

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) \_\_\_\_\_  
*Waiver of First Requested*

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: May 10, 2006 (BOT) Date: May 18, 2006

TITLE: PC 06-15: 355 South Westmore-Meyers Road

SUBMITTED BY: Department of Community Development *DL*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests approving a map amendment rezoning the subject property from the R2 Single Family Residential District to the R3 Attached Single Family Residential District. This Ordinance will also approve by reference and exhibit a Development Agreement that will tie the proposed site plans to the subject property. (DISTRICT #5)

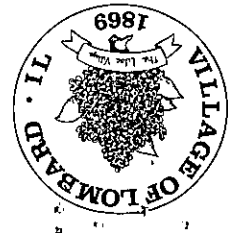
The Plan Commission recommended approval of this request with one condition.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	<i>William T. Lichter</i>	Date	<i>5/10/06</i>

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, Director of Community Development *DLH*

**DATE:** May 18, 2006

**SUBJECT:** PC 06-15: 355 South Westmore-Meyers Road

Attached are the following items for Village Board consideration as part of the May 18, 2006 Village Board meeting:

1. Plan Commission referral letter;

2. IDRC report for PC 06-15;

3. An Ordinance granting approval of a map amendment rezoning the property from the R2 Single-Family Residence District to the R3 Attached Singly-Family Residence District. This Ordinance will also approve by reference and exhibit a development agreement that will tie the proposed site plans to the subject property.

Please let me know if you have any questions on the aforementioned materials.

**VILLAGE OF LOMBARD**  
 255 E. Wilson Avenue  
 Lombard, IL 60148-3926  
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 TDD: (630) 620-5812  
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Village President  
 William J. Mueller

Village Clerk  
 Brigitte O'Brien

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

Trustees  
 Greg Alan Gron, Dist. 1  
 Richard J. Tross, Dist. 2  
 John "Jack" T. O'Brien, Dist. 3  
 Steven D. Seby, Dist. 4  
 Kenneth M. Florey, Dist. 5  
 Rick Soderstrom, Dist. 6

Dear President and Trustees:

**Subject: PC 06-15; 355 S. Westmore-Meyers Road**

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village approve a map amendment rezoning the subject property from the R2 Single Family Residential District to the R3 Attached Single Family Residential District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 17, 2006. John Novak, 215 E. Hickory Street, Lombard, IL, petitioner, presented the petition. He noted this petition pertains to a rezoning of the property at the northeast corner of Westmore-Meyers Road and Woodrow Avenue. The property is currently zoned R2 and is improved with a single-family residence that does not meet current building setbacks along Westmore-Meyers Road. He is proposing to redevelop the site with an attached single-family residence. He noted that the property abuts lots with R3 and R4 zoning.

He then described the site plan and building elevations. The intent of the building design is to be compatible with the attached single family homes on Westmore-Meyers and the detached residences on Woodrow. He proposes to downplay the impact of the garages by placing one garage on Westmore-Meyers and the other on the Woodrow elevation. The building will appear to have two front elevations. The elevations will be consistent and sensitive to the surrounding uses, as referenced on the submitted building elevations. The larger elevation is the streetscape off of Westmore-Meyers. It has a two-car garage, but it really will be a three-car tandem garage to eliminate vehicles on the outside driveway. He showed where the partition between the two residences. The south elevation has a 16-foot wide garage and front door off of Woodrow. The south unit will be the smaller of the two units. His idea is an example as other properties could be developed to de-emphasize the garage. The project follows the trend of higher densities along Westmore-Meyers.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

He stated the map amendment request is consistent with development along Westmore-Meyers and the Comprehensive Plan. He is locating the structure thirty feet off of the properties to the east to provide for the required transitional yard.

Chairperson Ryan then opened the meeting for public comment. No one spoke in favor or against the petition. He then requested the staff report.

William Heniff, Senior Planner, presented the staff report which was submitted to the public record. The subject property is located at the northeast corner of Westmore-Meyers Road and Woodrow Avenue, and is currently improved with a single family residence. The existing residence is currently legal non-conforming with respect to the corner side and rear yards. The petitioner proposes to redevelop the site with a new duplex building based upon the submitted plans. To facilitate this development, the petitioner is seeking a map amendment to rezone the property from the R2 District to the R3 District, consistent with the zoning on the properties immediately north of the subject property. No additional zoning relief is sought as part of this petition.

The Comprehensive Plan map shows this area within the low density residential designation, which calls for development densities of up to six dwelling units and generally consists of single family residences. The petitioner's property is 13,440 square feet in area, which computes to 6,720 square feet per unit or approximately 6.48 units per acre. While this is slightly higher than the plan designation, staff notes that the abutting duplexes to the north of the subject property have higher development densities than that which is proposed by the petitioner. As such, staff believes that the development can be considered consistent with the Comprehensive Plan in considered in the context to the surrounding development activity.

He then discussed a previous zoning petition (PC 99-03) pertaining to the petitioner's property as well as others abutting the site. That case included a rezoning for a larger number of properties and for rezoning of several properties along Woodrow. That petition was opposed by a number of residents along Woodrow, citing excessive development densities. This proposal differs from the 1999 petition as it only consists of rezoning of the subject property, which has frontage along Westmore-Meyers Road. Moreover, this petition will meet all setbacks and the plan will include a transitional landscape yard to buffer the duplex from the adjacent residences on Woodrow.

He then referred to the standards for maps amendments and noted that the rezoning would be compatible with adjacent properties. The properties immediately north of and abutting the subject property are developed as duplex units as well. South of the property is R4 property developed as a church and an apartment building. To incorporate the proposed development with the single family detached units along Woodrow, the petitioner designed the principal building with two front elevations, giving the building the appearance of a single family detached residence.

The rezoning would make the property similar in zoning designation as many other properties with front yards abutting Westmore-Meyers Road. As the lot is the only lot zoned R2 fronting

Westmore-Meyers south of Maple and north of Woodrow, the rezoning would be consistent with other adjacent lots fronting Westmore-Meyers. The development can also be considered compatible with the adjacent R2 properties through the inclusion of a thirty-foot transitional yard at the east end of the property.

In consideration of the standards, staff believes this is an appropriate zoning designation for this property as it is consistent with the Comprehensive Plan designation and with the R3 and R4 zoning designations along the east side of Westmore-Meyers Road. Moreover, as this proposal is located within an established neighborhood and the petitioner's ability to acquire additional land is not possible, the development proposal can be supported.

Chairperson Ryan then opened the meeting for public comment among the Plan Commissioners.

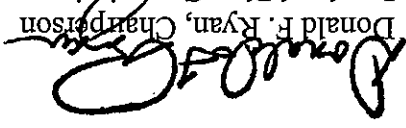
Commissioner Olbrish stated that he likes the design of the duplex and that it would fit nice into the neighborhood. The request meets the standards for rezonings and he does not have a problem with the petition.

Commissioner Sweetser agreed with his comments. This design serves a number of purposes and it is something that we should see more of in the future. Given the existing zoning designations along Westmore-Meyers, the map amendment makes sense.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition complies with the standards required by the Lombard Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5-0, recommended to the Corporate Authorities approval of the petition associated with PC 06-15 subject to the following condition:

1. The petitioner shall enter into a development agreement with the Village for the subject property. The agreement shall set forth the development parameters for the proposed development and shall tie the petitioner's proposed development plans to the approval of the map amendment.

Respectfully,

**VILLAGE OF LOMBARD**  
  
 Donald F. Ryan, Chairperson  
 Lombard Plan Commission

att-

c. Petitioner

Lombard Plan Commission

**VILLAGE OF LOMBARD  
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

**TO:** Lombard Plan Commission

**FROM:** Department of Community Development  
**PREPARED BY:** William J. Heniff, AICP  
Senior Planner

**HEARING DATE:** April 17, 2006

**TITLE**

**PC 06-15; 355 South Westmore-Meyers Road:** The petitioner requests that the Village approve a map amendment rezoning the subject property from the R2 Single Family Residential District to the R3 Attached Single Family Residential District.

**GENERAL INFORMATION**

**Petitioner:** John Novak/Fine Home Builders  
215 E. Hickory Street  
Lombard, IL 60148

**Property Owner:** Novak-Janis L.L.C.  
215 E. Hickory Street  
Lombard, IL 60148

**Relationship to Property Owner:** Purchaser/Owner – title held in L.L.C.

**PROPERTY INFORMATION**

**Existing Land Use:** Single Family Residence

**Size of Property:** 0.31 acres

**Comprehensive Plan:** Recommends Low Density Residential (up to 6 dwelling units per acre)

**Existing Zoning:** R2 Single Family Residence District

**Surrounding Zoning and Land Use:**

**North:** R3 Attached Single Family Residence District; developed as duplex units.  
**South:** R4 Limited General Residence District; developed as a religious institution

East:	R2 Single Family Residence District; developed as detached single family residences.
West:	R2 Single Family Residence District; developed as detached single family residences.

### ANALYSIS

### SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development on March 6, 2006:

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Preliminary Site Plan and Building elevations, prepared by Marshall Architects, dated March 5, 2006.

### BACKGROUND

The subject property is located at the northeast corner of Westmore-Meyers Road and Woodrow Avenue and is currently improved with a single family residence. The existing residence is currently legal non-conforming with respect to the corner side and rear yards. The petitioner is proposed to redevelop the site with a new duplex building based upon the submitted plans. To facilitate this development, the petitioner is seeking a map amendment to rezone the property from the R2 District to the R3 District, consistent with the zoning on the properties immediately north of the subject property. No additional zoning relief is sought as part of this petition.

### INTER-DEPARTMENTAL REVIEW COMMENTS

### ENGINEERING

Private Engineering Services Division  
From an engineering or construction perspective, the Private Engineering Services Division has no comments on the petition.

Public Works  
The Engineering Division of the Public Works Department does not have any comments regarding the petition.

**FIRE AND BUILDING**

The Bureau of Inspectional Services has no comments on the petition.

**PLANNING**

Conformance with the Comprehensive Plan

The Comprehensive Plan map shows this area within the low density residential designation, which calls for development densities of up to 6 dwelling units and generally consists of single family residences. The petitioner's property is 13,440 square feet in area, which computes to 6,720 square feet per unit or approximately 6.48 units per acre. While this is slightly higher than the plan designation, staff notes that the abutting duplexes to the north of the subject property have development densities (5,600 sq. ft. per unit or 7.79 units per acre) that are equal to or slightly higher than that which is proposed by the petitioner. As such, staff believes that the development can be considered consistent with the Comprehensive Plan in considered in the context to the surrounding development activity.

Conformance with the Zoning Ordinance

The rezoning of the property from the R2 to the R3 Attached Single-Family Residence District is intended to reflect the proposed development plans for the site.

For reference purposes, the site and the development plan have the following characteristics:

	R-2 District Regulations	As Constructed	R-3 District Regulations	As Proposed
Lot Area Requirements	7,500 sq. ft.	13,440 sq. ft.	7,500 sq. ft./2 = 3,750	6,720 sq. ft. per unit
Front Yard Setback (Westmore-Meyers)	30 feet	27.2 feet (legal non-conforming)	30 feet	30 feet
Corner Side Yard Setback (Woodrow)	20 feet	13 feet (legal non-conforming)	20 feet	20 feet
Rear Yard	35 feet	12.9' to detached garage; approx. 55' to house	30 feet bldg. & transitional yard setback	30 feet
Interior Side Yards	6 feet	Approx. 60 feet	6 feet	10 feet

In consideration of a map amendment request, staff offers the following comments relative to the standards for variations:

1. *Compatibility with existing uses of property within the general area of the property in question;*



The properties immediately north of and abutting the subject property are developed as duplex units as well. South of the property is R4 property developed as a church and an apartment building. To incorporate the proposed development with the single family detached units along Woodrow, the petitioner designed the principal building with two front elevations, giving the building the appearance of a single family detached residence.

2. *Compatibility with the zoning classification of property within the general area of the property in question;*

As the existing zoning map shows, the subject property is the only R2 zoned property fronting on the east side of Westmore-Meyers Road. The properties to the north are zoned R3 and south of the site properties are zoned R4. The rezoning would make the property similar in zoning designation as many other properties with front yards abutting Westmore-Meyers Road.

3. *The suitability of the property in question to the uses permitted under the existing zoning classification;*

The existing zoning is reflective of the existing development on the property. The subject property could remain as a single family residential property, and the amendment would not preclude future development on the property as a single family residence. However, as the lot is the only lot zoned R2 fronting Westmore-Meyers south of Maple and north of Woodrow, the rezoning would be consistent with other adjacent lots fronting Westmore-Meyers.

4. *Consistency with the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification;*

Four duplex units were constructed immediately north of the subject property in 1999 and 2000 (relief was granted to the interior side yard to facilitate this development). A lot width variation was granted for the R2 property at 1034 Woodrow Avenue in 2003, to allow for a new residence on a lot of 53.5 feet in width.

5. *The compatibility of the surrounding property with the permitted uses listed in the proposed zoning classification;*

The properties to the north have the same zoning as what is requested by the petitioner. The property to the south has a higher zoning classification than requested by the petitioner. The development can be considered compatible with the adjacent R2 properties through the inclusion of a thirty-foot transitional yard at the east end of the property.

6. *The objectives of the current Comprehensive Plan for the Village of Lombard and the impact of the proposed amendment of the said objectives;*

As noted above, the development can be considered compatible with the objectives of the Plan.

7. *The suitability of the property in question for permitted uses listed in the proposed zoning classification.*

The R3 district differs from the R2 district by allowing for attached single-family residences. In the R2 district, attached single family residences are only permitted when abutting B-zoned properties.

In consideration of the standards, staff believes this is an appropriate zoning designation for this property as the designation is consistent with the Comprehensive Plan designation and is consistent with the R3 and R4 zoning designations along the east side of Westmore-Meyers Road. Moreover, as this proposal is located within an established neighborhood and the petitioner's ability to acquire additional land is not possible (or not desired along Woodrow Avenue), the development proposal can be supported.

**Compatibility with the Subdivision and Development Ordinance**

The development will meet all requirements of the Subdivision and Development Ordinance.

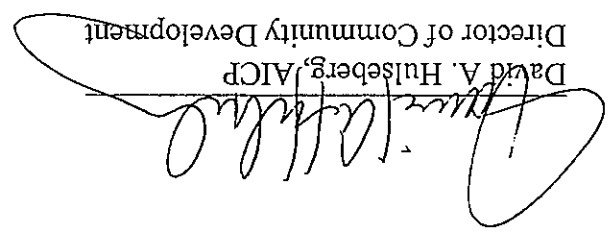
**FINDINGS AND RECOMMENDATIONS**

Staff finds that the proposed map amendment meets the requirements of the Zoning Ordinance. Based on the above considerations, 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 proposed map amendment meets the requirements of the Lombard Zoning Ordinance, and therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission, and recommend to the Corporate Authorities **approval** of PC 06-15, subject to the following condition:

1. The petitioner shall enter into a development agreement with the Village for the subject property. The agreement shall set forth the development parameters for the proposed development and shall tie the petitioner's proposed development plans to the approval of the map amendment.

Inter-Departmental Review Group Report Approved By:

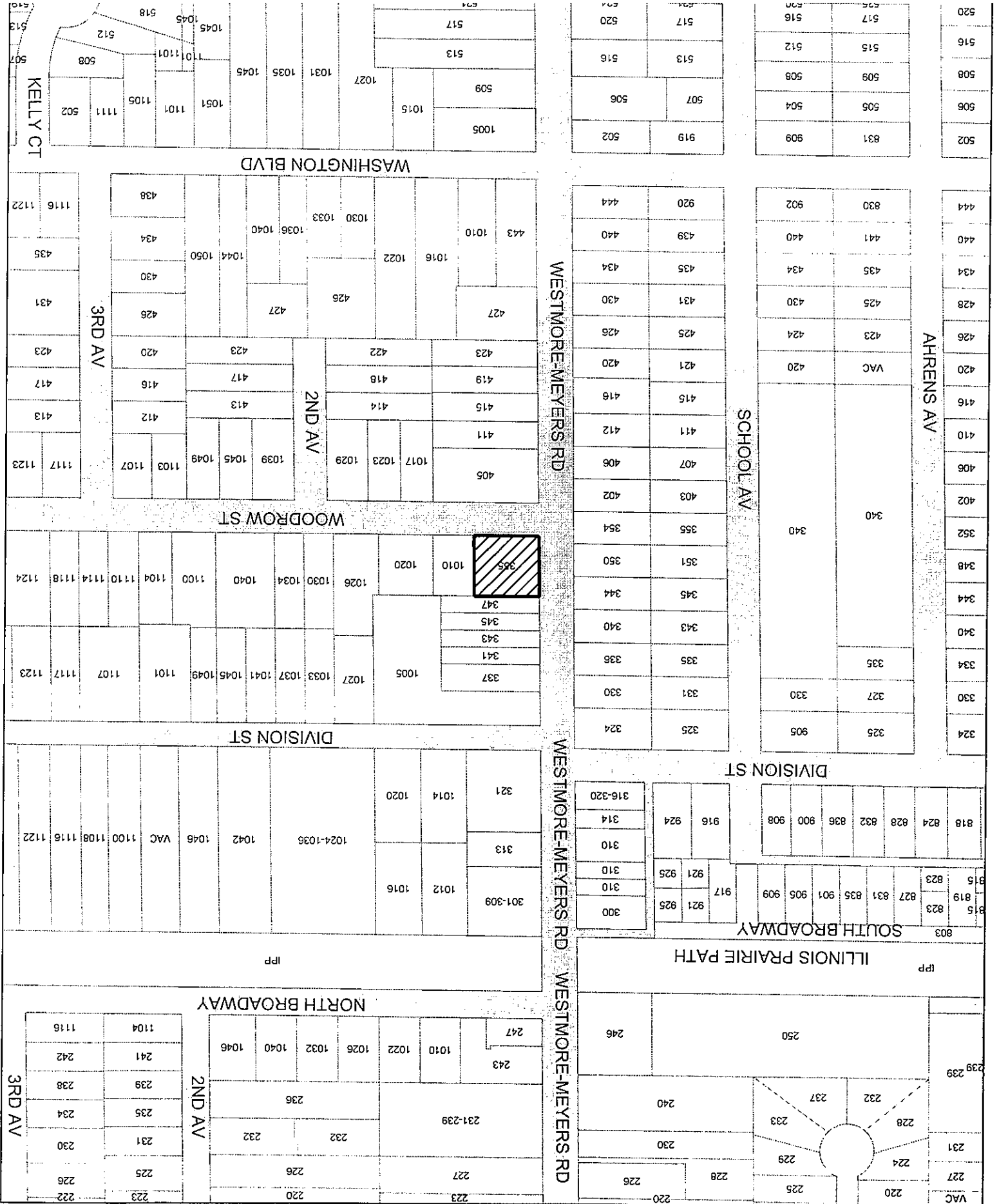


David A. Huliseberg, AICP  
Director of Community Development

c: petitioner

# Location Map

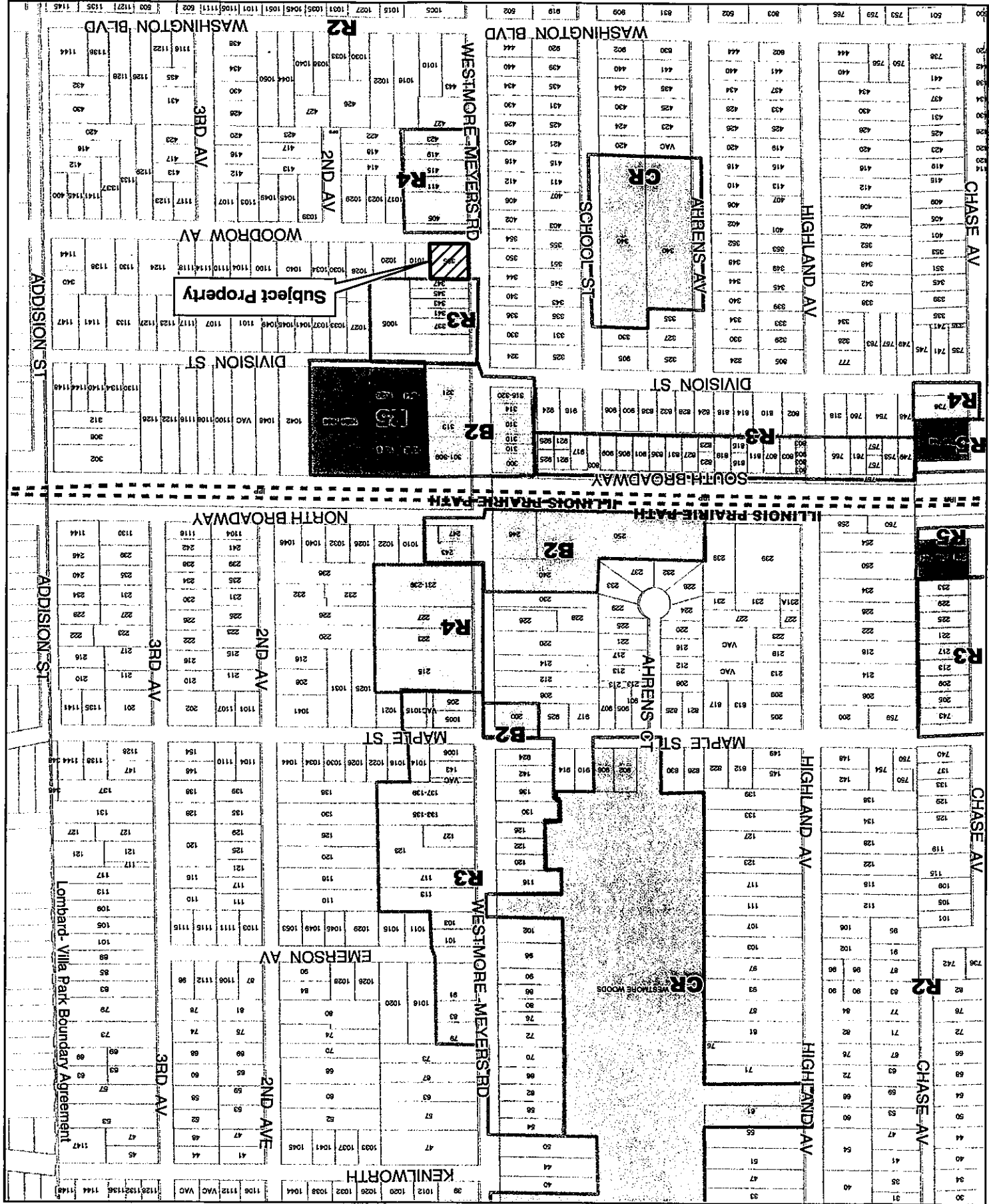
PC 06-15



# Zoning Map



NOT TO SCALE



AN ORDINANCE APPROVING A MAP AMENDMENT (REZONING)  
TO THE LOMBARD ZONING ORDINANCE  
TITLE XV, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS

(PC 06-15: 355 S. Westmore-Meyers Road)

(See also Ordinance No.(s) \_\_\_\_\_)

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

WHEREAS, an application has heretofore been filed requesting a map amendment for the purpose of rezoning the property described in Section 2 hereto from the R2 Single-Family Residence District to R3 Attached Single-Family District; and,

WHEREAS, a public hearing thereon has been conducted by the Village of Lombard Plan Commission on April 17, 2006 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 rezoning 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 Title XV, Chapter 155 of the Code of Lombard, Illinois, otherwise known as the Lombard Zoning Ordinance, be and is hereby amended so as to

rezone the property described in Section 2 hereof from the R-2 Single-Family Residence District to the R-3 Attached Single-Family Residence District.

SECTION 2: This ordinance is limited and restricted to the property generally located at 355 South Westmore-Meyers Road, Lombard, Illinois and legally described as follows:

Lot 1 in Charles Heilig's Resubdivision of Lot 8 on County Clerk's Assessment Plat in the southwest quarter of Section 9, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded March 25, 1971 as Document R71-11263, in DuPage County, Illinois.

Parcel Index Number: 06-09-309-033

SECTION 3: That the official zoning map of the Village of Lombard be changed in conformance with the provisions of this ordinance.

SECTION 4: That the approval of the map amendment as set forth herein shall be subject to the provisions of a development agreement; said agreement attached as Exhibit A and made a part hereof.

SECTION 5: 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: \_\_\_\_\_

Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2006

Brigitte O'Brien, Village Clerk



**EXHIBIT A**  
**DEVELOPMENT AGREEMENT**  
**355 SOUTH WESTMORE-MEYERS ROAD**  
**AN AGREEMENT RELATING TO THE DEVELOPMENT AT**  
**355 SOUTH WESTMORE-MEYERS ROAD, LOMBARD, ILLINOIS**

**THIS AGREEMENT** (hereinafter, the "Development Agreement") is made and entered into this \_\_\_\_ day of May, 2005 by and between the **VILLAGE OF LOMBARD**, an Illinois municipal corporation (hereinafter referred to as "Village"), and **NOVAK-JANIS L.L.C.**, an Illinois limited liability company, (hereinafter referred to as "Developer").

**WITNESSETH:**

**WHEREAS**, the Developer is the owner and developer of the real estate situated within the corporate limits of the Village, legally described in Exhibit 1 attached hereto and made a part hereof and located at 355 South Westmore-Meyers Road (hereinafter referred to as the "Subject Property"), and intends to develop the Subject Property in accordance with the terms and provisions of this Development Agreement; and

**WHEREAS**, a preliminary site plan and building elevations prepared by, prepared by Marshall Architects, dated March 5, 2006 (hereinafter referred to as the "Site Plan") for construction of a single-family attached dwelling, consisting of two (2) units, on the Subject property has been submitted to the Village for approval (hereinafter referred to as the "Project"); and,

**WHEREAS**, to facilitate the development of the Project, the Developer has submitted a request for approval of a map amendment to rezone the Subject Property from the R2 Single-Family Residence District to the R3 Attached Single-Family Residence District; and

**WHEREAS**, the requested map amendment and the corresponding Site Plan, have been approved by the President and Board of Trustees of the Village (hereinafter, the "Corporate Authorities"), and copies thereof have been filed in the office of the Village Clerk of the said Village, which copies by reference thereto are hereby incorporated as a part hereof. A final version of the Site Plan will be submitted by the Developer to the Village for approval, which approval shall be a condition precedent to the issuance of any construction or authorization to proceed with construction as discussed hereinafter; and,

**WHEREAS**, the Developer has entered into contracts or will enter into contracts for the work and any requisite public improvements required to be made relative to the Project on the Subject Property under the Village's Subdivision and Development Ordinance (Chapter 154 of the Village Code), this Development Agreement governing the development of the Subject Property, which is entered into between the parties hereto of even date herewith;

**NOW, THEREFORE**, for and in consideration of the foregoing and of the mutual covenants and agreements hereinafter set forth, the parties hereto agree as follows:

**SECTION 1:**

**APPROVED SITE PLAN**

Developer agrees to develop the Subject Property consistent with the Site Plan and building elevations (hereinafter collectively the "Development Plans") attached hereto as Exhibit 2 and made a part hereof. Minor alterations to the Development Plans, as determined by the Lombard Director of Community Development, shall be deemed acceptable for purposes of meeting the intent of this Section.

**SECTION 2:**

**COMMENCEMENT OF CONSTRUCTION**

Commencement of construction of the public improvements detailed herein may begin only after the Developer has delivered one or more Irrevocable Letter(s) of Credit in a form satisfactory to the Village and issued by a bank or financial institution approved by the Village in an amount equal to 115% of the Developer's estimate of cost of construction as approved by the Village's engineer for underground utilities (including water distribution system, sanitary sewer system, and storm sewers with appurtenances; storm water control systems; right-of-way improvements, streets, curbs, gutters, sidewalks, streetlights, and parkway landscaping); and all related grading improvements (hereinafter the "Public Improvements").

**SECTION 3:**

**CERTAIN OBLIGATIONS OF DEVELOPER**

The Developer agrees to cause to be made in relation to the Project on the Subject Property, with due dispatch and diligence, such Public Improvements as are required under the aforesaid Subdivision and Development Ordinance. The Developer will, when required to, bring about progress in the work with due dispatch, take aggressive steps to enforce each contract connected with the construction of said Public Improvements, to the end that said Improvements will be duly and satisfactorily completed within the time or times herein mentioned. The Developer agrees that all work in the construction of said Public Improvements shall be done in a good, substantial and workmanlike manner, that all manufactured materials used therein shall be new and of good quality, that same shall at all times be subject to inspection by the Village, shall all be satisfactory to the Village and shall be subject to its approval. The Developer will at its expense furnish all necessary engineering services for said Public Improvements.

**SECTION 4:**

**COMPLETION OF PUBLIC IMPROVEMENTS**

The Public Improvements subject to the Irrevocable Letter(s) of Credit and included within the Development Plans shall be completed within twenty-four (24) months of the date of approval of this agreement for the Subject Property unless otherwise extended by amendment to this Development Agreement by the Corporate Authorities. All Irrevocable Letter(s) of Credit, assurances, guarantees, acceptances, and related matters shall comply with the Village's Subdivision and Development Ordinance. The construction of Public Improvements by the Developer and issuance of approvals by the Village shall comply with the following schedule:

A. Sediment and Erosion Control.

Sediment and erosion control measures shall be implemented as per the Subdivision and Development Ordinance prior to the issuance of building permits or authorization to proceed with mass grading or other public improvements to the Subject Property. Said measures shall be maintained during the entire construction, process and shall be inspected and repaired as necessary after each significant rainfall. Failure to do so may result in the issuance of a stop work order for any outstanding Public Improvements or building permits.

B. Tree Preservation Measures.

The Village will not impose a tree preservation requirement as a condition of this development. The Developer, however, will use reasonable efforts to preserve as many trees as is reasonably possible around the perimeter of the Subject Property. Any tree preservation measures may be applied toward meeting the transitional landscape requirements as set forth in Section 155.707(B)(1) of the Village Code.

C. Authorization to Proceed with Public Improvements.

Upon approval of the final plans for the proposed site improvements, receipt of all required fees, approval of the Irrevocable Letter(s) of Credit, recording of this Development Agreement and the final plat of subdivision of the Subject Property, and completion of items "A" and "B" above, authorization to construct all Public Improvements will be given by the Village in accordance with the Development Plans.

D. Issuance of Building Permits.

1) Foundation-Only Permits.

Foundation-only permits may be issued upon completion of adequate access to the corresponding building sites and the completion of underground utility work across the street frontage of the subject building site.

E. Certificates of Occupancy.

Issuance of a certificate of occupancy (hereinafter, a "Certificate of Occupancy") for a dwelling unit shall be issued upon satisfactory completion of the following:

1) Inspection and approval by the Village's Bureau of Inspectional Services;

2) Completion of the water distribution system into the proposed residences.

3) Completion of the sanitary sewer system to the building for which the Certificate of Occupancy is requested;

4) Subject to the provisions of Section 3.F.8 below, any sidewalk repair or replacements must be installed across the frontage of the Subject Property;

6) Subject to the provisions of Section 3.F.8 below, landscaping of the subject building site must be substantially completed, weather permitting, including parkway trees, final grading and ground cover;

7) Record drawings (as-builts) of the sanitary sewer and domestic water facilities required to serve the building shall be submitted and approved prior to issuance of the Certificate of Occupancy; and

8) A Certificate of Occupancy may be issued at the reasonable discretion of the Village's Director of Community Development during winter conditions notwithstanding the lack of 5) and/or 6) above, provided cash or its equivalent in the amount of 1.5% of the estimated cost to complete 5) and/or 6) above is posted to assure such completion.

F. Other Improvements.

1) All required landscaping and other Public Improvements shall be completed within twenty-four (24) months of the approval of this Agreement or prior to acceptance of the Public Improvements, whichever date occurs first.

H. Acceptance of Public Improvements/Basements.

1) Final record drawings ("as-builts"), including final grading and all utilities, shall be submitted for the review and approval of the Village's Director of Community Development prior to acceptance of the Public Improvements.

2) Engineer's Certification. The Developer's engineer is to certify that the storm water management system was constructed in accordance with the Village's flood control ordinances, and that the same was constructed substantially in accordance with the Plans and Specifications.

3) All deficiencies described in the final punch list shall be satisfactorily completed and approved by the Village's Directors of Public Works and Community Development.

**NOTICES**

**SECTION 8:**

It is expressly understood that this Agreement is conditional upon and subject to (1) the delivery to the Village of the document provided for in Section 1 from a financial institution reasonably approved by the Village, (2) approval of same by the Corporate Authorities, and (3) placing same in the Village's files.

**IRREVOCABLE LETTER(S) OF CREDIT**

**SECTION 7:**

Upon the Village's approval and acceptance of any new Public Improvements, same shall become the property of the Village and subject to its control. A formal dedication or conveyance of the Public Improvements to the Village shall be made by the Developer, if deemed necessary by the Corporate Authorities.

**DEDICATION OF PUBLIC IMPROVEMENTS**

**SECTION 6:**

Care shall be taken to avoid damage to existing public improvements, including but not limited to, utilities and curbs during construction. Any existing public improvement damaged during construction shall be repaired by the Developer at no cost to the Village and to the satisfaction of the Village and in substantial compliance with this Agreement and all relevant Village ordinances.

**CONSTRUCTION DAMAGE TO PUBLIC IMPROVEMENTS**

**SECTION 5:**

- 4) A maintenance guarantee in the form of an irrevocable letter of credit shall be submitted and approved. Said maintenance guarantee and irrevocable letter of credit shall comply with the Village's Subdivision and Development Ordinance.
- 5) The Public Improvements to be dedicated to the Village shall be accepted by the Corporate Authorities. Upon acceptance by the Corporate Authorities, the public Improvement installation guarantee (i.e., the Irrevocable Letter(s) of Credit) shall be returned to the Developer.
- 6) Upon inspection and determination that no deficiencies exist, the maintenance guarantee (irrevocable letter of credit), shall be returned at the time of its expiration.

All notices or demands to be given hereunder shall be in writing, and the mailing of any such notice or demand by Certified or Registered Mail. Said notices shall be provided as follows:

If to the Village or  
Corporate Authorities:  
President and Board of Trustees  
Village of Lombard  
255 East Wilson Avenue  
Lombard, Illinois 60148

With Copies to:  
Village Manager  
Village of Lombard  
255 East Wilson Avenue  
Lombard, Illinois 60148

Director of Community Development  
Village of Lombard  
255 East Wilson Avenue  
Lombard, Illinois 60148

Thomas P. Bayer  
Klein, Thorpe and Jenkins, Ltd.  
20 North Wacker Drive  
Suite 1660  
Chicago, Illinois 60606

If to the Developer:  
With a Copy to:

or to such other address as any party may from time to time designate in a written notice to the other parties.

### SECTION 9:

### SITE ACCESS

Developer (and its contractors) shall keep all streets which provide access to the Subject Property reasonably clean from all mud, gravel, and other debris, at all times during and after construction hours.

- A. This Development Agreement has been executed on behalf of the Village pursuant to action adopted by the Corporate Authorities at a meeting of said Corporate Authorities duly held on May 18, 2006.
- B. This Development Agreement has been executed by the Developer and shall be binding on the heirs and assigns of the Developer, but shall not be binding on a dwelling unit owner subsequent to the issuance of an occupancy permit for said dwelling unit.
- C. This Development Agreement shall automatically expire upon the expiration of the maintenance guarantee (irrevocable letter of credit) required at the time of acceptance of the Public Improvements as set forth in Section 3.H.4 herein.

**BINDING EFFECT AND TERM AND  
COVENANTS RUNNING WITH THE LAND**

**SECTION 12:**

- A. Public Improvements shall be accepted by the Corporate Authorities after certification by the Village's engineer and Director of Community Development that the public improvements are in compliance with previously approved plans, specifications, and relevant ordinances.
- B. All required fees and procedures shall be provided prior to such acceptance. The Village shall not be liable for any damages that may occur on any dedicated rights of way within the Subject Property that has not been accepted by the Corporate Authorities. The Developer shall hold the Village free and harmless and indemnify the Village, its agents, officers and employees from any and all such claims, damages, judgments, costs and settlements including, but not limited to, attorneys' fees that may arise from construction, use, repair, or maintenance or said Public Improvements before they are accepted by the Corporate Authorities.

**ACCEPTANCE**

**SECTION 11:**

The Developer shall install traffic signs and other devices as required by the Village for the proper control of vehicles and pedestrians in the area. These traffic control devices shall meet the specifications of the Village Engineer.

**TRAFFIC CONTROL**

**SECTION 10:**

**SECTION 13:**

**REPEAL OF R3 ZONING CLASSIFICATION**

In the event that the Developer does not commence construction of the Project consistent with the Development Plans within two (2) years from the date of approval of this Agreement, the Subject Property shall automatically be repealed and the Subject Property shall automatically be designated to be within the R2 Single-Family Residence District. However, the Village and Developer agree that the commencement date to start construction can be extended by mutual consent of the Developer and the Village



IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed on their behalf respectively and have caused their respective Corporate Seals to be affixed hereto, all as of the date and year first above written.

**DEVELOPER:**

ATTEST:

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_, 2006

Name: \_\_\_\_\_  
Its: President

By: \_\_\_\_\_

**VILLAGE OF LOMBARD**

ATTEST:

By: \_\_\_\_\_

Name: Brigitte O'Brien  
Its: Village  
Clerk

By: \_\_\_\_\_

Name: William J. Mueller  
Its: President, Village of Lombard

Dated: \_\_\_\_\_, 2006

SCHEDULE OF EXHIBITS

EXHIBIT 1:	Legal Description
EXHIBIT 2:	Development Plans

**EXHIBIT 1**

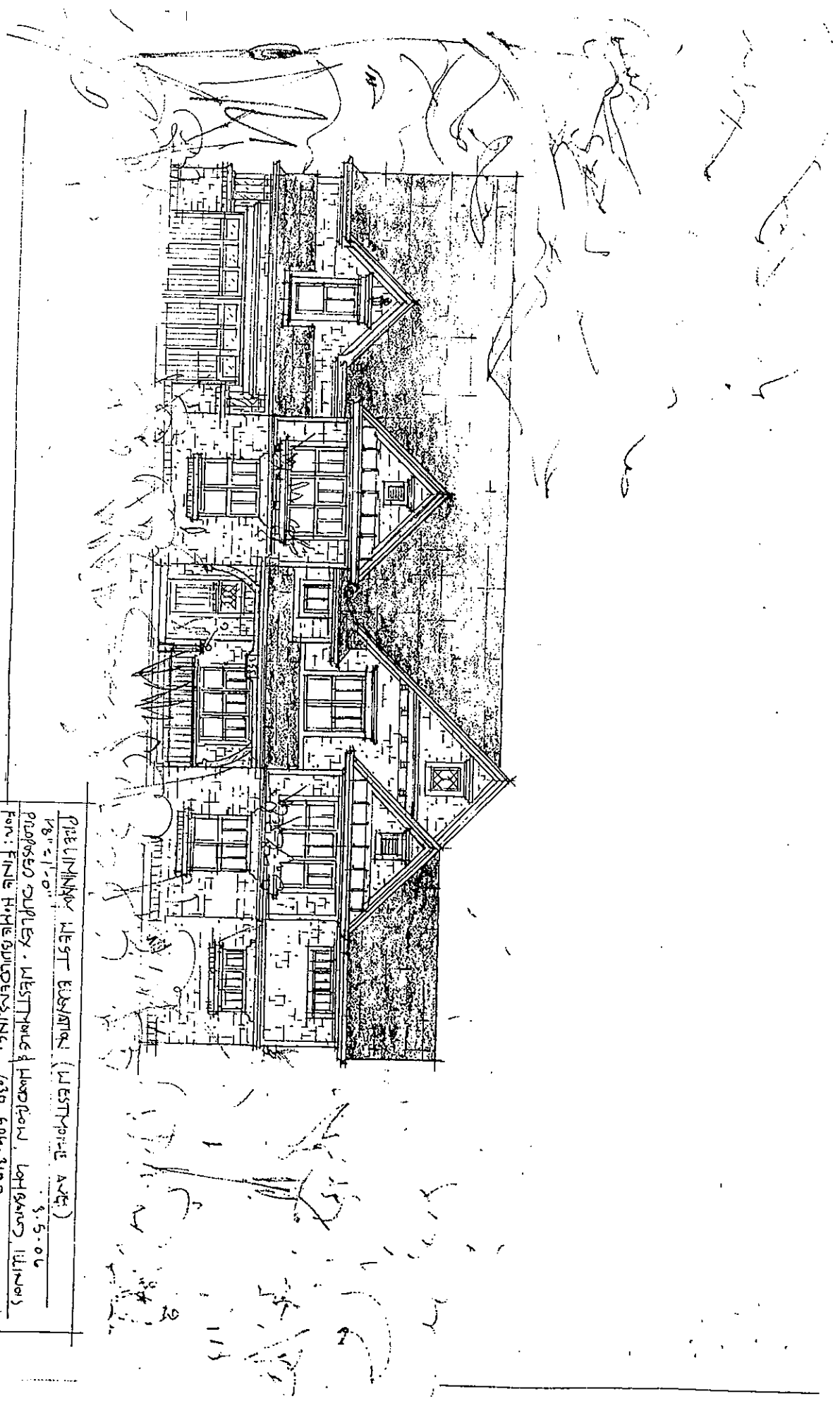
**LEGAL DESCRIPTION**

Lot 1 in Charles Heilig's Resubdivision of Lot 8 on County Clerk's Assessment Plat in the southwest quarter of Section 9, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded March 25, 1971 as Document R71-11263, in DuPage County, Illinois.

PERMANENT INDEX NUMBER: 06-09-309-033

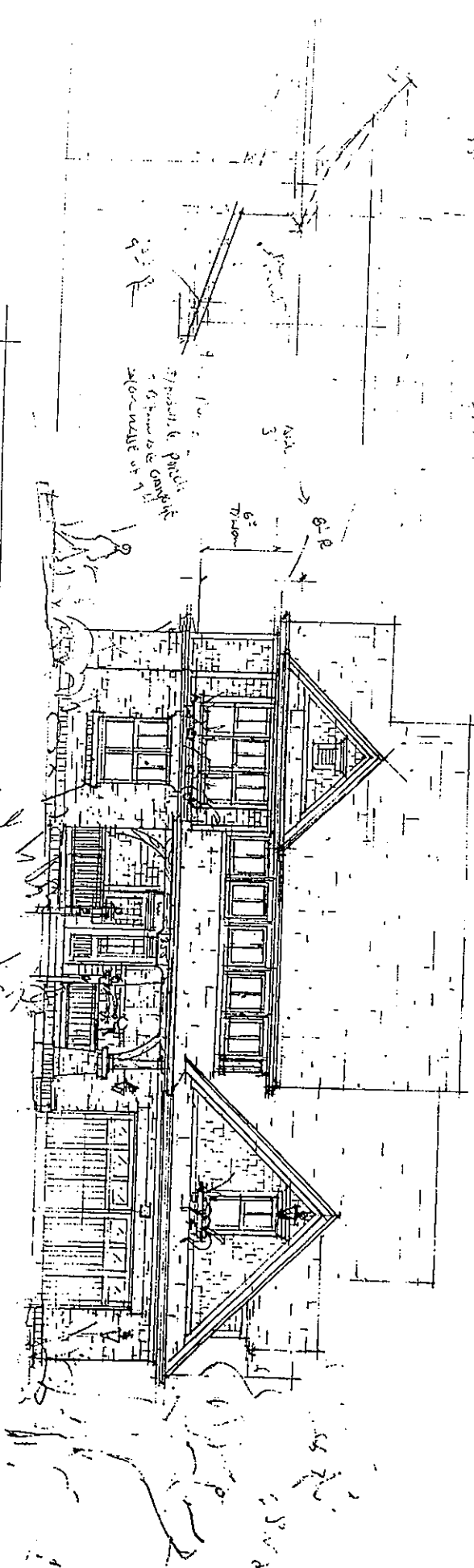
PROPERTY ADDRESS: 355 South Westmore-Meyers Road, Lombard, Illinois 60148

**EXHIBIT 2**

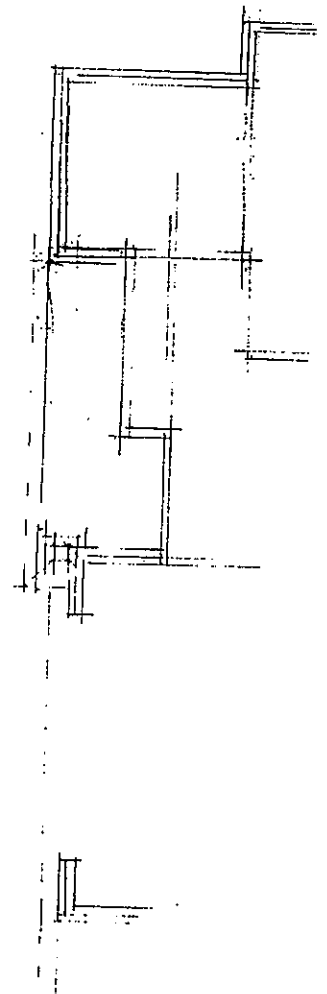


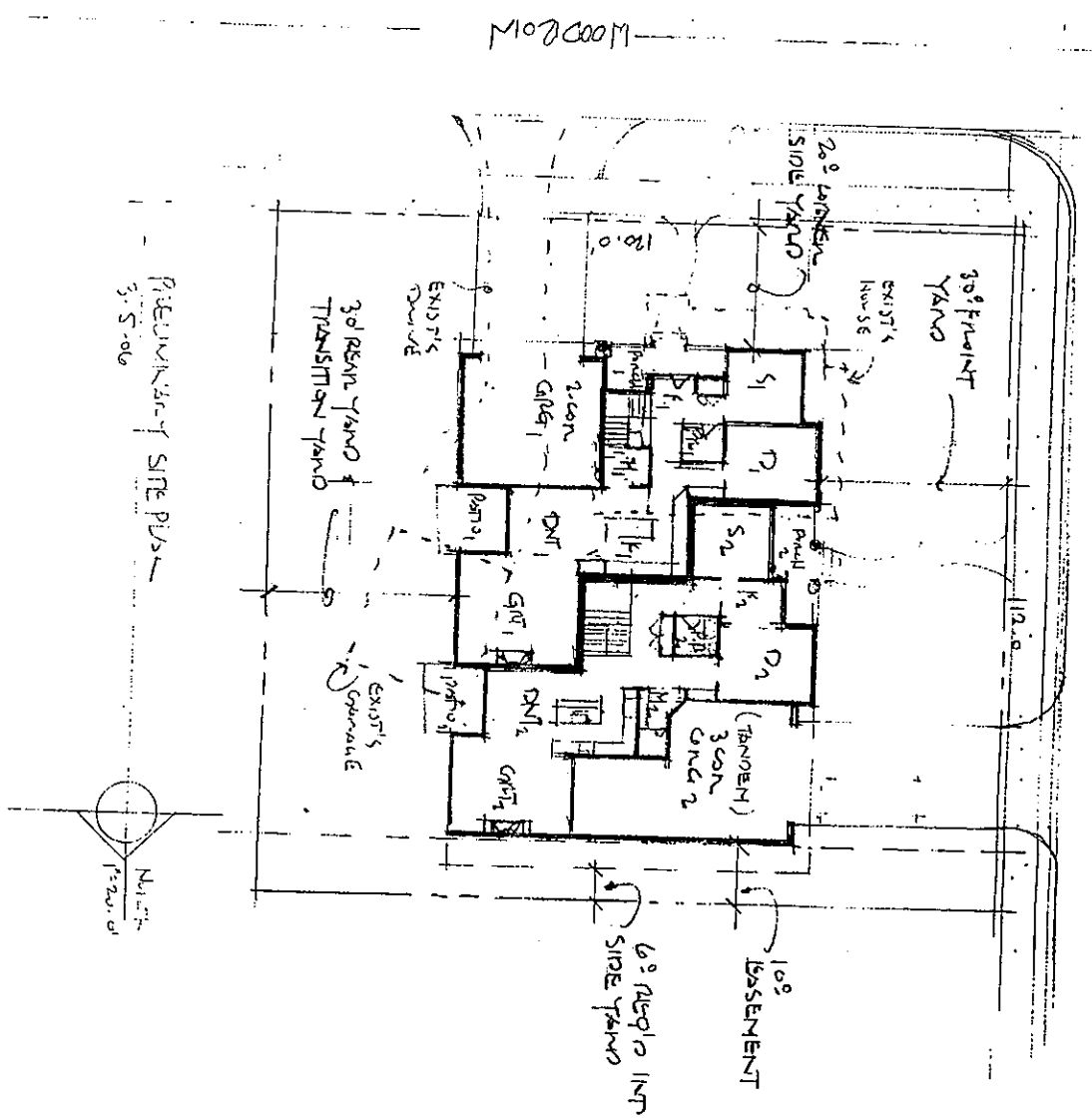
PRELIMINARY WEST ELEVATION (WESTPORTE ADD)  
18" x 12" 5.5-06  
PROPOSED DUPLEY - WESTPORTE ADDITION, LEHMAN ILLINOIS  
FOR: FINE HOME BUILDERS, INC. 630.600.3100  
571 MARSHALL AVENUE 630.564.7820 @MIDWEST 2006

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PRELIMINARY SOUTH ELEVATION (WOODBOND AVE)  
1/8" = 1'-0"  
3-5-00  
PREPARED BY DUPLEX AT  
335 WOODBOND AVE (WOODBOND & WEST 10th) LOUISIANA, LA  
FOR FINE HARTLE GUILBERTS INC. 630.606.3100  
501 W. MAIN ST. ARLINGTON, LA 70220





3.5-06

PRELIMINARY SITE PLAN of the PROPOSED:

DUPLEX AT 14520 WOODROW AVE

LOFTS AND 14520 WOODROW AVE

FROM: KYLE HOPPE BUILDERS, INC. 630.606.3100

ST: HANS PALL ARCHITECTS 651.584.7870

APPROX LOT AREA: 13440 S.F.

MAX. IMPROV. SUPP. 6720 S.F. (S720)

PROPOSED IMPROV. SUPP.:

BUILDING NEW PORTH 5000 SF +/-

DRIVES & WALKWAYS 1050

6050 < 6720

DENSITY: 6720 SF/DWELLING UNIT (6.5 D.U./Acre)