

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: June 6, 2016 (B of T) Date: June 16, 2016

TITLE: PC 16-08; 400, 406, 412, 420, and 440 S. Finley Road, Single Family  
Subdivision

SUBMITTED BY: Department of Community Development *JA*

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 property located within the R1 Single-Family Residence District:

1. Approve a Map Amendment rezoning the entire property back to the R2 Single-Family Residence District;
2. Approve a variation from Section 154.304 (D)(3) and Section 154.305 (D)(3)(b) to eliminate the sidewalk from the new roadway westward on the south side of Hickory Street at lot 6; and
3. Approve a Major Plat of Subdivision.

The Plan Commission recommended approval of this petition by a vote of 5-0.

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 *WJH*

**DATE:** June 16, 2016

**SUBJECT: PC 16-08; Pulte Homes, 400, 406, 412, 420, 440 S. Finley Road**

Please find the following items for Village Board consideration as part of the June 16, 2016 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 16-08 and
3. Two Ordinances
  - a. An Ordinance granting approval of a map amendment rezoning the entire property back to the R2 Single-Family Residence District; and
  - b. An Ordinance granting approval of a variation from Section 154.304 (D)(3) and Section 154.305 (D)(3)(b) to eliminate the sidewalk from the new roadway westward on the south side of Hickory Street at lot 6.

The Plan Commission recommended approval of this petition by a vote of 5-0. Please place this petition on the June 16, 2016 Board of Trustees agenda with a waiver of first reading, as requested by the petitioner.



## VILLAGE OF LOMBARD

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

June 16, 2016

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Michael A. Fugiel, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Bob 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 16-08; Pulte Homes, 400, 406, 412, 420, 440 S. Finley Road**

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 property located within the R1 Single-Family Residence District:

1. Approve a Map Amendment rezoning the entire property back to the R2 Single-Family Residence District;
2. Approve a variation from Section 154.304 (D)(3) and Section 154.305 (D)(3)(b) to eliminate the sidewalk from the new roadway westward on the south side of Hickory Street at lot 6; and
3. Approve a Major Plat of Subdivision.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on May 16, 2016. Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development, Mr. William Heniff, Director of Community Development, Ms. Jana Bryant, Private Development Engineer and the petitioners, Mr. Jim Caneff of Roake & Associates, Mr. Greg Sagen of Signature Design Group, and Mr. David Cumming of Pulte Homes.

Chairperson Ryan read the Plan Commissions procedures and asked if anyone other than the petitioner intended to cross examine, and, hearing none, he proceeded with the petition.

Mr. Cumming gave an overview of the presentation and of Pulte

Homes. He noted they are the contract purchaser of the site. It is approximately five (5) acres and zoned R1. To the south and west is CR zoning, to the east and north is single family residential. He said they are proposing a rezoning to R2 and a plat of subdivision to sixteen (16) lots. Mr. Cumming said all lots meet and exceed the bulk requirements. Two lots will contain comp storage. Hickory Street will be improved to Village standards. He mentioned the variance for a reduced sidewalk along lot 6. Mr. Caneff then discussed the existing conditions of the site with 30% impervious. With the proposed improvements and the proposed detention, he said there will be 47% impervious. He discussed the comp storage and detention as it relates to the DuPage County Stormwater Ordinance. He noted that additional storage is being provided on the site. Preliminary discussions have occurred with the DuPage County Stormwater Department. Next, Mr. Sagen noted the shade trees, ornamental trees, and evergreen trees. He said parkway trees will be added in the development and along Hickory Street. Trees will be 2.5 inches caliper. He said they are willing to provide parkway trees on the north side of Hickory as well. He discussed the detention basins and their landscaping. All are designed to meet DuPage County's requirements. He discussed a common concern of increased mosquitos but noted that the extra water also brings extra predators for mosquitos which make for no net impact. He referred to the basin cross sections to show how they would look and where the proposed plantings would go. Mr. Cumming discussed architecture and said they are proposing four models. All homes will have full basements. He discussed the interior features and showed pictures of three potential elevations.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Mr. Louis Capra asked if the homes will be part of the flood zone and if this development takes into account the previous flooding in the area. Mr. Kurt Langworthy noted the detention area floods consistently. He asked how high the berm will be compared to the current elevations. He asked if the detention will be combined with the existing Lombard storm sewer drain system. Mr. Caneff said the comp storage is a continuation of the flood plain. He noted they are providing for double the comp storage required. He said the detention is for run off on their site and is in excess of what is required. The County has required a backflow preventer. He said the berm will be more of a depressional area in order to provide detention. He added that the site will add 50,000 square feet of impervious coverage and they are providing for 2.8 acre feet of storage. He said they will be helping the situation.

Chairperson Ryan asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. She said the petitioner proposes a new single-family subdivision with sixteen (16) homes using the R2 zoning district. A preliminary plat will be reviewed by the Plan Commission with the final plat going before the Village Board of Trustees, unless there are major changes to the site plan. They are also asking for the Village to approve a variation from Section 154.304 (D)(3) and Section 154.305 (D)(3)(b) to eliminate the sidewalk from the new roadway westward on the south side of Hickory Street at lot 6. The subject properties are currently owned by DuPage County Health Department. The crisis care center and four (4) single family homes would be demolished. Both engineering and Public Works had comments, which will be addressed. Staff finds the proposed subdivision to be consistent with the surrounding zoning and land uses. Pulte

plans on developing all sixteen (16) lots. Lots are not intended to be available for individual developer and purchases. The site and requests are consistent with the Comprehensive Plan designation of Low Density Residential. As the property is currently rezoned R1, single-family homes could be built by right per the R1 bulk requirements. She noted the petitioner is requesting a rezoning from R1 to R2. Staff notes that but for the subject properties, the remainder of the residences in the area are zoned R2. The site was rezoned to R1 from R2 in 1981 through PC 81-12. The Plan Commission noted two findings of fact on the rezoning:

1. other property owned by the College was zoned R1; and
2. the property must be rezoned to R1 to be utilized as part of the College, because the appropriate conditional use for a non-boarding College is only listed in the R1 district.

Ms. Ganser said one variance is being requested, which has staff support. The sidewalk from the new roadway westward on the south side of Hickory Street at lot 6 is proposed to be eliminated. This sidewalk would not lead to another sidewalk or street. Furthermore, Pulte will be installing sidewalks in the remainder of the development as well as the opposite side of Hickory Street.

Ms. Ganser said this division is considered a major plat of subdivision as it is greater than one (1) acre in size. Therefore the project must be reviewed and approved by the Plan Commission and Village Board of Trustees. As no variances are being granted for the existing buildings, the final plat will be approved by the Board of Trustees at a later date subject to final engineering and the demolition of the existing buildings. The final plat will not appear before the Plan Commission again, unless there are major changes to the plat. Pulte has one (1) year to have the final plat approved.

Regarding stormwater, the plan shows 2.8 acre feet of detention being provided and reviewed by both DuPage County and the Village. The extra detention is above and beyond what currently exists on the site today.

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

Commissioner Sweetser noted that the college was called the Midwest College of Engineering. Mr. Heniff noted that Jana Bryant is in the audience for any questions. Commissioner Sweetser asked if together with the existing facilities and the proposed facilities, would the volume of water on Finley, in the past, be taken care of. Ms. Bryant noted it won't solve the problem and the street will most likely continue to flood. Chairman Ryan asked if this would add to the flooding or ease it. Ms. Bryant said it won't make it worse than it is now. She noted Pulte calculated the run off and it shows a significant reduction. She said it will release less water at a slower rate. Commissioner Flint said he hopes the situation would be improved. Chairman Ryan noted that adding extra homes, the situation won't worsen. Commissioner Mrofcza asked about the eight (8) foot basements and any continued flooding. Mr. Caneff said the base elevation now is 688 and the homes will have a top of foundation of 695. If the sump pumps are discharging there will be 4.5 feet between the top of foundation and the predicted high water elevation.



On a motion by Commissioner Burke, and a second by Commissioner Flint, the Plan Commission voted 5-0 that the Village Board approve the petition associated with PC 16-08, subject to the following two (2) conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request from Roake and Associates, Inc. and Signature Design Group; and
2. The petitioner shall apply for and receive final engineering approval from DuPage County and the Village. Upon such approval, the petitioner shall submit a final plat for Village Board approval and recording.

Respectfully,

**VILLAGE OF LOMBARD**

Donald Ryan, Chairperson  
Lombard Plan Commission

c. Lombard Plan Commission

May 16, 2016

**Title**

PC 16-08

**Petitioner**

Pulte Homes  
1900 E Golf Road  
Schaumburg IL 60173

**Property Owner**

DuPage County Health  
Department  
111 N County Farm Road  
Wheaton IL 60187

**Property Location**

400, 406, 412, 420, and 440 S.  
Finley Road  
PINs: 06-07-303-002, -003, -  
004, -005, and -027  
Trustee District #1

**Zoning**

R1

**Existing Land Use**

DuPage County crisis care center  
and four (4) single family homes

**Comprehensive Plan**

Low Density Residential

**Approval Sought**

Approval of a map amendment,  
variation, and a preliminary major  
plat of subdivision

**Prepared By**

Jennifer Ganser, Assistant  
Director



Location Map

**PROJECT DESCRIPTION**

The petitioner proposes a new single-family subdivision with sixteen (16) homes using the R2 zoning district. A preliminary plat will be reviewed by the Plan Commission with the final plat going before the Village Board of Trustees.

**APPROVAL(S) REQUIRED**

The petitioner requests that the Village take the following actions on the subject property located within the R1 Single-Family Residence District:

1. Approve a Map Amendment rezoning the entire property back to the R2 Single-Family Residence District;
2. Approve a variation from Section 154.304 (D)(3) and Section 154.305 (D)(3)(b) to eliminate the sidewalk from the new roadway westward on the south side of Hickory Street at lot 6; and
3. Approve a Major Plat of Subdivision.

**EXISTING CONDITIONS**

The subject properties are currently owned by DuPage County Health Department. The crisis care center and four (4) single family homes would be demolished.





**Public Works:**

The Department of Public Works has the following comments:

1. Village Code §154.304 requires that the adjacent Hickory Street right-of-way be fully improved. However, The Department of Public Works would not object to forgoing a sidewalk on the south side of Hickory from the new roadway (“Miller Court”) westward. Thus, sidewalk will be required on the south side from the new roadway eastward, and also on the north side of Hickory. The same code also requires streetlights and parkway trees on both sides of Hickory Street for the entire length abutting the development
2. The existing, abandoned 6-in diameter water service at the northwest corner of the property shall be disconnected at the water main.

**Planning Services Division:**

**1. Surrounding Zoning & Land Use Compatibility**

	Zoning Districts	Land Use
North	R2	Single-family residential
South	CR	Open space
East	R2	Single-family residential
West	CR	IL Route 53 and open space

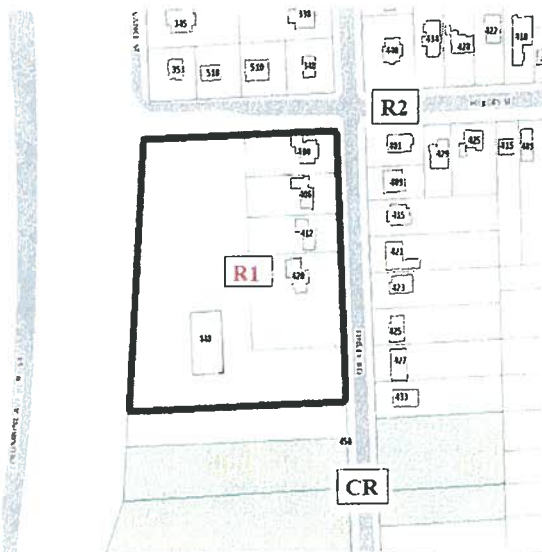
Staff finds the proposed subdivision to be consistent with the surrounding zoning and land uses. Pulte plans on developing all sixteen (16) lots. Lots are not intended to be available for individual developer and purchases.

**2. Comprehensive Plan Compatibility**

The site and requests are consistent with the Comprehensive Plan designation of Low Density Residential. As the property is currently rezoned R1, single-family homes could be built by right per the R1 bulk requirements.

**3. Zoning Ordinance Compatibility**

The petitioner is requesting a rezoning from R1 to R2. Staff notes that but for the subject properties, the remainder of the residences in the area are zoned R2, as shown on the below map.



For reference purposes, the differences between the two districts are as follows:

	<b>R1</b>	<b>R2</b>
<b>Minimum Lot Area</b>	10,000 square feet	7,500 square feet
<b>DU/A</b>	4.3	5.8
<b>Minimum Lot Width</b>	75'	60'
<b>Front Yard Setback</b>	30'	30'
<b>Interior Side Yard Setback</b>	7.5'	6'
<b>Corner Side Yard Setback</b>	20'	20'
<b>Rear Yard Setback</b>	40'	35'

All lots are shown to meet or exceed the R2 bulk requirements. The site was rezoned to R1 from R2 in 1981 through PC 81-12. The Plan Commission noted two findings of fact on the rezoning:

1. other property owned by the College was zoned R1; and
2. the property must be rezoned to R1 to be utilized as part of the College, because the appropriate conditional use for a non-boarding College is only listed in the R1 district.

The property is bordered by the R2 district to the north and east. To the west the site borders right-of-way property for Columbine Avenue/Route 53. The south border is zoned CR and owned by the Village of Lombard (Charles Lane Pond). The developer is also seeking the R2 zoning so that a larger of the portion of the southern end of the property can be held in common ownership for stormwater detention purposes. Staff supports the rezoning.

#### 4. Variance

One variance is being requested, which has staff support. The sidewalk from the new roadway westward on the south side of Hickory Street at lot 6 is proposed to be eliminated. This sidewalk would not lead to another sidewalk or street. Furthermore, Pulte will be installing sidewalks in the remainder of the development as well as the opposite side of Hickory Street.

#### 5. Plat

This division is considered a major plat of subdivision as it is greater than one (1) acre in size. Therefore the project must be reviewed and approved by the Plan Commission and Village Board of Trustees. The Plan Commission is reviewing a preliminary plat. As no variances are being granted for the existing buildings, the final plat will be approved by the Board of Trustees at a later date subject to final engineering and the demolition of the existing buildings. The final plat will not appear before the Plan Commission again, unless there are major changes to the plat. Pulte has one (1) year to have the final plat approved. The final plat will need to be in substantial conformance with the preliminary plat. Staff supports the resubdivision.

#### 6. Stormwater Management

Per Pulte Homes, the plan shows 2.8 acre feet of detention being provided. Jim Caneff of Roake and Associates, Inc. stated via email "that the storm water detention volume required for a detached single family residential subdivision such as this can be estimated as  $0.35 * \text{Gross Acreage of the Subdivision}$ . In this case, that would be  $0.35 * 5.8 = 2.03$  acre-feet of storage required. Therefore, this site has approximately 0.77 acre-feet of excess storage provided. Final excess detention volumes will be completed as the permitting documents are completed further in the subdivision process."

The Village can only require what is needed per Code, the DuPage County Stormwater Ordinance and any Lombard amendments. The extra detention is above and beyond what currently exists on the site today. The stormwater management will be owned and maintained by the Homeowner's Association.

Pulte is proposing wetland planting and those will be reviewed by DuPage County. Though not directly related to stormwater, Pulte will be planting the requisite parkway trees both in the development and on the north side of Hickory Street.

### **SITE HISTORY**

#### **1977 PC 77-15**

The site was utilized by Midwest College for Engineering. They went before the Plan Commission for a possible expansion for 400, 406, and 420 S. Finley Road.

#### **1981 PC 81-12**

412 S. Finley Road received a rezoning from R2 to R1 and a conditional use permit for a college.

#### **1987 PC 87-13**

The DuPage County Health Department received a conditional use at 400, 406, 412, 420, and 440 S. Finley Rd for a central intake, case management and stabilization unit in the R1 district.

### **FINDINGS & RECOMMENDATIONS**

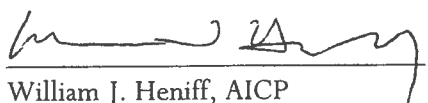
Staff finds that the rezoning with associated variance and preliminary major plat is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance.

The Inter-Departmental Review Committee has reviewed the standards for the rezoning with associated variance and preliminary major plat and finds that they **comply** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Department Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 16-08.

Based on the submitted petition and the testimony presented, the proposed request for a rezoning with associated variance and preliminary major plat does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting said request is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 16-08, subject to the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request from Roake and Associates, Inc. and Signature Design Group; and
2. The petitioner shall apply for and receive final engineering approval from DuPage County and the Village. Upon such approval, the petitioner shall submit a final plat for Village Board approval and recording.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

c. Petitioner

## VIII. 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 the property within the general area of the property in question;
  - a. The proposed residential use of the property in question would be compatible with existing surrounding residential land uses.
2. Compatibility with the zoning classification of property within the general area of the property in question;
  - a. The proposed R2 (single family residential) zoning classification would be the same zoning classification as the properties to the north and to the east of the property in question. The existing zoning classification of the property to the south of the property in question is CR (conservation/recreation district). The western property line of the property in question is the Village limits with IL Route 53 beyond.
3. The suitability of the property in question to the uses permitted under the existing zoning classification;
  - a. The proposed land use of the property in question is an allowed land use under the existing zoning classification.
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;
  - a. The proposed zoning classification is consistent with the surrounding area.
5. The compatibility of the surrounding property with the permitted uses listed in the proposed zoning classification;
  - a. The surrounding property is compatible with the permitted uses in the R2 (single family residential) district.
6. The objectives of the current Comprehensive Plan for the Village of Lombard and the impact of the proposed amendment of said objectives;
  - a. The proposed residential land use is consistent with the current Comprehensive Plan for the Village of Lombard in that this new development is complementary with the scale and character of surrounding residential uses and will provide new consumer inspired floor plans that will contribute to the long term neighborhood stability.
7. The suitability of the property in question for permitted uses listed in the proposed zoning classification;
  - a. The proposed land use of the property in question is suitable with the permitted uses in the R2 (single family residential) district.



## XI. STANDARDS FOR VARIATIONS

### SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.
  - a. If sidewalk were to be installed on the side yard of lot 6, west of the proposed road on Hickory St., it would lead to nowhere since the subject property is immediately adjacent to the IL Rte. 53 (S. Columbine Ave.) and there is currently no sidewalk installed on the west side of Vance St.
2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.
  - a. The subject property is immediately adjacent to the IL Rte. 53 (S. Columbine Ave.) and there is currently no sidewalk installed on the west side of Vance St.
3. The purpose of the variation is not based primarily upon the desire to increase financial gain.
  - a. The variation is not based primarily upon the desire to increase financial gain.
4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.
  - a. The difficulty or hardship has not been created by any person presently having an interest in the property.
5. The granting of the variation will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  - a. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. The granting of the variation will not alter the essential character of the neighborhood; and,
  - a. The granting of the variation will not alter the essential character of the neighborhood.
7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
  - a. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

## Nowakowski, Tamara

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**From:** Ganser, Jennifer  
**Sent:** Wednesday, May 18, 2016 1:20 PM  
**To:** Nowakowski, Tamara  
**Cc:** Heniff, William  
**Subject:** FW: Finley Park - Request for Waiver of 1st Village Board Reading

FYI.

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**From:** Dave Cumming [<mailto:Dave.Cumming@PulteGroup.com>]  
**Sent:** Wednesday, May 18, 2016 11:21 AM  
**To:** Ganser, Jennifer  
**Subject:** Finley Park - Request for Waiver of 1st Village Board Reading

Jennifer:

Good morning. As per our previous phone conversation, I'd like to formally request that the proposed Finley Park subdivision be granted a waiver of the first Village Board reading and proceed directly to the consent agenda on the scheduled June 16, 2016 Village Board meeting. This request is based on contractual dates with the land seller in combination with the schedule sensitivity of land development activities due to seasonality in the Chicagoland climate.

Thank you in advance for this consideration.



**David M. Cumming, P.E.**

Land Entitlement Manager - Illinois Division  
1900 East Golf Road, Suite 300  
Schaumburg, Illinois 60173  
**Office:** 847.230.5284  
**Mobile:** 224.402.5607  
[Dave.Cumming@PulteGroup.com](mailto:Dave.Cumming@PulteGroup.com)

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**ORDINANCE \_\_\_\_\_**

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

**(PC 16-08: Pulte Homes, 400, 406, 412, 420, 440 S. Finley Road)**

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

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, 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 R1 Single Family Residence District to R2 Single Family Residence District; and,

WHEREAS, a public hearing thereon has been conducted by the Village of Lombard Plan Commission on May 16, 2016, 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 R2 Single Family Residence District.

SECTION 2: This ordinance is limited and restricted to the property generally located at 400, 406, 412, 420, 440 S. Finley Road, Lombard, Illinois, and legally described as follows:

PARCEL 1:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 OF

Ordinance No. \_\_\_\_\_

Re: PC 16-08

Page 2

KIANTONE ADDITION TO LOMBARD AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF FINLEY ROAD 291 FEET TO AN IRON STAKE FOR A PLACE OF BEGINNING; THENCE WEST PARALLEL WITH THE SOUTH LINE OF LOT 7 IN BLOCK 4 OF Kiantone's Addition Aforesaid, 200 FEET TO AN IRON STAKE; THENCE NORTH PARALLEL WITH THE WEST LINE OF FINLEY ROAD 70 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF LOT 7 IN BLOCK 4 OF Kiantone's Addition Aforesaid, 233 FEET TO THE CENTER OF FINLEY ROAD; THENCE SOUTH ALONG THE CENTER LINE OF FINLEY ROAD 70 FEET; THENCE WEST 33 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

THE NORTH 80 FEET OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 IN THE PLAT OF Kiantone Addition to Lombard and Running thence south 66 feet for a point of beginning; thence south in west line of Finley Road, 105 feet; thence west parallel to Hickory Street, as now located, 200 feet; thence north 105 feet to the south line of Hickory Street, as now located; thence east in the south line of Hickory Street 200 feet to the point of beginning, in Dupage County, Illinois.

PARCEL 3:

THAT PART OF TRACTS "A" AND "B" AS SHOWN ON THE PLAT OF SURVEY OF PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DATED SEPTEMBER 10, 1941 AND RECORDED APRIL 8, 1942 AS DOCUMENT 436222, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 OF Kiantone Addition to Lombard, and running thence south along the west line of Finley Road, 146 feet for a point of beginning; thence west parallel with the south line of said lot 7 aforesaid, 200 feet; thence south parallel with the west line of Finley Road, 75 feet; thence east 200 feet to the west line of Finley Road; thence north along the west line of Finley Road, 75 feet to the point of beginning, in Dupage County, Illinois.

PARCEL 4:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 OF



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KIANTONE ADDITION TO LOMBARD AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF FINLEY ROAD, 291 FEET FOR A POINT OF BEGINNING; THENCE EAST, PARALLEL WITH THE SOUTH LINE OF SAID LOT 7 IN BLOCK 4, 33 FEET TO THE CENTER LINE OF FINLEY ROAD; THENCE SOUTH ALONG SAID CENTER LINE, 175 FEET; THENCE WEST PARALLEL WITH THE SAID SOUTH LINE OF LOT 7 IN BLOCK 4, 233 FEET; THENCE NORTH, PARALLEL WITH SAID CENTER LINE OF FINLEY ROAD, 175 FEET; THENCE EAST, PARALLEL WITH THE SAID SOUTH LINE OF LOT 7 IN BLOCK 4, 200 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 5:

A PORTION OF TRACT "C" AS SHOWN ON THE PLAT OF SURVEY OF PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED APRIL 8, 1942 AS DOCUMENT 436222, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF FINLEY ROAD (66 FEET WIDE) 466 FEET SOUTH OF THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 IN KIANTONE ADDITION TO LOMBARD, AS LAID OUT, THENCE SOUTH ALONG SAID WEST LINE, 100 FEET; THENCE WEST PARALLEL WITH THE MOST NORTHERLY LINE IN SAID TRACT "C" A DISTANCE OF 495.82 FEET TO A POINT IN THE EASTERLY LINE OF FEDERAL AID ROUTE NO. 61; THENCE NORTHEASTERLY ON SAID LINE, 502.51 FEET TO A POINT IN THE SAID MOST NORTHERLY LINE OF TRACT "C", SAID POINT BEING 404.50 FEET EAST OF THE MOST NORTHWESTERLY CORNER OF SAID TRACT "C" THENCE EAST ON SAID LINE, 240.70 FEET TO A NORTHEAST CORNER OF SAID TRACT "C"; THENCE SOUTH ON AN EAST LINE OF SAID TRACT "C" AND ON ITS EXTENSION TO THE SOUTH, A DISTANCE OF 400 FEET; THENCE EAST PARALLEL TO THE SAID MOST NORTHERLY LINE OF TRACT "C", 200 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Parcel Identification Number(s):

06-07-303-002, -003, -004, -005, and -027; (the "Subject Property")

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

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 \_\_\_\_\_, 2016.

Ordinance No. \_\_\_\_\_  
Re: PC 16-08  
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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

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

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

**AN ORDINANCE GRANTING A VARIATION FROM SECTION 154.304 (D)(3) AND SECTION 154.305 (D)(3)(B) TO ELIMINATE THE SIDEWALK FROM THE NEW ROADWAY WESTWARD ON THE SOUTH SIDE OF HICKORY STREET AT LOT 6**

(PC 06-08; Pulte Homes 400, 406, 412, 420, 440 S. Finley Road)

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

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

WHEREAS, 400, 406, 412, 420, 440 S. Finley Road, the Subject Property, as defined below and pursuant to companion Ordinance No. \_\_\_\_\_, which approved a map amendment to the Subject Property, is zoned R2 Single Family Residence District; and,

WHEREAS, an application has been filed requesting approval of a variation from Section 154.304 (D)(3) and Section 154.305 (D)(3)(b) to eliminate the sidewalk from the new roadway westward on the south side of Hickory Street at lot 6; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on May 16, 2016 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 petition as 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 follow:

SECTION 1: That the following relief is hereby granted for the Subject Property, as described in Section 2 below:

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Re: PC 16-08

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1. Approve a variation from Section 154.304 (D)(3) and Section 154.305 (D)(3)(b) to eliminate the sidewalk from the new roadway westward on the south side of Hickory Street at lot 6.

SECTION 2: That this Ordinance is limited and restricted to the property located at 400, 406, 412, 420, 440 S. Finley Road , Lombard, Illinois and legally described as follows:

PARCEL 1:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 OF Kiantone Addition to Lombard and running thence south along the west line of Finley Road 291 feet to an iron stake for a place of beginning; thence west parallel with the south line of lot 7 in block 4 of Kiantone's Addition aforesaid, 200 feet to an iron stake; thence north parallel with the west line of Finley Road 70 feet; thence east parallel with the south line of lot 7 in block 4 of Kiantone's Addition aforesaid, 233 feet to the center of Finley Road; thence south along the center line of Finley Road 70 feet; thence west 33 feet to the place of beginning, in Dupage County, Illinois.

PARCEL 2:

THE NORTH 80 FEET OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4 IN THE PLAT OF Kiantone Addition to Lombard and running thence south 66 feet for a point of beginning; thence south in west line of Finley Road, 105 feet; thence west parallel to Hickory Street, as now located, 200 feet; thence north 105 feet to the south line of Hickory Street, as now located; thence east in the south line of Hickory Street 200 feet to the point of beginning, in Dupage County, Illinois.

PARCEL 3:

THAT PART OF TRACTS "A" AND "B" AS SHOWN ON THE PLAT OF SURVEY OF PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DATED SEPTEMBER 10, 1941 AND RECORDED APRIL 8, 1942 AS DOCUMENT 436222, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 4



OF Kiantone Addition to Lombard, and running thence south along the west line of Finley Road, 146 feet for a point of beginning; thence west parallel with the south line of said lot 7 aforesaid; 200 feet; thence south parallel with the west line of Finley Road, 75 feet; thence east 200 feet to the west line of Finley Road; thence north along the west line of Finley Road, 75 feet to the point of beginning, in Dupage County, Illinois.

PARCEL 4:

That part of the southwest quarter of section 7, township 39 north, range 11, east of the third principal meridian, described by commencing at the southeast corner of lot 7 in block 4 of Kiantone Addition to Lombard and running thence south along the west line of Finley Road, 291 feet for a point of beginning; thence east, parallel with the south line of said lot 7 in block 4, 33 feet to the center line of Finley Road; thence south along said center line, 175 feet; thence west parallel with the said south line of lot 7 in block 4, 233 feet; thence north, parallel with said center line of Finley Road, 175 feet; thence east, parallel with the said south line of lot 7 in block 4, 200 feet to the point of beginning, in Dupage County, Illinois.

PARCEL 5:

A portion of tract "C" as shown on the plat of survey of part of the southwest quarter of section 7, township 39 north, range 11, east of the third principal meridian, recorded April 8, 1942 as document 436222, described as follows: beginning at a point in the west line of Finley Road (66 feet wide) 466 feet south of the southeast corner of lot 7 in block 4 in Kiantone Addition to Lombard, as laid out, thence south along said west line, 100 feet; thence west parallel with the most northerly line in said tract "C" a distance of 495.82 feet to a point in the easterly line of Federal Aid Route No. 61; thence northeasterly on said line, 502.51 feet to a point in the said most northerly line of tract "C", said point being 404.50 feet east of the most northwesterly corner of said tract "C" thence east on said line, 240.70 feet to a northeast corner of said tract "C"; thence south on an east line of said tract "C" and on its extension to the south, a distance of 400 feet; thence east parallel to the said most northerly line of tract "C", 200 feet to the point of beginning, in Dupage County, Illinois.

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Parcel Identification Number(s):  
06-07-303-002, -003, -004, -005, and -027; (the "Subject Property")

SECTION 3: The relief, as provided for in Section 1 of this Ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request from Roake and Associates, Inc. and Signature Design Group; and
2. The petitioner shall apply for and receive final engineering approval from DuPage County and the Village. Upon such approval, the petitioner shall submit a final plat for Village Board approval and recording.

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 \_\_\_\_\_, 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:

\_\_\_\_\_

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Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Sharon Kuderna, Village Clerk