


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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott R. Niehaus, Village Manager
DATE: May 27, 2015 (B of T) Date: June 18, 2015
TITLE: PC 15-12; 707 E. Butterfield Road (Embassy Suites Hotel) – Major Amendment to a Planned Development
SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant approval of a major amendment pursuant to Title 15, Chapter 155, Section 155.504 of the Lombard Zoning Ordinance for the Embassy Suites Planned Development, as established by Ordinance Number 3009, to further reduce the required parking from 288 spaces to 268 spaces and to increase the number of suites from 260 to 262, within the OPD Office Planned Development District. (DISTRICT #3)

The Plan Commission recommended approval of this petition by a vote of 6-0.

The petitioner requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):
Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

DATE: June 18, 2015

SUBJECT: PC 15-12; 707 E. Butterfield Road (Embassy Suites Hotel) – Major Amendment to a Planned Development

Please find the following items for Village Board consideration as part of the June 18, 2015 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 15-12;
3. Project Narrative with Completed Standards for a Planned Development with Other Exceptions;
4. Plans associated with the petition; and
5. An Ordinance granting a major amendment pursuant to Title 15, Chapter 155, Section 155.504 of the Lombard Zoning Ordinance for the Embassy Suites Planned Development, as established by Ordinance Number 3009, to further reduce the required parking from 288 spaces to 268 spaces and to increase the number of suites from 260 to 262, within the OPD Office Planned Development District.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the June 18, 2015 Board of Trustees agenda, with a waiver of first reading, as requested by the petitioner.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

June 18, 2015

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill T. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"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."

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 15-12; 707 E. Butterfield Road (Embassy Suites Hotel) – Major Amendment to a Planned Development

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant approval of a major amendment pursuant to Title 15, Chapter 155, Section 155.504 of the Lombard Zoning Ordinance for the Embassy Suites Planned Development, as established by Ordinance Number 3009, to further reduce the required parking from 288 spaces to 268 spaces and to increase the number of suites from 260 to 262, within the OPD Office Planned Development District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on May 18, 2015. Sworn in to present the petition was Matt Panfil, AICP, Senior Planner, and the petitioners, Jan Kuehnemann of FelCor Lodging Trust; Tracy Kasson, attorney at Rathje & Woodward, LLC; Mary Eckhoff; and Mark Fuller of American Surveying and Mapping, Inc., a consultant for FelCor Lombard Hotel, LLC.

Chairperson Ryan read the Plan Commissions procedures and asked if anyone other than the petitioner intended to cross examine, and, hearing none, he proceeded with the petition.

Mr. Kasson began by stating he is representing the petitioner and owner. The petitioner is FelCor Lombard Hotel, LLC. They are requesting an amendment to Section One of Ordinance No. 3009,

which was granted in the late 1980s. They want to reduce the number of previously approved parking spaces from 288 spaces to 268 spaces and to increase the number of suites from 260 to 262 for the Embassy Suites Hotel located 707 E. Butterfield Road. Mr. Kasson explained this is to memorialize what has existed on the property for well over twenty (20) years.

Mr. Kuehnemann said the property was developed in 1988 by Embassy Suites and GACL. FelCor acquired GACL's fifty percent (50%) interest in the property in 1995 and in 2014 they acquired the remaining fifty percent (50%) from Hilton, which had acquired Embassy Suites through a merger with a company called Promise in 1999. FelCor has been involved with the property for twenty (20) years. Hilton has been with the property as the operator since the opening of the hotel in 1988. The situation they are trying to rectify is the overage in the number of rooms. They do not have any records of the building permits, but they discovered that two presidential suites were reconfigured and each was divided into two rentable rooms. There has been no addition of square footage to the building.

With regard to the parking count, when the property was built the eastern property was not developed and Technology Drive did not exist. The property only had direct access to Butterfield Road through a single curb cut. In 1993, Waste Management owned the neighboring parcels and developed Technology Drive. This created a safer and more convenient access to the hotel. The property now has a main entrance and back entrance. As a result of the additional entrance, the property lost sixteen (16) parking spaces on the east side. Around the same time the property increased the number accessible parking spaces on the northern side near the main entrance and lost an additional four (4) parking spaces. The parking situation has existed for over twenty (20) years.

Mr. Kasson said there have been no operational issues because of the loss. He said it was contemplated in the annexation agreement that they would allow cross access if the property to the east ever developed. It developed much better with Technology Drive which led to a traffic light.

Chairperson Ryan asked for public comment, and, hearing none, he asked for the staff report.

Mr. Panfil submitted the staff report to the public record in its entirety. Mr. Panfil stated that in 1988, a conditional use for a planned development was granted for 707 E. Butterfield Road to allow for a ten (10) story 230,000 square foot hotel. Section One of Ordinance Number 3009 specifically allowed for an increase in the floor area ratio to 1.20, a reduction in the amount of required parking spaces from 297 to 288 spaces, and the construction of 260 suites. When the hotel was completed in 1989, it had its own access point on Butterfield Road and provided 289 parking spaces.

Mr. Panfil stated that it was not until a recent due diligence review that the petitioner identified two nonconforming conditions regarding the amount of on-site parking spaces and the number of suites allowed within the hotel.

The change in the amount of parking spaces provided is related to the development of Technology Drive. Two (2) new access points to the hotel were created off of Technology Drive

and the access point on Butterfield Road was closed. The changes to the site reduced the total number of parking spaces to 268. Mr. Panfil added that the original approval was for 260 suites, but the current total number of suites is 262.

Mr. Panfil stated that, unfortunately, neither the petitioner nor the Village have any records of building permits or site plan approvals associated with either of these changes. The petitioner is now seeking to make the site compliant by requesting approval of the existing conditions. Mr. Panfil emphasized that there are no proposed physical changes to the site.

Mr. Panfil stated that per the Lombard Zoning Ordinance, changes in an approved plan development that change the final governing agreements of the planned development require a public hearing before the Plan Commission.

Mr. Panfil stated that there were no issues or concerns expressed by the Inter-Departmental Review Committee.

Mr. Panfil concluded that staff finds the proposal to be consistent with the surrounding zoning and land uses, the objectives of the Zoning Ordinance, Embassy Suites Planned Development, and the intent of the Comprehensive Plan. As the request is to accept the subject properties as existing, there are no recommended conditions of approval.

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Sweetser commented that she found the petitioner's testimony to be sufficient.

Commissioner Cooper asked if 297 parking spaces would be required by Village Code if there were no parking variations granted. Mr. Panfil stated that the parking required by Village Code may actually be a slight bit higher, taking into consideration the two (2) extra suites that were constructed. Commissioner Cooper then asked the petitioner to confirm that in their experience the 262 parking spaces were sufficient, to which the petitioner replied in the affirmative.

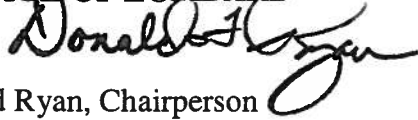
Commissioner Burke asked staff if the Village can confirm the petitioner's statement. Mr. Panfil responded that there are no records of any incidents or complaints due to insufficient parking.

Commissioner Cooper asked if it was possible the Village Code requires too much parking for hotels. Mr. Panfil stated that staff can research the issue.

On a motion by Commissioner Sweetser, and a second by Commissioner Cooper, the Plan Commission voted 6 to 0 to recommend that the Village Board approve the amendment to the Embassy Suites Planned Development to allow for a further reduction in the required number of parking spaces from 288 to 268 spaces and to increase the number of suites from 260 to 262, associated with PC 15-12, subject to no conditions.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink, appearing to read "Donald Ryan", written over the printed name below.

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

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PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

AMENDMENT TO ORD. NO. 3009 – 707 E. BUTTERFIELD ROAD

MAY 18, 2015

Title

PC 15-12

Petitioner

FelCor Lombard Hotel, LLC
c/o Jan Kuehnemann
545 E. John Carpenter Freeway,
Ste. 1300
Irving, TX 75062

Property Owner

Same as petitioner.

Property Location

707 E. Butterfield Road
(06-29-402-023)
Trustee District #3

Zoning

OPD – Office Planned
Development

Existing Land Use

Hotel

Comprehensive Plan

Mixed-Use Commercial & Office

Approval Sought

Amendment to Ord. No. 3009 to further reduce the required parking from 288 spaces to 268 spaces and to increase the number of suites from 260 to 262.

Prepared By

Matt Panfil, AICP
Senior Planner



DESCRIPTION

In 1988, a conditional use for a planned development was granted for 707 E. Butterfield Road to allow for a ten (10) story 230,000 square foot hotel. Section One of Ordinance No. 3009 specifically allowed for an increase in the floor area ratio to 1.20, a reduction in the amount of required parking spaces from 297 to 288 spaces, and the construction of 260 suites.

During a due diligence review, the petitioner identified two nonconforming conditions regarding the amount of on-site parking spaces and the number of suites allowed within the hotel.

When the hotel was completed in 1989, it had its own access point on Butterfield Road and provided 289 parking spaces. However, with the development of Technology Drive, two (2) new access points to the hotel were created off of Technology Drive and the access point on Butterfield Road was closed. The changes to the site reduced the total number of parking spaces to 268.

Also, upon acquisition of the property, the petitioner identified that 262 suites were constructed, not the 260 suites stipulated as the maximum by Ordinance No. 3009.

Unfortunately, neither the petitioner nor the Village have any records of building permits or site plan approvals associated with either of these changes.

LOCATION MAP

PROJECT STATS

Lot & Bulk

| | |
|----------------|-----------------|
| Parcel Size: | 3.85 acres |
| Building Area: | 230,000 sq. ft. |
| Bldg. Height: | 118.2' |
| Lot Coverage: | Approx. 74% |

**Reqd Setbacks & Lot Dimensions
- (Existing)**

| | |
|--------------|---------------|
| Front: | 40' (241.6') |
| Side: (East) | 10' (86.1') |
| Side: (West) | 10' (11.5') |
| Rear: | 25' (55.3') |
| Lot Width: | 200' (295.3') |

Parking Spaces

| | |
|---------|-------------------------|
| Demand: | 288 (per Ord. No. 3009) |
| Supply: | 268 (8 accessible) |

Submittals

1. Petition for a public hearing, submitted April 14, 2015;
2. Response to Standards for Planned Developments with Other Exceptions, submitted April 14, 2015;
3. Plat of Survey, prepared by American Surveying & Mapping, Inc., dated April 13, 2015 and submitted April 14, 2015; and
4. Site Plan, prepared by American Surveying & Mapping, Inc., dated April 8, 2015 and submitted April 14, 2015.

The petitioner is now seeking to make the site compliant by requesting approval of the existing conditions. There are no proposed physical changes to the site.

APPROVAL(S) REQUIRED

Per Section 155.504 (A) changes in an approved plan development that change the final governing agreements of the planned development shall require the Plan Commission to hold a public hearing and make a recommendation vote to the Village Board.

The petitioner is specifically requesting an amendment to Section One of Ordinance No. 3009 to further reduce the required parking from 288 spaces to 268 spaces and to increase the number of suites from 260 to 262.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the proposed amendment to the planned development.

Fire Department:

The Fire Department has no issues or concerns regarding the proposed amendment to the planned development.

Private Engineering Services (PES):

PES has no issues or concerns regarding the proposed amendment to the planned development.

Public Works:

The Department of Public Works has no issues or concerns regarding the proposed amendment to the planned development.

Planning Services Division (PSD):

The Planning Services Division notes the following:

1. Surrounding Zoning & Land Use Compatibility

| | Zoning Districts | Land Use |
|--------------|-----------------------------------|---|
| North | OPD | Office & Seminary |
| South | Interstate 88 & DuPage County R-3 | Interstate and Single-Family Residences |
| East | OPD | Fast-Food Restaurant & Hotel |
| West | OPD | Office, Restaurant, and Vacant Land |

In consideration that the hotel was consistent with the surrounding zoning and land uses at the time of its approval, and no other major physical changes to the site have occurred outside of the parking lot configuration and the minor increase in the total room count, planning staff finds that the proposed amendment is consistent with the surrounding zoning and land uses of the surrounding properties.

2. *Comprehensive Plan Compatibility*

Staff finds that because the proposed use has not changed, and said use has been in operation for over twenty (20) years without known incident, the hotel is still consistent with the Comprehensive Plan's recommendation of mixed-use commercial and office.

3. *Zoning Ordinance & Planned Development Compatibility*

Aside from the previously identified non-conformities, the site complies with all other lot, bulk, and setback standards established by either the Zoning Ordinance Office District or by Ordinance No. 3009.

Reduction in Parking

Staff can support the requested reduction in parking because the site has demonstrated the existing 268 parking spaces are sufficient for the operation of the hotel. While the relocation of the site's ingress and egress points reduced the overall amount of parking provided, the new locations provided for increased traffic safety and reduced congestion on Butterfield Road.

Increase in the Total Number of Units

While all documents associated with the original approval reference a 260 unit maximum, staff can support the requested increase in the number of units to 262 because over the course of more than twenty-five (25) years the hotel has demonstrated that the additional two units did not require a larger building footprint or increased square footage and have not produced a noticeable negative impact on traffic, noise, parking demand, etc.

SITE HISTORY

PC 87-08

Annexation, map amendment (rezoning), and approval of a conditional use for a planned development to allow for a ten (10) story, 260 unit, 230,000 square foot hotel with an associated increase in the maximum floor area ratio from 0.5 to 1.2, a reduction in the number of required parking spaces from 297 to 288 spaces.

FINDINGS & RECOMMENDATIONS

Staff finds the proposed amendment to the planned development to be consistent with the objectives of the Zoning Ordinance, Embassy Suites Planned Development, and the intent of the Comprehensive Plan in general.

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental

Review Committee 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 conditional use amendment **complies** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 15-12.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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EXHIBIT A – PROJECT NARRATIVE

(FelCor Lombard Hotel, L.L.C./Embassy Suites Chicago Lombard Hotel)

FelCor Lombard Hotel, L.L.C., a Delaware limited liability company (“FelCor”) is the owner of the property located at 707 E. Butterfield, Lombard, Illinois, which is operated as the Embassy Suites Chicago Lombard (the “Hotel Property”). In November of 1987, the Village of Lombard annexed the Hotel Property by virtue of Ordinance No. 3006 recorded in DuPage County, Illinois as document number R88-019572. As a planned development, the Village had placed certain site requirements on the Hotel Property through the filing of Ordinance No. 3009. During a recent due diligence review, non-confirming conditions regarding parking spaces and room/suite count were identified. The sole purpose of this application is to revise, address and correct the following two pre-existing non-confirming conditions. Our Petition for Public Hearing contains requests for two amendments as described below.

1. Ordinance No. 3009 (see Exhibit B) states that there are to be a minimum of 288 parking spaces. At the time of construction of the Hotel Property in the late 1980s, a site plan was approved which contained 289 parking spaces, and the project was constructed with 289 parking spaces with a single entrance at the north end of the Hotel Property providing ingress and egress to Butterfield Road. In the early 1990s, Waste Management, Inc. (“WMI”) acquired certain land located adjacent to and east of the Hotel Property with the intention of developing such land. In connection with the development of the WMI land and the related access issues caused by such development and as contemplated in Section 10(k) of Ordinance No. 3006, WMI and Embassy/GACL Lombard Venture (predecessor to FelCor and the then current owner of the Hotel Property) entered into an Access Easement Agreement dated April 28, 1993 and recorded in DuPage County Recorder’s Office as Document No. 93-103156, wherein, among other things, WMI granted to the owner of the Hotel Property an easement for access over, upon and across the portion of the land owned by WMI that would become what is now known as Technology Drive. In late 1993/early 1994, WMI proceeded with the development of the land and Technology Drive was constructed just to the east of the Hotel Property providing the Hotel Property with two new entrances, while the original entrance at the north end of the Hotel Property was closed off. Technology Drive was subsequently dedicated to the public in 1998 as part of the plat of the Homestead Village Subdivision. These changes to the ingress and egress of the Hotel Property caused a reduction in the number of available parking spaces contained within the Hotel Property creating the non-confirming condition. These changes to access which resulted in the loss of parking spaces created a safer traffic circulation pattern for the Hotel and the adjoining development to the east. The Hotel’s access on Butterfield Road was eliminated and all traffic now goes to Technology Drive. Access onto Butterfield Road is by a traffic light at the intersection of Butterfield Road and technology Drive. FelCor asks the Village to grant the amendment to reduce the requirement for parking spaces set forth in Ordinance No. 3009 from 288 to 268 parking spaces.

2. Ordinance No. 3009 [see Section 1 (Zoning) on page 1] set a not to exceed limit of 260 suites for the planned development of the Hotel Property. It is our understanding that the

Hotel Property was ultimately and finally constructed with 262 suites rather than the 260 suites contemplated in Ordinance No. 3009. There has not been any change to the number of suites since the original construction of the hotel. FelCor asks the Village to grant the amendment to increase the not to exceed limit of suites set forth in Ordinance No. 3009 from 260 to 262 suites.

It is our understanding that both conditions (i.e. the shortage of parking spaces and the surplus of guest suites) have existed for at least 20 years and FelCor is not intending to make any changes to the Hotel Property, its street access or the current parking configuration in connection with this application and the requested variances. This application is solely for the purpose of revising, addressing and correcting these two pre-existing non-conforming conditions.

EXHIBIT B – STANDARDS FOR PLANNED DEVELOPMENT WITH OTHER EXCEPTIONS

Response to applicable standards:

In Ordinance No. 3009, dated November 19, 1987 certain restriction were placed on the development of a hotel on our subject property.

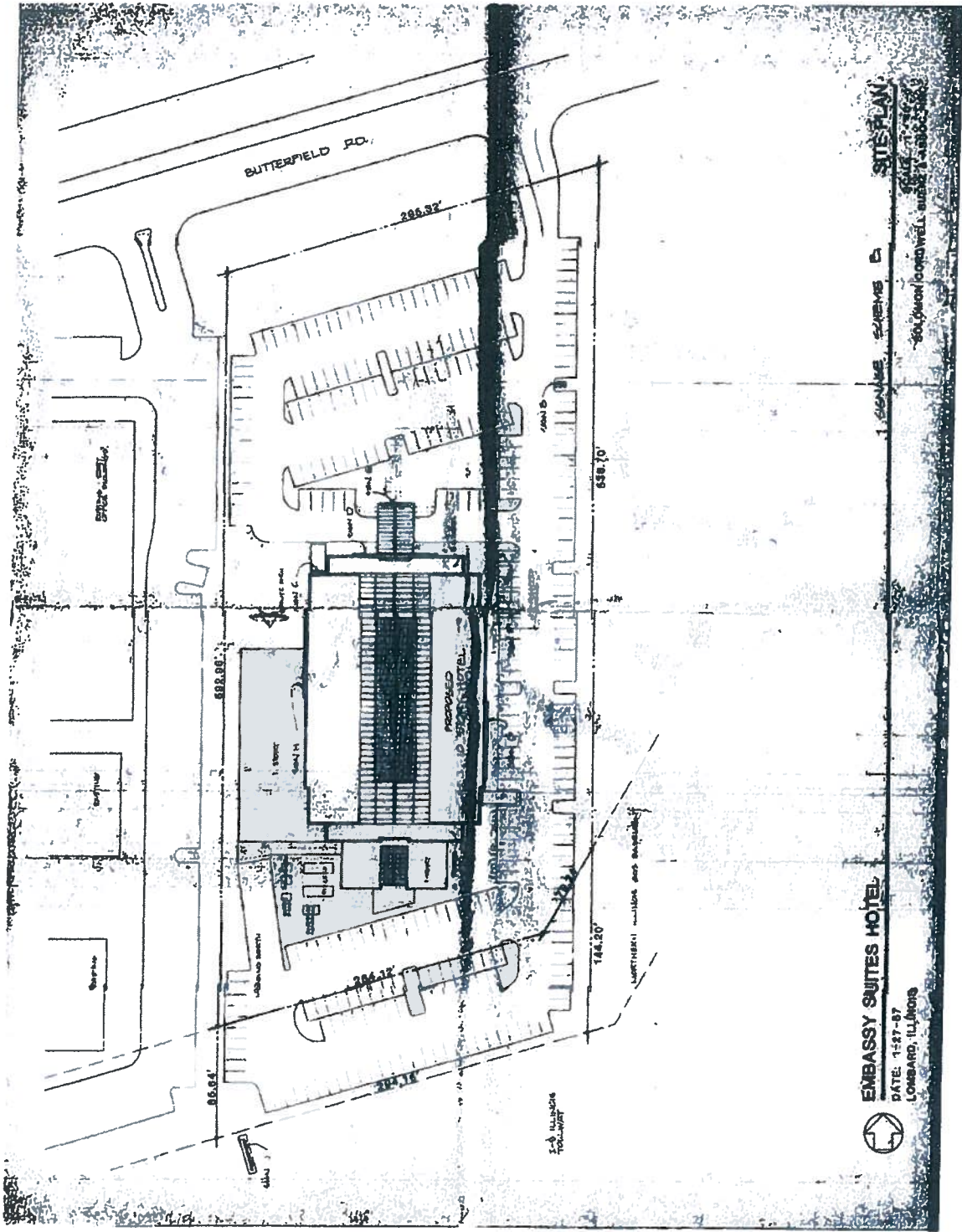
- a. The required number of parking spaces approved were 288. As a result of the reconfiguring of the access to the Hotel, 20 parking spaces were lost. This happened in or around late 1993 or early 1994. For over 20 years the property has operated as is and with no negative impact on the neighbors or the community. The current parking configuration has also been adequate to support the operation during that time.
- b. The maximum allowed number of units were approved at 260 however this hotel has been operating with 262 units since its inception. The addition of these two units has not had any impact on the community nor caused the structure to be in violation of any other items contained within the Planned Development.

Please find below our response to the Standards for Planned Developments with Other Exceptions.

1. Any reduction in the requirements of this Ordinance is in the public interest. *The reduction in the total parking count and the addition of the two suites has been in existence for over 20 years. To date we are not aware of any issues or complaints that have been lodged or filed by the public. The relocation of the Hotel access to Technology Drive created better traffic circulation and safety for the Hotel and the development to the east. Now all Hotel traffic goes to a traffic light on Butterfield Road. We would conclude that there is nothing within this application that affects the welfare or well-being of the public.*
2. The proposed exceptions would not adversely impact the value or use of any other property. *The two items that we are requesting have no impact on public interest so we would conclude that there would be no impact on value. The existing conditions have existed for 20 years with no impact on surrounding properties.*
3. That such exceptions are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding properties. *By granting this amendment it will allow the development to continue to operate in its current manner; one that for years has been cohesive with the neighborhood. As stated in # 1 above the new access onto Technology Drive which caused the elimination of parking spaces enhanced the public safety and welfare for the Hotel and the surrounding properties.*
4. That the overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district. *The addition of the two suites had no change on the building coverage. Therefore by allowing the two additional suites it has not changed the maximum coverage allowed in Ordinance No. 3009.*

5. That in residential planned developments the maximum number of dwelling units allowed shall not exceed by more than 40% the number of dwelling units permitted in the underlying district. *The subject property is commercial so this is not applicable.*
6. That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:
 - a. The front, side and rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater. *The location of the Hotel building is located in compliance with the original approved development plans and is currently in compliance with Ordinance No. 3009.*
 - b. All transitional yards and transitional landscape yards of the underlying zoning district are complied with. *The existing Hotel landscaping is consistent with the approved landscape plan submitted at the time of construction with the exception of the two new entrance areas that have been landscaped in accordance with the requirements established for the previous entrance at the time of the original approval.*
 - c. If required transitional yards and transitional landscape yards are not adequate to protect the privacy and enjoyment of property adjacent to the development, the Plan Commission shall recommend either or both of the following requirements:
 - i. All structures located on the perimeter of the planned development must set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses; *the subject development is in compliance with the original setback requirements established at the time of construction.*
 - ii. All structures located along the entire perimeter of the planned development must be permanently screened with sight-proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses. *There are no known screening requirements made as part of the Ordinance No. 3009 that established the planned development restrictions for this site. We believe that all of the requirements have been met.*
7. That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zone district. *There have been no changes to the development that would affect the open space requirements since the original site plan was approved.*

EXHIBIT C - PC 87-08 SITE PLAN

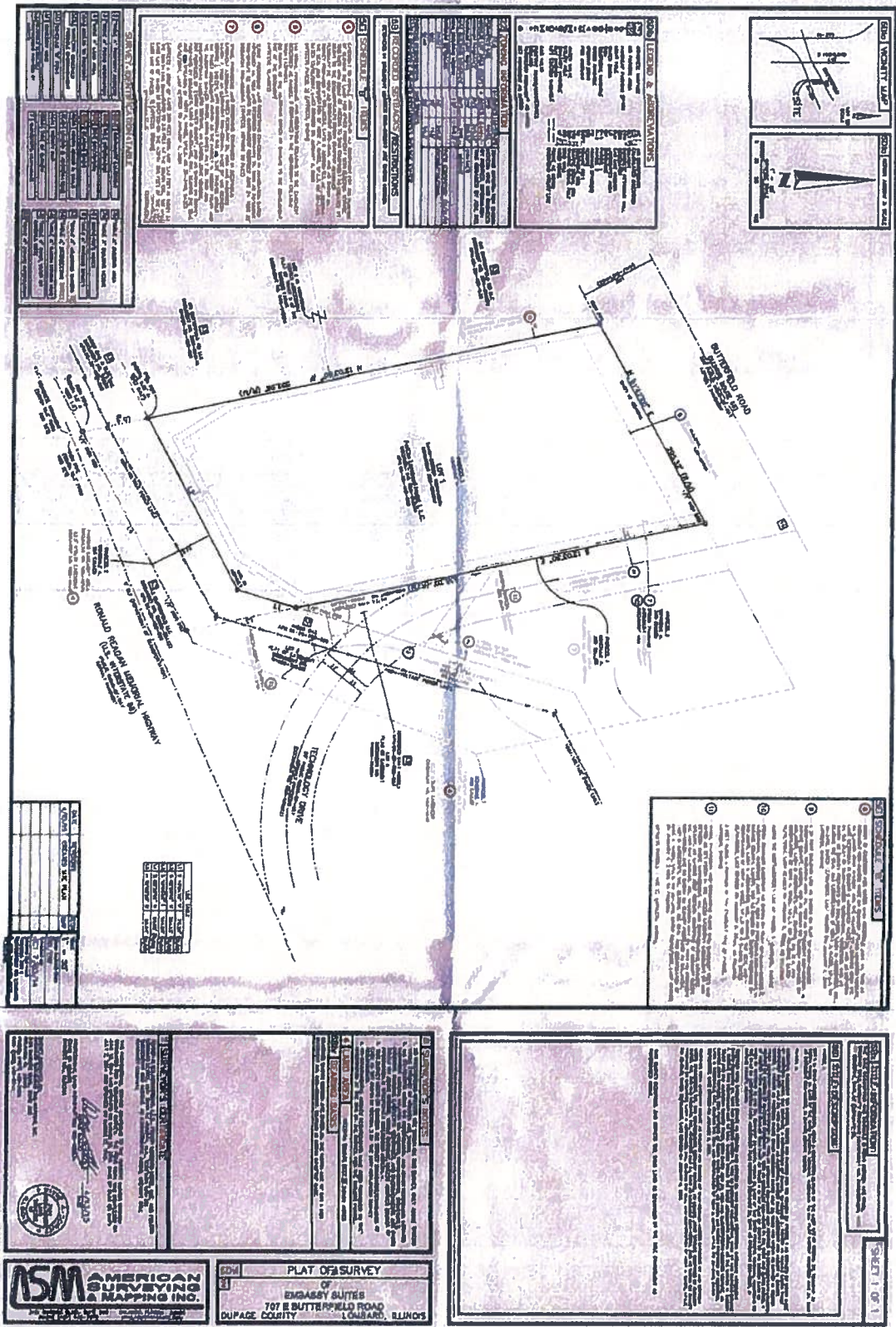


EMBASSY SUITES HOTEL
DATE: 1-27-87
LOMBARD, ILLINOIS

1. SIGNAGE, SCHEDULE B
SCALE
1" = 50' (LOOK NORTH WELL SURFACE) 1/8" = 1' (SEE PLAN)



EXHIBIT E – PLAT OF SURVEY



ASM AMERICAN SURVEYING & MAPPING, INC.
 707 E BUTTERFIELD ROAD
 DUPAGE COUNTY, ILLINOIS 60117
 (630) 261-1111
 www.asmsurveying.com

PLAT OF SURVEY
 OF
 EMBASSY SUITES
 707 E BUTTERFIELD ROAD
 DUPAGE COUNTY, ILLINOIS

Nowakowski, Tamara

From: Panfil, Matthew
Sent: Wednesday, May 20, 2015 11:29 AM
To: Nowakowski, Tamara
Subject: FW: PC 15-12 - 707 E Butterfield Rd - Embassy Suites

FYI

From: Mark Fuller [<mailto:mfuller@nddservices.com>]
Sent: Wednesday, May 20, 2015 11:28 AM
To: Panfil, Matthew
Cc: Elizabeth Blackwell; Jan Kuehnemann; Tracy D. Kasson
Subject: RE: PC 15-12 - 707 E Butterfield Rd - Embassy Suites

Matt,
Please accept this email as notification that Felcor would like to waive the First Reading and proceed to the Final Reading on the next Village Board of Trustees meeting scheduled for early June. If you would please let me know you received this email and that it is sufficient for your needs. Thank you for all your help in this matter.

Regards,
Mark Fuller

Mark A. Fuller
Director of Operations
National Due Diligence Services
A Division of American Surveying and Mapping
(O) 407-426-7979 ext. 139
(C) 405-476-9046
mfuller@nddservices.com

From: Panfil, Matthew [<mailto:PanfilM@villageoflombard.org>]
Sent: Wednesday, May 20, 2015 11:32 AM
To: mfuller@asmcorporate.com
Subject: PC 15-12 - 707 E Butterfield Rd - Embassy Suites

Mark:

Sorry I missed your call, but a simple e-mail reply requesting a waiver of First Reading would be all that is necessary.

Thank you,

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A MAJOR AMENDMENT TO A
PLANNED DEVELOPMENT PURSUANT TO TITLE 15, CHAPTER
155, SECTION 155.504 OF THE LOMBARD VILLAGE CODE FOR THE
EMBASSY SUITES PLANNED DEVELOPMENT, AS ESTABLISHED
BY ORDINANCE NO. 3009, ADOPTED NOVEMBER 19, 1987**

(PC 15-12: 707 E. Butterfield Road)

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

WHEREAS, the property legally described in Section 1 below is located at 707 E. Butterfield Road and is zoned OPD Office Planned Development; and,

WHEREAS, on November 19, 1987, the Corporate Authorities approved Ordinance Number 3009, which granted approval of a conditional use for a planned development with an increase in the floor area ratio to 1.20, a reduction in the number of required parking spaces from 297 to 288 spaces, and the right to construct a 230,000 gross square feet, ten-story, 260-suite Embassy Suites Hotel; and,

WHEREAS, Title 15, Chapter 155, Section 155.504 of the Lombard Village Code allows for amendment of an ordinance granting a conditional use for a Planned Development after a public hearing before the Village's Plan Commission; and,

WHEREAS, an application has heretofore been filed requesting approval of a major amendment to a planned development, as established by Ordinance Number 3009, adopted November 19, 1987, to further reduce the number of required parking spaces from 288 to 268 spaces and to increase the maximum number of suites allowed from 260 to 262 as set forth in Section 1 below, on the property described in Section 1 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on May 18, 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 petition as 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 follow:

SECTION 1: That Section One of Ordinance Number 3009 is amended to read in its entirety as follows:

“Section 1: That the property legally described as follows:

Parcel 1:

LOT 1 IN SHAW-BOEGER SUBDIVISION, BEING A SUBDIVISION IN PART OF THE EAST ½ OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 24, 1988 AS DOCUMENT R88-066897, IN DUPAGE COUNTY, ILLINOIS.

Parcel 2:

PERPETUAL EASEMENT FOR INGRESS, EGRESS AND PARKING FOR THE BENEFIT OF PARCEL 1 AS CREATED BY GRANT MADE BY NORTHERN ILLINOIS GAS COMPANY, A CORPORATION OF ILLINOIS, TO BERNICE L. BOEGER AS TRUSTEE UNDER TRUST AGREEMENT DATED JULY 28, 1980 AND KNOWN AS ALBERTINA BOEGER TRUST AGREEMENT AND HARVEY W. BOEGER TRUST AGREEMENT RECORDED FEBRUARY 26, 1988 AS DOCUMENT R88-19576 AND ASSIGNED TO EMBASSY/SHAW LOMBARD VENTURE BY INSTRUMENT RECORDED FEBRUARY 26, 1988 AS COUMENT R88-19581 IN, ON, OVER AND ALONG PARCEL 4 OF BOEGER FARM ASSESSMENT PLAT OF THAT PART OF TRACT 4 IN THE PLAT OF SURVEY OF THE BOEGER FARM OF PART OF SECTIONS 28 AND 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID BOEGER FARM ASSESSMENT PLAT RECORDED FEBRUARY 26, 1988 AS DOCUMENT R88-19571, IN DUPAGE COUNTY, ILLINOIS.

TOGETHER WITH: EASEMENT ESTATE AS CREATED AND DEFINED BY THAT CERTAIN RECIPROCAL EASEMENT

AGREEMENT DATED FEBRUARY 26, 1988 AND RECORDED MARCH 7, 1988 AS DOCUMENT R88-022404, MADE BY AND BETWEEN BERNICE L. BOEGER, NOT INDIVIDUALLY BUT AS SOLE TRUSTEE UNDER THE TRUST AGREEMENTS KNOWN AS THE HARVEY W. BOEGER TRUST AND THE ALBERTINA BOEGER TRUST, BOTH DATED JULY 28, 1980 AND EMBASSY/SHAW LOMBARD VENTURE, AN ILLINOIS JOINT VENTURE, FOR PURPOSES OF STORM WATER RUNOFF, AS SHOWN ON SURVEY PREPARED BY BOLLINGER, LACH & ASSOCIATES, INC., BEARING THE SEAL AND CERTIFICATION OF KENT A. NAGEL, I.P.L.S. NO 35-3410, DATED 12/19/2007, LAST REVISED ON JANUARY 8, 2008.

TOGETHER WITH: EASEMENT ESTATED AS CREATED AND DEFINED BY THAT CERTAIN ACCESS EASEMENT BY AND BETWEEN WASTE MANAGEMENT, INC. AND EMBASSY/GACL LOMBARD VENTURE, AN ILLINOIS JOINT VENTURE COMPOSED OF EMBASSY SUITES, INC. AND GAC LOMBARD, INC., RECORDED MAY 24, 1993 AS DOCUMENT R93-103156, AND AS SHOWN ON SURVEY PREPARED BY BOLLINGER, LACH & ASSOCIATES, INC., BEARING THE SEAL AND CERTIFICATION OF KENT A. NAGEL, I.P.L.S. NO 35-3410M DATED 12/19/2007, LAST REVISED ON JANUARY 8, 2008.

Parcel Number(s): 06-29-402-023

be and is hereby granted a conditional use to increase the floor area ratio to 1.20, reduce the required parking from 297 to ~~288~~ 268 spaces and to construct a 230,000 square feet, ten-story, ~~260~~ 262- suite Embassy Suites Hotel subject to the following conditions:

- A. Adherence to the site plan prepared by Solomon, Cordwell, Buenz and Associates, Inc. dated 2/9/87 and most recently revised 3/3/87;
- B. Adherence to the building plans prepared by Solomon, Cordwell, Buenz and Associates, Inc. dated 2/9/87;
- C. Adherence to the landscape plans prepared by Solomon, Cordwell, Buenz and Associates, Inc. dated 2/9/87 and most recently revised 3/3/87;

- D. Subject to review and approval of final engineering by the Department of Public Works;
- E. That the petitioner continue conscientious efforts to acquire additional property for landscaping; and
- F. The conditional use shall expire one (1) year from the date of passage of this ordinance if no steps have been taken to develop the site in accordance with the conditional use."

SECTION 2: 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 _____, 2015.

First reading waived by action of the Board of Trustees this _____ day of _____, 2015.

Passed on second reading this _____ day of _____, 2015, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2015.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Ordinance No. _____
Re: PC 15-12
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Published in pamphlet from this _____ day of _____, 2015.

Sharon Kuderna, Village Clerk