



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP
dh
Assistant Village Manager/Director of Community Development

DATE: June 7, 2007

SUBJECT: PC 07-17: 70 Yorktown Shopping Center (Yorktown Peripheral Planned Development/Lombard Westin Hotel/Conference Center)

Attached please find the following items for Village Board consideration as part of the June 7, 2007 Village Board meeting:

1. Plan Commission referral letter;
2. IDR report for PC 07-17;
3. An Ordinance granting approval of a map amendment, rezoning a portion of the subject property from the O Office District to the B3 Community Shopping District;
4. An Ordinance granting approval of an amendment to the geographical extent of the previously approved Yorktown Peripheral Planned Development, conditional use and site plan approvals for a hotel/convention hall and for outdoor dining establishments; and
5. Plans associated with the petitioner's request.

Please contact me if you have any questions regarding the aforementioned materials.



VILLAGE OF LOMBARD
 255 E. Wilson Avenue
 Lombard, IL 60148-3931
 (630) 620-2700 FAX: (630) 620-8222
 TDD: (630) 620-5811
 www.villageoflombard.org

June 7, 2007

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

**Subject: PC 07-17: 70 Yorktown Shopping Center (Yorktown Peripheral
 Planned Development/Lombard Westin Hotel/Conference Center)**

Dear President and Trustees:

Your Plan Commission submits for your consideration its recommendation on the
 above referenced petition. The petitioner is requesting the Village of Lombard
 take the following actions within the Yorktown Peripheral B3 Planned
 Development:

A. To address a change to the geographical extent of the previously approved
 planned development and companion zoning approvals:

1. Approve a map amendment to rezone a portion of the subject
 property to be added to the planned development from the O Office
 District to the B3 Community Shopping District.

2. Pursuant to Section 155.504(A) (major changes in a planned
 development) and Section 155.511 (Site Plan Approvals for
 planned developments) of the Lombard Zoning Ordinance, amend
 the conditional uses and grant site plan approval for the Yorktown
 Peripheral Planned Development and for a hotel/convention hall
 facility, as established by Ordinance 3962 and amended by
 Ordinances 4310 and 5397.

Pursuant to Section 155.602(C), Table 6.3 of the Zoning Ordinance,
 approve a conditional use for an outdoor service area (outdoor dining).

Village President
 William J. Mueller

Village Clerk
 Brigitte O'Brien

Trustees

Greg Alan Gron, Dist. 1
 Richard J. Tross, Dist. 2
 John "Jack" T. O'Brien, Dist.
 Dana L. Moreau, Dist. 4
 Laura A. Fitzpatrick, Dist. 5
 Rick Soderstrom, Dist. 6

Village Manager
 William T. Lichter

"Our shared *Vision* for
 Lombard is a community of
 excellence working together
 with residents and business to
 create a distinctive sense of
 spirit and an outstanding
 quality of life."

"The *Mission* of the Village
 of Lombard is to provide
 superior and responsive
 governmental services to the
 people of Lombard."

The Plan Commission conducted a public hearing on May 21, 2007. The petitioner, Thomas McGuigan of Mid America Development Partners LLC, 1457 Conlon Drive, Burr Ridge, IL presented the petition. He stated that he read the staff report and concurs with its findings. The initial portion of the request is to amend the zoning of a 0.118 acre portion of land that was added to the rear of the hotel site to ensure that building setbacks and site improvements were located within the respective setbacks and development footprint.

The second portion of the request relates to Harry Caray's and Holy Mackerel petition in order to finalize the outdoor dining component. When the hotel petition initially came before the Plan Commission in 2003, they did not know the restaurant entities that would ultimately occupy the hotel space. Upon review of the proposed restaurant plan, they thought it would be beneficial to add the outdoor dining component and distinguish it as part of the proposed restaurant.

Chairperson Ryan then opened the meeting for public comment. No one spoke in favor of or against the petition.

William Heniff, Senior Planner, presented the IDRC report and submitted it to the public record in its entirety. He stated that the subject property is currently under development with the Lombard Yorktown Westin Hotel/Convention Center. A portion of the adjacent property owned by the Northern Baptist Theological Seminary (NBTS) included a stormwater line, a public watermain and a landscape retaining wall that was constructed as part of the hotel project. A commissioned survey in September, 2006 also found a 10.4 square foot encroachment into the requisite five-foot rear yard, but still on the hotel property.

Through discussions between the Lombard Public Facilities Corporation (LPFC) representatives and NBTS, it was mutually agreed that the 4,602 square foot area impacted by the improvements (see attached plan) would be sold by NBTS to the LPFC. The Village is now being requested to amend all relevant zoning approvals associated with the hotel/convention center project to incorporate the acquired property into the overall hotel development zoning approvals. The requested map amendment is intended to rezone the silver parcel from the Office district to the B3 District for consistency. No physical improvements are associated with the zoning actions included in this part of the petition.

The petitioner is also seeking conditional use approval for an outdoor dining area, proposed to be located adjacent to the Harry Caray's/Holy Mackerel Restaurants under construction in the hotel itself. While the outdoor gathering area was shown in the original approved plans, the plans did not specifically call for outdoor dining, as the final restaurant plans were not completed at that time. However, with the restaurant selected and plans nearing completion, the petitioner is now seeking the conditional use approval accordingly.

The outdoor dining element is shown on the plans. The petitioner desires flexibility to provide for eight tables along the west building elevation plus tables on the south balcony. Staff does not see a problem with the request as it will be located away from drop-off and pick-up areas.

From a parking perspective, the Zoning Ordinance requires that parking for hotel convention hall facilities are determined by a review of the use by a professional traffic consultant. Staff reviewed this element with Kenig, Lindgren, O'Hara and Aboona (KLOA), the same consultant that reviewed the hotel project. KLOA notes that outdoor dining can increase the demand for parking. However, considering that the approval provided a universal parking supply for all activities on the site, the additional tables should not warrant the establishment of additional parking spaces.

He noted that staff recommends approval of the petition subject to two conditions. He also noted that the petition includes a site plan approval request in the motion as well.

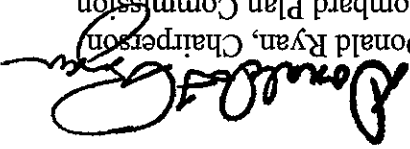
Chairperson Ryan then opened the meeting for comment from Plan Commission members. Commissioner Sweetser confirmed that the surveying activity occurred in 2006.

After due consideration of the petition and the testimony presented, the Plan Commission found that the requested relief does comply with the standards of the Lombard Zoning Ordinance and with the standards established by the Yorktown Peripheral Planned Development, and that granting the relief is in the public interest, and therefore, the Plan Commission accepted the findings of the Inter-departmental Review Report as the findings of the Plan Commission, and recommended to the Corporate Authorities **approval** of PC 07-17 consisting of a map amendment, amended conditional uses for a planned development, a hotel convention/hall and for an outdoor dining establishment, and site plan approval of same; subject to the following conditions:

1. The petitioner shall submit for review and approval a plat of resubdivision (consolidation) making the two parcels a single lot of record.
2. The conditional use for outdoor dining approval is granted subject to compliance with the submitted Harry Caray's/Holy Mackerel Seating & Equipment Plan, prepared by AYP&C, dated March 5, 2007 made a part of this petition.

Respectfully,

VILLAGE OF LOMBARD


Donald Ryan, Chairperson
Lombard Plan Commission

att-

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

TO: Lombard Plan Commission
FROM: Department of Community Development
PREPARED BY: William Heniff, AICP
Senior Planner

HEARING DATE: May 21, 2007

TITLE

PC 07-17: 70 Yorktown Shopping Center (Lombard Westin Hotel/Conference Center):
The petitioner is requesting the Village of Lombard take the following actions within the Yorktown Peripheral B3 Planned Development:

A. To address a change to the geographical extent of the previously approved planned development and companion zoning approvals:

1. Approve a map amendment to rezone a portion of the subject property to be added to the planned development from the O Office District to the B3 Community Shopping District.

2. Pursuant to Section 155.504(A) (major changes in a planned development) and Section 155.511 (Site Plan Approvals for planned developments) of the Lombard Zoning Ordinance, amend the conditional uses grant site plan approval and for the Yorktown Peripheral Planned Development and for a hotel/convention hall facility, as established by Ordinance 3962 and amended by Ordinances 4310 and 5397.

B. Pursuant to Section 155.602(C), Table 6.3 of the Zoning Ordinance, approve a conditional use for an outdoor service area (outdoor dining).

GENERAL INFORMATION

Petitioner/Property Owner:
Lombard Public Facilities Corporation
255 E. Wilson Avenue
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: B3 PD Community Shopping District – Planned Development

Existing Land Use: Hotel/convention center under development

Size of Property: Lot 2 hotel site: 6.69 acres
Acquired abutting property: 0.11 acres (4,602 sq.ft.)

Comprehensive Plan: The Comprehensive Plan identifies the site for Regional Commercial use.

SURROUNDING ZONING AND LAND USE

North: B3PD Community Commercial Shopping District, Planned Development; developed as a Target department store

South: B3PD Community Commercial Shopping District, Planned Development; developed as a movie theatre, parking lot and retention pond

East: OPD Office District Planned Development; developed as the Northern Baptist Theological Seminary

West: B3PD Community Commercial Shopping District, Planned Development; developed as Yorktown Mall and the undeveloped Lot 4 of the Yorktown Peripheral Planned Development

ANALYSIS

SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development on April 25, 2007:

1. Petition for Public Hearing.
2. Proposed Final Plat of Subdivision – Westin Yorktown Lombard, prepared by Mackie Consultants, LLC, dated December 12, 2006.
3. Exhibit A – Northern Baptist Theological Seminary/Westin Hotel Property, prepared by Mackie Consultants LLC, dated February 9, 2007.
4. Harry Caray's/Holy Mackerel Seating & Equipment Plan, prepared by AYPFC, dated March 5, 2007.

BACKGROUND

The subject property is currently under development with the Lombard Yorktown Westin Hotel/Convention Center. A portion of the adjacent property owned by the Northern Baptist Theological Seminary (NBTS) included a stormwater line, a public watermain and a landscape retaining wall that was constructed as part of the hotel project. A commissioned survey in September, 2004 also found a 10.4 square foot encroachment into the requisite five-foot rear yard, but still on the hotel property, that consists of a below-grade pier (or caisson) as well as an above grade exterior wall for the parking garage.

Through discussions between the Lombard Public Facilities Corporation (LPFC) representatives and NBTS, it was mutually agreed that the 4,602 square foot area impacted by the improvements (see attached plan) would be sold by NBTS to the LPFC. This transaction occurred in March, 2007. With the transaction complete, the Village is being requested to amend all relevant zoning approvals associated with the hotel/convention center project to incorporate the acquired property into the overall hotel development zoning approvals. No physical improvements are associated with the zoning actions included in this part of the petition.

As a companion to this item, the petitioner is also seeking conditional use approval for an outdoor dining area, proposed to be located adjacent to the Harry Crary's/Holy Mackerel Restaurants under construction in the hotel itself. While the outdoor gathering area was shown in the original approved plans, the plans did not specifically call for outdoor dining, as the final restaurant plans were not completed at that time. However, with the restaurant selected and plans nearing completion, the petitioner is now seeking the conditional use approval accordingly.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

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

PUBLIC WORKS

The Department of Public Works does not have any comments on the petition.

FIRE AND BUILDING

The Bureau of Inspectional Services notes that the final placement of outside tables, chairs and any other decorations will need to be placed in a manner that provides for sufficient pedestrian access and circulation and meets the Illinois Accessibility Code.

PLANNING

Compliance with the Zoning Ordinance

History of the Yorktown Peripheral Planned Development/Subject Property

The subject property was originally included within the Yorktown Planned Development, which was approved in 1965. The Yorktown Peripheral Planned Development was carved out of the original Yorktown Planned Development in 1995. This approval created Lot 2 (i.e., the Subject Property) and the companion public utility easements. The 1995 plan envisioned the development of the subject property with retail/restaurant/office uses on the subdivided lots. The approved planned development (and the existing Zoning Ordinance) also provides for the review of future development through the site plan approval process.

In 2003, the Village approved a planned development amendment (PC 03-29 & 03-30) to provide for a 500-room hotel/69,300 gross square foot convention hall facility. The plans also included a parking structure for the use and benefit of guests and employees at the northeast corner of the building. The planned development approval (Ordinance 5397) tied the zoning relief to the concept plans submitted as part of the petition.

Construction of the hotel began in September, 2005. The approved site improvement plans depicted the following improvements on the adjacent NBTS property:

1. An 18" RCP (reinforced concrete pipe) for stormwater;
2. A 10" watermain connection between the NBTS site and the Yorktown peripheral sites;
3. A sidewalk encroachment for pedestrian access around the building and to the NBTS Lindner Center parking lot (the sidewalk link was removed in subsequent plans); and
4. Associated retaining wall improvements

The petitioner sought to address the encroachments onto the NBTS property through easement negotiations, the LPFC and the NBTS. However, through extensive discussions and agreements between the LPFC and the NBTS. However, through extensive discussions and negotiations, the LPFC and the NBTS ultimately agreed to convey a 4,602 square foot area from the NBTS to the LPFC. This activity was completed in March, 2007.

Hotel Encroachment into Rear Yard

The 2003 petition also included zoning relief to allow 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 (the hotel site) from thirty feet (30') to five feet (5'). The approved plan was intended to place the building as far east as practical on the hotel property. During the design phase, the parking garage portion of the building was adjusted to "square off" the external walls of the garage. The intent of the refinement was to ensure that parking within the garage was maximized and that the parking garage was efficiently designed (a significant issue raised through the public hearing process). However, the final plans were not modified to ensure that the attached parking garage was not encroaching into the

requisite five-foot rear yard. As such, two encroachments were inadvertently created. The first encroachment consists of an approximate four square foot below-grade caisson. The second encroachment pertains to the parking lot exterior wall located at the northeast corner of the building. Both encroachments total approximately 10.4 square feet in area. However, with the property transaction taking place, the hotel would now be in compliance with yard setback provisions and no additional actions would be needed.

Planned Development/Map Amendment Relief Discussion

Pursuant to Section 155.504(A) of the Zoning Ordinance, the change in the overall geographical boundaries is considered a major change to a planned development. As such, conditional use and site plan approval amendments are requested. Additionally, as the conveyed property has Office District zoning rather than B3 Community Shopping District zoning, a map amendment is also included within the petition to ensure that the conveyed property, as well as the original hotel property, are under the same zoning classification.

In consideration of the petitioner's request, staff reviewed the responses to standards for planned development amendments, conditional uses and for map amendments and offers its findings accordingly in Appendix A. Based upon a review of the petition, the existing conditions and the standards, staff offers its favorable recommendation accordingly.

Conditional Use for Outdoor Dining

A request for a conditional use for outdoor dining associated within the hotel establishment is included within the petition. The outdoor dining element will consist of two elements. The first areas will utilize the outdoor congregation area south of the hotel structure and as depicted on the original plans of approval. The second area is a small area west of the Harry Caray's/Holy Mackerel restaurant area. This area was shown as a concrete surfaced open area on past plans.

The petition is requesting approval for this dining in order to provide additional dining options to patrons. At the time of the initial approval in 2003, the outdoor dining component was not included within the petition as the extent, location and nature of the function was not established. Moreover, the Harry Caray's Restaurant Group (the restaurant group seeking the outdoor dining element) was not a part of the initial development petition.

From staff's perspective the dining element on the south side of the building is similar in nature to the types of activities that were envisioned as part of the initial approval. The tables are proposed to be located adjacent to the restaurant itself, so its use would be functionally no different than what was originally proposed.

Along the west side of the building, the petitioner proposed to be located up to eight tables for dining as well. Staff notes that these spaces would not present a problem as it is well screened by the hotel building and it is located away from other properties. Its location away from the main drop-off/area should alleviate conflicts between hotel and restaurant uses. Moreover, provided that adequate pedestrian access is maintained (at least four feet in width) between the dining area

and the curb line, the outdoor dining element will not create an adverse impact on pedestrian flow.

From a parking perspective, the Zoning Ordinance requires parking to be provided for outdoor service areas. However, the Zoning Ordinance requires that parking for hotel convention hall facilities are determined by a review of the use by a professional traffic consultant. Staff reviewed the proposed outdoor dining element with Kenig, Lindgren, O'Hara and Abouma (KLOA), the same consultant that reviewed the overall hotel project. In the 2003 review, KLOA determined that the overall supply of 910 spaces should adequately serve the demand generated by the hotel/convention hall use and that the float between the various uses on site (hotel, restaurants and convention hall) would be met. KLOA notes that outdoor dining can generally increase the overall demand for parking for a given restaurant, as it would provide greater overall capacity for a restaurant use. However, considering that the overall site approval provided a universal parking supply for all activities on the site, the additional tables should not warrant the establishment of additional parking for the overall development.

Compatibility with the Comprehensive Plan

The Comprehensive Plan identifies the site for Regional Commercial Uses, defined as a larger, more intensively developed mixed-use commercial area that serves as a key activity center for the region. The 2003 approval found that of all the land use categories within the Comprehensive Plan, the hotel/convention hall facility would be most appropriately located on a site designated for Regional Commercial land uses. Staff notes that the change in the legal boundaries does not change the overall physical layout of the project itself. As such, the amendment in itself would not be considered contrary to the plan objectives.

Compatibility with Surrounding Land Uses

The amendment primarily pertains to the use and function of the abutting N BTS Planned Development. Buildings on the campus closest to the hotel include the Lindner Conference Center (350 feet south of the acquired area) and two caretaker residences. Immediately abutting the acquired area is a surface parking lot. But for the existing property line between the uses, the compatibility issues would not be in question. However, as a companion to this petition, companion planned development amendment is also being sought for the N BTS as part of a separate petition.

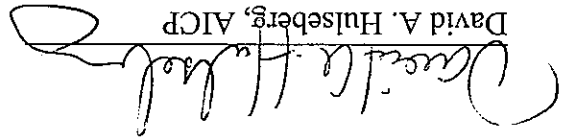
FINDINGS AND RECOMMENDATIONS

Staff has reviewed the response to standards included as part of the petition and concurs that the petition meets the standards set forth in the Zoning Ordinance and that the requested relief is consistent with the Yorktown Peripheral planned development. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of PC 07-17:

Based on the submitted petition, accompanying plans and the materials and testimony presented, the petition **complies** with the standards established by the Yorktown Peripheral Planned Development, and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission, and therefore recommend to the Corporate Authorities **approval** of PC 07-17 consisting of a map amendment, amended conditional uses for a planned development, a hotel convention/hall and for an outdoor dining establishment; subject to the following conditions:

1. The petitioner shall submit for review and approval a plat of resubdivision (consolidation) making the two parcels a single lot of record.
2. The conditional use for outdoor dining approval is granted subject to compliance with the submitted Harry Caray's/Holy Mackerel Seating & Equipment Plan, prepared by AYPC, dated March 5, 2007 made a part of this petition.

Inter-Departmental Review Report Approved By:



David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

c: Petitioner

Appendix A

STANDARDS FOR PLANNED DEVELOPMENTS

SECTION 15.508 (A) (B) (C) OF THE LOMBARD ZONING ORDINANCE

Except as provided below, no planned development shall be approved unless the Village Plan Commission and the Village Board find that the development meets the standards for conditional uses, and the standards set forth in this Section. Notwithstanding the foregoing, the Village Board may approve a planned development, which does not comply with these standards or with the standards for conditional use, if the Board finds that the application of such standards, to the development being considered, would not be in the public interest.

A. General Standards

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

The approved final plan did not include the area subject to the petition. The amendment is to add the acquired area to the overall planned development. The petitioner's amendment, if approved, would amend the zoning approvals to the development plan that was approved for the site.

2. Community sanitary sewage and potable water facilities connected to a central system are provided.

This petition does not pertain to utility issues.

3. 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 principal land use (hotel/convention center) is not affected by the requested relief.

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

The Zoning Ordinance provides for or mandates the establishment of planned developments as a means to provide for a better development. Ordinance 5397, approved by the Village Board in 2003, granted approval of the hotel/convention center land use as well as the companion zoning relief. Given that the initial petition was approved, the Board must have ultimately found that granting zoning relief on the

subject property to facilitate the project is necessary and hence within the public interest. Adding additional land to the planned development to address all development issues is consistent with the overall intent of the planned development.

5. *That the streets have been designed to avoid:*

- a. *Inconvenient or unsafe access to the planned development;*
 - b. *Traffic congestion in the streets, which adjoin the planned development;*
 - c. *An excessive burden on public parks, recreation areas, schools, and other public facilities, which serve or are proposed to serve the planned development.*
- The petition does not affect any of the items noted above.

B. *Standards for Planned Developments with Use Exceptions*

The petition does not modify the uses permitted within the planned development.

C. *Standards for Planned Developments with Other Exceptions (Deviations)*

The petition does not establish any additional variation and/or deviations. In fact, by adding the adjacent land to the planned development an additional variation request is no longer needed.

STANDARDS
FOR CONDITIONAL USES (HOTEL/CONVENTION HALL & OUTDOOR DINING)

SECTION 15.103 (F)(8) OF THE LOMBARD ZONING ORDINANCE:
No conditional use shall be recommended by the Plan Commission unless it finds:

1. *That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;*

The hotel/convention hall conditional use approval would largely remain unaffected by this petition. The amendment is primarily to address the lot boundary change.

The outdoor dining component is similar to and compatible with the previous approvals granted by the Village Board in 2003.

2. *That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located;*

The amendment was partly created to address the impacts of the hotel on the adjacent NRTS property. The outdoor dining component will be located on the south side of the building, in the area designated for congregation purposes. To the west side of the building the additional tables would not be visible from adjacent properties.

3. *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*

The hotel/convention hall amendment would not impact NRTS from developing their campus to its fullest extent. The outdoor dining element will be located in an area already identified for congregation purposes.

4. *That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;*

The requested action will not affect this standard.

5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;*

The requested action will not affect this standard. The outdoor dining will be located in an area away from the main valet and drop-off area.

6. *That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and,*

The request is consistent with the original requested relief and of the Comprehensive Plan, which denotes commercial uses for the site.

7. *That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission*

The request is consistent with this standard.

**STANDARDS
FOR MAP AMENDMENTS (REZONINGS)**

SECTION 155.103 (E)(8)(a) OF THE LOMBARD ZONING ORDINANCE:

Where a map amendment is proposed, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:

1. *Compatibility with existing uses of property within the general area of the property in question;*
- The property acquired by the LPFC was previously undeveloped land on the N BTS campus. Colleges and universities listed as conditional uses within the O Office District. Previous planned development approvals for the N BTS property have found that the use is compatible with the adjacent land uses. However, the area acquired by the LPFC is planned to be utilized in a manner more consistent with the hotel development in the B3 District.
2. *Compatibility with the zoning classification of property within the general area of the property in question;*
The acquired property will be utilized in a manner more consistent with the B3 District. However, the area to be rezoned would be considered undevelopable per the O District regulations.
3. *The suitability of the property in question to the uses permitted under the existing zoning classification;*
Without the hotel development, the property could have reasonably remained within the Office District designation. However, with the hotel development in place and with the title transfer of land complete, the Office District designation is no longer practical.
4. *Consistency with the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification;*
The hotel/convention hall is considered the primary development trend. The map amendment would be consistent with this trend.
5. *The compatibility of the surrounding property with the permitted uses listed in the proposed zoning classification;*

As noted in the 2003 zoning approvals, the B3 designation and the companion relief is consistent with the non-residential zoning districts abutting the site.

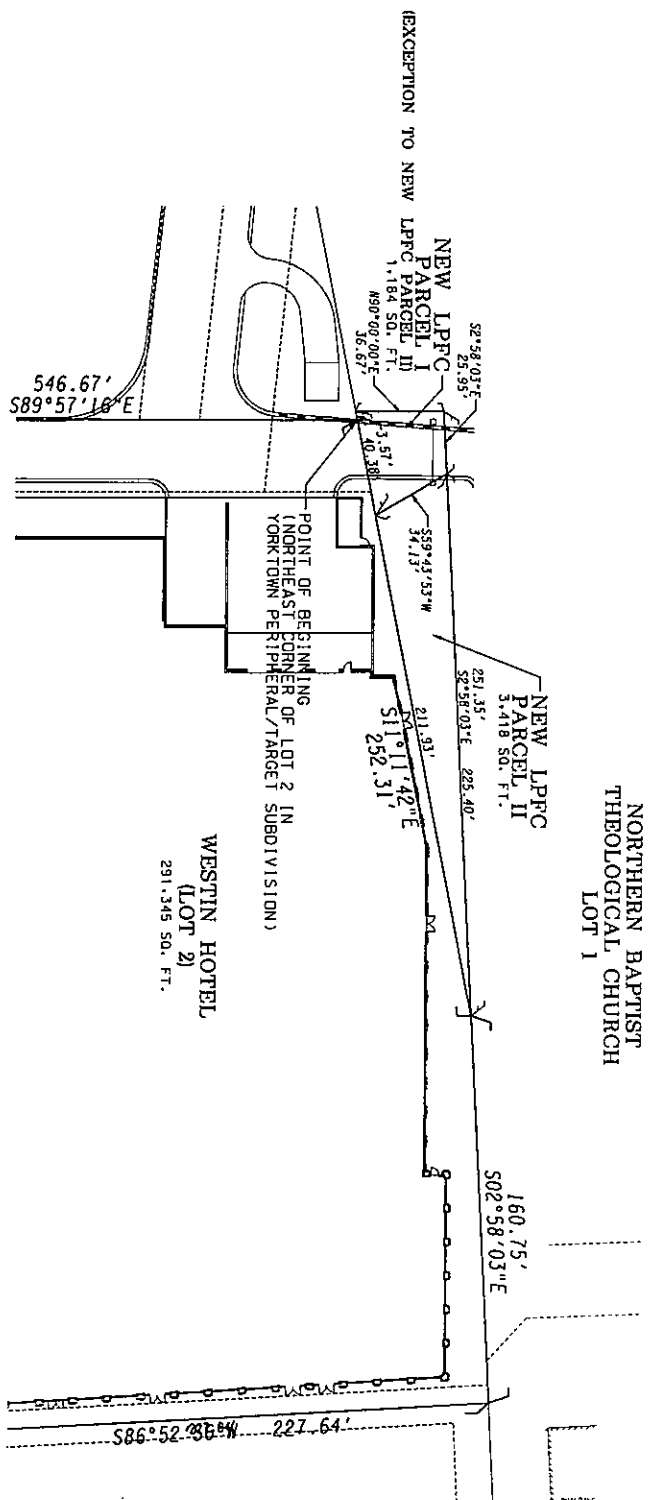
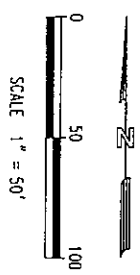
6. *The objectives of the current Comprehensive Plan for the Village of Lombard and the impact of the proposed amendment of the said objectives:*

The map amendment meets the Comprehensive Plan objectives as it provides for a proper designation of the area acquired as part of the hotel development. It also eliminates a split-zoning designation on the property, which would not be consistent with the Plan.

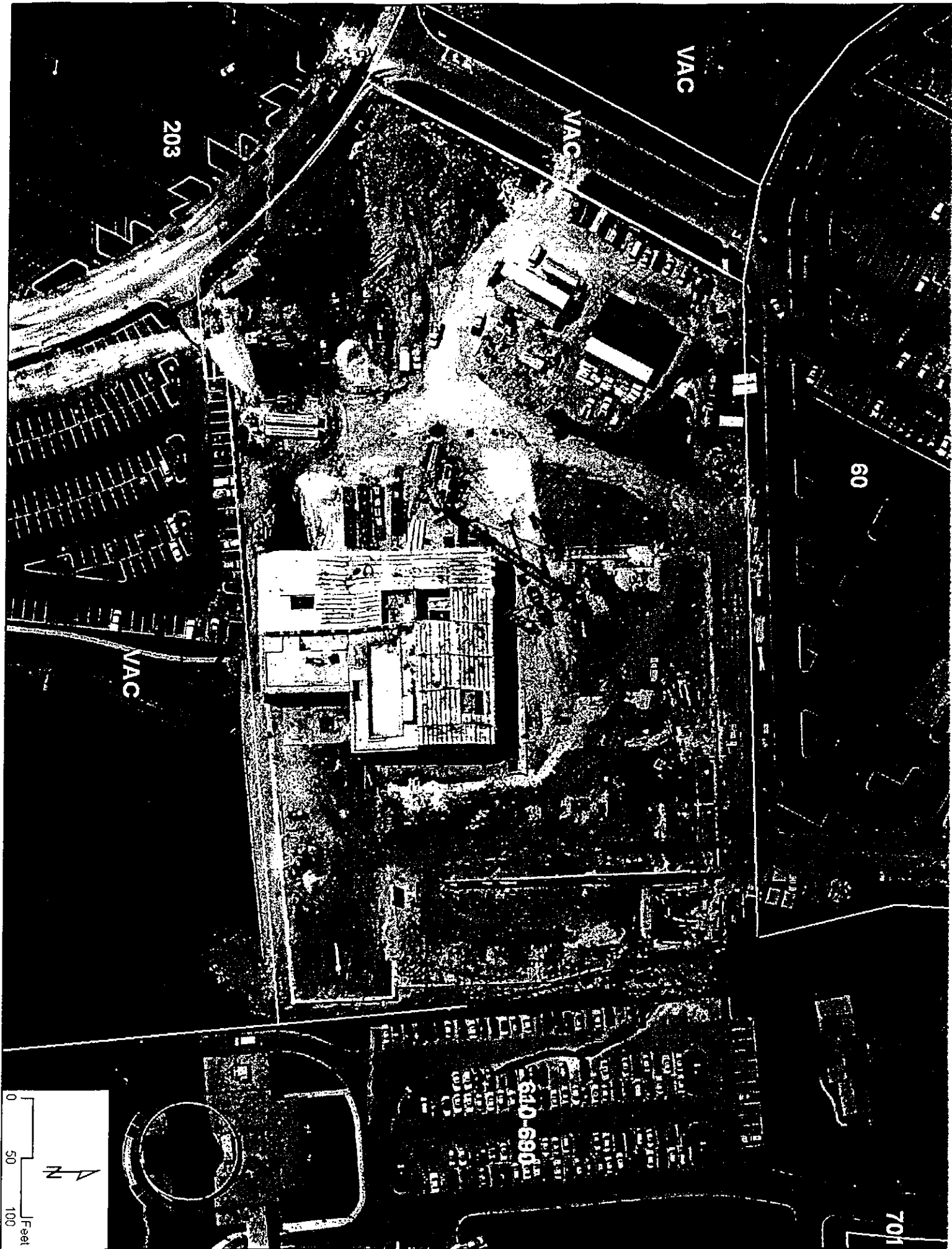
7. *The suitability of the property in question for permitted uses listed in the proposed zoning classification.*

With the map amendment to the B3 District, the hotel property and the acquired property would have the same underlying map designation, which would eliminate any future zoning ambiguities.

EXHIBIT A



MACKIE CONSULTANTS, LLC 8321 W. HOGANS RD., SUITE 500, ROSEMONT, IL 60018 631-586-1400 ENGINEERS LINDS PROFESSIONAL DESIGN FIRM LICENSE NUMBER 04-029844		CLIENT LOMBARD PUBLIC FACILITIES CORPORATION 235 E. WILSON LOMBARD, ILLINOIS 60118		SHEET 1 OF 1	
DRAWING NO. DATE		APPROVED DATE SCALE		PROJECT NUMBER 103	
REVISIONS NO. DATE DESCRIPTION OF REVISION		DRAWN BY CHECKED BY		PROJECT NAME NORTHERN BAPTIST THEOLOGICAL SEMINARY WESTIN HOTEL PROPERTY LOMBARD, ILLINOIS	



VAC

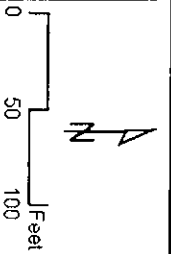
203

VAC

60

VAC

701



640-690-1111

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 3962
AS AMENDED, ADOPTED JANUARY 19, 1995, AS AMENDED BY ORDINANCES 4310
AND 5397 GRANTING A CONDITIONAL USE AND SITE PLAN APPROVAL FOR A
PLANNED DEVELOPMENT AND GRANTING A CONDITIONAL USE FOR A
HOTEL/CONVENTION HALL FACILITY; AND AN ADDITIONAL CONDITIONAL
USE FOR AN OUTDOOR DINING ESTABLISHMENT

(PC 07-17: 70 Yorktown Shopping Center/Yorktown Peripheral Planned Development)

(Also see Ordinance Nos. _____)

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, 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, on November 20, 2003, the President and Board of Trustees adopted Ordinance 5397, granting an amendment to the conditional use for a B3PD Community Shopping District Planned Development for Lots 5 and 6 to allow for the construction of a hotel/convention hall and related improvements located within the planned development; and

WHEREAS, Title 15, Chapter 15.504 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 planned development amendment and site plan approval to amend the geographical extent of the previously approved planned development and for a hotel/convention hall; and

WHEREAS, said petition also requests approval of a conditional use for an outdoor dining establishment on the subject property; and

WHEREAS, pursuant to an application to amend Ordinances 3962, 4310 and 5397, proper and legal notice was provided and a public hearing was held before the Village's Plan Commission on May 21, 2007; and

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the amendment, additional conditional use and associated site plan approvals 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, Ordinance 4310 adopted June 5, 1997, and Ordinance 5397 adopted November 20, 2003 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 6 below.

SECTION 2. That this ordinance is limited and restricted to the property generally located on the south side of 22nd 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.L.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, and Ordinance 5397 adopted November 20, 2003 are hereby amended and a conditional use permit and Site Plan Approval for a Hotel and Convention Hall on Lot 2 is hereby granted for the property legally described in Section 5 below, subject to the conditions set forth in Section 6 below:

SECTION 4: That a conditional use for an outdoor dining establishment is also granted for the property legally described in Section 5 below, subject to the conditions set forth in Section 6 below:

SECTION 5: That the zoning relief listed in Sections 3 and 4 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.

PARCEL 1 – LEGAL DESCRIPTION:
THAT PART OF LOT 1 IN THE RESUBDIVISION OF NORTHERN BAPTIST THEOLOGICAL SEMINARY SUBDIVISION, BEING A SUBDIVISION OF 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 13, 1989 PER DOCUMENT NO. R89-143132, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 2 IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION PER DOCUMENT NO. R95-162762, ALSO BEING ON THE WESTERLY LINE OF SAID LOT 1, THENCE NORTH 11 DEGREES 11 MINUTES

42 SECONDS WEST, A DISTANCE OF 3.57 FEET ALONG THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT 2 AND ALSO BEING THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 34.71 FEET; THENCE SOUTH 11 DEGREES 11 MINUTES 42 SECONDS EAST, A DISTANCE OF 13.65 FEET; THENCE SOUTH 2 DEGREES 58 MINUTES 03 SECONDS EAST, A DISTANCE OF 12.53 FEET; THENCE SOUTH 59 DEGREES 43 MINUTES 53 SECONDS WEST, A DISTANCE OF 34.13 FEET TO THE EASTERLY LINE OF SAID LOT 2 ALSO BEING THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 11 DEGREES 11 MINUTES 42 SECONDS WEST, A DISTANCE OF 40.38 FEET ALONG SAID EASTERLY LINE OF LOT 2 AND ALSO BEING THE WESTERLY LINE OF SAID LOT 1, TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS; ALSO

PARCEL 2 - LEGAL DESCRIPTION:

THAT PART OF LOT 1 IN THE RESUBDIVISION OF NORTHERN BAPTIST THEOLOGICAL SEMINARY SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTH-EAST QUARTER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 13, 1989 PER DOCUMENT NO. R89-143132, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH-EAST CORNER OF LOT 2 IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION PER DOCUMENT NO. R95-162762, ALSO BEING ON THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 11 DEGREES 11 MINUTES 42 SECONDS WEST, A DISTANCE OF 3.57 FEET ALONG THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT 2 AND ALSO BEING THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 36.67 FEET; THENCE SOUTH 02 DEGREES 58 MINUTES 03 SECONDS EAST, A DISTANCE OF 251.35 FEET TO THE EASTERLY LINE OF SAID LOT 2 AND ALSO BEING A CORNER ON THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 11 DEGREES 11 MINUTES 42 SECONDS WEST, A DISTANCE OF 252.31 FEET ALONG SAID EASTERLY LINE OF LOT 2 AND ALSO BEING THE WESTERLY LINE OF SAID LOT 1, TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART OF LOT 1 IN THE RESUBDIVISION OF NORTHERN BAPTIST THEOLOGICAL SEMINARY SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTH-EAST QUARTER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 13, 1989 PER DOCUMENT NO. R89-143132, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH-EAST CORNER OF LOT 2 IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION PER DOCUMENT NO. R95-162762, ALSO BEING ON THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 11 DEGREES 11 MINUTES 42 SECONDS WEST, A DISTANCE OF 3.57 FEET ALONG THE NORTHERLY

EXTENSION OF THE EASTERLY LINE OF SAID LOT 2 AND ALSO BEING THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 34.71 FEET; THENCE SOUTH 11 DEGREES 11 MINUTES 42 SECONDS EAST, A DISTANCE OF 13.65 FEET; THENCE SOUTH 2 DEGREES 58 MINUTES 03 SECONDS EAST, A DISTANCE OF 12.53 FEET; THENCE SOUTH 59 DEGREES 43 MINUTES 53 SECONDS WEST, A DISTANCE OF 34.13 FEET TO THE EASTERLY LINE OF SAID LOT 2 ALSO BEING THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 11 DEGREES 11 MINUTES 42 SECONDS WEST, A DISTANCE OF 40.38 FEET ALONG SAID EASTERLY LINE OF LOT 2 AND ALSO BEING THE WESTERLY LINE OF SAID LOT 1, TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 06-29-200-048 and 06-29-200-045 (part of)

SECTION 6: That the planned development amendments, conditional uses and site plan approvals set forth in Sections 1, 3, and 4 above shall be granted subject to compliance with the following conditions:

1. The petitioner shall submit for review and approval a plat of resubdivision (consolidation) making the two parcels a single lot of record.

2. The conditional use for outdoor dining approval is granted subject to compliance with the submitted Harry Caray's/Holy Mackerel Seating & Equipment Plan, prepared by AYPC, dated March 5, 2007 made a part of this petition.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____
Nays: _____
Absent: _____

Approved this _____ day of _____, 2007.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2007.

Brigitte O'Brien, Village Clerk

AN ORDINANCE APPROVING A MAP AMENDMENT (REZONING)
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS

(PC 07-17: 70 Yorktown Shopping Center/Yorktown Peripheral Planned Development)

(Also see Ordinance Nos. _____)

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

WHEREAS, an application has heretofore been filed requesting a map amendment for the purpose of rezoning the property described in Section 2 hereto from Office District to the B3 Community Shopping District; and,

WHEREAS, a public hearing thereon has been conducted by the Village of Lombard Plan Commission on May 21, 2007, pursuant to appropriate and legal notice; and,

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

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

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

SECTION 1: That Title 15, Chapter 155 of the Code of Lombard, Illinois, otherwise known as the Lombard Zoning Ordinance, be and is hereby amended so as to rezone the property described in Section 2 hereof to B3 Community Shopping District.

SECTION 2: That the map amendment listed in Section 1 above is limited and restricted to the property adjacent to and generally located at 70 Yorktown Shopping Center, Lombard, Illinois and legally described as follows:

PARCEL 1 - LEGAL DESCRIPTION:

THAT PART OF LOT 1 IN THE RESUBDIVISION OF NORTHERN BAPTIST THEOLOGICAL SEMINARY SUBDIVISION, BEING A SUBDIVISION OF 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 13, 1989 PER DOCUMENT NO. R89-143132, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 2 IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION PER DOCUMENT NO. R95-162762, ALSO BEING ON THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 11 DEGREES 11 MINUTES 42 SECONDS WEST, A DISTANCE OF 3.57 FEET ALONG THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT 2 AND ALSO BEING THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 34.71 FEET; THENCE SOUTH 11 DEGREES 11 MINUTES 42 SECONDS EAST, A DISTANCE OF 13.65 FEET; THENCE SOUTH 2 DEGREES 58 MINUTES 03 SECONDS EAST, A DISTANCE OF 12.53 FEET; THENCE SOUTH 59 DEGREES 43 MINUTES 53 SECONDS WEST, A DISTANCE OF 34.13 FEET TO THE EASTERLY LINE OF SAID LOT 2 ALSO BEING THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 11 DEGREES 11 MINUTES 42 SECONDS WEST, A DISTANCE OF 40.38 FEET ALONG SAID EASTERLY LINE OF LOT 2 AND ALSO BEING THE WESTERLY LINE OF SAID LOT 1, TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS; ALSO

PARCEL 2 - LEGAL DESCRIPTION:

THAT PART OF LOT 1 IN THE RESUBDIVISION OF NORTHERN BAPTIST THEOLOGICAL SEMINARY SUBDIVISION, BEING A SUBDIVISION OF 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 13, 1989 PER DOCUMENT NO. R89-143132, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 2 IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION PER DOCUMENT NO. R95-162762, ALSO BEING ON THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 11 DEGREES 11 MINUTES 42 SECONDS WEST, A DISTANCE OF 3.57 FEET ALONG THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT 2 AND ALSO BEING THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 36.67 FEET; THENCE SOUTH 02 DEGREES 58 MINUTES 03 SECONDS EAST, A DISTANCE OF 251.35 FEET TO THE EASTERLY LINE

OF SAID LOT 2 AND ALSO BEING A CORNER ON THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 11 DEGREES 11 MINUTES 42 SECONDS WEST, A DISTANCE OF 252.31 FEET ALONG SAID EASTERLY LINE OF LOT 2 AND ALSO BEING THE WESTERLY LINE OF SAID LOT 1, TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THAT PART OF LOT 1 IN THE RESUBDIVISION OF NORTHERN BAPTIST THEOLOGICAL SEMINARY SUBDIVISION, BEING A SUBDIVISION OF 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 13, 1989 PER DOCUMENT NO. R89-143132, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 2 IN YORKTOWN PERIPHERAL/TARGET SUBDIVISION PER DOCUMENT NO. R95-162762, ALSO BEING ON THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 11 DEGREES 11 MINUTES 42 SECONDS WEST, A DISTANCE OF 3.57 FEET ALONG THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT 2 AND ALSO BEING THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 34.71 FEET; THENCE SOUTH 11 DEGREES 11 MINUTES 42 SECONDS EAST, A DISTANCE OF 12.53 FEET; THENCE SOUTH 59 DEGREES 43 MINUTES 53 SECONDS WEST, A DISTANCE OF 34.13 FEET TO THE EASTERLY LINE OF SAID LOT 2 ALSO BEING THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 11 DEGREES 11 MINUTES 42 SECONDS WEST, A DISTANCE OF 40.38 FEET ALONG SAID EASTERLY LINE OF LOT 2 AND ALSO BEING THE WESTERLY LINE OF SAID LOT 1, TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

P.L.N. 06-29-200-045 (part of)

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

Passed on first reading this _____ day of _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.