

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 11, 2016 (B of T) Date: May 19, 2016

TITLE: PC 16-07; Yorktown Commons Planned Development Amendment

SUBMITTED BY: Department of Community Development *NA*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following actions on the subject properties located within the B3PD Community Shopping District Planned Development (Yorktown Shopping Center and Yorktown Commons Planned Developments):

1. Revoke the approval of the Subdivision approved pursuant to Ordinance 7175;
2. Approve a new Plat of Subdivision;
3. Pursuant to Section 155.504(A) of the Lombard Zoning Ordinance, approve a Major Change to the Yorktown Shopping Center Planned Development (Yorktown PD) to remove approximately 2247 square feet (10' feet in width) of land area from the planned development;
4. Pursuant to Section 155.504(A) of the Lombard Zoning Ordinance, approve a Major Change to the Yorktown Commons Planned Development (Yorktown Commons PD) to add approximately 2247 square feet (10' feet in width) of land area to the planned development; and
5. Pursuant to Sections 155.415(F) and 155.508(C)(6)(a) and (b) of the Lombard Zoning Ordinance, approve a deviation and variation to reduce the required interior side yard setback from ten (10) feet to zero feet for land adjacent to the Yorktown Commons PD; and to approve said deviation and variation within the Yorktown PD and Yorktown Commons PD to permit the existing buildings and infrastructure commonly known as the "Convenience Center" to remain in place pending redevelopment.

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

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

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 

DATE: May 19, 2016

SUBJECT: **PC 16-07; Yorktown Commons Planned Development Amendment**

Please find the following items for Village Board consideration as part of the May 19, 2016 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 16-07; and
3. An Ordinance amending the Yorktown planned development with companion setback relief.
4. An Ordinance amending the Yorktown Commons planned development with companion setback relief.
5. A draft new Plat of Resubdivision for Yorktown Commons that depicts the new land divisions between proposed Lots 3 and 4. The plat also includes a new sanitary sewer easement and an easement for a proposed lift station on the northern portion of Lots 3 and 4 which will be needed to facilitate a proposed new force main.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the May 5, 2016 Board of Trustees agenda with a waiver of first reading, as requested by the petitioner (attached).



VILLAGE OF LOMBARD

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

May 5, 2016

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees

Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill 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 16-07; Yorktown Commons Planned Development Amendment

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following actions on the subject properties located within the B3PD Community Shopping District Planned Development (Yorktown Shopping Center and Yorktown Commons Planned Developments):

1. Revoke the Subdivision approved pursuant to Ordinance 7175;
2. Approve a new Plat of Subdivision;
3. Pursuant to Section 155.504(A) of the Lombard Zoning Ordinance, approve a Major Change to the Yorktown Shopping Center Planned Development (Yorktown PD) to remove approximately 2247 square feet (10' feet in width) of land area from the planned development;
4. Pursuant to Section 155.504(A) of the Lombard Zoning Ordinance, approve a Major Change to the Yorktown Commons Planned Development (Yorktown Commons PD) to add approximately 2247 square feet (10' feet in width) of land area to the planned development; and
5. Pursuant to Sections 155.415(F) and 155.508(C)(6)(a) and (b) of the Lombard Zoning Ordinance, approve a deviation and variation to reduce the required interior side yard setback from ten (10) feet to zero feet for land adjacent to the Yorktown Commons PD; and to approve said deviation and variation within the Yorktown PD and Yorktown Commons PD to permit the existing buildings and infrastructure commonly known as the "Convenience Center" to remain in place pending redevelopment.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 18, 2016. Sworn in to present the petition was

William Heniff Director of Community Development and Vince Rosanova, on behalf of the petitioner.

Mr. Rosanova said this is a housekeeping matter for the property line at lot 3. Lot 3 and 4 will be separated ownership and therefore the property line needs to be moved ten (10) feet to the west in line with the Carson's Pirie Scott furniture outlet building.

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

Mr. Heniff presented the staff report for PC 16-07 which was submitted into the public record in its entirety. He said the petitioner noted this is a housekeeping issue, and because it is the perimeter of a planned development multiple actions need to be taken. These are considered major changes to the planned development. The perimeter of the lot line will be moved ten (10) feet to the east. From the Yorktown Commons approval, this was discussed as a multi-phase development. In the meantime, lot 3 would have two (2) owners. The best course of action was to move the lot line. This does not change the form based codes or other provisions of PC 15-27. It is still consistent with the Comprehensive Plan and Planned Developments. This allows the convenience center to be a lawfully established structure when it is in existence. Staff recommends approval, subject to the conditions.

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

Commissioner Burke clarified that the property line would move ten (10) feet to the west, not east. Mr. Heniff said it is moving to the west.

On a motion by Commissioner Sweetser and a second by Commissioner Olbrysh, the Plan Commission voted 6 to 0 that the Village Board **approve** PC 16-07, subject to the following two (2) conditions:

1. That the petitioner shall submit the new Final Plat of Subdivision prior to or concurrent to any proposed development activity associated with PC 15-27C and granted through Ordinances 7175 and 7177.
2. That all other actions set forth within Ordinances 7175, 7176 and 7177 not amended by this petition shall remain in full force and effect.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

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PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

AMENDMENT TO THE YORKTOWN PLANNED DEVELOPMENTS

APRIL 18, 2016

Title

PC 16-07

Property Owners

YTC Mall Owner LLC and
YTC Land Owner LLC
203 Yorktown
Lombard, IL 60148

Petitioner – Consultant

Attorney for Petitioner
Rosanova & Whitaker, Ltd.
30 W. Jefferson St., Ste. 200
Naperville, IL 60540

Property Location

Northeast corner of Butterfield
Rd. and Highland Ave.
Trustee District #3

Zoning

B3PD Community Shopping
District Planned Development

Existing Land Use

Regional Shopping Center

Comprehensive Plan

Regional Commercial

Approval Sought

Approve a new Major Plat of
Subdivision, amend the
geographical extent of the
Yorktown Shopping Center and
Yorktown Commons Planned
Developments and companion
relief for selected existing
structures.

Prepared By

William J. Heniff, AICP
Comm. Development Director



LOCATION MAP

DESCRIPTION

On January 21, 2016, the Village Board approved Ordinances 7175, 7176 and 7177 which modified the previously approved Yorktown Center planned development and created the new Yorktown Commons planned development, among many other actions.

Upon final due diligence review by Yorktown ownership entities, they have determined that an external lot line division that was approved as part of the Yorktown Commons planned development needs to be modified. The line in question is north of the ring road and divides Lots 3 and 4 of the project. The petitioner(s) are proposing moving the lot line approximately 10 feet to the west, so that it would be relocated to the east wall of the Carson's Furniture retail tenant space in the existing Yorktown Convenience Center.

This report addresses the zoning actions that would need to occur to remedy this discrepancy. No specific development actions are sought with this petition, as those actions were previously granted as part of the aforementioned ordinances. Additionally, none of the development regulations associated with the establishment of the previously approved form-based codes would change as part of this request.

PROJECT STATS

Planned Development Sizes

Proposed: 185 acres

Submittals

1. Petition for public hearings, dated March 29 2016;
2. Petitioner's packet, includes: Petitioner's narrative explaining the request along with a response to standards for planned development amendments;
3. Exhibit packet, including subdivision plat requested to be revoked as well as the proposed new plat of subdivision (along with a building plan exhibit depicting the relocated lot line).



APPROVAL(S) REQUIRED

To facilitate these amendments, the following actions are requested:

1. Revoke the Subdivision plat approved pursuant to Ordinance 7175;
2. Approve a new Plat of Subdivision;
3. Pursuant to Section 155.504(A) of the Lombard Zoning Ordinance, approve a Major Change to the Yorktown Shopping Center Planned Development (Yorktown PD) to remove approximately 2247 square feet (10' feet in width) of land area from the planned development;
4. Pursuant to Section 155.504(A) of the Lombard Zoning Ordinance, approve a Major Change to the Yorktown Commons Planned Development (Yorktown Commons PD) to add approximately 2247 square feet (10' feet in width) of land area to the planned development; and
5. Pursuant to Sections 155.415(F) and 155.508(C)(6)(a) and (b) of the Lombard Zoning Ordinance, approve a deviation and variation to reduce the required interior side yard setback from ten (10) feet to zero feet for land adjacent to the Yorktown Commons PD; and to approve said deviation and variation within the Yorktown PD and Yorktown Commons PD to permit the existing buildings and infrastructure commonly known as the "Convenience Center" to remain in place pending redevelopment.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues regarding the petition.

Fire Department:

The Fire Department has no issues or concerns regarding the petition.

Private Engineering Services (PES):

Private Engineering Services does not have any comments regarding the planned development amendments.

Public Works:

There are no comments associated with this petition.

Planning Services Division:

The Planning Services Division notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	B3PD & R5PD	Yorktown Peripheral PD and Yorktown Apartments
South	O & OPD	Various Office Buildings
East	OPD	Northern Baptist Theological Seminary
West	B3PD, CRPD, & R4PD	Highlands of Lombard, Allerton Ridge Cemetery, Multi-Tenant Office, and Highland Green Townhomes

Section 155.504(A) of the Zoning Ordinance would deem the change in the geographical extent of the planned development and the companion peripheral lot lines as major changes, as it differs from what was established in Ordinances 7175 through 7177. Rather it amends the extents of the two applicable planned developments within the confines of the existing Yorktown development area by adding approximately 2247 square feet from the Yorktown planned development to the Yorktown Commons planned development. As noted in the petitioner’s submittals, the amendments are to address an ownership discrepancy. As currently approved, the lot line would bisect a tenant space within the convenience center, which would make leasing of this space in the interim period very difficult. The amended line would simply be parallel and conjoined with the east building line of the Carson’s furniture existing tenant space. Therefore, staff finds that the amendment would improve compatibility between the planned developments.

The petitioner seeks companion relief to allow for the land division to be done in such a manner that would result in a functional zero foot setback between the existing structures. Additionally, a setback request is also sought for the remainder of the convenience center located on Lot 4 (also known as Phase 4 of the Yorktown Commons development) in the immediate term so that the convenience center structures can remain as legal conforming structures until such time that the remainder of the center is demolished in the future. This alternative is preferred to relocating the lot line and rendering the existing structures as legal non-conforming structures. This relief also addresses a legal entitlement matter with the petitioners, in a manner that will not be physically visible or affect the intent of the zoning actions that were a part of PC 15-27.

2. *Comprehensive Plan Compatibility*

As this item relates only to the internal modification of the geographic boundaries, staff finds the proposal consistent with the Comprehensive Plan's recommendation of regional commercial uses.

3. *Zoning Ordinance & Planned Development Compatibility*

Should the proposed changes to the geographic boundaries of the planned development be approved, the Yorktown Shopping Center Planned Development will maintain its compliance with Section 155.509 of the Lombard Zoning Ordinance in regard to the minimum size and frontage required for a planned development. Therefore, staff finds the proposal to be consistent with the Zoning Ordinance.

4. *Plat of Subdivision*

The January, 2016 Village Board zoning actions associated with PC15-27 approved two plats of subdivision. Neither plat of subdivision that was approved have not been recorded to date, so the intent of this petition is to seek a revocation of the Board action as it pertains to the lot divisions and replace the approval with the new plat of subdivision – but only for the plat the covers the convenience center tracts. From a review perspective, the relocated lot line does not materially change either planned development or subdivision.

SITE HISTORY (NON SIGN-RELATED)

1966: Yorktown Shopping Center Planned Development

Established of the Yorktown Shopping Center Planned Development via Ordinance No. 1172.

PC 94-14: Yorktown Peripheral Planned Development

Amendment to the geographic boundaries of the Yorktown Shopping Center Planned Development to remove approximately 15.6 acres to establish the Yorktown Peripheral Planned Development.

PC 08-20: 3 Yorktown Center (Cole Taylor Bank)

Variations to waive transitional landscape yard and perimeter lot landscaping requirements.

PC 14-13: 1-378 Yorktown Center

Major change to a planned development for an amended roadway configuration for the perimeter ring road and the Fairfield Avenue entrance.

SPA 05-02ph: 92 Yorktown Center (Claim Jumpers)

Site Plan Approval with wall signage deviations.

SPA 05-03ph: 87 Yorktown Center (Capital Grille)

Site Plan Approval with signage deviations.

SPA 05-04ph: 94 Yorktown Center (Rock Bottom Brewery)

Site Plan Approval with wall signage deviations.

SPA 06-02ph: 145 Yorktown Center (Shops on Butterfield)

Site Plan Approval with signage deviations.

SPA 07-07ph: 96 Yorktown Center (5th/3rd Bank)

Site Plan Approval with wall signage deviations.

SPA 10-01ph: 1 Yorktown Center (McDonald's)

Site Plan Approval with roof and wall sign deviations.

SPA 11-02ph: 85 Yorktown Center (Chase Bank)

Site Plan Approval with wall signage deviations.

PC 15-27 (Ordinances 7175, 7176 and 7177) – approvals in January 2016 to amended the geographical extent of the planned developments, reduce the requisite parking requirement for Yorktown Center and establish the Yorktown Commons with a form-based code.

FINDINGS & RECOMMENDATIONS

Staff finds the proposed amendments to the planned development and the major plat of subdivision to be consistent with the objectives of the Zoning Ordinance, Yorktown Shopping Center and Yorktown Commons Planned Development, and the intent of the Comprehensive Plan.

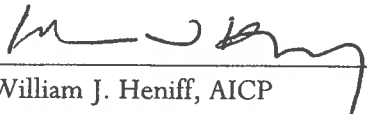
Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Lombard Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval**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

Based on the submitted petition and testimony presented, the requested conditional use amendments and companion zoning actions **comply** with the standards required by the Lombard Zoning Ordinance and that granting the relief is the public interest; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Review

Committee Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 16-07, subject to the following conditions:

1. That the petitioner shall submit the new Final Plat of Subdivision prior to or concurrent to any proposed development activity associated with PC 15-27C and granted through Ordinances 7175 and 7177.
2. That all other actions set forth within Ordinances 7175, 7176 and 7177 not amended by this petition shall remain in full force and effect.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)
)
VILLAGE OF LOMBARD)

**PETITION TO THE VILLAGE OF LOMBARD FOR CERTAIN RELIEF UNDER THE
YORKTOWN SHOPPING CENTER PLANNED DEVELOPMENT AND
THE YORKTOWN COMMONS PLANNED DEVELOPMENT**

YTC Mall Owner, LLC, a Delaware limited liability company (“**Mall Owner**”), and YTC Land Owner, LLC, a Delaware limited liability company (“**Land Owner**” Mall Owner and Land Owner are collectively the “**Petitioner**”), as the owners of the respective properties described below, respectfully petition the Village of Lombard (the “**Village**”) as follows:

- To revoke the Plat of Subdivision approved pursuant to Ordinance 7175;
- To approve the Plat of Subdivision attached hereto as **Exhibit A**;
- To approve a “Major Change” to the Yorktown Shopping Center Planned Development (the “**Yorktown PD**”) to remove approximately ten feet (10’) from the Yorktown PD.
- To approve a “Major Change” to the Yorktown Commons Planned Development (the “**Commons PD**”) to add approximately ten feet (10’) to the Commons PD.
- To approve a deviation under the Yorktown PD to reduce the required side yard setback adjacent to the Commons PD, and to approve a deviation under the Yorktown PD and the Commons PD to permit the existing buildings and associated infrastructure commonly known as the “Convenience Center” to remain in-place pending redevelopment.

In support of the request relief, Petitioner hereby represents to the Village as follows:

1. Mall Owner is the owner of the respective properties legally described on **Exhibit B** (the “**YTC Property**”).
2. Land Owner is the owner of the property legally described on **Exhibit C** (the “**YTC Property**”).
3. Mall Owner and Land Owner recently petitioned the Village for certain zoning and subdivision entitlements with respect to their respective properties.
4. The Village approved certain zoning and subdivision entitlements pursuant to Ordinances 7175, 7176 and 7177.
5. Mall Owner and Land Owner now request the Village to amend said zoning and subdivision approvals to facilitate shifting a lot line between the Yorktown PD and the Commons PD by approximately ten (10’) feet.
6. Accordingly, Petitioner requests that the Village revoke approval of the Plat of Subdivision attached hereto as **Exhibit D**, which Plat of Subdivision was approved by Ordinance 7175.
7. In lieu of the Plat of Subdivision attached as Exhibit D, Petitioner hereby requests approval of the Plat of Subdivision attached hereto as Exhibit A, which Plat of Subdivision reflects a lot line between Lot 3 and Lot 4 being located along a concrete block demising wall.
8. The Plat of Subdivision attached as Exhibit A will facilitate the division of ownership between Lot 3 and Lot 4 with existing improvements remaining in-place.
9. Given the relocation of the lot line between Lot 3 and Lot 4, Petitioner hereby requests a Major Change to that Yorktown PD and Commons PD to modify the boundaries of the Yorktown PD and the Commons PD consistent with the new Plat of Subdivision
10. The proposed major changes and associated deviations to both the Yorktown PD

and the Commons PD are necessary and appropriate for the contemplated redevelopment of Yorktown Commons and meet the applicable general standards for a planned development as follows:

- a. *Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the districts or districts in which it is to be located.*

The proposed Major Changes do not alter the concept or intent of the respective planned developments as approved under Ordinances 7175, 7176 and 7177. Petitioner proposes to remove approximately ten (10') linear feet from the Yorktown PD and add said property to the Commons PD. Associated with this change, deviations are required to: 1) confirm compliance of existing improvements with the requirements of the respective planned developments; and 2) reduce the required ten foot (10') interior side yard setback under the B3 District regulations to a zero (0') foot setback under the Yorktown PD along the western edge of proposed Lot 3. The proposed changes are technical or legalistic in nature and are driven exclusively by the proposed division of the Convenience Center parcel into two lots- Lot 3 and Lot 4 as depicted on Exhibit A. The proposed lot line between Lot 3 and Lot 4 divides the existing convenience center building along a concrete block wall. This concrete block wall creates a natural division point for existing improvements and will serve as the exterior wall of the Carson's Furniture Store, post demolition, of that portion of the convenience center located on future Lot 4. The proposed deviations will clarify the intent that: 1) existing improvements comply with the terms of the applicable Yorktown PD or Yorktown Commons PD and shall be permitted uses under existing configuration as depicted on Exhibit E; and 2) there shall be a zero (0') foot setback requirement with respect to the western lot line of Lot 3.

- b. *Community sanitary sewage and potable water facilities connected to a central system are provided.*

Community sanitary sewage and potable water facilities have been and will continue to be connected to a central system.

- c. *The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site*

The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site. The proposed major change will not alter the permitted use under the Yorktown PD or the Commons PD

- d. *That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.*

The Village deemed the Yorktown PD and the Commons PD to be in the public interest and consistent with the purposes of the Zoning Ordinance in approving Ordinances 7175, 7176 and 7177. The proposed major changes are entirely consistent with the spirit and intent of the Yorktown PD and the Commons PD, but make the technical and/or legalistic changes necessary to facilitate the contemplated subdivision of the property while maintaining existing improvements on Lot 4 in the near-term.

- e. *That the streets have been designed to avoid:*

- i. *Inconvenient or unsafe access to the planned development;*
- ii. *Traffic congestion in the streets which adjoin the planned development;*
- iii. *An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.*

The proposed major changes do not implicate any changes to existing street layouts or designs.

f. *Any reduction in the requirements of this Ordinance is in the public interest.*

The proposed deviations, as outlined above, are in the public interest. The proposed deviations are necessary to maintain existing building improvements under an alternative lot configuration that is intended to facilitate redevelopment under the Commons PD. The Commons PD redevelopment is an essential component of the repositioning of the Yorktown Shopping Center as was discussed extensively under approvals associated with the Commons PD.

g. *The proposed deviations would not adversely impact the value or use of any other property;*

The proposed deviations will not adversely impact the value or use of any other property. The only property impacted by the proposed deviations is owned by Petitioner. Moreover, the deviations do not facilitate future improvements, but facilitate the maintenance and continued operation of existing improvements under an alternative lot configuration. Accordingly, no changes will be perceptible to the general public or surrounding owners.

h. *That such deviations 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.*

The proposed deviations will not impact or alter the ultimate use of the property within the respective planned developments. The proposed deviations are intended to permit the continued use and operation of existing improvements under an alternative lot configuration that is intended to spur redevelopment of the property. Any deviations related to the existing buildings located on Lot 4 will ultimately be eliminated upon redevelopment of Lot 4. With respect to Lot 3, the existing building is intended to remain post-redevelopment so we seek to clarify that the building is permitted with a zero (0') foot setback along the western lot line.

i. *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.*

Petitioner does not propose a deviation to increase the floor area of either the Yorktown PD or the Commons PD to more than 40% of the maximum floor area permitted for the individual uses in each applicable planned development.

- ii. *That in residential planned developments the maximum number of dwelling units allowed shall not exceed more than 40% the number of dwelling units permitted in the underlying zoning district.*

Petitioner does not propose any increase to residential density as part of the proposed major changes or associated deviations.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the Village Board and Plan Commission take the necessary steps to approve a Major Change to the Yorktown PD, approve a Major Change to the Commons PD, and approve a deviation from the side yard setback between Lot three (3) and Lot four (4) providing approximately zero (0') feet between said Lots and any such other relief as may be necessary and appropriate based on the request outlined above with respect to the Property pursuant to the provision of the Lombard Municipal Code.

[SIGNATURE PAGE FOLLOWS]

RESPECTFULLY SUBMITTED this ___ day of March, 2016.

PETITIONER:

YTC Land Owner, LLC

By:


Rosanova & Whitaker, Ltd.,
Its Attorney

SUBSCRIBED and SWORN to before me
This 28th day of March, 2016.


Notary Public



EXHIBIT LIST:

- Exhibit A: Proposed Plat of Subdivision
- Exhibit B Mall Owner Property
- Exhibit C Land Owner Property
- Exhibit D To be revoked Plat of Subdivision
- Exhibit E Existing Configuration

Exhibit A
Plat of Subdivision

Exhibit B

Mall Owner Property

Lot 2 in Highland-Yorktown Resubdivision of Lot 4 in Yorktown, being a subdivision of part of Section 29, Township 39 North, Range 11, East of the Third Principal Meridian, according to said Plat of Highland-Yorktown Resubdivision recorded September 5, 2006 as document R2006-170876, and certificates of correction recorded as documents R2006-191219, R2006-219358 and R2008-138794,

(except that part of said Lot 2 described as Commencing at a Southwest corner of said Lot 2, being a point on the Northwesterly right-of-way line of Old Butterfield Road; thence North 2 degrees 58 minutes 03 seconds West, along a Westerly line of said Lot 2, a distance of 78.22 feet to an angle corner in said Lot 2; thence North 60 degrees 00 minutes 00 seconds West, along the Southwesterly line of Lot 2 aforesaid, 757.443 feet to an angle corner in said Lot 2; thence South 30 degrees 00 minutes 00 seconds West, along a Southeasterly line of Lot 2 aforesaid, 130.252 feet to an angle corner in said Lot 2, said point being also on the Southwesterly line of said Lot 2; thence North 60 degrees 00 minutes 00 seconds West, along said Southwesterly line, 282.665 feet to another angle corner in said Lot 2, said point being also the point of beginning of the parcel of air space herein described; thence North 30 degrees 00 minutes 00 seconds East, perpendicular to the last described line, 17.69 feet; thence South 60 degrees 00 minutes 00 seconds East, 160.98 feet; thence South 30 degrees 00 minutes 00 seconds West, perpendicular to the last described line, 17.69 feet to the point of intersection with the Southwesterly line of Lot 2 aforesaid; thence North 60 degrees 00 minutes 00 seconds West, along said Southwesterly line, 160.98 feet to the hereinabove designated point of beginning, said parcel having as a lower limit a horizontal plane of elevation +758.58 feet (National Geodetic Survey Datum) and having as an upper limit a horizontal plane of elevation +775.58 feet (National Geodetic Survey Datum))

also except that part of the following described tract lying within said Lot 2 described as follows: That part of Lots 2 and 4 in Yorktown, according to the plat thereof recorded September 27, 1968 as document R68-44972, described as follows: Commencing at the Southwest corner of Lot 2 in Pehrson Second Resubdivision of Lots 2 and 3 in the Resubdivision of Lot 6 of Yorktown (aforesaid) according to the plat thereof recorded September 3, 1976 as document R76-62393; Thence North 2 degrees 58 minutes 03 seconds West along the West line of the aforesaid Lot 2 in Pehrson Second Resubdivision 217.86 feet to the point of beginning of the herein described tract: Thence 611.59 feet Northwesterly along the arc of a circle tangent to the last described line convex Northeasterly having a radius of 518.00 feet and whose chord bears North 35 degrees 46 minutes 29 seconds West 575.58 feet; Thence North 70 degrees 36 minutes 56 seconds West along a line tangent to the last described curve 119.25 feet; Thence 265.51 feet Westerly along the arc of a circle tangent to the last described line, convex Northerly having a radius of 368.00 feet and whose chord bears South 88 degrees 42 minutes 54 seconds West 259.79 feet to a point on the Northwesterly line of the aforesaid Lot 2 in Yorktown, said point being 105.99 feet Northeasterly of the Southeast corner of Lot 4 in the Resubdivision of Lot 1 in Yorktown (aforesaid) according to the plat thereof recorded August 3, 1971 as document R71-37751; Thence North 68 degrees 02 minutes 44 seconds East along a line tangent to the last described curve and being the Northwesterly line of the aforesaid Lots 2 and 4 in Yorktown 604.01 feet to a corner in the

Northerly line of Lot 4 in Yorktown; Thence South 89 degrees 57 minutes 16 seconds East along the North line of said Lot 4 a distance of 120.00 feet to the Northeast corner of said Lot 1; Thence South 2 degrees 58 minutes 03 seconds East along the East line of said Lot 4 a distance of 722.27 feet to the hereinabove described point of beginning)

also except that part of said Lot 2 in Highland-Yorktown Resubdivision aforesaid described as beginning at a point on the East right of way line of Highland Avenue as dedicated by document R68-10768 and the South line of said Lot 2; Thence Easterly along said South line having an Illinois East Zong Grid bearing of North 87 degrees 35 minutes 17 seconds East 20.02 feet; Thence North 04 degrees 57 minutes 24 seconds West 49.21 feet; Thence North 29 degrees 57 minutes 24 seconds West 47.32 feet to a point said East right of way line of Highland Avenue; Thence South 04 degrees 57 minutes 24 second East 91.21 feet along said East right of way line to the point of beginning)

PIN #: 06-29-101-041

Lots 3 and 4 (except that part of said Lot 4 dedicated for Grace Street per document R72-57164 recorded September 20, 1972) in the Resubdivision of Lot 1 in Yorktown, being a resubdivision in Section 29, Township 39 North, Range 11, East of the Third Principal Meridian, according to the Plat of said Resubdivision of Lot 1 recorded August 4, 1971 as document R71-37751, in Du Page County, Illinois

PIN #:06-29-101-028

Exhibit C

Land Owner Property

Parcel 3 in Highland Avenue Assessment Plat of Lot 2 in Yorktown, being a subdivision of Section 29, Township 39 North, Range 11, East of the Third Principal Meridian, according to said Highland Avenue Assessment Plat recorded January 30, 2012 as document R2012-12175, in Du Page County, Illinois

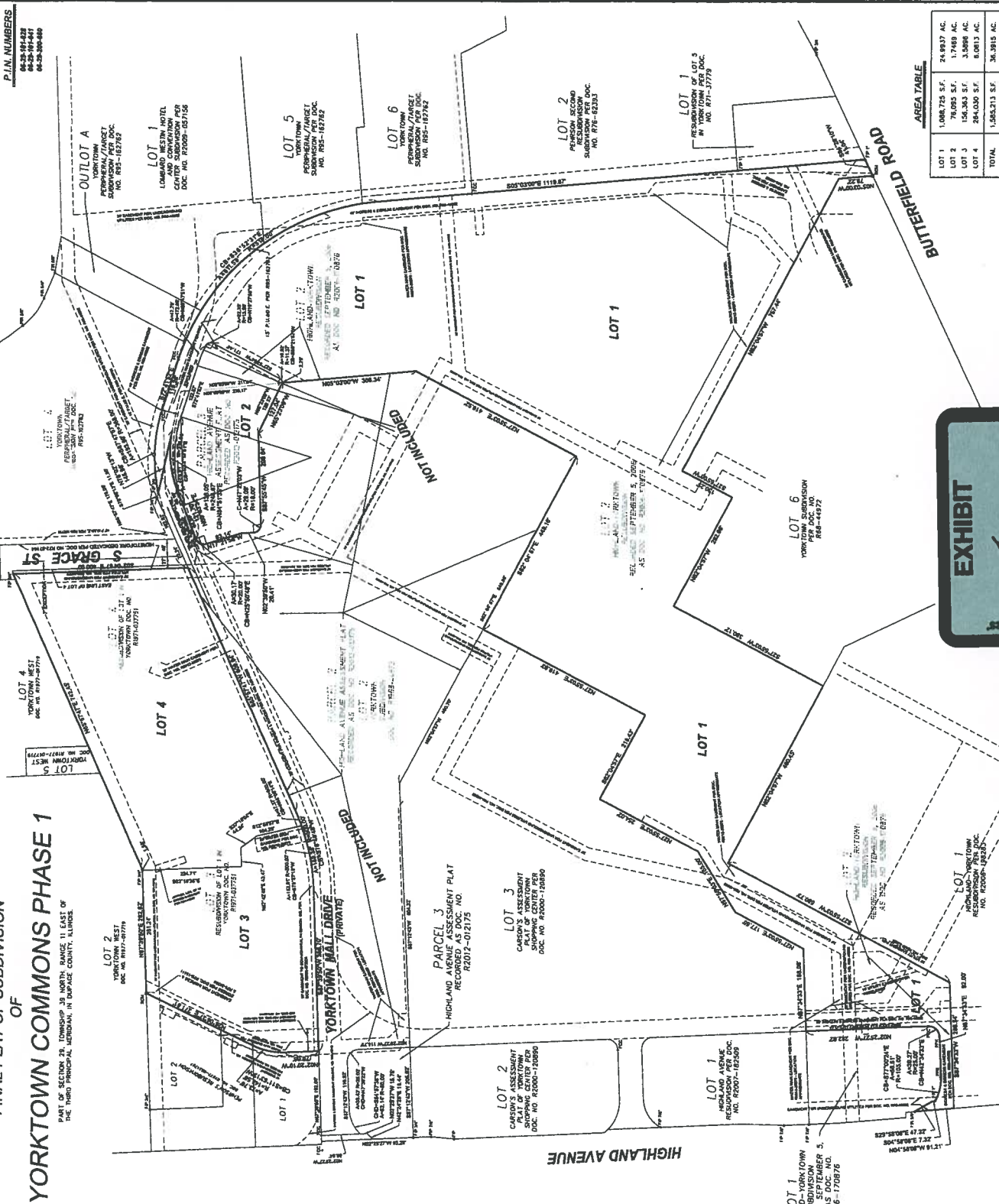
PIN #: 06-29-200-060

Exhibit D

To be revoked Plat of Subdivision

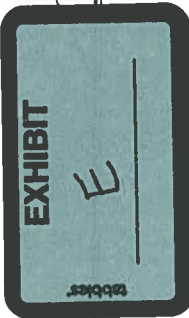
Exhibit E

Revised Yorktown Planned Development

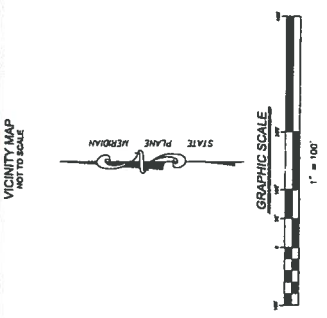


AREA TABLE

LOT 1	1,088,725 S.F.	24.937 AC.
LOT 2	76,955 S.F.	1.769 AC.
LOT 3	15,000 S.F.	0.344 AC.
LOT 4	284,030 S.F.	6.513 AC.
TOTAL	1,564,710 S.F.	36.363 AC.

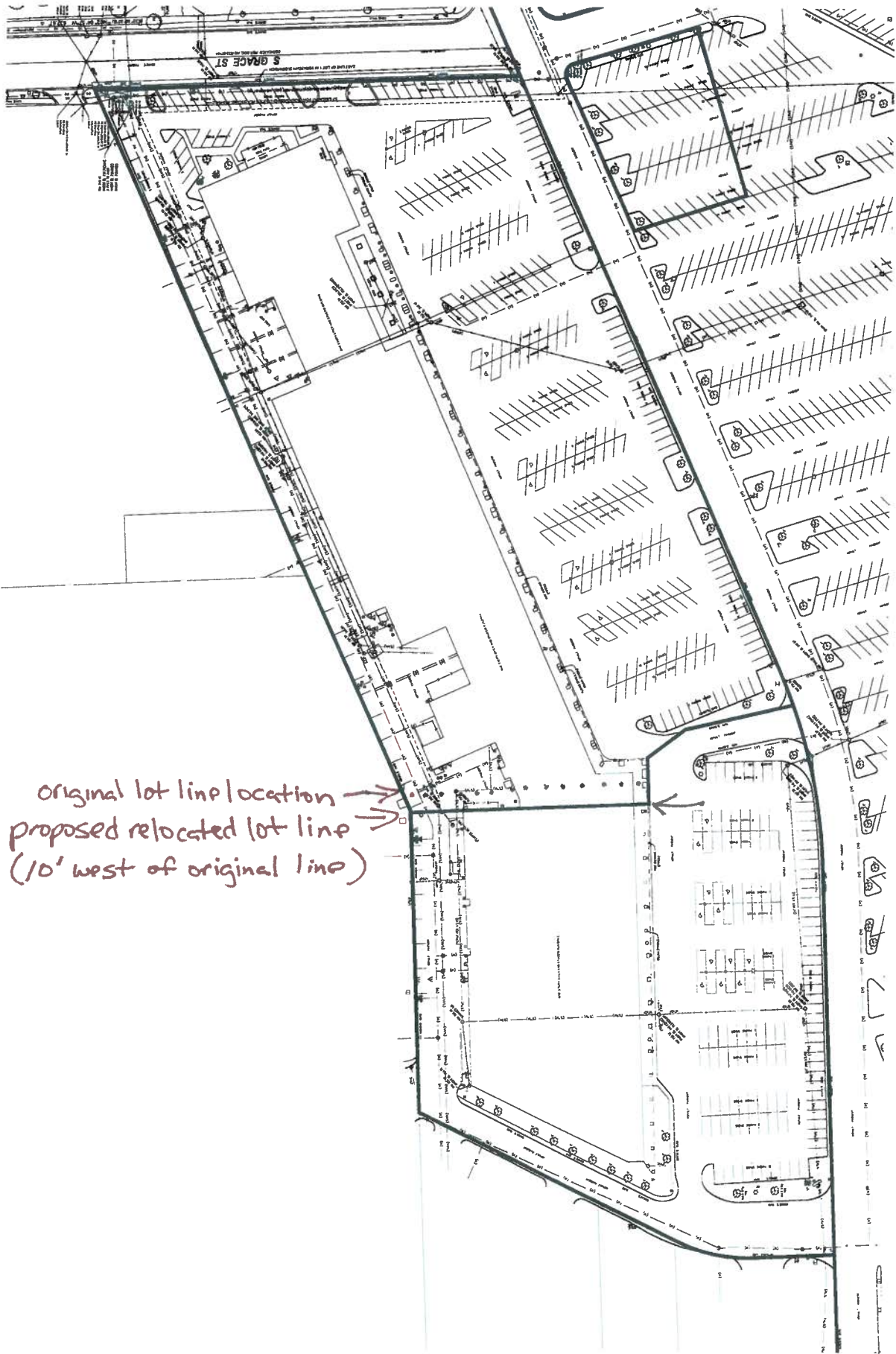


FINAL PLAT OF SUBDIVISION
OF
YORKTOWN COMMONS PHASE 1
 PART OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN JADWIN COUNTY, ILLINOIS



LEGEND
 SECTION CORNER
 SUBDIVISION BOUNDARY LINE
 EXISTING EASEMENT LINE
 EXISTING EASEMENT LINE
 BOUNDARY EASEMENT LINE
 SECTION LINE
 UNDERLYING LOT LINE
 N NORTH
 S SOUTH
 E EAST
 W WEST
 CB CHORD BEARING
 R RADIUS
 M MILEAGE
 P.U.E. PUBLIC UTILITY EASEMENT
 U.E. UTILITY EASEMENT
 P.L.A.S. PUBLIC LIABILITY AND DAMAGE EASEMENT
 (P.L.A.S.) RECORD DATUM
 (P.L.A.S.) CALCULATED DATUM
 (P.L.A.S.) SET CONCRETE MONUMENT

SURVEYOR'S NOTES:
 1. CERTAIN EASEMENTS ARE TO BE VACATED BY SEPARATE DOCUMENTS.
 2. DIMENSIONS ALONG CURVED LINES ARE ARC LENGTHS.
 3. ONCE THE PLAT SHOWN HEREON IS RECORDED AND UPON COMPLETION OF CONSTRUCTION OF IRON MONUMENTS AND STAKE SETTING, THE BOUNDARIES AT ALL LOT CORNERS AND CHANGES IN GEOMETRY, UNLESS SHOWN OTHERWISE.



original lot line location
proposed relocated lot line
(10' west of original line)

Heniff, William

From: Russell Whitaker <russ@rw-attorneys.com>
Sent: Monday, May 9, 2016 12:03 PM
To: Heniff, William
Subject: Yorktown

Bill,

We would kindly request waiver of first reading for the ordinances that I anticipate will be on the agenda for the 19th.

Russ

Russell G. Whitaker, III
Rosanova & Whitaker, Ltd
30 W. Jefferson Ave., Suite 200
Naperville, IL 60540
630-355-4600 (office)
630-352-3610 (fax)
630-880-7273 (cell)

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ORDINANCE NO. _____

**GRANTING A FURTHER AMENDMENTS TO ORDINANCE NUMBER
1172 GRANTING A CONDITIONAL USE FOR A PLANNED
DEVELOPMENT, AND AS SUBSEQUENTLY AMENDED BY
ORDINANCE NUMBERS 3964, 6053, 6180, 6230, 7067 AND 7175**

(PC 16-07: Yorktown Shopping Center Planned Development)

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

WHEREAS, the Subject Property, as described in Section 2 below, is zoned B3PD – Community Shopping District Planned Development; and,

WHEREAS, on May 9, 1966, the Corporate Authorities approved Ordinance Number 1172, granting approval of a conditional use for a planned development; and,

WHEREAS, on January 19, 1995, the Corporate Authorities approved Ordinance Number 3964, granting an amendment to the conditional use for a planned development to remove property from said planned development and associated with the creation of the Yorktown Peripheral Planned Development; and,

WHEREAS, on June 21, 2007, the Corporate Authorities approved Ordinance Number 6053, granting a variation from Section 153.226 (F) of the Lombard Sign Ordinance to allow for an off-premise sign to be located on a property with an existing structure, building, and use associated with a Westin sign at 98 Yorktown Shopping Center; and,

WHEREAS, on May 15, 2008, the Corporate Authorities approved Ordinance Number 6180, granting variations from Section 155.226 (A),(B), and (F) of the Lombard Sign Ordinance for off-premises signage as well as a deviation from Section 153.509 (B)(19) of the Lombard Sign Ordinance to allow a total of three (3) wall signs were no wall signs are permitted associated with the Cole Taylor / MB Financial Bank building at 3 Yorktown Shopping Center; and,

WHEREAS, supplementing Ordinance Number 6180, on September 4, 2008, the Corporate Authorities approved Ordinance Number, 6230, granting approval to waive the transitional landscape yard requirements of Section 155.707 (B) and the

perimeter lot landscaping requirements of Section 155.709 of the Lombard Zoning Ordinance associated with the Cole Taylor / MB Financial Bank building at 3 Yorktown Shopping Center; and,

WHEREAS, on May 7, 2015, the Corporate Authorities approved Ordinance Number, 7067, granting a major amendment to the conditional use for a planned development to allow for an amended roadway configuration associated with the Fairfield Avenue entrance; and,

WHEREAS, on January 21, 2016, the Corporate Authorities approved Ordinance Number, 7175, granting a major amendment to the conditional use for a planned development to allow for an a change in the geographical extent of the planned development and to decrease the minimum number of parking stalls required within the planned development; and,

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

WHEREAS, the petitioner is requesting a further planned development amendments to amend the geographic boundaries of the previously approved planned development (as depicted upon a new Final Plat of Subdivision), and further variances from Sections 155.415(F) and 155.508(C)(6)(a) and (b) of the Lombard Zoning Ordinance to approve a deviation and variation to reduce the required interior side yard setback from ten (10) feet to zero feet for land adjacent to the Yorktown Commons PD (between proposed Lots 3 and 4); and to approve said deviation and variation within the Yorktown PD and Yorktown Commons PD to permit the existing buildings and infrastructure commonly known as the "Convenience Center" to remain in place pending redevelopment; and

WHEREAS, pursuant to an application to amend Ordinance Numbers 1172, 3964, 6053, 6180, 6230, 7067 and 7175, proper and legal notice was provided and a public hearing was held before the Village's Plan Commission on April 18, 2016; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the amendments described herein; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard approve and adopt the findings and recommendation of the Plan Commission and

incorporate such findings and recommendation 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, DUPAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That the following amendments to the conditional use approval for the Yorktown Shopping Center Planned Development, as established by Ordinance Number 1172 and as subsequently amended by Ordinance Numbers 3964, 6053, 6180, 6230, 7067 and 7175, as set forth below are hereby granted for the Subject Property legally described in Section 2, consisting of the following:

1. A change to the geographical extent of the previously approved planned development and any companion zoning approvals;
2. Variances from Sections 155.415(F) and 155.508(C)(6)(a) and (b) of the Lombard Zoning Ordinance to approve a deviation and variation to reduce the required interior side yard setback from ten (10) feet to zero feet for land adjacent to the Yorktown Commons PD (between proposed Lots 3 and 4); and to approve said deviation and variation within the Yorktown PD and Yorktown Commons PD to permit the existing buildings and infrastructure commonly known as the "Convenience Center" to remain in place pending redevelopment
3. Approval of a new companion Major Plat of Subdivision.

SECTION 2: That this Ordinance is limited and restricted to the property located at 1-378 Yorktown Center, Lombard, Illinois and legally described as follows:

LOTS 1 AND 2 IN THE RESUBDIVISION OF LOT 1 IN PEHRSON SECOND RESUBDIVISION OF LOTS 2 AND 3 IN THE RESUBDIVISION OF LOT 5 OF YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION OF LOT 1 PEHRSON SECOND RESUBDIVISION RECORDED NOVEMBER 23, 2015 AS DOCUMENT R2015-128216, IN DUPAGE COUNTY, ILLINOIS.

06-29-200-061; 06-29-200-062

LOT 1 IN THE RESUBDIVISION OF LOT 5 OF YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE SAID RESUBDIVISION OF LOT 5 OF YORKTOWN RECORDED AUGUST 4, 1971 AS DOCUMENT R71-37779, IN DUPAGE COUNTY, ILLINOIS.

06-29-200-017

LOT 6 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 27, 1968 AS DOCUMENT R68-44972, IN DUPAGE COUNTY, ILLINOIS TOGETHER WITH THAT PART OF LOT 2 IN HIGHLAND-YORKTOWN RESUBDIVISION OF LOT 4 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF HIGHLAND-YORKTOWN RESUBDIVISION RECORDED SEPTEMBER 5, 2006 AS DOCUMENT R2006-170876, AND CERTIFICATES OF CORRECTION RECORDED AS DOCUMENTS R2006-191219, R2006-219358 AND R2008-138794, DESCRIBED AS COMMENCING AT A SOUTHWEST CORNER OF SAID LOT 2, BEING A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF OLD BUTTERFIELD ROAD; THENCE NORTH 2 DEGREES 58 MINUTES 03 SECONDS WEST, ALONG A WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 78.22 FEET TO AN ANGLE CORNER IN SAID LOT 2; THENCE NORTH 60 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE SOUTHWESTERLY LINE OF LOT 2 AFORESAID, 757.443 FEET TO AN ANGLE CORNER IN SAID LOT 2; THENCE SOUTH 30 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG A SOUTHEASTERLY LINE OF LOT 2 AFORESAID, 130.252 FEET TO AN ANGLE CORNER IN SAID LOT 2, SAID POINT BEING ALSO ON THE SOUTHWESTERLY LINE OF SAID LOT 2; THENCE NORTH 60 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID SOUTHWESTERLY LINE, 282.665 FEET TO ANOTHER ANGLE CORNER IN SAID LOT 2, SAID POINT BEING ALSO THE POINT OF BEGINNING OF THE PARCEL OF AIR SPACE HEREIN DESCRIBED; THENCE NORTH 30 DEGREES 00 MINUTES 00 SECONDS EAST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 17.69 FEET; THENCE SOUTH 60 DEGREES 00 MINUTES 00 SECONDS EAST, 160.98

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Re: PC 16-07: Yorktown Planned Development Amendment

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FEET; THENCE SOUTH 30 DEGREES 00 MINUTES 00 SECONDS WEST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 17.69 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHWESTERLY LINE OF LOT 2 AFORESAID; THENCE NORTH 60 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID SOUTHWESTERLY LINE, 160.98 FEET TO THE HEREINABOVE DESIGNATED POINT OF BEGINNING, SAID PARCEL HAVING AS A LOWER LIMIT A HORIZONTAL PLANE OF ELEVATION +758.58 FEET (NATIONAL GEODETIC SURVEY DATUM) AND HAVING AS AN UPPER LIMIT A HORIZONTAL PLANE OF ELEVATION +775.58 FEET (NATIONAL GEODETIC SURVEY DATUM), IN DUPAGE COUNTY, ILLINOIS.

06-29-400-002; 06-29-301-008

LOT 1 IN HIGHLAND-YORKTOWN RESUBDIVISION OF LOT 1 IN TBA RESUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF HIGHLAND-YORKTOWN RESUBDIVISION RECORDED OCTOBER 13, 2006 AS DOCUMENT R2006-198283, IN DUPAGE COUNTY, ILLINOIS.

06-29-301-014

LOT 2 IN HIGHLAND-YORKTOWN RESUBDIVISION OF LOT 1 IN TBA RESUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF HIGHLAND-YORKTOWN RESUBDIVISION RECORDED OCTOBER 13, 2006 AS DOCUMENT R2006-198283, IN DUPAGE COUNTY, ILLINOIS.

06-29-301-015

LOT 8 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 27, 1968 AS DOCUMENT R68-44972, IN DUPAGE COUNTY, ILLINOIS.

06-29-301-007

LOT 2 IN TBA RESUBDIVISION PLAT, BEING A RESUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 13, 2003 AS DOCUMENT R2003-433529 (EXCEPTING THEREFROM THAT PART THEREOF CONVEYED TO THE VILLAGE OF LOMBARD BY WARRANTY DEED RECORDED JANUARY 16, 2004 AS DOCUMENT R2004-15543), IN DUPAGE COUNTY, ILLINOIS.

06-29-301-011

LOT 1 YORKTOWN-HIGHLAND RESUBDIVISION OF LOT 4 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF YORKTOWN-HIGHLAND RESUBDIVISION RECORDED SEPTEMBER 5, 2006 AS DOCUMENT R2006-170876, AS CORRECTED BY CERTIFICATES RECORDED AS DOCUMENTS R2006-191219 AND R2006-219358, IN DUPAGE COUNTY, ILLINOIS.

06-29-301-013

LOT 1 IN HIGHLAND AVENUE RESUBDIVISION OF PART OF LOT 3 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF RESUBDIVISION RECORDED OCTOBER 4, 2007 AS DOCUMENT R2007-182509, IN DUPAGE COUNTY, ILLINOIS.

06-29-101-042

LOT 2 IN HIGHLAND-YORKTOWN RESUBDIVISION OF LOT 4 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF HIGHLAND-YORKTOWN RESUBDIVISION RECORDED SEPTEMBER 5, 2006 AS DOCUMENT R2006-170876, AND CERTIFICATES OF CORRECTION RECORDED AS DOCUMENTS R2006-191219, R2006-219358 AND R2008-138794, ALL IN DUPAGE COUNTY, ILLINOIS.

TOGETHER WITH ("RR PROPERTY"):

THAT PART OF PARCEL 3 IN HIGHLAND AVENUE ASSESSMENT PLAT OF LOT 2 IN YORKTOWN, BEING A SUBDIVISION OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID HIGHLAND AVENUE ASSESSMENT PLAT RECORDED JANUARY 30, 2012 AS DOCUMENT R2012-12175, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 3; THENCE NORTH 05 DEGREES 03 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SAID PARCEL 3, A DISTANCE OF 210.48 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 05 DEGREES 03 MINUTES 00 SECONDS WEST ALONG SAID EAST LINE 19.69 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 3; THENCE THE FOLLOWING THREE COURSES ALONG THE NORTHERLY LINE OF SAID PARCEL 3; (1) THENCE NORTH 78 DEGREES 02 MINUTES 13 SECONDS WEST, 92.23 FEET TO A POINT OF A NON-TANGENTIAL CURVE; (2) THENCE WESTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 246.67 FEET, A CHORD BEARING OF SOUTH 84 DEGREES 51 MINUTES 35 SECONDS WEST, 136.05 FEET TO A POINT OF TANGENCY; (3) THENCE SOUTH 69 DEGREES 03 MINUTES 34 SECONDS WEST, 40.19 FEET TO A POINT ON A CURVE; THENCE EASTERLY ALONG AN ARC OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 310.00 FEET, A CHORD BEARING OF NORTH 88 DEGREES 10 MINUTES 51 SECONDS EAST 206.91 FEET TO A POINT OF TANGENCY; THENCE SOUTH 72 DEGREES 41 MINUTES 52 SECONDS EAST, 63.14 FEET TO THE PLACE OF BEGINNING, CONTAINING 2,543 SQUARE FEET, MORE OR LESS, IN DUPAGE COUNTY, ILLINOIS.

EXCEPTING THEREFROM THE AFOREMENTIONED PROPERTIES THE FOLLOWING (".25 ACRE PROPERTY"):

PART OF LOT 2 IN HIGHLAND-YORKTOWN RESUBDIVISION OF LOT 4 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF HIGHLAND-YORKTOWN RESUBDIVISION RECORDED SEPTEMBER 5, 2006 AS DOCUMENT R2006-170876, AND CERTIFICATES OF CORRECTION RECORDED AS DOCUMENTS R2006-191219, R2006-219358 AND R2008-138794, ALL IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 3 IN HIGHLAND AVENUE ASSESSMENT PLAT OF LOT 2 IN YORKTOWN, BEING A SUBDIVISION OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID HIGHLAND AVENUE

Ordinance No. _____

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ASSESSMENT PLAT RECORDED JANUARY 30, 2012 AS DOCUMENT R2012-12175; THENCE NORTH 05 DEGREES 03 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SAID PARCEL 3, A DISTANCE OF 210.48 FEET; THENCE SOUTH 72 DEGREES 41 MINUTES 52 SECONDS EAST 59.73 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG AN ARC OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 472.00 FEET, A CHORD BEARING OF SOUTH 69 DEGREES 47 MINUTES 51 SECONDS EAST 47.78 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHEASTERLY ALONG AN ARC OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 13.50 FEET, A CHORD BEARING OF SOUTH 19 DEGREES 27 MINUTES 58 SECONDS EAST 22.35 FEET TO A POINT OF TANGENCY; THENCE SOUTH 27 DEGREES 57 MINUTES 54 SECONDS WEST 171.44 FEET TO A POINT OF NON-CURVATURE; THENCE SOUTHWESTERLY ALONG AN ARC OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 11.37 FEET, A CHORD BEARING OF SOUTH 50 DEGREES 21 MINUTES 57 SECONDS WEST 10.02 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 65 DEGREES 23 MINUTES 09 SECONDS WEST 2.29 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.285 ACRES, MORE OR LESS.

ALL OF THE ABOVE PROPERTY TAKEN AS A WHOLE BEING ALSO DESCRIBED AS FOLLOWS:

LOT 1 IN YORKTOWN COMMONS PHASE 1, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED _____, 20____ AS DOCUMENT R20__ - _____, ALL IN DUPAGE COUNTY, ILLINOIS.

PART OF 06-29-101-041

PART OF 06-29-200-060

LOT 1 IN CARSON'S ASSESSMENT PLAT OF YORKTOWN SHOPPING CENTER, BEING A SUBDIVISION OF LOT 3 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID CARSON'S ASSESSMENT PLAT RECORDED AUGUST 8, 2000 AS DOCUMENT R2000-120890, IN DUPAGE COUNTY, ILLINOIS.

06-29-101-038

Ordinance No. _____

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LOT 2 IN CARSON'S ASSESSMENT PLAT OF YORKTOWN SHOPPING CENTER, BEING AN ASSESSMENT PLAT OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT RECORDED AUGUST 8, 2000 AS DOCUMENT R2000-120890 (EXCEPTING FROM SAID LOT 2 THAT PART CONVEYED TO THE VILLAGE OF LOMBARD BY DOCUMENT R2004-15563 AND DESCRIBED AS BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF HIGHLAND AVENUE AS DEDICATED BY DOCUMENT 342659 RECORDED JANUARY 25, 1934 AND THE SOUTH LINE OF SAID LOT 2; THENCE EASTERLY ALONG A LINE HAVING AN ILLINOIS EAST ZONE GRID BEARING OF SOUTH 63 DEGREES 33 MINUTES 35 SECONDS EAST 25.12 FEET; THENCE SOUTH 02 DEGREES 24 MINUTES 28 SECONDS EAST 13.82 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2, SAID POINT BEING ON A 90.00 FOOT RADIUS CURVE, THE CENTER CIRCLE OF SAID CURVE BEARS NORTH 54 DEGREES 25 MINUTES 26 SECONDS EAST FROM SAID POINT; THENCE NORTHWESTERLY ALONG SAID CURVE 19.85 FEET, CENTRAL ANGLE 12 DEGREES 38 MINUTES 18 SECONDS, THE CHORD BEARS NORTH 51 DEGREES 37 MINUTES 06 SECONDS WEST 19.81 FEET, SAID CURVE BEING ALSO THE SOUTH LINE OF SAID LOT 2; THENCE NORTH 30 DEGREES 42 MINUTES 30 SECONDS WEST 14.76 FEET ALONG A LINE NOT TANGENT TO SAID CURVE TO THE POINT OF BEGINNING), IN DUPAGE COUNTY, ILLINOIS.

06-29-101-037

THAT PART OF LOT 2 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 27, 1968 AS DOCUMENT R68-44972 AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 00 DEGREES 20 MINUTES 30 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 2 A DISTANCE OF 92.26 FEET; THENCE NORTH 44 DEGREES 29 MINUTES 23 SECONDS EAST ALONG THE EAST RIGHT-OF-WAY LINE OF HIGHLAND AVENUE 18.44 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 30 SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE 15.75 FEET TO THE SOUTH LINE OF AN EASEMENT OF INGRESS AND EGRESS PER DOCUMENT NO. R68-45002; THENCE NORTHEASTERLY ALONG SAID EASEMENT 62.14 FEET ALONG THE ARC OF A CURVE CONCAVE

SOUTHEASTERLY, SAID CURVE HAVING A RADIUS OF 80.00 FEET AND A CHORD BEARING NORTH 67 DEGREES 02 MINUTES 34 SECONDS EAST 60.59 FEET TO A POINT OF TANGENCY; THENCE NORTH 89 DEGREES 44 MINUTES 47 SECONDS EAST ALONG SAID EASEMENT LINE 110.92 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY 39.43 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY, SAID CURVE HAVING A RADIUS OF 25.00 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 30 SECONDS EAST ALONG THE WEST LINE OF SAID EASEMENT 118.79 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE SOUTH 89 DEGREES 17 MINUTES 40 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2 A DISTANCE OF 205.01 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

06-29-101-043

PARCEL 2 IN HIGHLAND AVENUE ASSESSMENT PLAT OF LOT 2 IN YORKTOWN, BEING A SUBDIVISION OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID HIGHLAND AVENUE ASSESSMENT PLAT RECORDED JANUARY 30, 2012 AS DOCUMENT R2012-12175, IN DUPAGE COUNTY, ILLINOIS.

EXCEPT FOR THAT PORTION OF THE PROPERTY DESCRIBED AS:

PART OF PARCEL 2 IN HIGHLAND AVENUE ASSESSMENT PLAT OF LOT 2 IN YORKTOWN, BEING A SUBDIVISION OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID HIGHLAND AVENUE ASSESSMENT PLAT RECORDED JANUARY 30, 2012 AS DOCUMENT R2012-12175, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF PARCEL 3 IN SAID HIGHLAND AVENUE ASSESSMENT PLAT OF LOT 2 IN YORKTOWN; THENCE THE FOLLOWING TWO (2) COURSES ALONG THE SOUTHERLY AND WESTERLY EXTENSION OF SAID SOUTHERLY LINE OF SAID PARCEL 3; (1) THENCE NORTH 65 DEGREES 23 MINUTES 09 SECONDS WEST 127.04 FEET; (2) THENCE SOUTH 87 DEGREES 55 MINUTES 45 SECONDS WEST 267.15 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 73 DEGREES 04 MINUTES 33 SECONDS WEST 160.85 FEET; THENCE NORTH 17 DEGREES 38 MINUTES 09 SECONDS WEST 110.19 FEET; THENCE NORTH 65 DEGREES 52 MINUTES 55 SECONDS EAST 156.55 FEET TO A POINT OF CURVATURE; THENCE

SOUTHEASTERLY ALONG AN ARC OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 10.00 FEET, A CHORD BEARING OF SOUTH 65 DEGREES 31 MINUTES 16 SECONDS EAST 16.96 FEET TO A POINT OF TANGENCY; THENCE SOUTH 16 DEGREES 55 MINUTES 27 SECONDS EAST 119.86 FEET; THENCE SOUTH 73 DEGREES 04 MINUTES 33 SECONDS WEST 4.36 FEET TO THE PLACE OF BEGINNING, CONTAINING 20,000 SQUARE FEET.

ALSO TO BE KNOWN AS LOT 1 IN THE FINAL PLAT OF SUBDIVISION OF YORKTOWN COMMONS PHASE 2.

PART OF 06-29-101-044

LOT 1 OF PEHRSON'S RESUBDIVISION OF LOTS 1 AND 2 IN THE RESUBDIVISION OF LOT 1 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID PEHRSON'S RESUBDIVISION RECORDED SEPTEMBER 30, 1975 AS DOCUMENT R75-53797, (EXCEPTING THEREFROM THAT PART OF LOT 1 DESCRIBED AS BEGINNING AS A POINT ON THE EAST RIGHT-OF-WAY LINE OF HIGHLAND AVENUE AS DEDICATED BY DOCUMENT NO. 342659 RECORDED JANUARY 25, 1934 AND THE SOUTH LINE OF SAID LOT 1; THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY LINE HAVING AN ILLINOIS EAST ZONE GRID BEARING OF NORTH 02 DEGREES 24 MINUTES 28 SECONDS WEST 67.26 FEET; THENCE SOUTH 47 DEGREES 24 MINUTES 28 SECONDS EAST 28.28 FEET; THENCE SOUTH 02 DEGREES 24 MINUTES 28 SECONDS EAST 47.30 FEET TO A POINT ON SAID SOUTH LINE OF SAID LOT 1; THENCE SOUTH 87 DEGREES 44 MINUTES 58 SECONDS WEST 20.00 FEET TO THE POINT OF BEGINNING) IN DUPAGE COUNTY, ILLINOIS.

06-29-101-035

LOT 2 OF PEHRSON'S RESUBDIVISION OF LOTS 1 AND 2 IN THE RESUBDIVISION OF LOT 1 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID PEHRSON'S RESUBDIVISION RECORDED SEPTEMBER 30, 1975 AS DOCUMENT R75-52797, IN DUPAGE COUNTY, ILLINOIS.

06-29-101-019

THAT PART OF LOT 3 IN THE RESUBDIVISION OF LOT 1 IN YORKTOWN, BEING A RESUBDIVISION IN SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION OF LOT 1 RECORDED AUGUST 4, 1971 AS DOCUMENT R71-37751, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE NORTH 87 DEGREES 39 MINUTES 50 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 281.24 FEET; THENCE SOUTH 02 DEGREES 16 MINUTES 35 SECONDS EAST 224.71 FEET; THENCE NORTH 87 DEGREES 42 MINUTES 49 SECONDS EAST 43.47 FEET; THENCE SOUTH 37 DEGREES 15 MINUTES 04 SECONDS EAST 44.24 FEET; THENCE SOUTH 12 DEGREES 55 MINUTES 57 SECONDS EAST 104.26 FEET TO THE SOUTHERLY LINE OF SAID LOT 3; THENCE THE FOLLOWING TWO COURSES ALONG SAID SOUTHERLY LINE OF SAID LOT 3; (1) THENCE WESTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 500.00 FEET, A CHORD BEARING OF SOUTH 78 DEGREES 57 MINUTES 16 SECONDS WEST, 152.01 FEET TO A POINT OF TANGENCY; (2) THENCE SOUTH 87 DEGREES 39 MINUTES 50 SECONDS WEST 366.70 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE THE FOLLOWING THREE COURSES ALONG THE WESTERLY LINE OF SAID LOT 3; (1) THENCE NORTH 02 DEGREES 20 MINUTES 10 SECONDS WEST, 76.68 FEET TO A POINT OF CURVATURE; (2) THENCE NORTHERLY ALONG THE ARC OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 148.56 FEET, A CHORD BEARING OF NORTH 11 DEGREES 53 MINUTES 13 SECONDS EAST, 73.76 FEET TO A POINT OF TANGENCY; (3) THENCE NORTH 26 DEGREES 06 MINUTES 37 SECONDS EAST, 271.81 FEET TO THE PLACE OF BEGINNING.

ALSO TO BE DESCRIBED AS FOLLOWS:

LOT 3 IN YORKTOWN COMMONS PHASE 1, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED _____, 20____ AS DOCUMENT R20__-_____, ALL IN DUPAGE COUNTY, ILLINOIS.

PART OF 06-29-101-028

SECTION 3: With the submittal of a new entitled Final Plat of Resubdivision of Yorktown Commons Phase 1, a recommended condition of approval by the Lombard Plan Commission has been met.

SECTION 4: All other conditions of approval set forth by previous Ordinances and Site Plan Approvals not affected by this approval shall remain in full force and effect.

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 _____, 2016.

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

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

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2016.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Ordinance No. _____
Re: PC 16-07: Yorktown Planned Development Amendment
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Published in pamphlet from this _____ day of _____, 2016.

Sharon Kuderna, Village Clerk

ORDINANCE NO. _____

**GRANTING AN AMENDMENT TO ORDINANCE 7177
GRANTING A CONDITIONAL USE FOR THE YORKTOWN
COMMONS PLANNED DEVELOPMENT**

(PC 16-07: Yorktown Commons Planned Development)

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

WHEREAS, the Subject Property, as described in Section 2 below, is zoned B3PD – Community Shopping District Planned Development; and,

WHEREAS, on January 21, 2016, the Corporate Authorities approved Ordinance Number, 7177, granting a conditional use for a planned development for the Yorktown Commons planned development along with companion deviations and variations through an established form-based code; and,

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

WHEREAS, the petitioner is requesting a further planned development amendments to amend the geographic boundaries of the previously approved planned development (as depicted upon a new Final Plat of Subdivision), and further variances from Sections 155.415(F) and 155.508(C)(6)(a) and (b) of the Lombard Zoning Ordinance to approve a deviation and variation to reduce the required interior side yard setback from ten (10) feet to zero feet for land adjacent to the Yorktown Commons PD (between proposed Lots 3 and 4); and to approve said deviation and variation within the Yorktown PD and Yorktown Commons PD to permit the existing buildings and infrastructure commonly known as the “Convenience Center” to remain in place pending redevelopment; and

WHEREAS, pursuant to an application to amend Ordinance Number 7177, proper and legal notice was provided and a public hearing was held before the Village’s Plan Commission on April 18, 2016; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the amendments described herein; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard approve and adopt the findings and recommendation of the Plan Commission and incorporate such findings and recommendation 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, DUPAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That the following amendments to the conditional use approval for the Yorktown Commons Planned Development, as established by Ordinance Number 7175, as set forth below are hereby granted for the Subject Property legally described in Section 2, consisting of the following:

1. A change to the geographical extent of the previously approved planned development;
2. Variances from Sections 155.415(F) and 155.508(C)(6)(a) and (b) of the Lombard Zoning Ordinance to approve a deviation and variation to reduce the required interior side yard setback from ten (10) feet to zero feet for land adjacent to the Yorktown Commons PD (between proposed Lots 3 and 4); and to approve said deviation and variation within the Yorktown PD and Yorktown Commons PD to permit the existing buildings and infrastructure commonly known as the "Convenience Center" to remain in place pending redevelopment; and
3. Approval of a new companion Major Plat of Subdivision.

SECTION 2: That this Ordinance is limited and restricted to the property generally located at the intersection of Grace Street and Yorktown Shopping Center ring road, Lombard, Illinois and legally described as follows:

THOSE PARTS OF LOTS 3 AND 4 (EXCEPT THAT PART OF SAID LOT 4 DEDICATED FOR GRACE STREET PER DOCUMENT R72-57164 RECORDED SEPTEMBER 20, 1972) ALL IN THE RESUBDIVISION OF LOT 1 IN YORKTOWN,

Ordinance No. _____

Re: PC 16-07: Yorktown Commons Planned Development Amendment

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BEING A RESUBDIVISION IN SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION OF LOT 1 RECORDED AUGUST 4, 1971 AS DOCUMENT R71-37751, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE NORTH 87 DEGREES 39 MINUTES 50 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 281.24 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 02 DEGREES 16 MINUTES 35 SECONDS EAST 224.71 FEET; THENCE NORTH 87 DEGREES 42 MINUTES 49 SECONDS EAST 43.47 FEET; THENCE SOUTH 37 DEGREES 15 MINUTES 04 SECONDS EAST 44.24 FEET; THENCE SOUTH 12 DEGREES 55 MINUTES 57 SECONDS EAST 104.26 FEET TO THE SOUTHERLY LINE OF SAID LOT 3; THENCE THE FOLLOWING TWO COURSES ALONG THE SOUTHERLY LINES OF SAID LOTS 3 AND 4; (1) THENCE EASTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 500.00 FEET, A CHORD BEARING OF NORTH 68 DEGREES 06 MINUTES 14 SECONDS EAST, 37.37 FEET TO A POINT OF TANGENCY; (2) THENCE NORTH 65 DEGREES 57 MINUTES 47 SECONDS EAST 609.94 FEET; THENCE NORTH 02 DEGREES 04 MINUTES 57 SECONDS WEST ALONG A LINE 7 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 4, A DISTANCE OF 400.00 FEET; THENCE SOUTH 65 DEGREES 57 MINUTES 47 SECONDS WEST ALONG THE NORTH LINES OF SAID LOTS 4 AND 3, A DISTANCE OF 742.45 FEET; THENCE SOUTH 87 DEGREES 39 MINUTES 50 SECONDS WEST ALONG SAID NORTH LINE OF LOT 3, A DISTANCE OF 1.58 FEET TO THE PLACE OF BEGINNING, CONTAINING 264,030 SQUARE FEET, MORE OR LESS.

ALSO TO BE DESCRIBED AS FOLLOWS:

LOT 4 IN YORKTOWN COMMONS PHASE 1, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED _____, 20____ AS DOCUMENT R20__ - _____, ALL IN DUPAGE COUNTY, ILLINOIS.

PART OF 06-29-101-028

PART OF PARCEL 2 IN HIGHLAND AVENUE ASSESSMENT PLAT OF LOT 2 IN YORKTOWN, BEING A SUBDIVISION OF SECTION 29, TOWNSHIP 39 NORTH,

RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID HIGHLAND AVENUE ASSESSMENT PLAT RECORDED JANUARY 30, 2012 AS DOCUMENT R2012-12175, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

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

ALSO TO BE KNOWN AS LOT 1 IN THE FINAL PLAT OF SUBDIVISION OF YORKTOWN COMMONS PHASE 2.

PART OF 06-29-101-044

PART OF PARCEL 3 IN HIGHLAND AVENUE ASSESSMENT PLAT OF LOT 2 IN YORKTOWN, BEING A SUBDIVISION OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID HIGHLAND AVENUE ASSESSMENT PLAT RECORDED JANUARY 30, 2012 AS DOCUMENT R2012-12175, TOGETHER WITH PART OF LOT 2 IN HIGHLAND-YORKTOWN RESUBDIVISION OF LOT 4 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF HIGHLAND-YORKTOWN RESUBDIVISION RECORDED SEPTEMBER 5, 2006 AS DOCUMENT R2006-170876, AND CERTIFICATES OF CORRECTION RECORDED AS DOCUMENTS R2006-191219, R2006-219358 AND R2008-138794, ALL IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL 3; THENCE THE FOLLOWING SEVEN (7) COURSES ALONG THE SOUTHERLY, WESTERLY AND NORTHERLY LINES OF SAID PARCEL 3; (1) THENCE NORTH 65 DEGREES 23 MINUTES 09 SECONDS WEST 127.04 FEET; (2) THENCE SOUTH 87 DEGREES 55 MINUTES 45 SECONDS WEST 209.84 FEET TO A POINT OF CURVATURE; (3) THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 18.00 FEET, A CHORD BEARING OF NORTH 47 DEGREES 22 MINUTES 03 SECONDS WEST 28.09 FEET TO A POINT OF TANGENCY; (4) THENCE NORTH 02 DEGREES 39 MINUTES 50 SECONDS WEST 26.41 FEET; (5) THENCE NORTH 17 DEGREES 21 MINUTES 56 SECONDS WEST 83.14 FEET TO A POINT OF CURVATURE; (6) THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 20.00 FEET, A CHORD BEARING OF NORTH 25 DEGREES 50 MINUTES 49 SECONDS EAST, 30.17 FEET TO A POINT OF TANGENCY; (7) THENCE NORTH 69 DEGREES 03 MINUTES 34 SECONDS EAST 81.51 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG AN ARC OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 310.00 FEET, A CHORD BEARING OF NORTH 88 DEGREES 10 MINUTES 51 SECONDS EAST 206.91 FEET TO A POINT OF TANGENCY; THENCE SOUTH 72 DEGREES 41 MINUTES 52 SECONDS EAST 122.87 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG AN ARC OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 472.00 FEET, A CHORD BEARING OF SOUTH 69 DEGREES 47 MINUTES 51 SECONDS EAST 47.78 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHEASTERLY ALONG AN ARC OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 13.50 FEET, A CHORD BEARING OF SOUTH 19 DEGREES 27 MINUTES 58 SECONDS EAST 22.35 FEET TO A POINT OF TANGENCY; THENCE SOUTH 27 DEGREES 57 MINUTES 54 SECONDS WEST 171.44 FEET TO A POINT OF NON-CURVATURE; THENCE SOUTHWESTERLY ALONG AN ARC OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 11.37 FEET, A CHORD BEARING OF SOUTH 50 DEGREES 21 MINUTES 57 SECONDS WEST 10.02 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 65 DEGREES 23 MINUTES 09 SECONDS WEST 2.29 FEET TO THE PLACE OF BEGINNING, CONTAINING 76,095 SQUARE FEET, MORE OR LESS.

ALSO TO BE DESCRIBED AS FOLLOWS:

LOT 2 IN YORKTOWN COMMONS PHASE 1, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED

_____, 20____ AS DOCUMENT R20__-_____, ALL IN DUPAGE COUNTY, ILLINOIS.

PARTS OF 06-29-200-060 AND 06-29-101-041

LOT 4 IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION, BEING PART OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 17, 1995 AS DOCUMENT R95-162762, IN DUPAGE COUNTY, ILLINOIS.

06-29-200-050

SECTION 3: With the submittal of a new entitled Final Plat of Resubdivision of Yorktown Commons Phase 1, a recommended condition of approval by the Lombard Plan Commission has been met.

SECTION 4: All other conditions of approval set forth by Ordinance 7177 and not affected by this approval shall remain in full force and effect.

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 _____, 2016.

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

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

Ayes: _____

Nays: _____

Ordinance No. _____
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Absent: _____

Approved by me this _____ day of _____, 2016.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2016.

Sharon Kuderna, Village Clerk