

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES  
FROM: William T. Lichter, Village Manager  
DATE: November 4, 2004 (B of T) Date: November 18, 2004  
TITLE: PC 03-30: 70 Yorktown Center  
SUBMITTED BY: Department of Community Development *DGH*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance granting an extension of Ordinance 5397 granting conditional use approval for a hotel/convention hall at 70 Yorktown Shopping Center. (DISTRICT #3)

Staff recommends approval of this request.

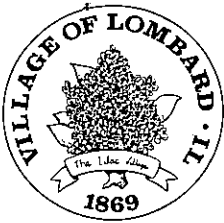
Staff is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X W. T. Lichter Date 11/10/04

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 *DCH*

**DATE:** November 18, 2004

**SUBJECT:** **Extension of Ordinance 5397 (PC 03-30; 70 Yorktown Center; .  
Hotel/Convention Hall)**

The Board of Trustees approved Ordinance 5397 (PC 04-30) on November 20, 2003 which granted conditional use approval for a hotel/convention hall on the property at 70 Yorktown Shopping Center. Per the conditional use provisions (Section 155.103(F)(11) of the Zoning Ordinance), if construction has not begun within one (1) year from the date of approval, the conditional use is null and void unless an extension is granted by the Board of Trustees.

After being advised that the conditional use was about to expire, the petitioner submitted a letter requesting an extension of the conditional use. The petitioner notes that granting an extension is requested in order to complete the associated development agreements prior to starting construction. It is hoped that the agreements can be finalized and construction can begin this year.

### Recommendation

Staff recommends that the Village Board approve an Ordinance extending the time period to start construction of the proposed hotel/convention hall for a six-month period (i.e., until May 18, 2005). A copy of Ordinance 5397 is also attached.

Staff also requests a waiver of first reading of the Ordinance.

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**ORDINANCE NO. 5397**

**AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 3962  
AS AMENDED, ADOPTED JANUARY 19, 1995,  
GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT WITH  
VARIATIONS AND DEVIATIONS AND GRANTING A CONDITIONAL USE  
FOR A HOTEL/CONVENTION HALL FACILITY**

(PC 03-30: Yorktown Peripheral Planned Development)

(Also see Ordinance Nos. 3962 and 4310)

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, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Sign Ordinance, otherwise known as Title XV, Chapter 153 of the Code of Lombard, Illinois; and,

WHEREAS, on January 19, 1995, the President and Board of Trustees adopted Ordinance 3962, granting a conditional use for a B3PD Community Shopping District/Planned Development for property legally described herein and commonly known as the Yorktown Peripheral Planned Development pursuant to Title 15, Chapter 155, Section 155.501 *et seq.* of the Code of Lombard (all references herein to any lots shall mean or refer to the recorded lots shown on the approved Final Plat of Subdivision for the Yorktown Peripheral Planned Development, named "Yorktown Peripheral/Target Subdivision" as approved by the President and Board of Trustees on January 19, 1995, and recorded as document R95-162762 attached hereto and made a part hereof.); and

WHEREAS, on January 19, 1995, the President and Board of Trustees adopted Ordinance 4310, granting an amendment to the conditional use for a B3PD Community Shopping District/Planned Development for Lots 5 and 6 of the Yorktown Peripheral/Target Subdivision; and

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

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WHEREAS, the petitioner is requesting an amendment to the planned development to allow for the construction of a hotel/convention hall and related improvements located within the planned development; and

WHEREAS, pursuant to an application to amend Ordinance 3962, proper and legal notice was provided and a public hearing was held before the Village's Plan Commission on August 18, 2003; and

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the amendment described herein, subject to terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard have reviewed the request and hereby adopt the findings and recommendations of the Plan Commission as set forth herein, and make same part hereof, subject to the terms and conditions established by this ordinance as more fully set forth below.

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 Ordinance No. 3962 adopted January 19, 1995 and Ordinance 4310 adopted June 5, 1997, are hereby amended for the property legally described in Section 2 below to allow for an amendment to the conditional use for a planned development, subject to the conditions noted in Section 9 below.

SECTION 2: That this ordinance is limited and restricted to the property generally located on the south side of 22<sup>nd</sup> Street east of Fairfield Avenue, Lombard, Illinois and legally described as follows:

LOTS 1 THROUGH 6 AND OUTLOT A IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION, BEING A PART OF THE NORTHEAST QUARTER 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.

P.I.N. 06-29-200-047, 048, 049, 050, 051, 052, 053

SECTION 3: That Ordinance No. 3962 adopted January 19, 1995 and Ordinance 4310 adopted June 5, 1997, are hereby amended and a conditional use permit and Site Plan Approval for a Hotel and Convention Hall on Lot 2 is hereby granted with deviations and variations to the Zoning and Sign Ordinances for the property legally described in Section 4 below to allow for and subject to the conditions noted in Section 9 below, as follows:

- A. A deviation from Section 155.414(E)(3) of the Lombard Zoning Ordinance to allow a reduction of the required interior side yard (south property line) from ten feet to zero feet;
- B. A deviation from Section 155.414(E)(4) and a variation from Section 155.508 (C)(6)(a) of the Lombard Zoning Ordinance reducing the required rear yard for Lot 2 of the planned development from thirty feet to five feet;
- C. A deviation from Section 155.414(G) of the Lombard Zoning Ordinance allowing for an increase in the maximum building height on Lot 2 of the planned development from two stories and thirty feet to twenty stories and two hundred and twenty-five feet;
- D. A deviation from Section 155.709(B) to eliminate the requirement for perimeter lot landscaping along the north and south property lines;
- E. Amend Section G.3 of Ordinance 3962 which has a limitation of one wall sign per tenant space, and allow a deviation from Section 153.505(B)(17) of the Lombard Zoning Ordinance, which has a limitation of one wall sign for each interior tenant and two wall signs for exterior tenants, and which limits wall sign surface areas based upon setback and street frontage, and which limits sign locations, to allow: (1) a total of eleven wall signs on Lot 2 of the planned development; (2) a total wall sign surface area of two thousand six hundred sixty square feet; and (3) a maximum single wall sign surface area of seven hundred twenty square feet; all such signs to be located on the building substantially in conformance with submitted plans, with such signs subject to future Site Plan Approval; and
- F. A deviation from Section 153.505(B)(5)(b)(1) to allow an increase from the allowable sign surface area for a freestanding sign from fifty square feet to one hundred square feet for a freestanding (monument) sign to be located substantially in conformance with submitted plans and subject to future Site Plan Approval.

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SECTION 4: That the zoning relief listed in Section 3 above is limited and restricted to the property generally located at 70 Yorktown Shopping Center, Lombard, Illinois and legally described as follows:

LOT 2 IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION, BEING A PART OF THE NORTHEAST QUARTER 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 DU PAGE COUNTY, ILLINOIS.

P.I.N. 06-29-200-048

SECTION 5: That Ordinance No. 3962 adopted January 19, 1995 is hereby amended and Site Plan Approval for Lot 1 is hereby granted with deviations and variations to the Zoning and Sign Ordinances for the property legally described in Section 6 below to allow for and subject to the conditions noted in Section 9 below, as follows:

- A. Grant an amendment to Section 3.A of Ordinance 3962 to permit the widening and signalization of a private drive on Lot 1.
- B. Grant an amendment to Section G.1 of Ordinance 3962 and, pursuant and subject to Section 155.504(C) of the Lombard Zoning Ordinance, allow for future Site Plan Approval with deviations or variations from Sections 153.225 and 153.505(B)(5)(b)(1), (e) and (f) and 153.505(B)(9) of the Lombard Sign Ordinance for two off-premises, freestanding (monument) signs on Lot 1 identifying each of the uses on Lots 1 and 2, with said signs to be located on the east and west sides of said drive substantially as shown on the submitted plans. This request includes a reduction of the required spacing between freestanding signs from one hundred feet to sixty feet and an increase in the allowable sign surface area for each freestanding sign from fifty square feet to one hundred square feet.

SECTION 6: That the zoning relief listed in Section 5 above is limited and restricted to the property generally located at 70 Yorktown Shopping Center, Lombard, Illinois and legally described as follows:

LOT 1 IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF

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THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 17, 1995 AS DOCUMENT R95-162762, IN DU PAGE COUNTY, ILLINOIS.

P.I.N. 06-29-200-047

SECTION 7: That Ordinance No. 3962 adopted January 19, 1995 and Ordinance 4310 adopted June 5, 1997, are hereby amended and Site Plan Approval is hereby granted with deviations and variations to the Zoning Ordinance for the property legally described in Section 4 below, subject to the conditions noted in Section 9 below, as follows:

- A. Grant an amendment to Section 2 of Ordinance 4310 to amend the approved Site & Landscape Plan for Lots 5 and 6, to allow changes to the parking, landscaping and ponds, substantially in conformance with submitted plans, with (1) a deviation from Section 155.414(E)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard (north property line) of Lot 5 from ten feet to zero feet, and (2) a deviation from Section 155.709(B) of the Lombard Zoning Ordinance to eliminate the requirement for perimeter lot landscaping along the north property line of Lot 5, both deviations being requested to allow the Hotel and Convention Hall on Lot 2 to extend its terrace area into Lot 5.

SECTION 8: That the zoning relief listed in Section 7 above is limited and restricted to the property legally described as follows:

LOTS 5 AND 6 IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION, BEING A PART OF THE NORTHEAST QUARTER 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 DU PAGE COUNTY, ILLINOIS.

P.I.N. 06-29-200-051 and 052

SECTION 9: That the conditional uses, variations, deviations and site plan approvals set forth in Sections 1, 3, 5 and 7 above shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the facility essentially in accordance with the plans prepared by VOA Architects, et. al. and submitted within the petitioner's application for public hearing binder dated August 11, 2003 and made a part of the request.

2. That the petitioner shall satisfactorily address the IDRC comments included within Appendix A of the staff report.
3. That all relief associated with this petition shall be contingent upon the Village Board approving the development agreement for the proposed facility.
4. That the petitioner shall design and construct the Convention Way access drive consistent with the recommendations of the traffic report and shall include at a minimum the following items:
  - a. a sidewalk of at least five feet in width connecting Lot 2 to 22nd Street;
  - b. a full traffic signal at 22nd Street per Village specifications and subject to review of the Department of Public Works;
  - c. relocation or modification of any existing utilities affected by the driveway construction and development; and
  - d. a secure area for Village vehicles to park in order to service the lift station.
5. That the petitioner shall provide sidewalk improvements, as follows:
  - a. that a pedway location shall be reserved on the subject property of at least seven feet in width that would connect the hotel facility to the ring road, with said location be determined by the Director of Community Development;
  - b. that upon a request by the Village, the petitioner shall construct a covered pedway connection, with said connection subject to site plan review; and
  - c. that a traffic control measure be provided for the pedway crossing at the ring road.
6. The site shall be signed so as to restrict service vehicles from accessing or exiting the property from any other point other than Convention Way.
7. Prior to erection of any signage on the subject property, the petitioner shall submit the signage package to the Village Plan Commission for site plan review.
8. That the development shall be developed consistent with all Codes of the Village.
9. That the facility shall include the following items:
  - a. that roofing materials shall meet at least a 20-year standard;
  - b. that an exterior lighting plan for the facility shall be provided which incorporate the use of up-lighting on the structure; and
  - c. that the facility shall incorporate a vita path as part of the development.





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Approved this 20th day of November, 2003.

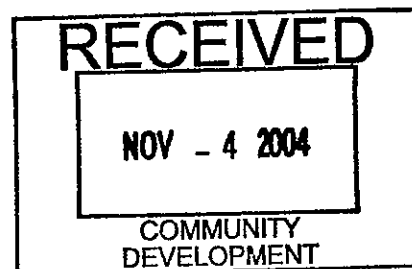
  
\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

  
\_\_\_\_\_  
Barbara A. Johnson, Deputy Village Clerk

# HARP MID-AMERICA, L.L.C.

377 East Butterfield Road, Suite 690  
Lombard, Illinois 60148  
630 971-1360



November 1, 2004

Mr. William Heniff  
**Village of Lombard**  
255 East Wilson Avenue  
Lombard, IL 60148

**RE: PD Extension (Via Fax)**

Dear Bill,

This letter is submitted as a request for an extension of the construction start time for the new hotel and convention center that is to be built in accordance with Ordinance 5397. As we discussed, this conditional use for a planned development with variations and deviations for granting conditional use for a hotel/convention center was approved on November 20, 2003. Since all conditional use permits granted in Lombard require a commencement of construction within one year of approval, we will need an extension of this time frame to complete the development agreements and begin construction. We are asking that this construction commencement date be extended by 6 months.

We look forward to working with Lombard on this exciting project and beginning construction as quickly as possible. If you have any questions, or require any further information, please feel free to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Nolin".

Eric Nolin

cc: David Hulseberg  
Peter Dumon  
Tom McGuigan  
file

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING  
A TIME EXTENSION OF ORDINANCE 5397**

(PC 03-30: 70 Yorktown Shopping Center -  
Yorktown Peripheral Planned Development: Hotel/Convention Hall)

WHEREAS, on November 20, 2004, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5397, which amended Ordinances No. 3962 adopted January 19, 1995 and Ordinance 4310 adopted June 5, 1997, which granted an amendment to an existing conditional use; and

WHEREAS, Ordinance 5397, also granted a conditional use permit for a hotel/convention hall facility with deviations and variations to the Zoning and Sign Ordinances subject to the conditions included within Ordinance 5397, and

WHEREAS, pursuant to Sections 155.103 (C)(10) and 155.103 (F)(11) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, variations and conditional uses are null and void if construction is not substantially underway within one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 5397; and,

WHEREAS, the Village has received a letter requesting an extension of Ordinance 5397; and,

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

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

SECTION 1: Ordinance 5397 is hereby amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within six (6) months of the date of adoption of this Ordinance.

SECTION 2: That all other provisions associated with Ordinance 5397, not amended by this Ordinance, shall remain in full force and effect.

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

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2004.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2004.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2004.

Ayes: \_\_\_\_\_

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

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

Approved this \_\_\_\_, day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
William J. Mueller  
Village President

ATTEST:

\_\_\_\_\_  
Barbara A. Johnson  
Deputy Village Clerk