



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: May 18, 2023

SUBJECT: **PC 23-02: 230 Yorktown Center and a portion of 175 Yorktown Center – Yorktown Reserve (Final Reading & Ordinance Amendment)**

The Village Board approved a first reading of an ordinance granting approval of zoning entitlements for the proposed Yorktown Reserve project. Subsequent to the First Reading, staff received an inquiry from the petitioner's Counsel offering a few minor amendments for clarity to the approval ordinance. The edits pertain to references to Village Code sections, and references to the submitted plans for the subject property. No changes are being requested relative to the zoning or subdivision relief, nor the submitted plans.

Staff reviewed these amendments and find them acceptable. As such, please place the revised Ordinance on the May 18, 2023 Village Board of Trustees agenda for consideration and approval for Final Reading.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A MAJOR CHANGE PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.504 OF THE LOMBARD VILLAGE CODE, FOR A PORTION OF THE YORKTOWN SHOPPING CENTER PLANNED DEVELOPMENT, AS ESTABLISHED BY ORDINANCE 1172 AND SUBSEQUENTLY AMENDED, TO APPROVE A USE EXCEPTION PURSUANT TO SECTION 155.508(B)(3) OF THE LOMBARD VILLAGE CODE TO PROVIDE FOR MULTIPLE-FAMILY RESIDENTIAL BUILDINGS WITH DWELLING UNITS ON THE FIRST FLOOR; AND APPROVING A PRELIMINARY PLAT OF SUBDIVISION WITH VARIATIONS

(PC 23-02: Yorktown Reserve – 230 Yorktown Center and a portion of 175 Yorktown Center)

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

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

WHEREAS, the Subject Property, as described in Section 2 below, is subject to the Yorktown Shopping Center Planned Development Design Guidelines, as adopted by the President and Board of Trustees of the Village of Lombard by Ordinance 1172 and subsequently amended by Ordinances 3964, 6053, 6180, 6230, 7067, and 7175; and,

WHEREAS, an application has heretofore been filed requiring approval of a major change to a portion of a planned development, consisting of 230 Yorktown Center and a portion of 175 Yorktown Center, pursuant to the Lombard Zoning Ordinance (Title 15, Chapter 155 of the Village Code); approval of certain variations under both the Lombard Zoning Ordinance and the Lombard Subdivisions and Development Ordinance (Title 15, Chapter 154 of the Village Code); and approval of a preliminary plat of subdivision;

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on February 20, 2023, 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 major change, the variations, and approval of a preliminary plat of subdivision; and,

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

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

SECTION 1: That a major change for a portion of a planned development, certain variations, and a preliminary plat of subdivision, as set forth below, is hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

1. Pursuant to Section 155.504(A) of the Lombard Village Code (major changes in a planned development) of the Lombard Zoning Ordinance, the Yorktown Shopping Center Planned Development as established by Ordinance Number 1172 and subsequently amended by Ordinance Numbers 3964, 6053, 6180, 6230, 7067, and 7175, is hereby amended to:
 - a. Approve the preliminary plan documents for Yorktown Reserve;
 - b. Approve a variation from Section 155.415(E) to allow a lot with a lot width of less than 100 feet, to provide for a driveway connection to Highland Avenue; and
 - c. Approve a use exception pursuant to Section 155.508(B)(3) of the Lombard Village Code to provide for a multiple-family residential building with dwelling units on the first floor;

2. Pursuant to Chapter 154 of the Lombard Village Code (the Subdivisions and Development Ordinance) approve a preliminary plat of subdivision with the following variations:
 - a. A variation from Section 154.506(D) to allow for lots that do not have frontage on a public street;

 - b. A variation from Section 154.506(F) to allow lots that are not at right angles or radial to street lines; and

SECTION 2: That this ordinance is limited and restricted to the subject property generally located at 230 Yorktown Center and the west portion of 175 Yorktown Center, Lombard, Illinois, and more specifically legally described as set forth below:

THAT PART OF LOT 1 IN CARSON'S ASSESSMENT PLAT OF YORKTOWN SHOPPING CENTER, RECORDED AUGUST 8, 2000 AS DOCUMENT R2000-

120890, TOGETHER WITH THAT PART OF PARCEL 2 IN HIGHLAND AVENUE ASSESSMENT PLAT, RECORDED JANUARY 30, 2012 AS DOCUMENT R2012-012175, BOTH IN SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHWEST CORNER OF SAID LOT 1 IN IN CARSON'S ASSESSMENT PLAT; THENCE NORTH 02 DEGREES 22 MINUTES 47 SECONDS WEST, 352.27 FEET; THENCE ALONG A CURVE HAVING A CHORD BEARING OF NORTH 47 DEGREES 22 MINUTES 48 SECONDS WEST, A RADIUS OF 25.00 FEET, AND AN ARC LENGTH 39.27 FEET; THENCE SOUTH 87 DEGREES 37 MINUTES 13 SECONDS WEST, 114.00 FEET; THENCE ALONG A CURVE HAVING A CHORD BEARING OF SOUTH 66 DEGREES 52 MINUTES 57 SECONDS WEST, A RADIUS OF 77.00 FEET, AND AN ARC LENGTH OF 55.74 FEET; THENCE NORTH 02 DEGREES 22 MINUTES 47 SECONDS WEST, 89.15 FEET; THENCE ALONG A CURVE HAVING A CHORD BEARING OF SOUTH 75 DEGREES 07 MINUTES 13 SECONDS EAST, A RADIUS OF 90.00 FEET, AND AN ARC LENGTH OF 54.22 FEET; THENCE NORTH 87 DEGREES 37 MINUTES 13 SECONDS EAST, 114.00 FEET; THENCE ALONG A CURVE HAVING A CHORD BEARING OF NORTH 42 DEGREES 37 MINUTES 13 SECONDS EAST, A RADIUS OF 25.00 FEET, AND AN ARC LENGTH OF 39.27 FEET; THENCE NORTH 02 DEGREES 22 MINUTES 47 SECONDS WEST, 448.23 FEET; THENCE NORTH 87 DEGREES 15 MINUTES 23 SECONDS EAST, 51.21 FEET; THENCE ALONG A CURVE HAVING A CHORD BEARING OF NORTH 50 DEGREES 02 MINUTES 53 SECONDS EAST, A RADIUS OF 219.00 FEET, AND AN ARC LENGTH OF 288.43 FEET; THENCE NORTH 87 DEGREES 46 MINUTES 43 SECONDS EAST, 107.83 FEET; THENCE ALONG A CURVE HAVING A CHORD BEARING OF NORTH 79 DEGREES 56 MINUTES 16 SECONDS EAST, A RADIUS OF 506.00 FEET, AND AN ARC LENGTH OF 138.49 FEET; THENCE NORTH 72 DEGREES 07 MINUTES 03 SECONDS EAST, 23.60 FEET; THENCE NORTH 66 DEGREES 11 MINUTES 57 SECONDS EAST, 155.55 FEET; THENCE SOUTH 17 DEGREES 28 MINUTES 24 SECONDS EAST, 258.76 FEET; THENCE SOUTH 28 DEGREES 01 MINUTES 44 SECONDS WEST, 62.53 FEET; THENCE SOUTH 62 DEGREES 02 MINUTES 17 SECONDS EAST, 276.72 FEET; THENCE SOUTH 27 DEGREES 57 MINUTES 43 SECONDS WEST, 419.93 FEET; THENCE NORTH 62 DEGREES 01 MINUTES 04

SECONDS WEST, 218.43 FEET; THENCE SOUTH 27 DEGREES 57 MINUTES 43 SECONDS WEST, 254.10 FEET; THENCE SOUTH 57 DEGREES 57 MINUTES 43 SECONDS WEST, 165.00 FEET; THENCE SOUTH 27 DEGREES 57 MINUTES 43 SECONDS WEST, 177.29 FEET; THENCE SOUTH 87 DEGREES 37 MINUTES 13 SECONDS WEST, 188.55 FEET, TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PINS: 06-29-101-038 (230 Yorktown Center) and a portion of 06-29-101-044 (175 Yorktown Center)

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

1. That the major changes to a planned development are valid only for the subject property within the Yorktown Shopping Center Planned Development;
2. That the petitioner shall develop the site in substantial accordance with the preliminary plans submitted as part of aforementioned application and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Code;
3. That the petitioner shall apply for and receive building permits for the proposed development;
4. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
5. The petitioner shall address KLOA's comments on internal traffic circulation and control, with revised plans to be reviewed during permit review by engineering staff; and
6. That this approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2023.

Ordinance No. _____

Re: PC 23-02

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First reading waived by action of the Board of Trustees this _____ day of _____, 2023.

Passed on second reading this _____ day of _____, 2023, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2023.

Keith T. Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this _____ day of _____, 2023.

Elizabeth Brezinski, Village Clerk