

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

AMENDMENT TO THE YORKTOWN PLANNED DEVELOPMENTS

APRIL 18, 2016

Title

PC 16-07

Property Owners

YTC Mall Owner LLC and
YTC Land Owner LLC
203 Yorktown
Lombard, IL 60148

Petitioner – Consultant

Attorney for Petitioner
Rosanova & Whitaker, Ltd.
30 W. Jefferson St., Ste. 200
Naperville, IL 60540

Property Location

Northeast corner of Butterfield
Rd. and Highland Ave.
Trustee District #3

Zoning

B3PD Community Shopping
District Planned Development

Existing Land Use

Regional Shopping Center

Comprehensive Plan

Regional Commercial

Approval Sought

Approve a new Major Plat of
Subdivision, amend the
geographical extent of the
Yorktown Shopping Center and
Yorktown Commons Planned
Developments and companion
relief for selected existing
structures.

Prepared By

William J. Heniff, AICP
Comm. Development Director



LOCATION MAP

DESCRIPTION

On January 21, 2016, the Village Board approved Ordinances 7175, 7176 and 7177 which modified the previously approved Yorktown Center planned development and created the new Yorktown Commons planned development, among many other actions.

Upon final due diligence review by Yorktown ownership entities, they have determined that an external lot line division that was approved as part of the Yorktown Commons planned development needs to be modified. The line in question is north of the ring road and divides Lots 3 and 4 of the project. The petitioner(s) are proposing moving the lot line approximately 10 feet to the west, so that it would be relocated to the east wall of the Carson's Furniture retail tenant space in the existing Yorktown Convenience Center.

This report addresses the zoning actions that would need to occur to remedy this discrepancy. No specific development actions are sought with this petition, as those actions were previously granted as part of the aforementioned ordinances. Additionally, none of the development regulations associated with the establishment of the previously approved form-based codes would change as part of this request.

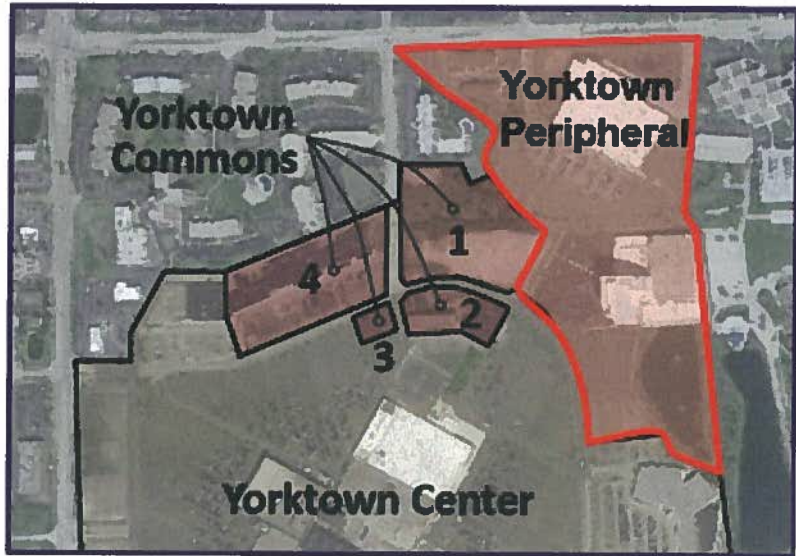
PROJECT STATS

Planned Development Sizes

Proposed: 185 acres

Submittals

1. Petition for public hearings, dated March 29 2016;
2. Petitioner's packet, includes: Petitioner's narrative explaining the request along with a response to standards for planned development amendments;
3. Exhibit packet, including subdivision plat requested to be revoked as well as the proposed new plat of subdivision (along with a building plan exhibit depicting the relocated lot line).



APPROVAL(S) REQUIRED

To facilitate these amendments, the following actions are requested:

1. Revoke the Subdivision plat approved pursuant to Ordinance 7175;
2. Approve a new Plat of Subdivision;
3. Pursuant to Section 155.504(A) of the Lombard Zoning Ordinance, approve a Major Change to the Yorktown Shopping Center Planned Development (Yorktown PD) to remove approximately 2247 square feet (10' feet in width) of land area from the planned development;
4. Pursuant to Section 155.504(A) of the Lombard Zoning Ordinance, approve a Major Change to the Yorktown Commons Planned Development (Yorktown Commons PD) to add approximately 2247 square feet (10' feet in width) of land area to the planned development; and
5. Pursuant to Sections 155.415(F) and 155.508(C)(6)(a) and (b) of the Lombard Zoning Ordinance, approve a deviation and variation to reduce the required interior side yard setback from ten (10) feet to zero feet for land adjacent to the Yorktown Commons PD; and to approve said deviation and variation within the Yorktown PD and Yorktown Commons PD to permit the existing buildings and infrastructure commonly known as the "Convenience Center" to remain in place pending redevelopment.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues regarding the petition.

Fire Department:

The Fire Department has no issues or concerns regarding the petition.

Private Engineering Services (PES):

Private Engineering Services does not have any comments regarding the planned development amendments.

Public Works:

There are no comments associated with this petition.

Planning Services Division:

The Planning Services Division notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	B3PD & R5PD	Yorktown Peripheral PD and Yorktown Apartments
South	O & OPD	Various Office Buildings
East	OPD	Northern Baptist Theological Seminary
West	B3PD, CRPD, & R4PD	Highlands of Lombard, Allerton Ridge Cemetery, Multi-Tenant Office, and Highland Green Townhomes

Section 155.504(A) of the Zoning Ordinance would deem the change in the geographical extent of the planned development and the companion peripheral lot lines as major changes, as it differs from what was established in Ordinances 7175 through 7177. Rather it amends the extents of the two applicable planned developments within the confines of the existing Yorktown development area by adding approximately 2247 square feet from the Yorktown planned development to the Yorktown Commons planned development. As noted in the petitioner’s submittals, the amendments are to address an ownership discrepancy. As currently approved, the lot line would bisect a tenant space within the convenience center, which would make leasing of this space in the interim period very difficult. The amended line would simply be parallel and conjoined with the east building line of the Carson’s furniture existing tenant space. Therefore, staff finds that the amendment would improve compatibility between the planned developments.

The petitioner seeks companion relief to allow for the land division to be done in such a manner that would result in a functional zero foot setback between the existing structures. Additionally, a setback request is also sought for the remainder of the convenience center located on Lot 4 (also known as Phase 4 of the Yorktown Commons development) in the immediate term so that the convenience center structures can remain as legal conforming structures until such time that the remainder of the center is demolished in the future. This alternative is preferred to relocating the lot line and rendering the existing structures as legal non-conforming structures. This relief also addresses a legal entitlement matter with the petitioners, in a manner that will not be physically visible or affect the intent of the zoning actions that were a part of PC 15-27.

2. *Comprehensive Plan Compatibility*

As this item relates only to the internal modification of the geographic boundaries, staff finds the proposal consistent with the Comprehensive Plan's recommendation of regional commercial uses.

3. *Zoning Ordinance & Planned Development Compatibility*

Should the proposed changes to the geographic boundaries of the planned development be approved, the Yorktown Shopping Center Planned Development will maintain its compliance with Section 155.509 of the Lombard Zoning Ordinance in regard to the minimum size and frontage required for a planned development. Therefore, staff finds the proposal to be consistent with the Zoning Ordinance.

4. *Plat of Subdivision*

The January, 2016 Village Board zoning actions associated with PC15-27 approved two plats of subdivision. Neither plat of subdivision that was approved have not been recorded to date, so the intent of this petition is to seek a revocation of the Board action as it pertains to the lot divisions and replace the approval with the new plat of subdivision – but only for the plat the covers the convenience center tracts. From a review perspective, the relocated lot line does not materially change either planned development or subdivision.

SITE HISTORY (NON SIGN-RELATED)

1966: Yorktown Shopping Center Planned Development

Established of the Yorktown Shopping Center Planned Development via Ordinance No. 1172.

PC 94-14: Yorktown Peripheral Planned Development

Amendment to the geographic boundaries of the Yorktown Shopping Center Planned Development to remove approximately 15.6 acres to establish the Yorktown Peripheral Planned Development.

PC 08-20: 3 Yorktown Center (Cole Taylor Bank)

Variations to waive transitional landscape yard and perimeter lot landscaping requirements.

PC 14-13: 1-378 Yorktown Center

Major change to a planned development for an amended roadway configuration for the perimeter ring road and the Fairfield Avenue entrance.

SPA 05-02ph: 92 Yorktown Center (Claim Jumpers)

Site Plan Approval with wall signage deviations.

SPA 05-03ph: 87 Yorktown Center (Capital Grille)

Site Plan Approval with signage deviations.

SPA 05-04ph: 94 Yorktown Center (Rock Bottom Brewery)

Site Plan Approval with wall signage deviations.

SPA 06-02ph: 145 Yorktown Center (Shops on Butterfield)

Site Plan Approval with signage deviations.

SPA 07-07ph: 96 Yorktown Center (5th/3rd Bank)

Site Plan Approval with wall signage deviations.

SPA 10-01ph: 1 Yorktown Center (McDonald's)

Site Plan Approval with roof and wall sign deviations.

SPA 11-02ph: 85 Yorktown Center (Chase Bank)

Site Plan Approval with wall signage deviations.

PC 15-27 (Ordinances 7175, 7176 and 7177) – approvals in January 2016 to amended the geographical extent of the planned developments, reduce the requisite parking requirement for Yorktown Center and establish the Yorktown Commons with a form-based code.

FINDINGS & RECOMMENDATIONS

Staff finds the proposed amendments to the planned development and the major plat of subdivision to be consistent with the objectives of the Zoning Ordinance, Yorktown Shopping Center and Yorktown Commons Planned Development, and the intent of the Comprehensive Plan.

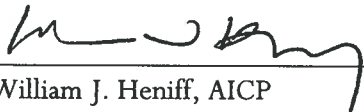
Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Lombard Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and testimony presented, the requested conditional use amendments and companion zoning actions **comply** with the standards required by the Lombard Zoning Ordinance and that granting the relief is the public interest; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Review

Committee Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 16-07, subject to the following conditions:

1. That the petitioner shall submit the new Final Plat of Subdivision prior to or concurrent to any proposed development activity associated with PC 15-27C and granted through Ordinances 7175 and 7177.
2. That all other actions set forth within Ordinances 7175, 7176 and 7177 not amended by this petition shall remain in full force and effect.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)
)
VILLAGE OF LOMBARD)

**PETITION TO THE VILLAGE OF LOMBARD FOR CERTAIN RELIEF UNDER THE
YORKTOWN SHOPPING CENTER PLANNED DEVELOPMENT AND
THE YORKTOWN COMMONS PLANNED DEVELOPMENT**

YTC Mall Owner, LLC, a Delaware limited liability company (“**Mall Owner**”), and YTC Land Owner, LLC, a Delaware limited liability company (“**Land Owner**” Mall Owner and Land Owner are collectively the “**Petitioner**”), as the owners of the respective properties described below, respectfully petition the Village of Lombard (the “**Village**”) as follows:

- To revoke the Plat of Subdivision approved pursuant to Ordinance 7175;
- To approve the Plat of Subdivision attached hereto as **Exhibit A**;
- To approve a “Major Change” to the Yorktown Shopping Center Planned Development (the “**Yorktown PD**”) to remove approximately ten feet (10’) from the Yorktown PD.
- To approve a “Major Change” to the Yorktown Commons Planned Development (the “**Commons PD**”) to add approximately ten feet (10’) to the Commons PD.
- To approve a deviation under the Yorktown PD to reduce the required side yard setback adjacent to the Commons PD, and to approve a deviation under the Yorktown PD and the Commons PD to permit the existing buildings and associated infrastructure commonly known as the “**Convenience Center**” to remain in-place pending redevelopment.

In support of the request relief, Petitioner hereby represents to the Village as follows:

1. Mall Owner is the owner of the respective properties legally described on **Exhibit B (the "YTC Property")**.
2. Land Owner is the owner of the property legally described on **Exhibit C (the "YTC Property")**.
3. Mall Owner and Land Owner recently petitioned the Village for certain zoning and subdivision entitlements with respect to their respective properties.
4. The Village approved certain zoning and subdivision entitlements pursuant to Ordinances 7175, 7176 and 7177.
5. Mall Owner and Land Owner now request the Village to amend said zoning and subdivision approvals to facilitate shifting a lot line between the Yorktown PD and the Commons PD by approximately ten (10') feet.
6. Accordingly, Petitioner requests that the Village revoke approval of the Plat of Subdivision attached hereto as **Exhibit D**, which Plat of Subdivision was approved by Ordinance 7175.
7. In lieu of the Plat of Subdivision attached as Exhibit D, Petitioner hereby requests approval of the Plat of Subdivision attached hereto as Exhibit A, which Plat of Subdivision reflects a lot line between Lot 3 and Lot 4 being located along a concrete block demising wall.
8. The Plat of Subdivision attached as Exhibit A will facilitate the division of ownership between Lot 3 and Lot 4 with existing improvements remaining in-place.
9. Given the relocation of the lot line between Lot 3 and Lot 4, Petitioner hereby requests a Major Change to that Yorktown PD and Commons PD to modify the boundaries of the Yorktown PD and the Commons PD consistent with the new Plat of Subdivision
10. The proposed major changes and associated deviations to both the Yorktown PD

and the Commons PD are necessary and appropriate for the contemplated redevelopment of Yorktown Commons and meet the applicable general standards for a planned development as follows:

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

The proposed Major Changes do not alter the concept or intent of the respective planned developments as approved under Ordinances 7175, 7176 and 7177. Petitioner proposes to remove approximately ten (10') linear feet from the Yorktown PD and add said property to the Commons PD. Associated with this change, deviations are required to: 1) confirm compliance of existing improvements with the requirements of the respective planned developments; and 2) reduce the required ten foot (10') interior side yard setback under the B3 District regulations to a zero (0') foot setback under the Yorktown PD along the western edge of proposed Lot 3. The proposed changes are technical or legalistic in nature and are driven exclusively by the proposed division of the Convenience Center parcel into two lots- Lot 3 and Lot 4 as depicted on Exhibit A. The proposed lot line between Lot 3 and Lot 4 divides the existing convenience center building along a concrete block wall. This concrete block wall creates a natural division point for existing improvements and will serve as the exterior wall of the Carson's Furniture Store, post demolition, of that portion of the convenience center located on future Lot 4. The proposed deviations will clarify the intent that: 1) existing improvements comply with the terms of the applicable Yorktown PD or Yorktown Commons PD and shall be permitted uses under existing configuration as depicted on Exhibit E; and 2) there shall be a zero (0') foot setback requirement with respect to the western lot line of Lot 3.

- b. *Community sanitary sewage and potable water facilities connected to a central system are provided.*

Community sanitary sewage and potable water facilities have been and will continue to be connected to a central system.

- c. *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 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 proposed major change will not alter the permitted use under the Yorktown PD or the Commons PD

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

The Village deemed the Yorktown PD and the Commons PD to be in the public interest and consistent with the purposes of the Zoning Ordinance in approving Ordinances 7175, 7176 and 7177. The proposed major changes are entirely consistent with the spirit and intent of the Yorktown PD and the Commons PD, but make the technical and/or legalistic changes necessary to facilitate the contemplated subdivision of the property while maintaining existing improvements on Lot 4 in the near-term.

- e. *That the streets have been designed to avoid:*

- i. *Inconvenient or unsafe access to the planned development;*
- ii. *Traffic congestion in the streets which adjoin the planned development;*
- iii. *An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.*

The proposed major changes do not implicate any changes to existing street layouts or designs.

f. *Any reduction in the requirements of this Ordinance is in the public interest.*

The proposed deviations, as outlined above, are in the public interest. The proposed deviations are necessary to maintain existing building improvements under an alternative lot configuration that is intended to facilitate redevelopment under the Commons PD. The Commons PD redevelopment is an essential component of the repositioning of the Yorktown Shopping Center as was discussed extensively under approvals associated with the Commons PD.

g. *The proposed deviations would not adversely impact the value or use of any other property;*

The proposed deviations will not adversely impact the value or use of any other property. The only property impacted by the proposed deviations is owned by Petitioner. Moreover, the deviations do not facilitate future improvements, but facilitate the maintenance and continued operation of existing improvements under an alternative lot configuration. Accordingly, no changes will be perceptible to the general public or surrounding owners.

h. *That such deviations are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding properties.*

The proposed deviations will not impact or alter the ultimate use of the property within the respective planned developments. The proposed deviations are intended to permit the continued use and operation of existing improvements under an alternative lot configuration that is intended to spur redevelopment of the property. Any deviations related to the existing buildings located on Lot 4 will ultimately be eliminated upon redevelopment of Lot 4. With respect to Lot 3, the existing building is intended to remain post-redevelopment so we seek to clarify that the building is permitted with a zero (0') foot setback along the western lot line.

i. *That the overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district.*

Petitioner does not propose a deviation to increase the floor area of either the Yorktown PD or the Commons PD to more than 40% of the maximum floor area permitted for the individual uses in each applicable planned development.

- ii. *That in residential planned developments the maximum number of dwelling units allowed shall not exceed more than 40% the number of dwelling units permitted in the underlying zoning district.*

Petitioner does not propose any increase to residential density as part of the proposed major changes or associated deviations.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the Village Board and Plan Commission take the necessary steps to approve a Major Change to the Yorktown PD, approve a Major Change to the Commons PD, and approve a deviation from the side yard setback between Lot three (3) and Lot four (4) providing approximately zero (0') feet between said Lots and any such other relief as may be necessary and appropriate based on the request outlined above with respect to the Property pursuant to the provision of the Lombard Municipal Code.

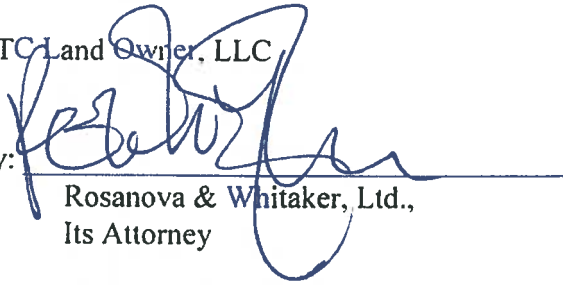
[SIGNATURE PAGE FOLLOWS]

RESPECTFULLY SUBMITTED this ___ day of March, 2016.

PETITIONER:

YTC Land Owner, LLC

By:


Rosanova & Whitaker, Ltd.,
Its Attorney

SUBSCRIBED and SWORN to before me
This 28th day of March, 2016.

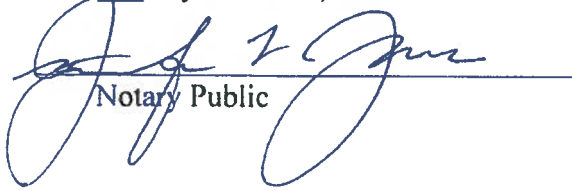

Notary Public



EXHIBIT LIST:

- Exhibit A: Proposed Plat of Subdivision
- Exhibit B Mall Owner Property
- Exhibit C Land Owner Property
- Exhibit D To be revoked Plat of Subdivision
- Exhibit E Existing Configuration

Exhibit A
Plat of Subdivision

Exhibit B

Mall Owner Property

Lot 2 in Highland-Yorktown Resubdivision of Lot 4 in Yorktown, being a subdivision of part of Section 29, Township 39 North, Range 11, East of the Third Principal Meridian, according to said Plat of Highland-Yorktown Resubdivision recorded September 5, 2006 as document R2006-170876, and certificates of correction recorded as documents R2006-191219, R2006-219358 and R2008-138794,

(except that part of said Lot 2 described as Commencing at a Southwest corner of said Lot 2, being a point on the Northwesterly right-of-way line of Old Butterfield Road; thence North 2 degrees 58 minutes 03 seconds West, along a Westerly line of said Lot 2, a distance of 78.22 feet to an angle corner in said Lot 2; thence North 60 degrees 00 minutes 00 seconds West, along the Southwesterly line of Lot 2 aforesaid, 757.443 feet to an angle corner in said Lot 2; thence South 30 degrees 00 minutes 00 seconds West, along a Southeasterly line of Lot 2 aforesaid, 130.252 feet to an angle corner in said Lot 2, said point being also on the Southwesterly line of said Lot 2; thence North 60 degrees 00 minutes 00 seconds West, along said Southwesterly line, 282.665 feet to another angle corner in said Lot 2, said point being also the point of beginning of the parcel of air space herein described; thence North 30 degrees 00 minutes 00 seconds East, perpendicular to the last described line, 17.69 feet; thence South 60 degrees 00 minutes 00 seconds East, 160.98 feet; thence South 30 degrees 00 minutes 00 seconds West, perpendicular to the last described line, 17.69 feet to the point of intersection with the Southwesterly line of Lot 2 aforesaid; thence North 60 degrees 00 minutes 00 seconds West, along said Southwesterly line, 160.98 feet to the hereinabove designated point of beginning, said parcel having as a lower limit a horizontal plane of elevation +758.58 feet (National Geodetic Survey Datum) and having as an upper limit a horizontal plane of elevation +775.58 feet (National Geodetic Survey Datum))

also except that part of the following described tract lying within said Lot 2 described as follows: That part of Lots 2 and 4 in Yorktown, according to the plat thereof recorded September 27, 1968 as document R68-44972, described as follows: Commencing at the Southwest corner of Lot 2 in Pehrson Second Resubdivision of Lots 2 and 3 in the Resubdivision of Lot 6 of Yorktown (aforesaid) according to the plat thereof recorded September 3, 1976 as document R76-62393; Thence North 2 degrees 58 minutes 03 seconds West along the West line of the aforesaid Lot 2 in Pehrson Second Resubdivision 217.86 feet to the point of beginning of the herein described tract: Thence 611.59 feet Northwesterly along the arc of a circle tangent to the last described line convex Northeasterly having a radius of 518.00 feet and whose chord bears North 35 degrees 46 minutes 29 seconds West 575.58 feet; Thence North 70 degrees 36 minutes 56 seconds West along a line tangent to the last described curve 119.25 feet; Thence 265.51 feet Westerly along the arc of a circle tangent to the last described line, convex Northerly having a radius of 368.00 feet and whose chord bears South 88 degrees 42 minutes 54 seconds West 259.79 feet to a point on the Northwesterly line of the aforesaid Lot 2 in Yorktown, said point being 105.99 feet Northeasterly of the Southeast corner of Lot 4 in the Resubdivision of Lot 1 in Yorktown (aforesaid) according to the plat thereof recorded August 3, 1971 as document R71-37751; Thence North 68 degrees 02 minutes 44 seconds East along a line tangent to the last described curve and being the Northwesterly line of the aforesaid Lots 2 and 4 in Yorktown 604.01 feet to a corner in the

Northerly line of Lot 4 in Yorktown; Thence South 89 degrees 57 minutes 16 seconds East along the North line of said Lot 4 a distance of 120.00 feet to the Northeast corner of said Lot 1; Thence South 2 degrees 58 minutes 03 seconds East along the East line of said Lot 4 a distance of 722.27 feet to the hereinabove described point of beginning)

also except that part of said Lot 2 in Highland-Yorktown Resubdivision aforesaid described as beginning at a point on the East right of way line of Highland Avenue as dedicated by document R68-10768 and the South line of said Lot 2; Thence Easterly along said South line having an Illinois East Zong Grid bearing of North 87 degrees 35 minutes 17 seconds East 20.02 feet; Thence North 04 degrees 57 minutes 24 seconds West 49.21 feet; Thence North 29 degrees 57 minutes 24 seconds West 47.32 feet to a point said East right of way line of Highland Avenue; Thence South 04 degrees 57 minutes 24 second East 91.21 feet along said East right of way line to the point of beginning)

PIN #: 06-29-101-041

Lots 3 and 4 (except that part of said Lot 4 dedicated for Grace Street per document R72-57164 recorded September 20, 1972) in the Resubdivision of Lot 1 in Yorktown, being a resubdivision in Section 29, Township 39 North, Range 11, East of the Third Principal Meridian, according to the Plat of said Resubdivision of Lot 1 recorded August 4, 1971 as document R71-37751, in Du Page County, Illinois

PIN #:06-29-101-028

Exhibit C

Land Owner Property

Parcel 3 in Highland Avenue Assessment Plat of Lot 2 in Yorktown, being a subdivision of Section 29, Township 39 North, Range 11, East of the Third Principal Meridian, according to said Highland Avenue Assessment Plat recorded January 30, 2012 as document R2012-12175, in Du Page County, Illinois

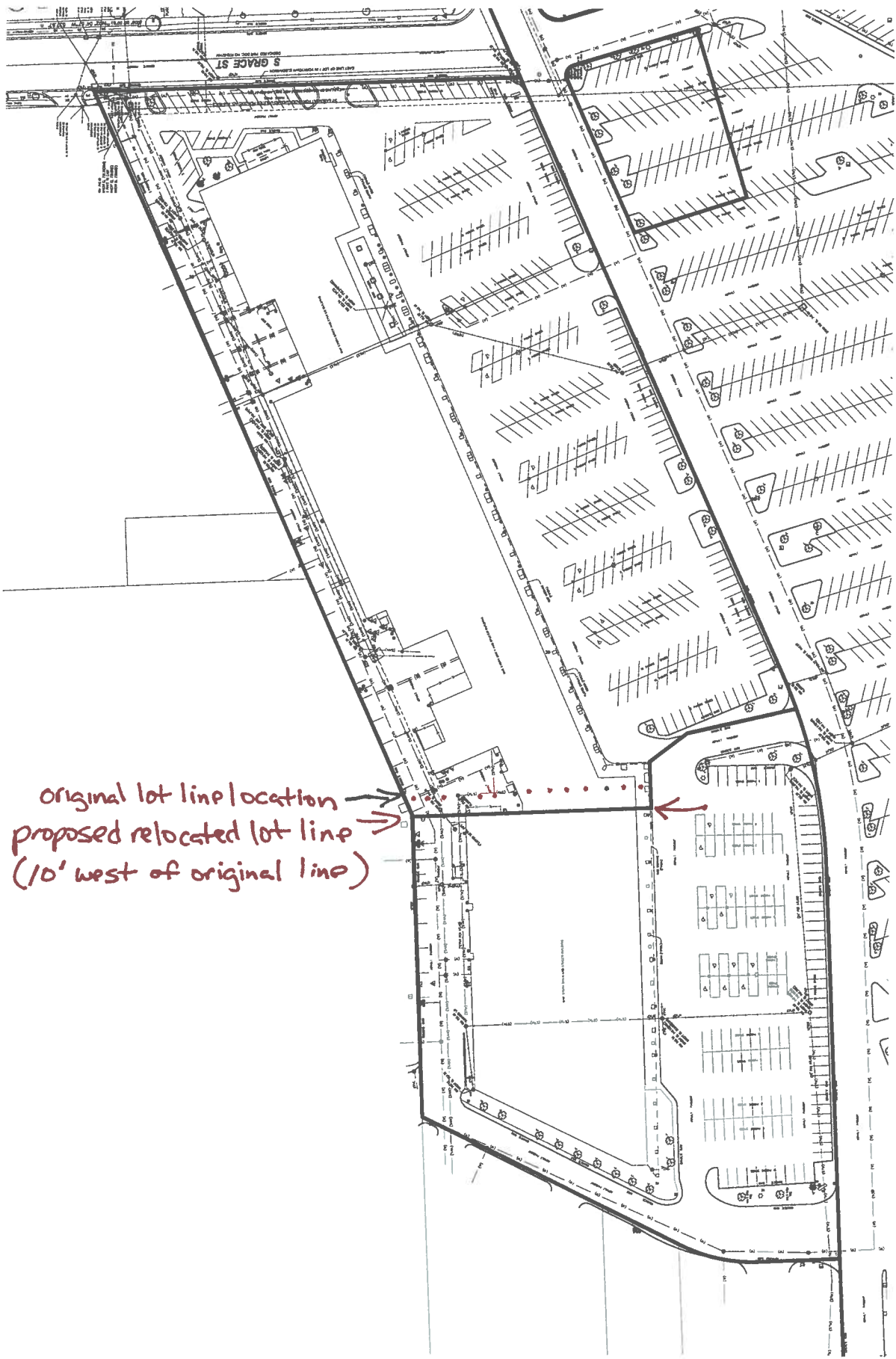
PIN #: 06-29-200-060

Exhibit D

To be revoked Plat of Subdivision

Exhibit E

Revised Yorktown Planned Development



original lot line location
proposed relocated lot line
(10' west of original line)