

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: November 28, 2006 (BOT) Date: December 7, 2006

TITLE: PC 05-42: 218 and 226 West. St. Charles Road

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance granting a time extension to Ordinance 5816 for an additional twelve month period relative to the property located at 218-226 W. St. Charles Road. (DISTRICT #1)

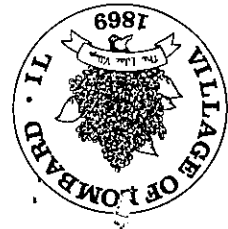
Staff recommends approval of this request.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X *W.T. Lichter*
Date _____
Date *11/29/06*

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: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, *DH*
Assistant Village Manager/Director of Community Development

DATE: December 7, 2006

SUBJECT: PC 05-42: 218-226 West St. Charles Road (The Pointe at Lombard)

The Board of Trustees approved Ordinances 5816 (PC 05-42) on March 2, 2006 which granted approval for a planned development with deviations, variations and companion conditional uses for the property at 218 & 226 West St. Charles Road. Per the conditional use provisions (Section 155.103(F)(11) of the Zoning Ordinance), if construction has not begun within one (1) year from the date of approval, the conditional use is null and void unless an extension is granted by the Board of Trustees. Companion Ordinances 5414 and 5415 pertain to amendments to the Comprehensive Plan and the underlying zoning of 218 West St. Charles Road and is not subject to the same one-year time restriction.

After being advised that the approved zoning relief would expire prior to their slated construction start in Spring, 2007, the petitioner has submitted the attached letter requesting an extension of the conditional use approval granted by the Village Board.

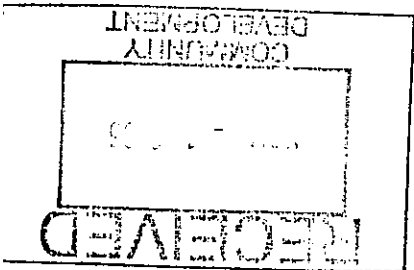
A copy of Ordinance 5816 is attached for your reference.

ACTION REQUESTED

Staff recommends that the Village Board approve an Ordinance extending the time period to start construction of the proposed project for an additional twelve-month period from the date of the original approval of the Ordinance (i.e., until March 2, 2008).

INLAND
Inland Real Estate Development, LLC
2901 Butterfield Road
Oak Brook, Illinois 60523
630-218-8000 Fax: 630-954-5673
www.inland-development.com

October 30, 2006



VIA UPS OVERNIGHT

David Hulseberg
Assistant Village Manager
255 East Wilson Ave.
Lombard, Illinois 60148

Re: The Pointe at Lombard

Dear David,

I am writing to give you an update of our progress on The Pointe at Lombard and to respectfully request a one (1) year extension for the commencement of construction.

We leased an office for our Marketing Director last October, and have started our direct mail program. We have also started our event programs and held several informational events in the downtown area. Our web page "thepointatlombard.com" has been activated, and outreach efforts have been occurring over this past year. From these efforts we have a growing list of Priorities (refundable deposits), who have expressed an interest and would like the opportunity to visit our Sales Center when it is open. We are in the process of searching for a location in the downtown area to open the Sales Center.

The buildings on both sites have been demolished and the environmental cleanup has been completed. A final cleaning of the site will occur shortly to keep the site presentable until construction begins.

As you are aware, due to a change in business direction for Mid America, Inland Real Estate Development, LLC has taken over for Mid America Partners, LLC and will be continuing with the development of the project as approved, in partnership with HPD Cambridge, Inc. This change went very smoothly but did cause our project to stop all marketing activities for much of this past year.

During the presentations to the Village, HPD emphasized the time it normally spends on the pre-leasing phase. Because we are dealing with senior residents the decision making process is lengthy and cannot easily or professionally be rushed.

On March 2, 2006, the Board of Trustees approved Ordinance 5816 which granted the conditional use permit for The Pointe at Lombard. I would like to respectfully request a one (1) year extension of the construction commencement date.

INLAND REAL ESTATE DEVELOPMENT, LLC

Mr. David Hulseberg
Village of Lombard
October 30, 2006
Page 2

We appreciate your assistance. If I can provide you with any additional information, please do not hesitate to call me at 630/954-5651.

Sincerely,

INLAND REAL ESTATE DEVELOPMENT, LLC



Rodger Brown
Director of Planning & Approvals

Cc: Anthony Casaccio
Mathew Fiascone
Dan Bauer
David Sanders

ORDINANCE NO. 5816

AN ORDINANCE GRANTING A CONDITIONAL USE
FOR A PLANNED DEVELOPMENT WITH VARIATIONS, DEVIATIONS, A USE
EXCEPTION AND COMPANION CONDITIONAL USES
IN THE B5 CENTRAL BUSINESS DISTRICT

(PC 05-42; 218 & 226 West St. Charles Road; The Pointe at Lombard)

(See also Ordinances No.(s) 5814, 5815)

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 is zoned B5 Central Business District; and,

WHEREAS, said planned development includes the following companion actions included as part of the petition:

- a) A deviation from Section 155.416 (G) to the Zoning Ordinance to allow for a maximum building height of fifty-two feet (to provide for an architectural tower element), where a maximum of forty-five feet (45') is permitted;
- b) A deviation from Section 155.416 (J) and variations from Sections 155.508 (C)(6)(a) and (b) of the Zoning Ordinance to allow for a reduction in the thirty foot (30') planned development perimeter and twenty foot (20') transitional building setbacks to six feet (6') along the rear (east) property line;
- c) A deviation from Section 155.416 (K) and a variation from Sections 155.508 (C)(6)(b) and 155.707 (A)(3) of the Zoning Ordinance to allow for a reduction in the transitional landscape setback from ten feet (10') to one foot (1');
- d) A variation from Section 155.508(C)(6)(a) of the Lombard Zoning Ordinance to allow for a 1-foot front and corner side yard setback on the perimeter of a planned development where a 30-foot front and/or corner side yard is required in the abutting R2 Single Family Residence and R6 General Residence Districts respectively;

e) A variation from Section 155.602, Table 6.3 of the Zoning Ordinance to allow for a reduction of the requisite parking spaces from 46 to 42 spaces during Phase I of the development (as the revised plans meet code, this request has been withdrawn by the petitioner);

f) A deviation from Section 153.506(B)(18)(c) of the Lombard Sign Ordinance to allow for an increase in the total number of permitted wall signs, where one wall sign per street front exposure is permitted;

g) A variation from Sections 155.707(B)(3)(a) through (d) of the Zoning Ordinance pertaining to transitional landscape and fence requirements;

h) A variation from Section 155.602(A)(10)(d)(2) of the Zoning Ordinance to allow for a reduction in the minimum and average foot-candle intensity requirements for parking lots; and

i) A use exception to allow less than fifty percent (50%) of the area of the ground floor to be devoted to uses permitted in the B5 Central Business District; and

WHEREAS, said petition also includes a request to approve a conditional use from Section 155.416(C)(13) of the Zoning Ordinance to allow for an outdoor service (dining) area; and

WHEREAS, said petition also request that the Lombard Plan Commission be given site plan approval authority for the proposed development; and

WHEREAS, public hearings on such application has been conducted by the Village of Lombard Plan Commission on November 21 and December 19, 2005 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 petition, subject to conditions; 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 I: That a conditional use for a planned development with the following variations, deviations and use exception in the B5 Central Business District is hereby granted for the Subject Property legally described in Section 3 below, subject to the conditions set forth in Section 4 below:

- a) A deviation from Section 155.416 (G) to the Zoning Ordinance to allow for a maximum building height of fifty-two feet (to provide for an architectural tower element), where a maximum of forty-five feet (45') is permitted;
- b) A deviation from Section 155.416 (j) and variations from Sections 155.508 (C)(6)(a) and (b) of the Zoning Ordinance to allow for a reduction in the thirty foot (30') planned development perimeter and twenty foot (20') transitional building setbacks to six feet (6') along the rear (east) property line;
- c) A deviation from Section 155.416 (K) and a variation from Sections 155.508 (C)(6)(b) and 155.707 (A)(3) of the Zoning Ordinance to allow for a reduction in the transitional landscape setback from ten feet (10') to one foot (1');;
- d) A variation from Section 155.508(C)(6)(a) of the Lombard Zoning Ordinance to allow for a 1-foot front and corner side yard setback on the perimeter of a planned development where a 30-foot front and/or corner side yard is required in the abutting R2 Single Family Residence and R6 General Residence Districts respectively;
- e) A deviation from Section 153.506(B)(18)(c) of the Lombard Sign Ordinance to allow for an increase in the total number of permitted wall signs, where one wall sign per street front exposure is permitted;
- f) A variation from Sections 155.707(B)(3)(a) through (d) of the Zoning Ordinance pertaining to transitional landscape and fence requirements;
- g) A variation from Section 155.602(A)(10)(d)(2) of the Zoning Ordinance to allow for a reduction in the minimum and average foot-candle intensity requirements for parking lots; and
- h) A use exception to allow less than fifty percent (50%) of the area of the ground floor to be devoted to uses permitted in the B5 Central Business District; and

SECTION 2: That a conditional use from Section 155.416(C)(13) of the Zoning Ordinance to allow for an outdoor service (dining) area in the B5 Central Business District is hereby granted for the Subject Property legally described in Section 3 below, subject to the conditions set forth in Section 4 below; and

SECTION 3: That the ordinance is limited and restricted to the property generally located at 218 & 226 West St. Charles Road, Lombard, Illinois, and legally described as follows:

Lot 32 (except the north 20 feet, as measured perpendicular to the north line thereof) in Orchard Subdivision, being a subdivision of part of the northeast quarter of Section 7, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded January 24, 1917 as document number 127948 in book 8 of plats on page 80, in DuPage County, Illinois; also

(Parcel Number: 06-07-203-021; addressed as 226 West St. Charles Road)

Lot 11, Block 10 in Town of Lombard, being a Subdivision in Sections 5, 6, 7, 8 and 18, Township 39 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois.

(Parcel Number: 06-07-203-035; addressed as 218 West St. Charles Road)

SECTION 4: The conditional use set forth in Section 1 above shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the Phases I and II preliminary engineering plans prepared by Jacob & Hehner & Associates, Inc., dated October 20, and 26, 2005 respectively and made a part of this petition and in accordance with the revised submissions included as an exhibit to the approval ordinance; except as varied by the conditions of approval.

2. The proposed buildings and structures shall be constructed in accordance with the submitted Phases I and II plans, prepared by MidAmerica HPD Lombard LLC, dated October, 2005 and November 10, 2005 and made a part of this petition and in accordance with the revised submissions included as an exhibit to the approval ordinance; except as varied by the conditions of approval.

3. As part of the building permit submittal, the petitioner shall satisfactorily address the comments included as part of the Inter-Departmental Review Report.

4. The increase in height shall only be for the proposed tower element located on the southwest corner of the building as depicted on the submitted plans. Any height increase above the forty-five feet above grade shall only be for architectural elements and shall not be used as living space.

5. The proposed east building elevation shall be amended to include additional window elements in a manner consistent with the other elevations. If full windows cannot be installed due to internal layout conflicts, the petition can substitute spandrel glass windows. The final design shall be subject to review and approval of the Director of Community Development based upon the Plan Commission recommendation. Moreover, in the event that Phase I and II are not constructed simultaneously that the petitioner shall provide a finished east exterior wall for Phase I, with the design of the exterior wall being subject to the Director of Community Development.

6. The petitioner shall provide the additional landscaping and screening improvements, as depicted on the petitioner's submitted plans, and as follows:

- a. Along the north property line abutting the residential property at 19 N. Elizabeth Street, as part of Phase I of the development:
 - i. The petitioner shall provide a solid wall per the submitted plans. The adjacent property owner shall determine the final design of external cladding to be placed on the wall. If the adjacent property owner does not select the cladding appearance, the Director of Community Development shall make the selection based upon a review of the proposed exterior building elements. The wall shall also be designed to minimize its impact on existing mature vegetation located in close proximity to the property line.
 - ii. Along the north property line abutting 19 N. Elizabeth Street, the petitioner will provide one shade tree every 25 feet evenly spaced along the entire length of the landscape yard.
 - iii. A continuous evergreen or dense deciduous shrub hedge (or an approved equivalent) shall be extended the entire length of the landscape yard shall be planted at least 2-1/2 feet north of the requisite wall. The shrub hedge shall be installed at a height of 3 feet and shall be planted on the outside of the fence. The spacing of shrubs shall be 5 feet on center, or as approved by the Director of Community Development.
 - iv. If in the event that the plant materials cannot be completely planted on the subject property, a cash allowance (prorated based on differential between

amount of side yard buffer required by code and provided for in the planned development) would be paid to adjacent property owners for landscape use.

v. In the event any trees on the property line directly to the north should die within three years, the Pointe at Lombard property owner shall be responsible for removing and grinding any remaining stumps.

b. Along the west property line of the 218 East St. Charles Road property abutting the rear yards of 19 and 23 North Elizabeth Street, as part of Phase I of the development:

i. The petitioner shall also pay for and install a brick pier/cedar fence per the submitted plans.

ii. A landscape easement shall be created on the adjacent property for the large tree on the east property line of the Phase Two property. The proposed fencing noted above should go around the tree per the submitted plans, with the ground to be maintained by the Pointe at Lombard property owner. If the impacted tree dies, The Pointe at Lombard shall be responsible for removing and grinding any remaining stumps.

c. Along the north property line abutting 26 N. Lincoln Avenue, as part of Phase I of the development, the petitioner shall provide full transitional landscaping.

d. Along the east property line of the 218 East St. Charles Road property, as part of Phase I of the development:

i. The petitioner shall pay for and install landscape plantings on the subject property and/or the adjacent Lincoln Terrace Condominium property to meet the transitional landscape planting requirements of the B5 District. If the adjacent property owner does not consent to this provision, this petitioner shall not be obligated to install additional plantings on the adjacent property.

ii. The petitioner shall also pay for and install fencing along the eastern property line, no greater than eight (8) feet and no less than six (6) feet in height. Design of the fencing is subject to the approvals of the Director of Community Development with input from the Lincoln Terrace Condominium Association. The fencing shall meet all Village setback and clear line of sight requirements.

- e. Any retaining walls for the proposed parking lot shall be designed to be architecturally compatible with the approved building elevations, as determined by the Director of Community Development.
7. Any light fixtures within the parking garage area shall be recessed and shall not be directly visible from adjacent properties. Bollard lighting shall be provided in the open parking lot areas.
8. The petitioner shall incorporate the recommendations of the Village's traffic consultant and Village staff into the final development plans for the site.
9. The right-of-way improvements shall be designed and installed to address the comments raised by engineering staff. The petitioner shall provide a public access easement on the subject property for any areas in which the constructed sidewalk is less than four feet in width.
10. The petitioner shall submit a Plat of Consolidation to the Village for review and approval. Said plat shall consolidate the subject properties into a single lot of record and shall be required concurrent with the building permit submittal for Phase I.
11. The proposed wall signs shall be of a uniform design, shall not include "box signs", and the wall signs shall be located on the building consistent with the submitted plans. The east elevation shall not include any building identification signage.
12. The petitioner shall redirect the released stormwater from the existing Lincoln Terrace detention facility into either the proposed detention vaults to be constructed on the subject property or into a separate storm drain to be located on the subject property that will connect to the storm drain within the Elizabeth Street right-of-way. The final design of this improvement shall be subject to review and approval by the Village. The petitioner shall also grant any necessary easements to provide for this conveyance.
13. The outdoor dining area shall be designed and operated in a manner that provides for at least four feet of width for pedestrians at all times.
14. The property shall be developed consistent with Village Code, except as varied by this petition.
15. The petitioner shall be raze the existing multiple-family residence located on the 218 West St. Charles Road property within ninety (90) days from the date the petitioner acquires title to the property.

16. All public improvements, as defined in Section 154 of the Village Code (the Subdivision and Development Ordinance) and parking lot improvements proposed for the 218 East St. Charles Road property shall be constructed as part of Phase I of the development.

SECTION 5: That Site Plan Approval authority is hereby granted for the planned development.

SECTION 6: 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 5th day of January, 2006.

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

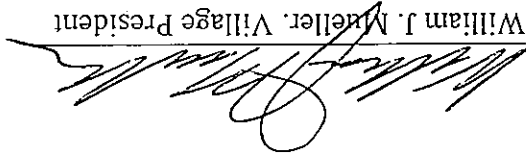
Passed on second reading this 2nd day of March, 2006.

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

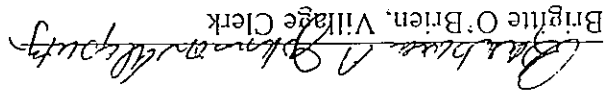
Nays: None

Absent: None

Approved this 2nd day of March, 2006.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this 6th day of March, 2006,

Brigitte O'Brien
Brigitte O'Brien, Village Clerk

ORDINANCE NO. _____
AN ORDINANCE GRANTING
A TIME EXTENSION TO ORDINANCE 5816,
RELATIVE TO THE POINTE AT LOMBARD PLANNED DEVELOPMENT
(PC 05-42: 218 & 226 W. St. Charles Road
Pointe at Lombard Planned Development)

WHEREAS, on March 2, 2006, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5816, which granted approval of a conditional use for a planned development with deviations, variations and companion conditional uses for the property at 218 and 226 West St. Charles Road, commonly referred to as the Pointe at Lombard planned development; and

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

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 5816; and,

WHEREAS, the Village has received a letter requesting a time extension of said Ordinances; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension.

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

SECTION 1: Ordinances 5816 are hereby amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twelve (12) months of the date of original adoption of this Ordinance (i.e., March 2, 2008).

SECTION 2: That all other provisions associated with Ordinance 5816, not amended by this Ordinance, shall remain in full force and effect.

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

Passed on first reading this _____ day of _____, 2006.

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

Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2006.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this _____ day of _____, 2006.

Brigitte O'Brien
Village Clerk