWO COURSES ALONG THE NORTH LINE OF SAID LOT 3; (1) THENCE NORTH 87 DEGREES 39 MINUTES 50 SECONDS EAST 282.82 FEET; (2) THENCE NORTH 65 DEGREES 57 MINUTES 47 SECONDS EAST 9.07 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 65 DEGREES 57 MINUTES 47 SECONDS EAST ALONG SAID NORTH LINE OF LOT 3 AND NORTH LINE OF SAID LOT 4, A DISTANCE OF 733.39 FEET; THENCE SOUTH 02 DEGREES 04 MINUTES 57 SECONDS EAST ALONG A LINE 7 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 4, A DISTANCE OF 400.00 FEET; THENCE THE FOLLOWING TWO COURSES ALONG THE SOUTHERLY LINES OF SAID LOTS 3 AND 4; (1) THENCE SOUTH 65 DEGREES 57 MINUTES 47 SECONDS WEST 609.94 FEET TO A POINT OF CURVATURE; (2) THENCE WESTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 500.00 FEET, A CHORD BEARING OF SOUTH 68 DEGREES 06 MINUTES 14 SECONDS WEST 37.37 FEET; THENCE NORTH 12 DEGREES 55 MINUTES 57 SECONDS WEST 104.26 FEET; THENCE NORTH 37 DEGREES 15 MINUTES 04 SECONDS WEST 61.69 FEET; THENCE SOUTH 87 DEGREES 43 MINUTES 22 SECONDS WEST 23.47 FEET; THENCE NORTH 02 DEGREES 16 MINUTES 38 SECONDS WEST 213.77 FEET TO THE PLACE OF BEGINNING, CONTAINING 261,362 SQUARE FEET, MORE OR LESS.

Also to be known as Lot 4 in the Final Plat of Subdivision of Yorktown Commons Phase 1
PIN: Part of 06-29-101-028

ALSO:

PART OF PARCEL 2 IN HIGHLAND AVENUE ASSESSMENT PLAT OF LOT 2 IN YORKTOWN, BEING A SUBDIVISION OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID HIGHLAND AVENUE ASSESSMENT PLAT RECORDED JANUARY 30, 2012 AS DOCUMENT R2012-12175, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF PARCEL 3 IN SAID HIGHLAND AVENUE ASSESSMENT PLAT OF LOT 2 IN YORKTOWN; THENCE THE FOLLOWING TWO (2) COURSES ALONG THE SOUTHERLY AND WESTERLY

EXTENSION OF SAID SOUTHERLY LINE OF SAID PARCEL 3; (1) THENCE NORTH 65 DEGREES 23 MINUTES 09 SECONDS WEST 127.04 FEET; (2) THENCE SOUTH 87 DEGREES 55 MINUTES 45 SECONDS WEST 267.15 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 73 DEGREES 04 MINUTES 33 SECONDS WEST 160.85 FEET; THENCE NORTH 17 DEGREES 38 MINUTES 09 SECONDS WEST 110.19 FEET; THENCE NORTH 65 DEGREES 52 MINUTES 55 SECONDS EAST 156.55 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG AN ARC OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 10.00 FEET, A CHORD BEARING OF SOUTH 65 DEGREES 31 MINUTES 16 SECONDS EAST 16.96 FEET TO A POINT OF TANGENCY; THENCE SOUTH 16 DEGREES 55 MINUTES 27 SECONDS EAST 119.86 FEET; THENCE SOUTH 73 DEGREES 04 MINUTES 33 SECONDS WEST 4.36 FEET TO THE PLACE OF BEGINNING, CONTAINING 20,000 SQUARE FEET.

Also to be known as Lot 1 in the Final Plat of Subdivision of Yorktown Commons Phase 2
PIN: Part of 06-29-101-044

ALSO,

PART OF PARCEL 3 IN HIGHLAND AVENUE ASSESSMENT PLAT OF LOT 2 IN YORKTOWN, BEING A SUBDIVISION OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID HIGHLAND AVENUE ASSESSMENT PLAT RECORDED JANUARY 30, 2012 AS DOCUMENT R2012-12175, TOGETHER WITH PART OF LOT 2 IN HIGHLAND-YORKTOWN RESUBDIVISION OF LOT 4 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF HIGHLAND-YORKTOWN RESUBDIVISION RECORDED SEPTEMBER 5, 2006 AS DOCUMENT R2006-170876, AND CERTIFICATES OF CORRECTION RECORDED AS DOCUMENTS R2006-191219, R2006-219358 AND R2008-138794, ALL IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL 3; THENCE THE FOLLOWING SEVEN (7) COURSES ALONG THE SOUTHERLY, WESTERLY AND NORTHERLY LINES OF SAID PARCEL 3; (1) THENCE NORTH 65 DEGREES 23 MINUTES 09 SECONDS WEST 127.04 FEET; (2) THENCE SOUTH 87 DEGREES 55 MINUTES 45 SECONDS WEST 209.84 FEET TO A POINT OF CURVATURE; (3) THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 18.00 FEET, A CHORD BEARING OF NORTH 47 DEGREES 22 MINUTES 03 SECONDS WEST 28.09 FEET TO A POINT OF TANGENCY; (4) THENCE NORTH 02 DEGREES 39 MINUTES 50 SECONDS WEST 26.41 FEET; (5) THENCE NORTH 17 DEGREES 21 MINUTES 56 SECONDS WEST 83.14 FEET TO A POINT OF CURVATURE; (6) THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 20.00 FEET, A CHORD BEARING OF NORTH 25 DEGREES 50 MINUTES 49 SECONDS EAST, 30.17 FEET TO A POINT OF TANGENCY; (7) THENCE NORTH 69 DEGREES 03 MINUTES 34 SECONDS EAST 81.51 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG AN ARC OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 310.00 FEET, A CHORD BEARING OF NORTH 88 DEGREES 10 MINUTES 51 SECONDS EAST 206.91 FEET

TO A POINT OF TANGENCY; THENCE SOUTH 72 DEGREES 41 MINUTES 52 SECONDS EAST 122.87 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG AN ARC OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 472.00 FEET, A CHORD BEARING OF SOUTH 69 DEGREES 47 MINUTES 51 SECONDS EAST 47.78 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHEASTERLY ALONG AN ARC OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 13.50 FEET, A CHORD BEARING OF SOUTH 19 DEGREES 27 MINUTES 58 SECONDS EAST 22.35 FEET TO A POINT OF TANGENCY; THENCE SOUTH 27 DEGREES 57 MINUTES 54 SECONDS WEST 171.44 FEET TO A POINT OF NON-CURVATURE; THENCE SOUTHWESTERLY ALONG AN ARC OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 11.37 FEET, A CHORD BEARING OF SOUTH 50 DEGREES 21 MINUTES 57 SECONDS WEST 10.02 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 65 DEGREES 23 MINUTES 09 SECONDS WEST 2.29 FEET TO THE PLACE OF BEGINNING, CONTAINING 76,095 SQUARE FEET, MORE OR LESS.

Also to be known as Lot 2 in the Final Plat of Subdivision of Yorktown Commons Phase 1

PIN: Parts of 06-29-200-060 and 06-29-101-041

ALSO,

LOT 4 IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION, BEING 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 NOVEMBER 17, 1995 AS DOCUMENT R95-162762, IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-29-200-050

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

1. That this relief is valid only with the approval of both PC 15-27A and PC 15-27B;
2. That this relief is limited to the establishment of a planned development with a preliminary plan and design guidelines. Any physical site improvements or alterations require approval through the Village through the established Site Plan Approval Process or through a separate zoning public hearing petition, whichever is applicable;
3. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report that pertain to the proposed form-based code regulations prior to final consideration of the petition by the Village Board;
4. That the petitioner coordinate with Village staff to provide language within the Yorktown Commons Planned Development Design Guidelines that would allow for a minimum parkway tree spacing of thirty-five feet (35'); and

5. That the petitioner coordinates with Village staff to provide language within the Yorktown Commons Planned Development Design Guidelines that would require a minimum amount of green space within the minimum required amount of open space areas.

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 7th day of January, 2016.

First reading waived by action of the Board of Trustees this ____ day of _____, 2016.

Passed on second reading this 21st day of January, 2016, pursuant to a roll call vote as follows:

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

Nays: None

Absent: None

Approved by me this 21st day of January, 2016.


Keith T. Giagnorio, Village President

ATTEST:


Sharon Kuderna, Village Clerk

Published in pamphlet from this 22nd day of January, 2016.


Sharon Kuderna, Village Clerk

EXHIBIT A
YORKTOWN COMMONS EXHIBIT

(SEE ATTACHED PAGE)



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