

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

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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : May 7, 2024 **(BOT) Date:** May 16, 2024

SUBJECT: PC 23-02: Reapproving a Preliminary Plat of Resubdivision Originally Approved by Ordinance 8158 for the Property at 230 Yorktown Center and a Portion of 175 Yorktown Center

SUBMITTED BY: William J Heniff, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Board of Trustees adopted Ordinance 8157 (PC 23-02) on May 18, 2023, which granted approval of Preliminary Plat of Resubdivision for the property at 230 Yorktown Center and a Portion of 175 Yorktown Center (formerly known as the Carson's anchor store building) and now known as the Yorktown Reserve project.

Pursuant to 65 ILCS 5/11-12-8, an application for final plat approval shall be made not later than one year after preliminary approval has been granted, with the final plat being supported by drawings, specifications and bond as may be necessary. Additionally, Section 154.203(A)(4) of the Lombard Village Code (the Subdivision and Development Ordinance), states that preliminary plat approval shall be null and void unless a final plat of subdivision is submitted within *one year* of the Board of Trustees approval of the preliminary plat.

Staff recommends that the Village Board approve an Ordinance readopting the preliminary plat of resubdivision. Staff and the petitioner are requesting a waiver of first reading of the Ordinance to meet the statutory timing matter.

Fiscal Impact/Funding Source:

Review (as necessary)

Finance Director _____ Date _____
Village Manager _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: May 16, 2024

SUBJECT: **PC 23-02: Reapproving a Preliminary Plat of Resubdivision Originally Approved by Ordinance 8158 for the Property at 230 Yorktown Center and a Portion of 175 Yorktown Center**

The Board of Trustees adopted Ordinance 8157 (PC 23-02) on May 18, 2023, which granted approval of Preliminary Plat of Resubdivision for the property at 230 Yorktown Center and a Portion of 175 Yorktown Center (formerly known as the Carson's anchor store building) and now known as the Yorktown Reserve project.

Pursuant to 65 ILCS 5/11-12-8, an application for final plat approval shall be made not later than one year after preliminary approval has been granted, with the final plat being supported by drawings, specifications and bond as may be necessary. Additionally, Section 154.203(A)(4) of the Lombard Village Code (the Subdivision and Development Ordinance), states that preliminary plat approval shall be null and void unless a final plat of subdivision is submitted within one year of the Board of Trustees approval of the preliminary plat.

Staff received the attached correspondence from the property owner seeking the Village's consideration of an action to address the pending expiration of the preliminary plat approval. Their request states the project financing status and their forthcoming activities within the next few months. Staff notes that the owner closed on the 230 Yorktown Center property and will be closing on a portion of the 175 Yorktown Center property upon completion of the financing efforts. The former Carson's anchor building is slated to be razed shortly as well.

In discussions with Village Counsel, to address plat approval timing issues it would be best to readopt the preliminary plat, which would functionally reset the statutory time approval for the property and plat. A draft Ordinance has been prepared for Village Board consideration and approval. A copy of Ordinance 8158 is attached by reference within the draft Ordinance.

ACTION REQUESTED

Staff recommends that the Village Board approve an Ordinance readopting the preliminary plat of resubdivision. Staff and the petitioner are requesting a waiver of first reading of the Ordinance to meet the statutory timing matter.

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ORDINANCE NO. _____

**AN ORDINANCE READOPTING A PRELIMINARY PLAT OF
RESUBDIVISION PERVIOUSLY APPROVED AS ORDINANCE
8158 FOR THE PROPERTY AT 230 YORKTOWN CENTER AND
A PORTION OF 175 YORKTOWN CENTER, LOMBARD,
ILLINOIS**

(PC 23-02: 230 and 175 Yorktown Center, Yorktown Reserve)

WHEREAS, on May 18, 2023, the President and Board of Trustees of the Village of Lombard adopted Ordinance 8158 which granted approval of preliminary plat of resubdivision which was companion to approval of a planned development amendment with companion conditional uses, and variations; and,

WHEREAS, pursuant to 65 ILCS 5/11-12-8, final approval of a plat shall be made not later than one year after preliminary approval has been granted, with said final plat being supported by such drawings, specifications and bond as may be necessary to demonstrate compliance with all requirements of State Statute and as the Corporate Authorities may provide by Ordinance; and

WHEREAS, pursuant to Section 154.203(A)(4) of the Lombard Village Code (the Subdivision and Development Ordinance), otherwise known as Title 15, Chapter 154 of the Code of Lombard, Illinois, Preliminary plat approval shall be null and void unless a final plat of subdivision is submitted within one year of the Board of Trustees approval of the preliminary plat; and,

WHEREAS, while the petitioner has acquired part of the Subject Property and is in the process securing project financing to undertake the approved development in which the preliminary plat of resubdivision was approved, the Village has not received final engineering plans for the resubdivision, the requisite surety, nor the final plat of resubdivision in order for the Village to approve a final plat of resubdivision; and

WHEREAS, in order to meet the provisions of State Statute and Village Code, a request is being made to readopt the Ordinance readopting the previously approved Ordinance 8158 attached hereto as Exhibit A and made a part hereof; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to readopt an Ordinance to reapproved the Preliminary Plat of Resubdivision.

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

SECTION 1: Ordinance 8158 which approved a Preliminary Plat of Resubdivision is hereby readopted.

SECTION 2: That all other provisions associated with Ordinance 8158 not amended by this Ordinance shall remain in full force and effect.

SECTION 3: That this Ordinance is limited and restricted to the property generally located at 230 Yorktown Center and the west portion of 175 Yorktown Center, Lombard, Illinois, and more specifically legally described as set forth below:

THAT PART OF LOT 1 IN CARSON'S ASSESSMENT PLAT OF YORKTOWN SHOPPING CENTER, RECORDED AUGUST 8, 2000 AS DOCUMENT R2000-120890, TOGETHER WITH THAT PART OF PARCEL 2 IN HIGHLAND AVENUE ASSESSMENT PLAT, RECORDED JANUARY 30, 2012 AS DOCUMENT, BOTH IN SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHWEST CORNER OF SAID LOT 1 IN IN CARSON'S ASSESSMENT PLAT; THENCE NORTH 02 DEGREES 22 MINUTES 47 SECONDS WEST, 352.27 FEET; THENCE ALONG A CURVE HAVING A CHORD BEARING OF NORTH 47 DEGREES 22 MINUTES 48 SECONDS WEST, A RADIUS OF 25.00 FEET, AND AN ARC LENGTH 39.27 FEET; THENCE SOUTH 87 DEGREES 37 MINUTES 13 SECONDS WEST, 114.00 FEET; THENCE ALONG A CURVE HAVING A CHORD BEARING OF SOUTH 66 DEGREES 52 MINUTES 57 SECONDS WEST, A RADIUS OF 77.00 FEET, AND AN ARC LENGTH OF 55.74 FEET; THENCE NORTH 02 DEGREES 22 MINUTES 47 SECONDS WEST, 89.15 FEET; THENCE ALONG A CURVE HAVING A CHORD BEARING OF SOUTH 75 DEGREES 07 MINUTES 13 SECONDS EAST, A RADIUS OF 90.00 FEET, AND AN ARC LENGTH OF 54.22 FEET; THENCE NORTH 87 DEGREES 37 MINUTES 13 SECONDS EAST, 114.00 FEET; THENCE ALONG A CURVE HAVING A CHORD BEARING OF NORTH 42 DEGREES 37 MINUTES 13 SECONDS EAST, A RADIUS OF 25.00

FEET, AND AN ARC LENGTH OF 39.27 FEET; THENCE NORTH 02 DEGREES 22 MINUTES 47 SECONDS WEST, 448.23 FEET; THENCE NORTH 87 DEGREES 15 MINUTES 23 SECONDS EAST, 51.21 FEET; THENCE ALONG A CURVE HAVING A CHORD BEARING OF NORTH 50 DEGREES 02 MINUTES 53 SECONDS EAST, A RADIUS OF 219.00 FEET, AND AN ARC LENGTH OF 288.43 FEET; THENCE NORTH 87 DEGREES 46 MINUTES 43 SECONDS EAST, 107.83 FEET; THENCE ALONG A CURVE HAVING A CHORD BEARING OF NORTH 79 DEGREES 56 MINUTES 16 SECONDS EAST, A RADIUS OF 506.00 FEET, AND AN ARC LENGTH OF 138.49 FEET; THENCE NORTH 72 DEGREES 07 MINUTES 03 SECONDS EAST, 23.60 FEET; THENCE NORTH 66 DEGREES 11 MINUTES 57 SECONDS EAST, 155.55 FEET; THENCE SOUTH 17 DEGREES 28 MINUTES 24 SECONDS EAST, 258.76 FEET; THENCE SOUTH 28 DEGREES 01 MINUTES 44 SECONDS WEST, 62.53 FEET; THENCE SOUTH 62 DEGREES 02 MINUTES 17 SECONDS EAST, 276.72 FEET; THENCE SOUTH 27 DEGREES 57 MINUTES 43 SECONDS WEST, 419.93 FEET; THENCE NORTH 62 DEGREES 01 MINUTES 04 SECONDS WEST, 218.43 FEET; THENCE SOUTH 27 DEGREES 57 MINUTES 43 SECONDS WEST, 254.10 FEET; THENCE SOUTH 57 DEGREES 57 MINUTES 43 SECONDS WEST, 165.00 FEET; THENCE SOUTH 27 DEGREES 57 MINUTES 43 SECONDS WEST, 177.29 FEET; THENCE SOUTH 87 DEGREES 37 MINUTES 13 SECONDS WEST, 188.55 FEET, TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

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

SECTION 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 _____, 2024.

First reading waived by action of the Board of Trustees this ____ day of _____, 2024.

Passed on second reading this ____ day of _____, 2024, pursuant to a roll call vote as follows:

Ordinance No. _____

Re: PC 23-02 – Readopting a Preliminary Plat of Resubdivision – Yorktown Reserve

Page 4

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2024.

Keith Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this _____ day of _____, 2024.

Elizabeth Brezinski, Village Clerk

Ordinance No. _____

Re: PC 23-02 – Readopting a Preliminary Plat of Resubdivision – Yorktown Reserve

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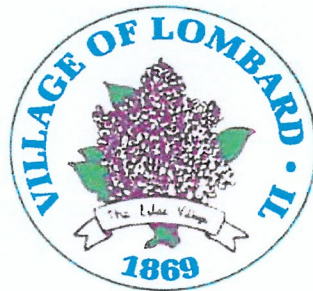
ORDINANCE 8158

**AN ORDINANCE APPROVING A PRELIMINARY PLAT OF RESUBDIVISION
FOR THE PROPERTY AT 230 YORKTOWN CENTER AND THE WEST
PORTION OF 175 YORKTOWN CENTER, LOMBARD, ILLINOIS,**


(ATTACHED)

**ORDINANCE 8158
PAMPHLET**

**PC 23-02: YORKTOWN RESERVE (REDEVELOPMENT OF FORMER CARSON'S
ANCHOR STORE AND RELATED FAÇADE IMPROVEMENTS TO ADJACENT
YORKTOWN CENTER)**



**PUBLISHED IN PAMPHLET FORM THIS 19TH DAY OF MAY, 2023, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.**


Elizabeth Brezinski
Village Clerk

ORDINANCE NO. 8158

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

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

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

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

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

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

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on February 20, 2023, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the major change, the variations, and approval of a preliminary plat of subdivision; and,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed on first reading this 4th day of May, 2023.

Ordinance No. 8158
Re: PC 23-02
Page 5

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

Passed on second reading this 18th day of May, 2023, pursuant to a roll call vote as follows:

Ayes: Trustee LaVaque, Puccio, Dudek, Honig, Militello and Bachner

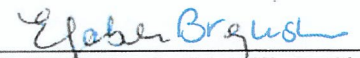
Nays: None

Absent: None


Approved by me this 18th day of May, 2023.


Keith T. Giagnorio, Village President

ATTEST:


Elizabeth Brezinski, Village Clerk

Published by me in pamphlet form this 19th day of May, 2023.


Elizabeth Brezinski, Village Clerk



2037 West Carroll Street | Chicago, IL | 60612
Office: 312 243 3700 | Fax: 312 243 3701 | www.syn-grp.com

May 1, 2024

William J. Heniff
Director of Community Development
Village of Lombard
255 E. Wilson Ave.
Lombard, IL 60148

RE: Yorktown Reserve Final Plat Timeline

Mr. Heniff,

Despite all the headwinds facing any new real estate development, we have recently secured \$100 million in financing necessary to move forward with our Phase 1 – 271 unit Yorktown Reserve multifamily building. We are on track to close on the construction loan and break ground as early as next month. Our debt and equity partners for this project include Wintrust Bank, First Merchants Bank, Nationwide Insurance and BJB Properties. These commitments from our lenders and equity partners for this exciting project at Yorktown Mall are due in no small part to the incredible support of the Village Board and their belief in the future of the Village of Lombard. After breaking ground in June, we plan on welcoming our first residents in Spring of 2026. This milestone will coincide with the grand openings of the outdoor green space along with other significant and highly sought after retail, restaurant and entertainment offerings at Yorktown.

On May 18, 2023, the Village of Lombard passed Ordinance 8158 approving a major change to the Yorktown Shopping Center Planned Development along with a use exception and preliminary plat of subdivision with variations from the Village of Lombard Code of Ordinances to facilitate the Yorktown Reserve Development.

Pursuant to Section 154.203(b)(4) of the Lombard Code of Ordinances, a preliminary plat approval shall be null and void unless a final plat of subdivision has been submitted within one year of the Board approval of the preliminary plat of subdivision.

We are formally requesting that the Village Board approve an ordinance reapproving the preliminary plat of subdivision with variances originally approved by ordinance 8158.

Thank you for your consideration of this request.

Phil Domenico

Phil Domenico
Principal

Cc: Russ Whitaker, Mike Firsell