

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests the following actions:

A. For the existing Buckingham Orchard planned development located at 615 and 617 W. Pleasant Lane:

1. Approve an annexation agreement amendment. (2/3 of Corporate Authorities Vote Required)
2. Pursuant to Section 155.504 (A) of the Zoning Ordinance, approve a major change to an approved conditional use for a planned development.

B. For the properties at 614, 618, 620, 622, 624 and 626 West Meadow Avenue:


1. Amend the Lombard Comprehensive Plan;
2. Approve an annexation agreement.

C. Annex the properties at 614, 618, 620, 624 and 626 West Meadow Avenue into the Village of Lombard.

D. For the townhome portion of the proposed development as depicted on the preliminary plat of subdivision, approve the following actions:

1. Rezone the northern portion of the properties at 614, 618, 620, 624 and 626 West Meadow Avenue from the R1 Single-Family Residential District to the R4 Limited General Residential District;
2. Rezone the north 417 feet of the property at 622 West Meadow Avenue from the R2 Single-Family Residential District to the R4 Limited General Residential District.
3. Approve a conditional use for multiple structures on a lot and for a planned development for the proposed R4 properties a deviation from Section 155.408(F)(3)(d) to reduce the rear yard setback for the townhouse units abutting the proposed stormwater detention outlet and the south property line from thirty feet (30') to fifteen feet (15').
4. Grant site plan approval authority to the Lombard Plan Commission.

BACKGROUND/POLICY IMPLICATIONS:

SUBMITTED BY: Department of Community Development 

TITLE: PC 06-10: 615 and 617 W. Pleasant Lane and 614, 618, 620, 622, 624 and 626 West Meadow Avenue

DATE: March 29, 2006 (BOT) Date: April 6, 2006

FROM: William T. Lichter, Village Manager

TO: PRESIDENT AND BOARD OF TRUSTEES

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

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

E. For the single family portion of the proposed development, approve the following actions:

1. For the proposed Lots 1 through 5 depicted on the preliminary plat of subdivision, rezone the southern portion of the properties at 618, 620, 624 and 626 West Meadow Avenue from the R1 Single-Family Residential District to the R2 Single-Family Residential District;
2. A variation from Section 154.503(D)(1) of the Subdivision and Development Ordinance reducing the minimum required right-of-way width of a residential cul-de-sac turnaround diameter from one-hundred twenty four feet (124') to ninety-six feet (96') at the western terminus of Meadow Avenue;
3. A variation from Section 155.408(F)(1)(d) of the Zoning Ordinance to reduce the rear yard setback for the proposed Lots 1 & 2 from thirty-five feet (35') to twenty-five feet (25').

(UNINCORPORATED & DISTRICT 1)

The Plan Commission had no recommendation relative to this petition.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X _____

Wang

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.

Date _____
Date _____
Date 03/29/06



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *DH*

DATE: April 6, 2006

SUBJECT: PC 06-10: 615 and 617 W. Pleasant (Buckingham Orchard Subdivision) and 614, 618, 620, 622, 624 & 626 West Meadow Avenue (Lyonhart Manor Subdivision)

Attached are the following items for Village Board consideration as part of the April 6, 2006 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 06-10;
3. PowerPoint Presentations prepared by the petitioner and by Village staff and presented at the Plan Commission public hearing.
4. Public correspondence relative to the petition.
5. Plans associated with the petition.

This petition is being forwarded to the Village Board with no recommendation from the Plan Commission. Staff is continuing to work on the draft annexation agreement and the annexation agreement amendment. Should the Board vote to approve a first reading of the petition, staff will prepare Ordinances and finalize the draft agreements for consideration at the April 16, 2006 Village Board meeting.



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Village President
 William J. Mueller

Village Clerk
 Brigitte O'Brien

Trustees

Greg Alan Gron, Dist. 1
 Richard J. Tross, Dist. 2
 John "Jack" T. O'Brien, Dist. 3
 Steven D. Sebby, Dist. 4
 Kenneth M. Fiorey, Dist. 5
 Rick Soderstrom, Dist. 6

Subject: PC 06-10: 615 & 617 W. Pleasant Lane (Buckingham Orchard Subdivision) and 614, 618, 620, 622, 624 & 626 West Meadow Avenue (Lyonhart Manor Subdivision)

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:

- A. For the existing Buckingham Orchard planned development located at 615 and 617 W. Pleasant Lane:
 - 1. Approve an annexation agreement amendment.
 - 2. Pursuant to Section 155.504 (A) of the Zoning Ordinance, approve a major change to an approved conditional use for a planned development.
- B. For the properties at 614, 618, 620, 622, 624 and 626 West Meadow Avenue:
 - 1. Amend the Lombard Comprehensive Plan;
 - 2. Approve an annexation agreement.
- C. Annex the properties at 614, 618, 620, 624 and 626 West Meadow Avenue into the Village of Lombard.
- D. For the townhome portion of the proposed development as depicted on the preliminary plat of subdivision, approve the following actions:
 - 1. Rezone the northern portion of the properties at 614, 618, 620, 624 and 626 West Meadow Avenue from the R1 Single-Family Residential District to the R4 Limited General Residential District;

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."
 "The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

2. Rezone the north 417 feet of the property at 622 West Meadow Avenue from the R2 Single-Family Residential District to the R4 Limited General Residential District.
3. Approve a conditional use for multiple structures on a lot and for a planned development for the proposed R4 properties with a deviation from Section 155.408(F)(3)(d) to reduce the rear yard setback for the townhouse units abutting the proposed stormwater detention outlet and the south property line from thirty feet (30') to fifteen feet (15').
4. Grant site plan approval authority to the Lombard Plan Commission.

E. For the single-family portion of the proposed development, approve the following actions:

1. For the proposed Lots 1 through 5 depicted on the preliminary plat of subdivision, rezone the southern portion of the properties at 618, 620, 624 and 626 West Meadow Avenue from the R1 Single-Family Residential District to the R2 Single-Family Residential District;
2. A variation from Section 154.503(D)(1) of the Subdivision and Development Ordinance reducing the minimum required right-of-way width of a residential cul-de-sac turnaround diameter from one-hundred twenty four feet (124') to ninety-six feet (96') at the western terminus of Meadow Avenue;
3. A variation from Section 155.408(F)(1)(d) of the Zoning Ordinance to reduce the rear yard setback for the proposed Lots 1 & 2 from thirty-five feet (35') to twenty feet (25').

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 20, 2006. Richard Dunn, planning consultant for the petitioner, Lyonhart Group, presented the petition. He presented his presentation in PowerPoint format to address the important issues relative to the petition. He described the property location and the surrounding roads and developments. He noted that the petition consisted of an amendment to the previously approved Buckingham Orchard development as well as the Lyonhart Manor development, which he was representing.

He then noted the requested actions. Most of the Lyonhart Manor development property is currently outside the village boundaries. Upon annexation, they request that the property be rezoned to R4 to allow for the townhome planned development and an R2 rezoning for the single family homes. The 25 townhouses will be in conformance with the Village ordinance except the rear yard variation from 30 feet to 15 feet for selected units along the stormwater outlet. The single family homes would be conforming except a rear yard setback on Lots 1 and 2, which requires a 35 foot rear yard setback and they are requesting a 25 foot setback in order to account for the roadway dedication in front of those lots. In the application materials, they answered the standards for variations.

Regarding the cul-de-sac variation at the west end of Meadow Avenue, the existing right-of-way is 66 feet wide and they are proposing the right-of-way to be 96 feet in lieu of the required 124 feet. The paved area of the cul-de-sac would meet code.

Referencing an aerial photo he gave details about the site acreage and noted how the proposed stormwater detention area would be combined with the Lyonhart Manor site. He noted that the plan has been modified several times to address staff concerns.

He then introduced the building elevations, referring to the diagrams. He also noted that they would like the Plan Commission's thoughts on Alternate B, which is the same building elevation as was approved for the Buckingham Orchard development. This plan closely complements the development to the north, but they request that the Plan Commission grant approval for either design. Alternative A has more distinction and has turrets at the two ends of the buildings. These towers would be round and constructed in stone and he referenced a material board. It will add quality to the buildings, but they would like flexibility if the turrets cannot be constructed as proposed. The rear elevations would complement in the general area.

He concluded by noting that they have reviewed staff's comments on the petition and they support their recommendation of approval subject to the conditions in their report.

Vice Chairperson Flint then opened the meeting for public participation.

Patricia Guzman, 602 Glenwood, President of the Columbine Glen Homeowner's Association, stated that she was very pleased to hear that the proposed townhouses are to complement Columbine Glen, as they are interested in property values. She is also relieved that the development will not affect their pond. She is concerned about the current location of Buckingham Court running into a cul-de-sac which will put a large traffic burden through their development. It will increase traffic and requests that the Board consider having Buckingham Court extend to Meadow Avenue. This would relieve the traffic and not have it go through Columbine Glen. She mentioned the past Comprehensive Plan changes, but believes the changes could still provide Buckingham Court to be put through to Meadow. A traffic light at Meadow could also funnel traffic through their neighborhood. It could also improve Fire, Police and Public Works access to the site. The Association asks the Commissioners to look at big picture with this development and others which will occur in the area.

Dixie Hahn of All the Difference, the property manager for the Columbine Glen development, asked that the Commissioners remember the 64 existing townhome owners in Columbine Glen who could be impacted by the development. She mentioned the Enclave development on the west side of I-355 and noted that these new developments look like the making for future headaches. If Buckingham Court is modified to go straight through to Meadow, it will be a meaningful change for this development and for Columbine Glen. They see traffic already backed up and now adding 400 or more cars could create additional issues. She had meetings with staff and developer and it is one of the things they would like to see amended. She also suggested townhomes in lieu of the single family homes along Meadow.

Javier Millian, 312 Cimarron Rd., stated that he lives adjacent to the proposed detention pond. He asked about the length of time it will take for the water to be released and asked if it will be a breeding ground for mosquitoes. He asked about seepage of water through the ground. He also asked about landscape plantings proposed along the perimeter of the pond.

Mr. Dunn rebutted and noted that the roadway design makes good planning sense as it shortens the existing cul-de-sac bulb and follows the intent of the Comprehensive Plan by tying the two townhouse developments together via a stub street previously approved as part of the Columbine Glen development. He noted that their proposal makes planning sense and common sense. The lots along Meadow Avenue are intended to stay single-family residential.

Michael Mondus of Spaceco, the engineer for the project, noted the detention basin stormwater release rate has been designed to combine the Buckingham Orchard and the Lyonhart Manor developments. The detention provides 3.88 acre feet of storage. The release rate is set by Village Code. He did not know the exact time water would be in the detention pond, but for a 100-year event, it could be 3-4 days. Regarding water seepage, six soil borings were done on the Lyonhart Manor property and none of them encountered groundwater, but they did find a thin layer of clay. If they did encounter water, they would seal it off with a barrier and that is a common practice.

Ben Kell, landscape architect for the project, discussed landscaping issues. The landscape plan shows landscape shrubs around the eastern end of the pond. They want to be sensitive to the types of plant materials placed at this location as it could compromise the proposed retaining wall. Regarding concerns for mosquitoes, there could be some water in the pond for a short time, but the final plan will provide for wildlife habitat which will control the mosquito population.

Ms. Hahn questioned the fact that they are improving the traffic flow. She asked if a traffic study was done and if so, has it been analyzed.

William Heniff, Senior Planner, noted that he would discuss this issue in his presentation.

Vice-Chairperson Flint then asked for the staff report.

Mr. Heniff noted that staff received a letter on March 17 about open space and land use concerns and passed the letter out to the Plan Commissioners. He noted that staff is looking to keep Meadow Avenue single-family in nature, as it was originally developed. Staff believes the proposed 48,000 square feet of open space does create the appearance of a lower density development.

He then introduced a PowerPoint presentation summarizing the petition. The presentation followed the comments included within the staff report, provided a history of the project and the rationale for each request. He then went through each of the public hearing request items and discussed the

Mr. Heniff then discussed the public improvements associated with the project. He showed a graphic depicting the existing water, storm and sanitary sewer lines in the area and noted that these exhibits were also shown as part of the Buckingham Orchard development. He specifically noted that the stormwater from the development would by-pass the Columbine Glen pond and would be directed to exiting storm sewers on Meadow.

With respect to traffic concerns, he reviewed the Institute of Traffic Engineers trip generation model to determine the overall generation for the project. He noted the difference in trip generation between townhomes and single-family residences and stated that if the project was developed with 18 single-family residences in lieu of 25 townhomes, the average daily trips would be higher. All traffic from the development would access Route 53 from Pleasant Lane or Meadow Avenue. The traffic analysis project a 50/50 split between the two roadways based upon existing conditions. However, if a light was put at Meadow Avenue, this could shift the directional split of the traffic movements.

Mrs. Hahn stated that there is a precedent set for townhomes and that they should continue that trend along Meadow. Mr. Heniff responded by noting that the intent of the previous workshops was to keep Meadow Avenue west of Cimarron as single-family residential. Ms. Hahn requested an alternative plan based on traffic study and the precedent that the undeveloped areas, with the Route 53 expansion.

Vice-Chairperson Flint then opened the meeting for discussion among the Commissioners.

Commissioner Burke asked about the pending lane configuration for Route 53. Mr. Heniff stated that no timeline for Route 53 improvements has been made – all staff has is the preliminary plan. He noted that the plan calls for the bridge over the Great Western Trail to be lowered and left turn lanes would be provided at Meadow. The traffic warrants needed to necessitate a light currently do not exist at the Meadow Avenue/Route 53 intersection.

Commissioner Burke noted that the east-west road was envisioned as part of the Columbine Glen development. Mr. Heniff referenced the site plan and noted the public right-of-way extension that is currently landscaped. The 1993 approval assumed the Columbine Glen development would be tied into any future development and that is what we are trying to follow.

Commissioner Sweetser noted that the Subdivision Ordinance places limitations on the street length extent without adjacent street connections. She noted that this issue came up in the Plan Commission's consideration of the Brewster Avenue development. Mr. Heniff confirmed that our code does have such a limitation, but did not know off-hand if the proposed street reconfiguration would meet this code or not.

Mrs. Hahn clarified that they do not have a problem with the proposed east-west street connecting to their neighborhood. Their concern is that the existing street layout would funnel all traffic from their development on to Cimarron Road.

Commissioner Burke then discussed the building elevations. Does staff have a preference? Mr. Heniff noted that Alternate B is the approved Buckingham Orchard building elevation, so staff does not have a problem of adding this elevation in with the approval. Regarding Alternate A, the petitioner will meet the standards set forth in the Buckingham Orchard approvals but propose to add additional masonry and stone to the building elevation to draw greater attention to the residence itself.

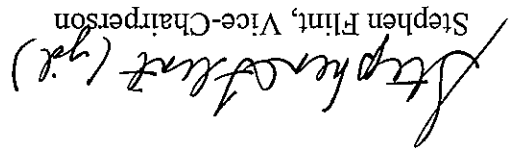
Commissioner Olbrysh expressed some of the concerns about traffic flow as noted in the public comments. Looking at future development and the need for more than one north/south street, it would alleviate traffic going down Cimarron. His major concern is having more than one north/south access in this facility for the sake of the increased population.

Commissioner Sweeter noted that the Plan Commission previously supported the Comprehensive Plan amendment based on the relationship of the properties to I-355 and Columbine Glen. She was pleased that R2 lots were being proposed along Meadow.

Commissioner Burke then made a motion to approve the petition subject to the conditions noted in the staff report with an amendment to condition #5 noting that both building elevations submitted by the petitioner would be deemed acceptable. This motion was seconded by Commissioner Sweeter. Upon a roll call vote of the members present, the vote was 3-1 in favor of the petition. As there were not four votes in favor of the petition, the motion was defeated. A motion to deny was made by Commissioner Olbrysh, but lacking a second, it was defeated. Vice-Chairperson Flint noted that this petition would go to the Board with no recommendation from the Plan Commission.

Respectfully,

VILLAGE OF LOMBARD



Stephen Flint, Vice-Chairperson
Lombard Plan Commission

at-
c. Petitioner
Lombard Plan Commission

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

TO: Lombard Plan Commission

FROM: Department of Community Development
PREPARED BY: William J. Heniff, AICP
Senior Planner

HEARING DATE: March 20, 2006

TITLE

PC 06-10; 615 & 617 W. Pleasant Lane (Buckingham Orchard Subdivision) and 614, 618, 620, 622, 624 & 626 West Meadow Avenue (Lyonhart Manor Subdivision): The petitioner requests that the Village take the following actions:

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- the proposed stormwater detention outlet and the south property line from thirty feet (30') to fifteen feet (15').
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GENERAL INFORMATION

Petitioner for the existing Buckingham Orchard development:
The Dearborn-Buckingham Group Inc.
1775 Winnetka Road
Northfield, IL 60093

Relationship to Property: Property Owner

Petitioner for the proposed Lyonhart Manor development:
Lyonhart Homes
c/o Tracy Eck
1550 Spring Road, Suite 108
Oak Brook, IL 60523

Property Owner(s):
Steven & Mary Lieberg
620 W. Meadow Avenue
Lombard, IL 60148

PROPERTY INFORMATION

Existing Land Use: Vacant land and single-family residences to be developed as townhomes and/or developed as single family residences

Size of Property: Buckingham Orchard development: 3.48 acres
Lyonhart Manor development: 5.65 acres

Comprehensive Plan: Buckingham Orchard: Low-Medium Density Residential (a)
Lyonhart Manor: recommends Estate Residential as companion reclassification of the property is included as part of this request)

Existing Zoning: Buckingham Orchard: R4PD Limited General Residence District, planned development
Lyonhart Manor: Annexed property - R2 Single Family Residence District. Unincorporated properties – R-4 Single Family Residential District

Surrounding Zoning and Land Use:

North:	Unincorporated DuPage County property zoned R-4 Single Family Residential District; developed as single family residences
South:	R2 Single Family Residential District; developed as single family residences
East:	Unincorporated DuPage County property zoned R-4 Single Family Residential District; developed as a single family residence
West:	R4 Limited General Residential District; developed as attached single-family residences (Columbine Glen townhomes) North-South Tollway (Interstate 355)

ANALYSIS

SUBMITTALS

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

1. Petition for Public Hearing, with response to standards, received February 24, 2006.
2. Topographic Plat of Survey, dated November 23, 2005, prepared by Gentile & Associates.
3. Preliminary Site Improvement Plan packet (includes title sheet, preliminary geometric plan, grading plan and utility plans), revised dated March 8, 2006, prepared by Spaceco, Inc.
4. Preliminary Landscape Plan, dated March 9, 2006, prepared by Gary R. Weber Associates, Inc.

DESCRIPTION

This petition consists of a number of actions associated with a new townhome and single-family residential development. This proposal can be summarized as follows:

- The previously approved Buckingham Orchard planned development site plan is being amended to relocate the stormwater detention facility within the Lyonhart Manor development. The area previously approved for a detention outlet will be configured for two townhouse buildings, with a total of seven units. With the extension of Buckingham Court, the cul-de-sac bulb will be vacated and one additional townhouse building with five additional units will be constructed on the west side of Buckingham Court. This action will require a planned development amendment.

- The townhouse portion of the Lyonhart Manor development consists of seven buildings, totaling 25 units. Buckingham Court will be extended south and will end at a new bulb at its terminus. Buckingham Court will be connected directly to Cimarron Road by a new east-west public street. Stormwater detention for this development as well as the Buckingham Orchard development will be provided in a 48,307 square foot detention outlet along the west property line of the adjacent Columbine Glen development. Run-off from the facility will be directed toward Meadow Avenue. To facilitate this development, the property would be annexed, rezoned to R4 and a new planned development would be created. As the detention facility will be in a separate outlet (versus the rear yard of the units) a rear yard setback deviation for the townhouses is included in the petition.

- Five new single-family residential lots will be created fronting along Meadow Avenue. A new cul-de-sac bulb will be created at the western terminus of Meadow Avenue that will meet the Village's standard for pavement width but not right-of-way width. The unincorporated properties will be zoned R2 upon annexation.

For reference purposes, an aerial of the subject property is shown in Attachment A. Attachment B is an aerial photograph with an overlay of the proposed improvements.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire, Building, Public Works and Private Engineering staff have previously reviewed earlier versions of the proposed development plans for the site. Based upon these reviews, the petitioner has amended their plans (and the public hearing request) to address these concerns. Staff notes that upon submittal of final engineering plans for the project, staff will provide additional comments to ensure compliance with Village Codes and policies.

Regarding the proposed townhouse units, the Fire Department/Bureau of Inspectional Services notes that the development must comply with the Village's Title 15 Building Code regarding the specific requirements for townhome construction. The plans show one building containing six residential units. Where a building exceeds five dwelling units, the initial five units must be separated from adjacent units by an un-pierced four-hour fire rated masonry wall that extends from the foundation to a minimum of thirty-two inches above the roof.

The Planning Services Division offers the following analysis of each item associated with the petition.

Buckingham Orchard Amendment

The Plan Commission's review will pertain to the planned development amendment. The Village Board will consider the annexation agreement concurrent with the recommendation from the Plan Commission of this petition.

The proposed modifications to the Buckingham Orchard development constitute major changes to the annexation agreement and the planned development approval. The proposed amendment will ultimately create 34 units (22 in the original approval plus additional 12 units) in the Buckingham Orchard development. This amendment would create a gross density of 9.8 units per acre (34 units/3.48 acres), which is still within the density requirements established in the R4 District. From the Village's perspective, a principal benefit of this petition is that the sanitary sewer line will be able to be re-routed through the Lyonhart Manor development. This reconfiguration will benefit the Columbine Glen residents as it will remove the need to excavate Cimarron Road, disconnect all of the existing sanitary sewer connections and reinstall the sanitary sewer line.

While overland stormwater run-off originating north of Pleasant Lane will still be routed into the Columbine Glen detention facility, stormwater from the Buckingham Orchard development itself will be re-routed out of the Columbine Glen facility and into a shared facility located within the Lyonhart Manor development.

Lyonhart Manor Development

Comprehensive Plan Amendment

The Comprehensive Plan recommends Estate Residential for the Lyonhart Manor property (see Attachment C). Estate Residential is defined as a residential area with a net density of four or fewer dwelling units per acre and primarily consists of single-family detached residences. The Lyonhart Manor development is approximately 5.31 units per acre for both the detached and attached single family areas, which is larger than the suggested number in the Comprehensive Plan.

As part of the Plan Commission workshop session in November, 2003 as well as the amendments considered as part of PC 04-28 (the original approval of the Buckingham Orchard development), staff noted that single family residential designation within the plan may not be appropriate for the subject property, as it is located between Interstate 355 and the Columbine Glen townhome development to the east. As the subject property borders an area similar in density to the proposed development, staff finds that the proposed development is suitable for the surrounding area. The Plan Commission expressed a conceptual support for a townhouse development plan that is compatible in both architecture and development density to the Columbine Glen development.

When reviewing the approved subdivision plan for Columbine Glen, staff notes that dedicated public right-of-way extensions were provided within the development to connect the townhouse development to unincorporated properties both east and west of the development. This strongly suggests that the intention was to have future developments integrated into the Columbine Glen

development. As such, establishing development densities and design elements that are compatible with the existing townhouses would be appropriate.

With respect to the lots along Meadow Avenue, staff notes that past development patterns for this area has been for single family residential uses. The property at 622 West Meadow is already zoned as R2 single-family residential and the properties south of Meadow are also developed as low density residential. Therefore, for the Meadow Avenue lots, staff supports a change from estate residential to low density residential in the Comprehensive Plan (see Attachment D).

Annexation/Annexation Agreement

But for the property at 622 West Meadow Avenue, all of the subject properties are currently unincorporated, with continuity to the Village on all four sides of the development. The Village Board will consider a companion annexation agreement associated with this petition.

Map Amendments

Attachment E shows the existing zoning around the subject property. For the townhome portion of the development depicted on the preliminary plat of subdivision, the northern portion of the properties at 618, 620, 624 and 626 West Meadow Avenue (i.e., the rear yards of these properties) would be rezoned from the R1 Single-Family Residential District to the R4 Limited General Residential District. Additionally, the north 417 feet of the property at 622 West Meadow Avenue from the R2 Single-Family Residential District to the R4 Limited General Residential District. These map amendments are intended to mirror the previously approved R4 zoning established within the Columbine Glen and the Buckingham Orchard Developments (see Attachment F). This designation is also intended to reflect the Comprehensive Plan amendment. As this portion of the development will be directly tied to the adjacent townhome projects, its rezoning is appropriate.

For the unincorporated area along Meadow Avenue, the properties are proposed to be rezoned to the R2 District. This zoning designation is consistent with the zoning established in the adjacent Providence Oaks and Woodlands of Lombard developments.

Planned Development Request

Included with the petition is a request for conditional use approval for a planned development. The planned development would only be established for the townhome portion of the development and the associated stormwater outlet. Since the proposed development meets the minimum lot width and area requirements for a planned development, staff recommends the establishment of a planned development for this site. Creation of the planned development will give the Village an opportunity to review any future modifications of the subject property through the site plan approval process as requested by the petitioner.

The planned development also provides for approval of multiple structures on a lot and a deviation to reduce the rear yard setback for the townhouse units abutting the proposed

stormwater detention outlot and the south property line from thirty feet (30') to fifteen feet (15'). As a practical matter, the yard deviation is really intended to allow for the detention facility to be established within a separate outlot and is not intended to create additional density or bulk in the development.

Meadow Avenue Residences

In addition to the rezoning to the R2 District, the request includes relief to allow for a reduction in the rear yard setback for Lots 1 and 2 from 35 feet to 25 feet. Staff added this request within the overall petition in order to ensure that a sufficient building area is provided for the proposed lots in light of the request for additional public right-of-way for Meadow Avenue (discussed later).

Compliance with the Subdivision and Development Ordinance

This development is both a major subdivision and a major development as expressed in the Subdivision and Development Ordinance. Therefore, the petitioner will be required to meet the provisions of Section 154.304 and 154.306. This includes, but is not limited to, sidewalks, landscaping, parkway trees and street lighting along the proposed new street as well as along the portion of Meadow Avenue abutting the site. The companion subdivision plat will be submitted to the Board of Trustees upon approval of final engineering for the subject property.

Also associated with the petition, the petitioner is seeking a variation from the Subdivision and Development Ordinance reducing the minimum required right-of-way width of a residential cul-de-sac turnaround diameter from one-hundred twenty four feet (124') to ninety-six feet (96') at the western terminus of Meadow Avenue. Meadow Avenue currently terminates at the North-South Tollway. However, the terminus does not include a cul-de-sac bulb, as required by Village Code. The petitioner's development attempts to improve the existing nonconformity by providing a full pavement width for the bulb as well as a landscape parkway on the north side of the roadway and sidewalks per code.

FINDINGS AND RECOMMENDATIONS

Staff has reviewed and concurs with the petitioner's response to standards. Staff finds that the proposed use is appropriate at the subject location and is compatible with surrounding uses. Based on the above considerations, 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 the testimony presented, the proposal does comply with the standards required by the Lombard Zoning and Subdivision and Development Ordinances and that establishing a planned development is in the public interest; and therefore, I move that the Plan Commission find that the findings included as part of the Inter-department Review Report be the findings of the Plan Commission and therefore, I

recommend to the Corporate Authorities **approval** of PC 06-10, subject to the following conditions:

1. The petitioner shall develop the site in accordance with the submitted plans prepared by Spaceco Inc., dated March 8, 2006 and the landscape plan prepared by Gary R. Weber, dated March 9, 2006 and made part of this request.
2. The petitioners shall enter into an annexation agreement and/or an annexation agreement amendment with the Village for the proposed development.

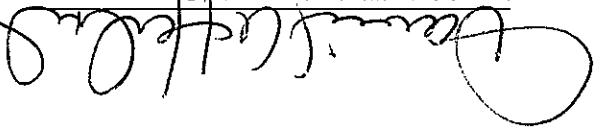
3. The petitioner shall submit a final engineering and final landscape plan for review and approval for the proposed site improvements for the project. Said plan shall meet all provisions of Village Code, except as varied by this petition. The landscape plan shall meet the landscape planting requirements as required by the Zoning and Subdivision and Development Ordinances.

4. The petitioner shall also provide the Village with a final plat of subdivision. The final plat shall also depict any utility and/or drainage easements necessary to construct the subdivision per Village policies and code.

5. The petitioner shall submit revised architectural drawings depicting the final proposed design palette of the structures, the design of which shall be subject to the approval of the Director of Community Development.

Furthermore, the Plan Commission recommends to the Corporate Authorities that site plan approval be granted to the Plan Commission for the planned development.

Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Director of Community Development

DAH/WJH:

att
c. Petitioner

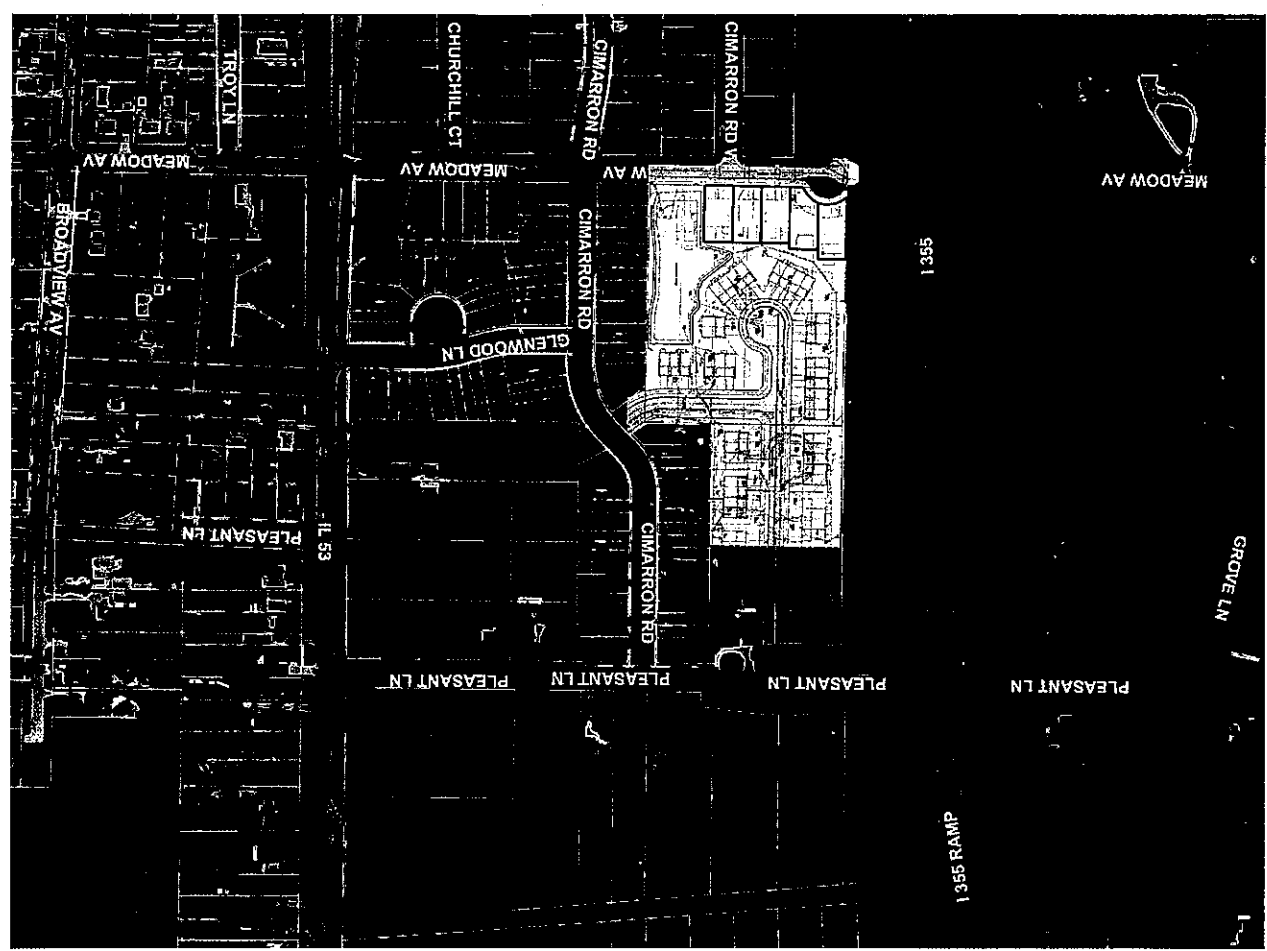


AERIAL PHOTOGRAPH OF SUBJECT AREA

ATTACHMENT A

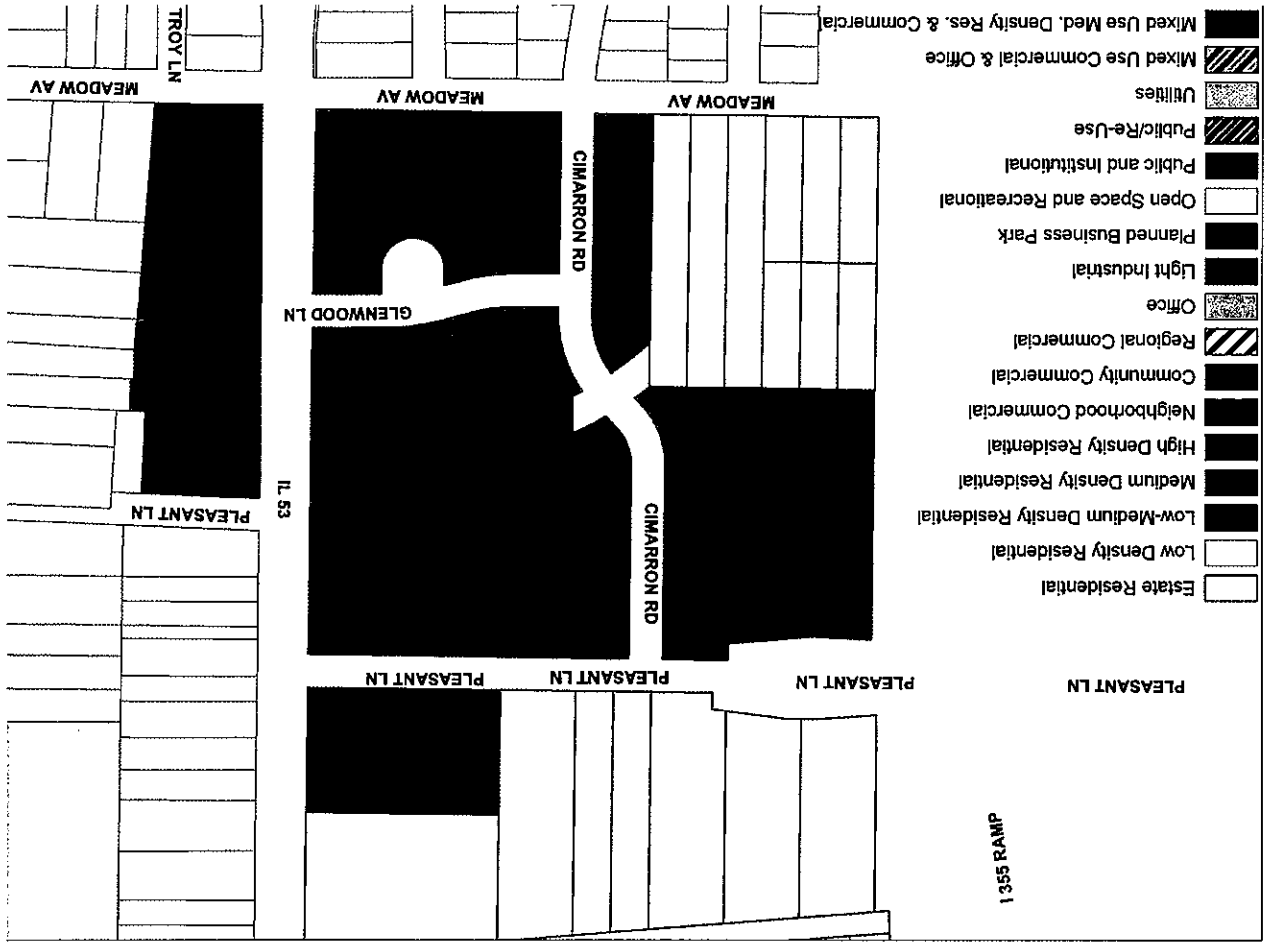
ATTACHMENT B

AERIAL PHOTOGRAPH OF SUBJECT AREA WITH THE PROPOSED SITE PLAN



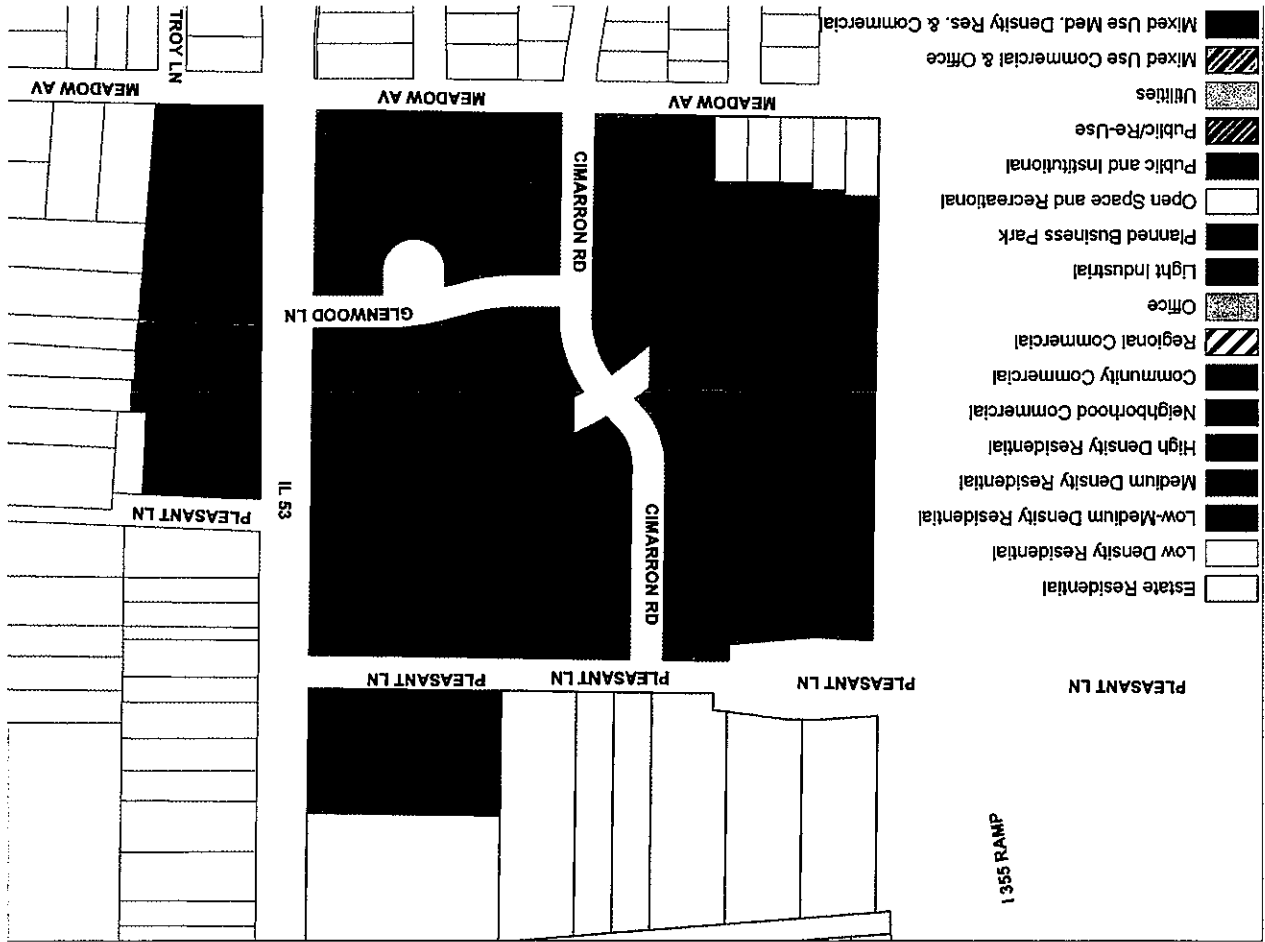
ATTACHMENT C

EXISTING COMPREHENSIVE PLAN DESIGNATION FOR SUBJECT AREA



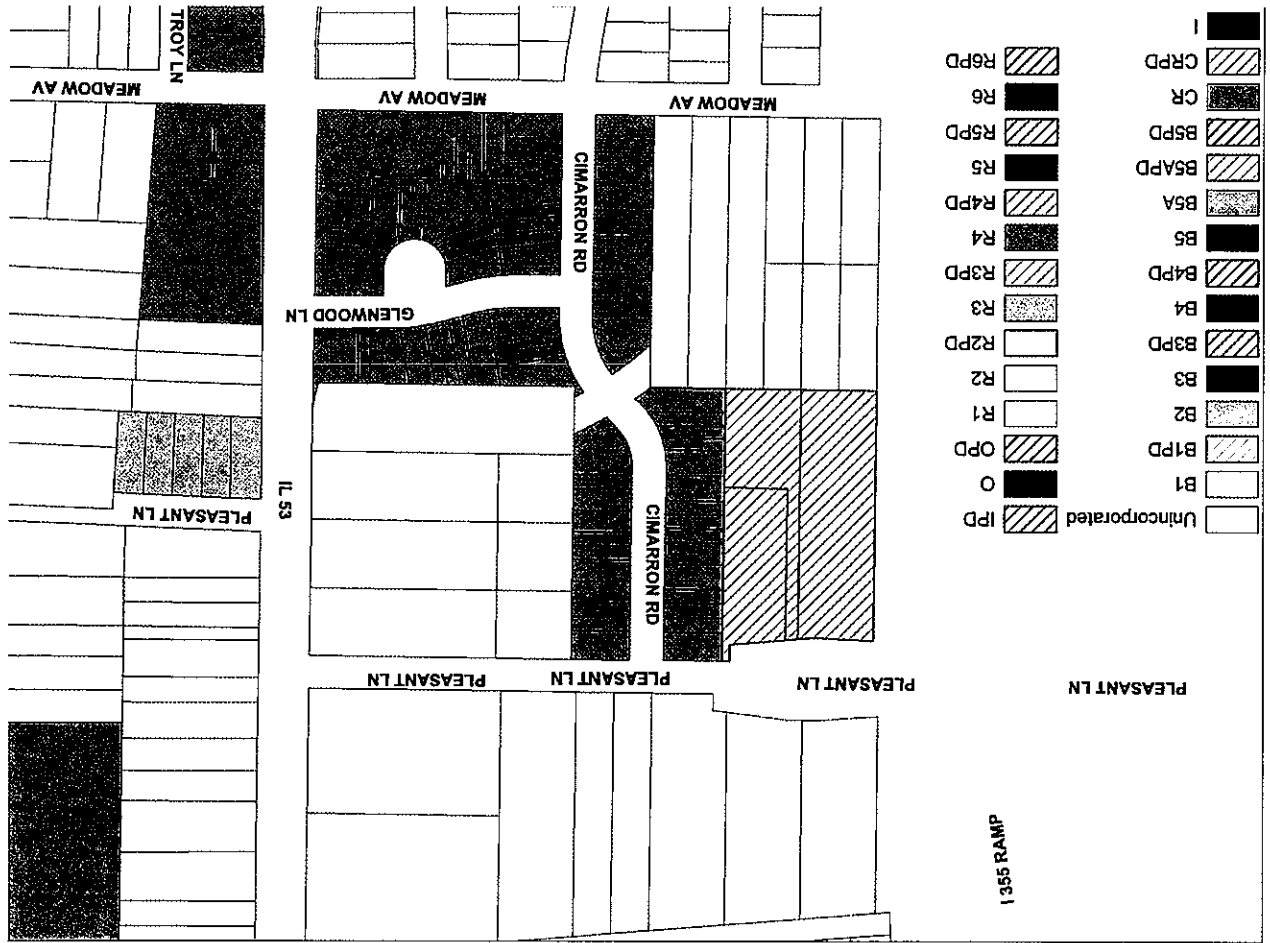
ATTACHMENT D

PROPOSED COMPREHENSIVE PLAN DESIGNATION FOR SUBJECT AREA



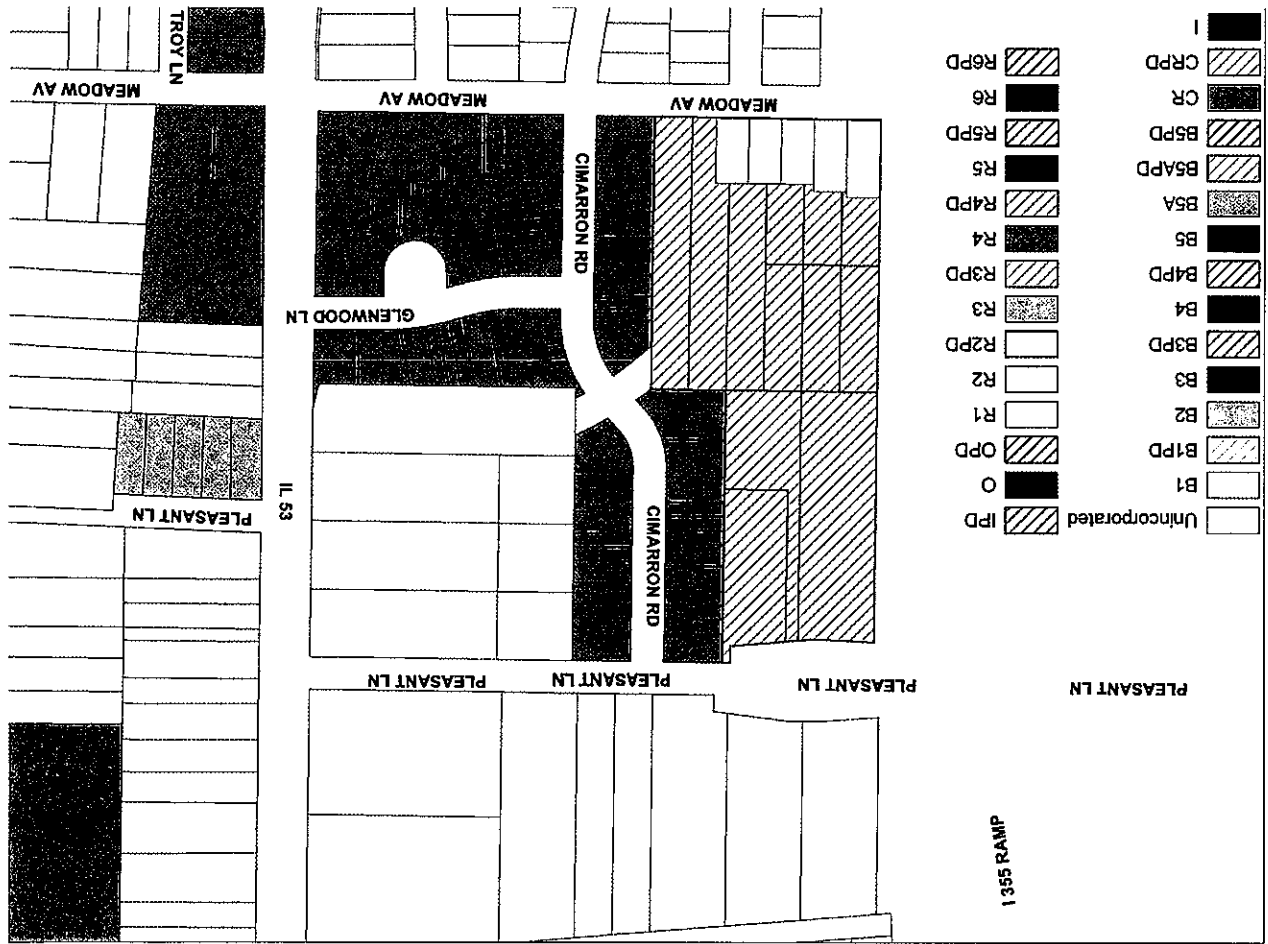
ATTACHMENT E

EXISTING ZONING DESIGNATIONS AROUND THE SUBJECT PROPERTY



ATTACHMENT F

PROPOSED ZONING DESIGNATIONS AROUND THE SUBJECT PROPERTY





Richard L. Dunn, AICP
Planning & Development Consultation
470 Fawell Blvd. #112
Glen Ellyn, IL 60137
richdunn@amertech.net
Cell: 630-605-1019
March 2, 2006

Mr. Bill Heniff, AICP- Senior Planner
Village Hall
255 East Wilson Avenue
Lombard, Illinois 60148

Dear Mr. Heniff:

This letter has attached to it selected application materials associated with the Lyonhart Manor Planned Development (PD) and an amendment to the Buckingham Court PD. The project is a cooperative effort between Tony Torres, developer of Lyonhart Manor and Chris Coleman developer of Buckingham Court Town homes. The PDs are located north of Meadow Avenue, south of Pleasant Lane and east of I-355. The Lyonhart Manor PD consists of approximately 5.6 acres and is proposed to be developed as 5 single family houses and 25 town houses. The Buckingham Court PD consists of approximately 3.7 acres and is approved for 27 townhouses. The Buckingham Court PD amendment is proposed to allow an additional 7 town houses on approximately .6 acres. The application includes items 1 to 10A hand delivered March 2, 2006 and the other items to be delivered by representatives of the development team:

1. Location Map - Lombard Zoning Map
 2. Petition For A Public Hearing
 3. Lyonhart Manor/Buckingham Court Site Plan - Plat for Review - 8.5 in. by 11 in. - draft
 4. Lyonhart Manor/Buckingham Court- Subdivision - Conditional Use-response to standards
 5. Lyonhart Manor PD - Cul-de-sac R/W Variation-response to standards
 6. Lyonhart Manor PD - SFH Lots 1 & 2 Rear Yard Variation-response to standards
 7. Lyonhart Manor PD - MFH Buildings 9, 10, & 12 Rear Yard Variation-response to standards
 8. Lyonhart Manor - Map Amendment-response to standards
 9. Lyonhart Manor - Standards for Planned Development-response to standards
 10. Plans reduced to 8.5 in. by 11 in. copy of :
 - A. Site Plan - 17 in. by 11 in.
 - B. Landscape Plan (later)
 - C. Plat of subdivision (later)
 11. Topographic Survey and Legal Description, dated November 23, 2005 (hand delivered February 24, 2006)
 12. Lyonhart Manor PD Landscape Plan (later)
 13. Lyonhart Manor PD Facade View -- typical townhouse (later)
 14. Site Improvement Plans - engineering (later)
 15. Lyonhart Manor - Annexation Agreement (later)
 16. Buckingham Court - Annexation Agreement - amended (later)
- I am looking forward to the public hearing March 20, 2006, Monday February 27 at 7:30pm. If you have questions please phone 630-605-1019. Thanks for your assistance.

Sincerely yours,

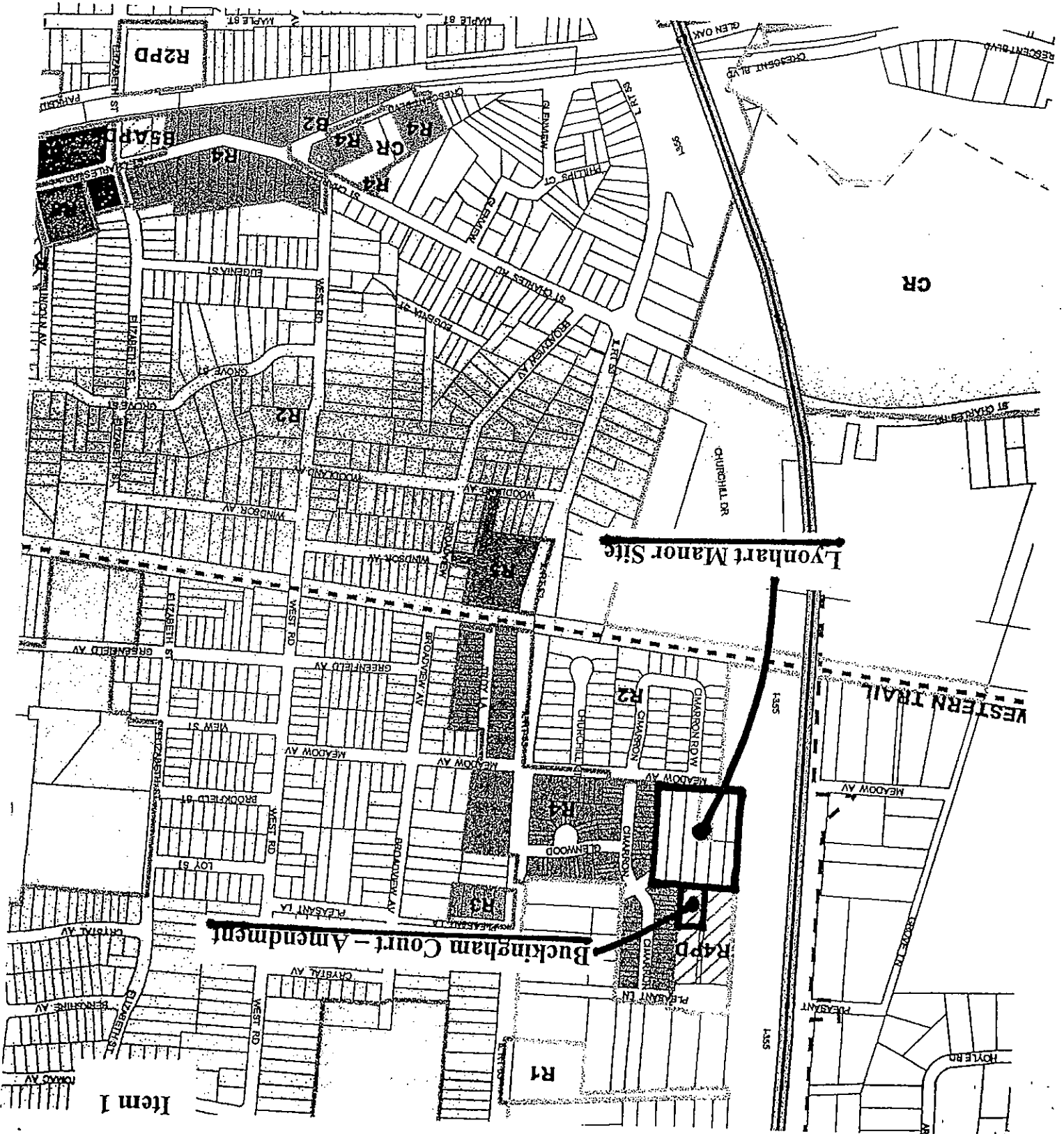
Richard L. Dunn

Cc: Tony Torres, President

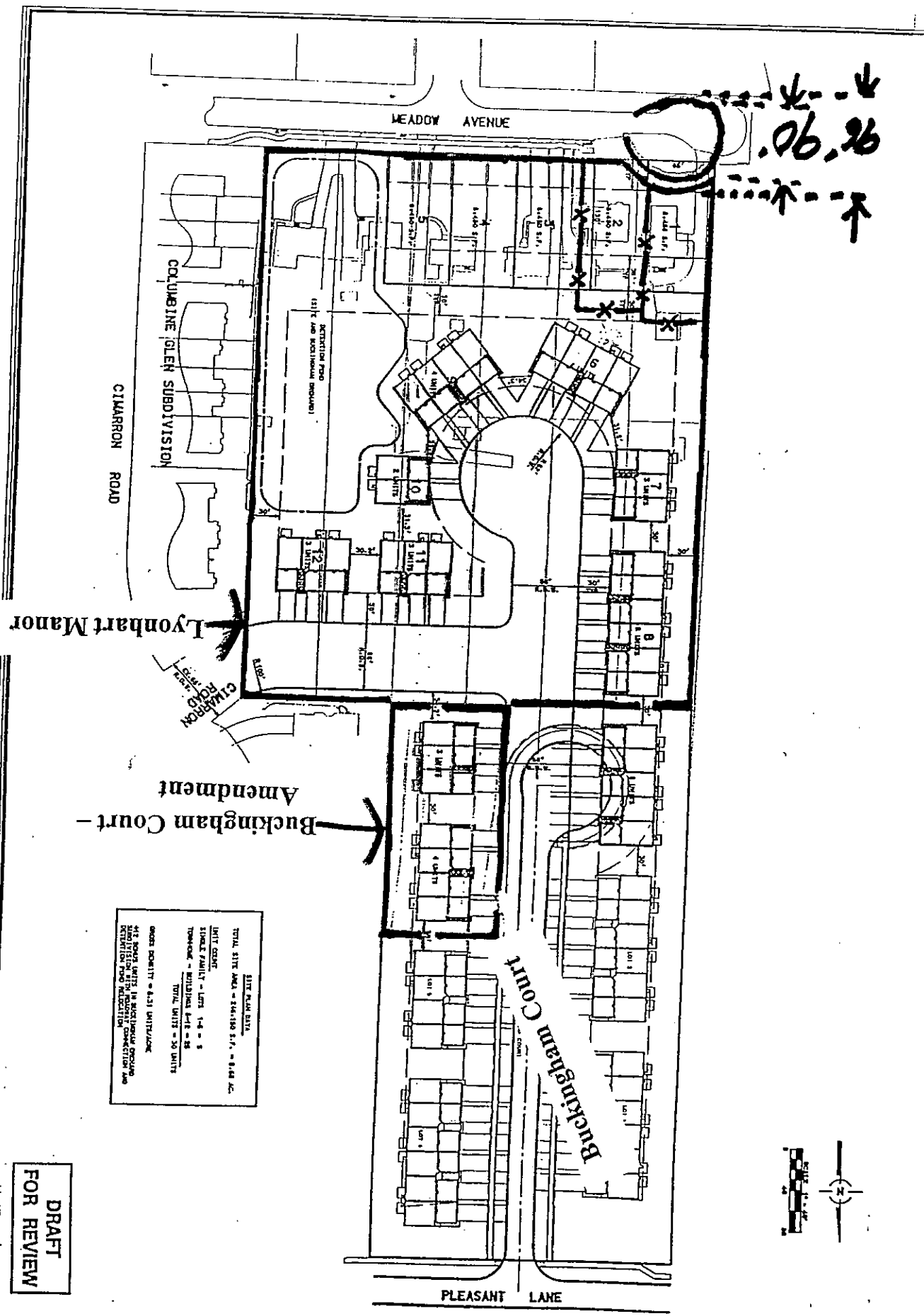
Lombard Zoning Map (part)
March 1, 2006

Lyonhart Manor & Buckingham Court Location Map

North



9.06.96
 ↓ ↓ ↓ ↓



Buckingham Court -
 Amendment

Lyonhart Manor

SITE PLAN DATA
 TOTAL SITE AREA = 246,100 S.F. = 5.64 AC.
 UNIT COUNT
 STUDENT FAMILY - 1279 1-4 = 8
 THROUGH - RESIDENTIAL 1-12 = 25
 TOTAL UNITS = 30 UNITS
 GROSS DENSITY = 4.21 UNITS/AC.
 412 SQUARE FEET IN RESIDENTIAL GROUP
 DEVELOPMENT AREA, INCLUDING CONNECTION AND
 SERVICE, FROM REDUCTION

DRAFT
 FOR REVIEW

ITM 3

Lyonhart Manor & Buckingham Court PDs

Standards for Conditional Use

Written Response to Applicable Standards

Lyonhart Manor and Buckingham Court PDs & Subdivisions - Application for a Major Subdivision

The Conditional Use: The Lyonhart Manor will be a Planned Development and Buckingham Court is a Planned Development and both are automatically a Conditional Uses. The Lyonhart Manor PD will consist of approximately 5.6 acres developed as a subdivision with 5 single family houses and 25 town houses. Part of the site is in the Village of Lombard and the remainder is contiguous (which will be annexed). The Lyonhart Manor developer proposes to construct the required right-of-way improvements which will include approximately 800 feet of new streets and approximately 300 feet of upgraded streets. The street improvements will include: walks, water mains, sanitary sewer mains, storm drains, trees, and built-in extras. The 5 single-family lots average approximately 8,000+ square feet in area and will be 66 feet wide at the required setback. The existing stormwater detention facility in Buckingham Court will be replaced with 7 townhouses. This stormwater detention facility capacity will be added to a new stormwater detention facility located between Lyonhart Manor and the town houses to the east.

The Buckingham Court PD was approved with approximately 3.7 acres is being developed as a subdivision with 22 town houses. An additional 5 townhouses were approved if the cul-de-sac was replaced with a through street. The "through street" is now being requested for approval. The petition is also requesting approval of an additional 7 townhouses at the southeast corner of Buckingham Court.

Two storm water management areas will be combined into one to improve storm management in this area. The new storm water management area will provide a buffer between some existing town houses and the new houses and town houses. These new structures will provide a buffer between the existing town houses and I-355. The Subdivision will provide several improvements for Lombard, the neighbors, and the site as noted below.

Village of Lombard Zoning Regulations Sections 155.103(F)(8) for this Conditional Use: No conditional use shall be recommended by the Plan Commission unless it finds:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare, because the Subdivision will:
 - A. provide improved public health by the construction of houses and townhouses that are equipped with modern water and sewer systems, fire alarm systems and other modern code requirements;
 - B. provide improved safety by the construction of houses and townhouses that have no intended hazards and the street system will provide improved/alternate emergency access to the area;
 - C. provide improved morals by the construction of houses and townhouses that provide security and promote family/individual living is a proper context;
 - D. provide comfort by the construction of dwellings that contain the necessities for modern living; up-to-date plumbing, HVAC, electric, communication, and sanitary systems; and
 - E. provide for the general welfare by the construction of houses and townhouses in a development that encourages the establishment of neighborhoods with security, efficiency and environmentally friendly with in a Village setting.
- And further the development will reduce the areas where insects and rodents may prosper, establish a road system that slows traffic with sharp turns and cul-de-sacs, and expands housing that complements the area.

2. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located, because the storm water management area located at the southeast corner of the subdivision will consist of an improved existing detention area that will serve this Subdivision and the town houses to the north at no cost to the Village. It will be maintained by the home owners association. Further the water system will be better looped and provide better fire fighting capabilities which will benefit owners of property that is not in this development. Cimarron Road south of Pleasant Lane will not be torn-up to allow for the construction of approximately 700 lineal feet of sanitary sewer. This will be a benefit to the residents of Columbine Glen Subdivision because they will have a more continuous use of their drives and walks with a lot less dust and mud. Property values will not be impaired, but actually will be improved because of the improved water supply from the looped system, sound reduction from the townhouses to the west, and because of the improved/less maintenance cost associated with the new storm water detention facility.
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; because the PDS will be constructed in agreement with the Lombard Comprehensive Plan for the area, constructed in without any "Use Exceptions", and the housing will complement the existing houses and town houses in the area.
4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;
 - A. because the PDS will construct public utilities in conformance with regulations for sanitary sewage and water systems which will eliminate septic fields, provide improved water circulation, and improve fire fighting capacity;
 - B. because the streets will be constructed in conformance with regulations including curbs storm drains, walks trees, cross walks, etc. except for the existing cul-de-sac width which will be improved and a variation is requested; and
 - C. because the drainage will be improved by the elimination of a smaller storm-water management facility and the creation of an improved single larger storm storm-water management facility in this area. The new storm water management area will provide a buffer between some existing town houses and the new houses and town houses. It will be maintained by the home owners association. The new structures will provide a buffer between the existing town houses and I-355.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; because the access to Orchard Court will be improved by a second access from the south, Cimarron Road will be connected with a new street, and the existing cul-de-sac at the west end of Meadows Avenue will be improved by making the paving conform to the code. All Streets except for the improved existing cul-de-sac right-of-way will be constructed according to Village standards.
6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; because the PDS will be constructed in agreement with the Lombard Comprehensive Plan recommendations for the site (town houses and single family houses); the single family houses lots will average more width and more area than required in the R-4 Residential District area zoning, and

7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission, because the subdivision shall conform to all Village codes except to allow an existing cul-de-sac to be continued with less right-of-way, to allow two single family lots to have less than the required rear yards so the paved area of the cul-de-sac may be constructed to code, and to allow three townhouse buildings to have less than the required rear yards where they about the lot which contains the new improved single larger storm storm-water management facility. These variations and the associated findings are discussed in detail in other attached documents.

Prepared by: Richard Dunn

Lyonhart Manor PD - Variation for Cul-de-Sac R/W Width **Item 5**
Written Response to Applicable Standards

Village of Lombard Zoning Code Section 154.503(D)

Minimum width of Cull-De-Sac Streets: The minimum width of the cul-de-sac street right-of-way shall be 124 feet.

The petitioner is seeking a variation of this standard to allow the existing cul-de-sac right-of-way to be less than the 124 feet required. The paved cul-de-sac will meet code. Presently the existing cul-de-sac right-of-way is 66 feet and at the request of the Village staff the site plan has been changed to move the front lot lines of lots 1 and 2 to the north, which provides for 96 feet a cul-de-sac right-of-way.

Findings:

1. The particular physical surroundings of the property would create a particular hardship to the owner to construct a cul-de-sac that meet the code because the developer does not own the land to the south and because the dead end road and an existing 66 feet right-of-way cul-de-sac already exists.
2. The conditions upon which an application for a variation is based are unique to the property and are not generally applicable to other property within the same zoning classification and the same area because the cul-de-sac will serve only six single family houses (2 existing and 4 new), and each single family houses will have its own private drive.
3. The purpose of the variation is not based primarily upon a desire to increase financial gain because the subdivision design does not contain any variation related to right-of-way width nor standard of construction except for this cul-de-sac.
4. The alleged difficulty or hardship caused by this ordinance has not been created by any person presently having an interest in the property because the 66 feet wide right-of-way dead end road and the cul-de-sac have existed for many years.
5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood because the situation exists with no major detriment. Emergency vehicles and private vehicles can provide services to the houses on the existing cul-de-sac.
6. The granting of the variation will not alter the essential character of the neighborhood because the area will consist of single family homes in conformance with the comprehensive plan and this subdivision will conform to that land use and to the comprehensive plan. The proposed essential character of the cul-de-sac area will remain because the use will continue to be single family homes, and

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 because:
 - A. because the dead end road and an existing 66 feet right-of-way cul-de-sac already exists,
 - B. The street dead end and this cul-de-sac will not decrease the supply of light and air.
 - C. The dead end street will not exceed 260 feet in length and will serve only 6 houses that will each have their own private drives.
 - D. There will be access for emergency vehicles, including fire trucks.
 - E. The property values within the neighborhood will most likely be improved because the cul-de-sac will continue to slow and discourage traffic.

Prepared by: Richard Dunn

Lyonhart Manor PD – Variation for Single Family Lots Rear Yard Setback Written Response to Applicable Standards

Village of Lombard Zoning Code Section 155.408(F)1d

Minimum rear yard setback shall be 30 feet.

The petitioner is requesting a variation of this standard to allow the rear yard to be 20 feet for single-family lots 1 and 2. The Village staff (and the developer agrees) is requesting these lots be shifted to the north so the cul-de-sac can be improved. This variation may not be required and if so will be withdrawn.

Findings:

1. The particular physical surroundings of the property would create a particular hardship to the owner to construct a lot that meet the code because the developer agrees the cul-de-sac should be improved by moving the lots 30 feet to the north and because the rear yards of the single family lots about the rear lots of the townhouse building to the north, both are owned by the developer of Lyonhart Manor.

2. The conditions upon which an application for a variation is based are unique to the property and are not generally applicable to other property within the same zoning classification and the same area because the rear yards will effect only two single family house lots and one town house building inside of the development.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain because the subdivision design does not contain any additional property to be developed.
4. The alleged difficulty or hardship caused by this ordinance has not been created by any person presently having an interest in the property because the 66 feet wide right-of-way dead end road and the cul-de-sac have existed for many years and the 96 feet wide cul-de-sac allowed would will provide an improved turn around.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood because no other owners or residents will be harmed since the rear yards will effect only two single family house lots and one town house building inside of the development.

6. The granting of the variation will not alter the essential character of the neighborhood because the rear yard variation will be internal to the PD, and
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 because:

- A. The distance between the two single family houses and the town house building will not be less than 50 feet and will not significantly decrease the supply of light and air.
- B. The rear yard variation will not increase the number of dwelling units.
- C. There will be a positive effect on the access for emergency vehicles in the cul-de-sac.
- D. The property values within the neighborhood will not be lowered because the cul-de-sac will allow traffic to circulate.

Prepared by: Richard Dunn

**Lyonshart Manor PD –
Variation for Multi Family Building Lots Rear Yard Setback
Item 7
Written Response to Applicable Standards**

Village of Lombard Zoning Code Section 155.408(F)1d

Minimum rear yard setback: The minimum rear yard setback shall be 30 feet.

The petitioner is requesting a variation of this standard to allow the rear yard to be 20 feet for townhouse buildings 9, 10, and 12. This variation may not be required and if so will be withdrawn.

Findings:

1. The particular physical surroundings of the property would create a particular hardship to the owner to construct a lot that meet the code because the developer agrees that the new storm-water detention facility out-lot will provide additional setback from all buildings facing the rear yard.

2. The conditions upon which an application for a variation is based are unique to the property and are not generally applicable to other property within the same zoning classification and the same area because the rear yards will effect only three townhouse buildings and the detention provides additional separation.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain because the variation will not add property to be developed.

4. The alleged difficulty or hardship caused by this ordinance has not been created by any person presently having an interest in the property because the 20 feet rear yard setback would abut on property owned by the developer.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood because no other owners or residents will be harmed since the rear yards will effect only three townhouse buildings are inside of the development.

6. The granting of the variation will not alter the essential character of the neighborhood because the rear yard variation will be internal to the PD, and

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 because:

A. The distance between the three townhouse buildings and the nearest buildings across the rear yard will be at least 80 feet and will not significantly decrease the supply of light and air.

B. The rear yard variation will not increase the number of dwelling units.

C. There will be a no negative effect on the access for vehicles because streets will not change.

D. The property values within the neighborhood will not be lowered because the set back will not be difficult to see from outside the PD.

Prepared by: Richard Dunn

Lyonhart Manor - Map Amendment (Re-zoning) Item 8
Written Response to Applicable Standards

Village of Lombard Zoning Ordinance Section 155.103(E)(8)(a)
Map Amendment Findings:

The petitioner is requesting a map amendment to change: 1. R-4 DuPage County Zoning, Single Family Residential District and 2. R-2 Single Family Residential District in the Village both to R-4 Multi Family Residential District Planned Development in the Village. The property consists of approximately 0.9 acre in the Village and approximately 4.7 acres outside the Village. The southwestern approximately one acre is requested to be zoned R-2 Single Family Residential District as is one lot already in the Village. The remainder of the site approximately 4.6 acres is requested to be zoned R-4 Multi Family Residential District as is the property to the east already in the Village.

Findings:

1. Compatibility with existing uses of property within the general area of the property in question; because the Lyonhart Manor PD housing will be similar to the surrounding existing housing. The property to the south consists of single family residents. The property to the east and northeast consists of townhouses similar to Lyonhart Manor. The property to the west is I-355.
2. Compatibility with the zoning classification of property within the general area of the property in question; because the Lyonhart Manor Subdivision zoning classification will be similar to the neighboring. The zoning classification of property within the general area of the proposed Lyonhart Manor Subdivision is residential.
- A. The southwestern portion of the Lyonhart Manor property will be zoned R-4 Multi Family Residential District and built as single family housing similar to the house to the south across Meadow Avenue.
- B. The Lyonhart Manor property will be zoned R-4 PD Multi-Family Residential District as is the property to the east and northeast. The property to the north is zoned R-4PD Multi-Family Residential District.
3. The suitability of the property in question to the uses permitted under the existing zoning classification; because if the Lyonhart Manor Subdivision area is zoned R-4 Multi Family Residential it will match the property to the north and east where the surrounding area is zoned residential (townhouses and houses).
4. The 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; because the trend of development in the area is townhouse development. Townhouses are under construction to the north and have been built in the last few years to the east.
5. The compatibility of the surrounding property with the permitted uses listed in the proposed zoning classification; because the surrounding properties consist of the permitted use includes R-4 Multi Family Residential District (town houses and single family houses).
6. The objectives of the current Comprehensive Plan for the Village of Lombard and the impact of the proposed amendment of the said objectives; because it recommends multi-family residential in this general area and the area to the north and east.
7. The suitability of the property in question for permitted uses listed in the proposed zoning classification because the town houses and single family houses are permitted in the proposed districts.

Prepared by: Richard Dunn

**Lyonhart Manor Subdivision –
Standards for Planned Development
Written Response to Applicable Standards**

Village of Lombard Zoning Regulations Sections 155.508(A)(B)(C) This project will complement or exceed the Lombard standards or Comprehensive Plan as follows:

- A. **General Standards**
 1. The Lyonhart Manor property Planned Development will meet the requirements of the regulations of the district as identified in the Zoning Code. The petitioner is requesting no variations on site. The cul-de-sac on Wilson Avenue, south west of the site, as it exists is nonconforming and the developer proposes to work with the Village staff to reduce its nonconformity.
 2. The Lyonhart Manor project will be constructed in conformance with Village regulations for sanitary sewage and potable water systems.
 3. The Lyonhart Manor property is consistent with the Village Comprehensive Plan because the townhouses and the single family houses will be built on lots that match the Lombard Code requirements.
 4. The proposed improvements are in the public interest and are consistent with the Zoning Ordinance because the Lyonhart Manor Subdivision will be constructed in conformance with the Zoning Code and Subdivision Regulations and this project will provide quality housing.
 5. These streets will be constructed in conformance with Village Regulations:
 - a. The access will be safe and convenient because traffic flow will be improved and an approximately 300 feet long cul-de-sac on Orchard will be reduced to approximately 100 feet.
 - b. Traffic congestion on adjoining streets will not be increased significantly because the 25 townhouses and 5 houses will generate traffic commiserate with residential units of this type.
 - c. The residents of the 25 townhouses and 5 houses will not place an excessive burden on the public parks, recreation areas, schools and other public facilities which serve the proposed development because the townhouse residents will be primary of "working age" or retired who typically do not have a major impact on the use of those facilities yet the housing will pay property and other taxes as required. The 5 houses will use these facilities and pay taxes that are normally considered to be about "break even" with their associated expenses.

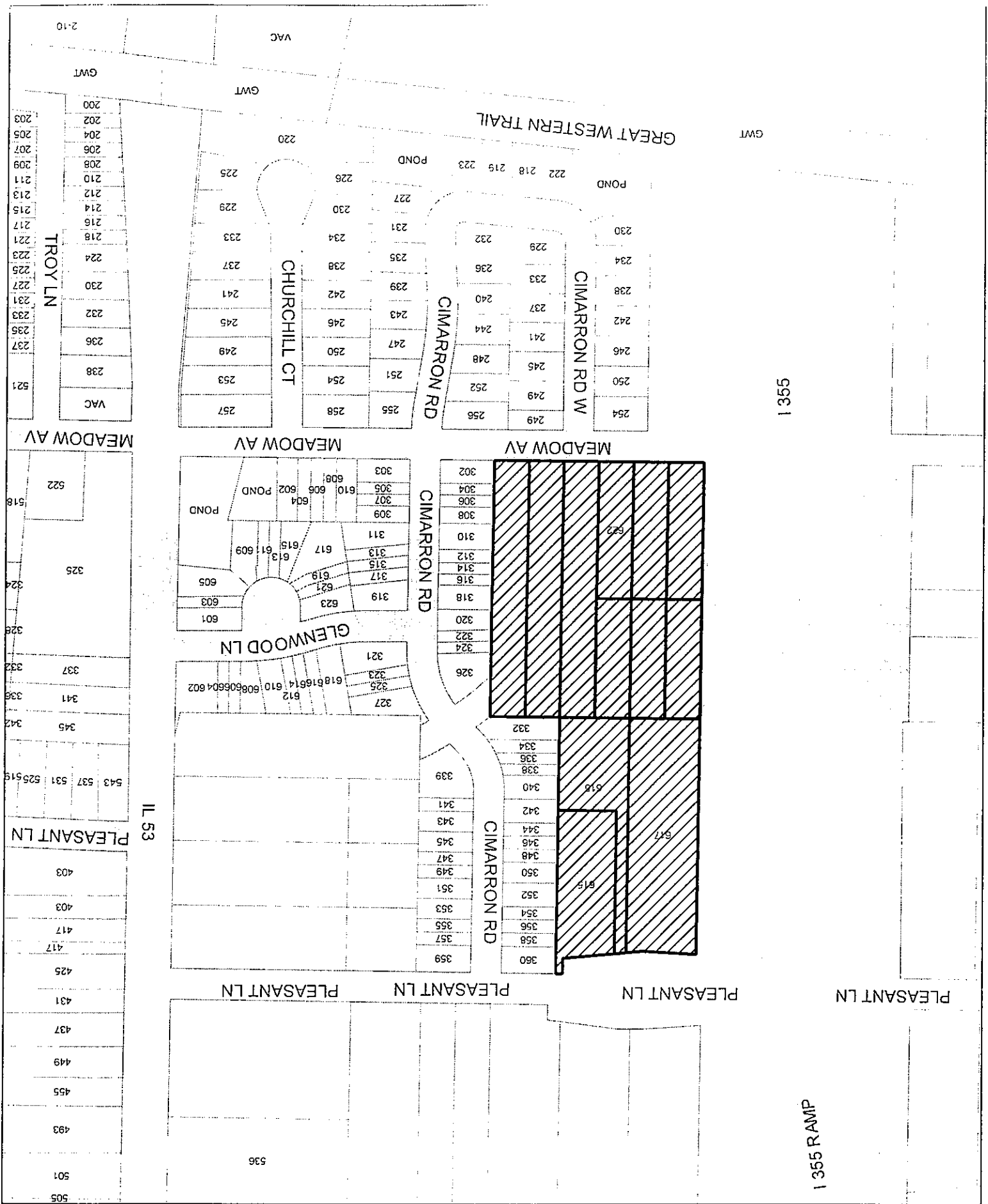
- B. **Standards for Planned Developments with Use Exceptions.** The property will be constructed without any "Use Exceptions" because the Subdivision property will be developed as town houses and houses as permitted in the zoning code.

- C. **Standards for Planned Developments with Other Exceptions.** The petitioner is requesting three variations. One variation is to allow the existing nonconforming right-of-way in the cul-de-sac southwest of the project to be improved with a conforming paved bulb. The second variation is for a rear yard setback to be reduced as requested by the Village staff so the cul-de-sac may be improved. The third variation is for a rear yard setback to be reduced where three townhouse building about the storm water detention facility. These last two variations may not be required depending on the final site plan dimensions.

Prepared by: Richard Dunn

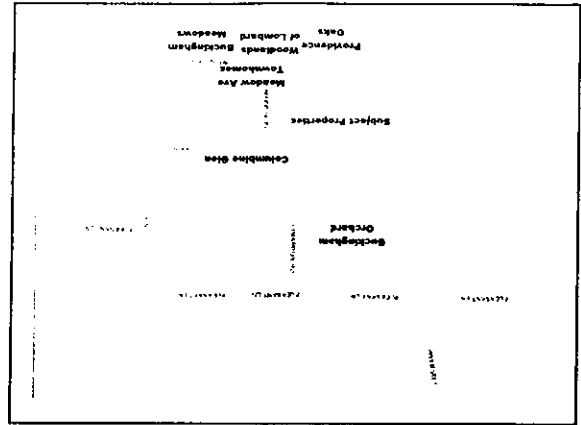
Location Map

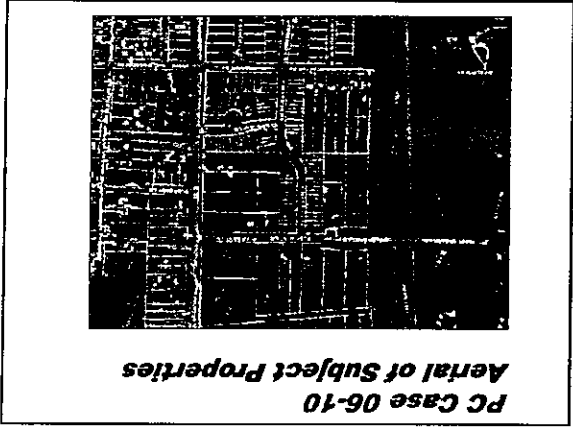
PC 06-10



1355

1355 RAMP





Village of Lombard
PC Case 06-10
Buckingham Orchard/
Lyonhart Manor
 615 - 617 W. Pleasant &
 214 -- 228 W. Meadow

**Village of Lombard
PC Case 06-10**

Buckingham Orchard amendments:

Annexed with planned development approval in 2004 (PC 04-28)

Planned development gave flexibility in the review of anticipated expansion

5-sit subdivision with detention outlot (22 units)

Development similar in style and character to Columbine Glen

**Village of Lombard
PC Case 06-10**

Buckingham Orchard actions:

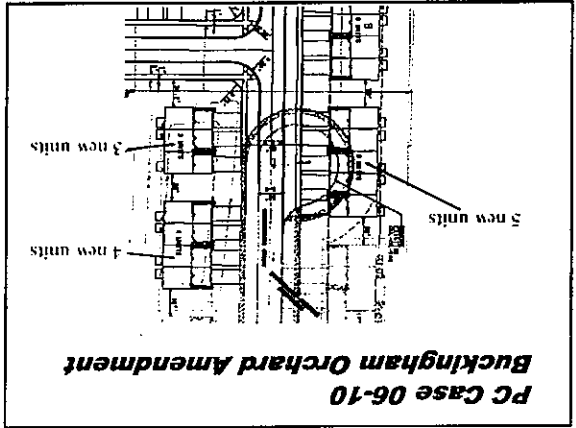
Annexation Agreement amendment

Planned Development amendment



**Village of Lombard
PC Case 06-10**

Lyonhart Manor requests:
 Annexation Agreement
 Annex lots not already in the Village
 Comprehensive Plan amendments
 Rezoning requests
 Conditional Use for Planned Development
 with a deviations & variations



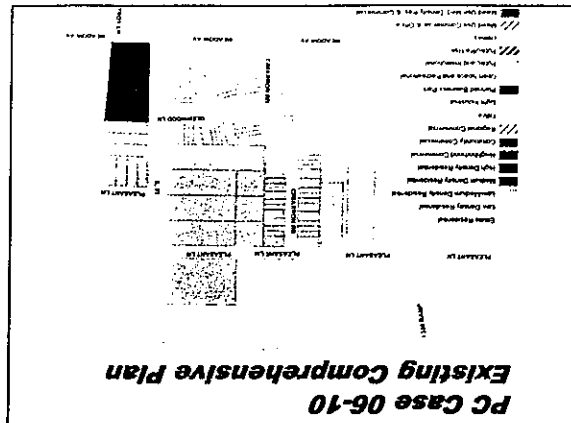
**Village of Lombard
PC Case 06-10**

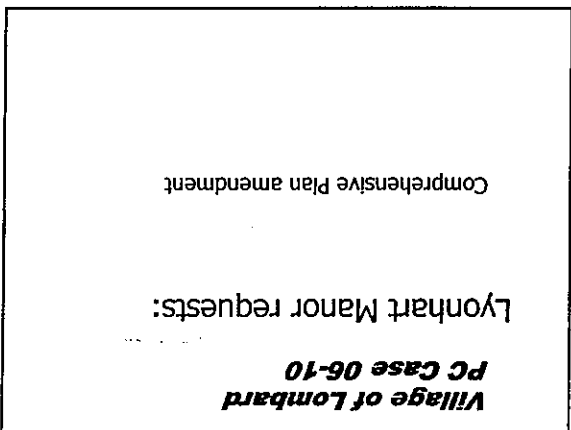
Buckingham Orchard amendments:
 With extension of Buckingham Court, cul-de-sac no longer needed – right-of-way to be vacated, incorporated into development per original annexation agreement
 1 new building (5 units) to be developed on west side of Buckingham Court
 Stormwater detention pond to be relocated, consolidated into Lyonhart Manor development
 2 new buildings (totaling 7 units) proposed for east side of Buckingham Court

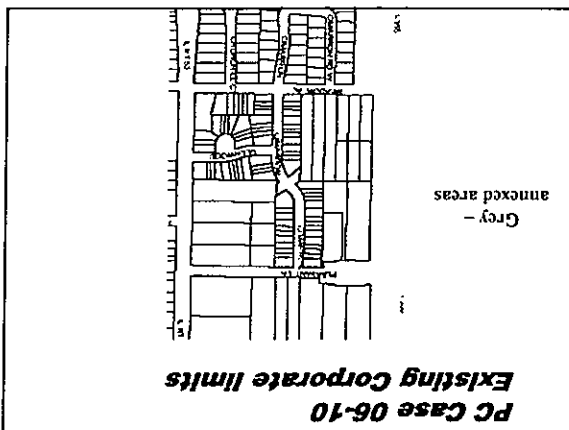
Village of Lombard
PC Case 06-10
 Lyonhart Manor requests:
 Annex lots not already in the Village

Village of Lombard
PC Case 06-10
 Annexation agreement sets forth terms and conditions of annexation into Village
 Incorporates proposed site development plans
 To be considered by Village Board in conjunction with recommendation from Plan Commission

Village of Lombard
PC Case 06-10
 Lyonhart Manor requests:
 Annexation Agreement









**PC Case 06-10
Proposed roadway connection**

**Village of Lombard
PC Case 06-10**

Comprehensive Plan amendment discussed as part of a November, 2003 workshop session

Plan Commission supported concept of low/medium density for townhomes for properties between Columbine Glen & I-355

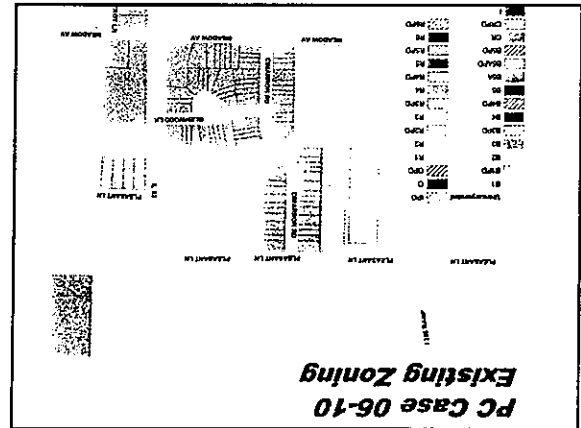
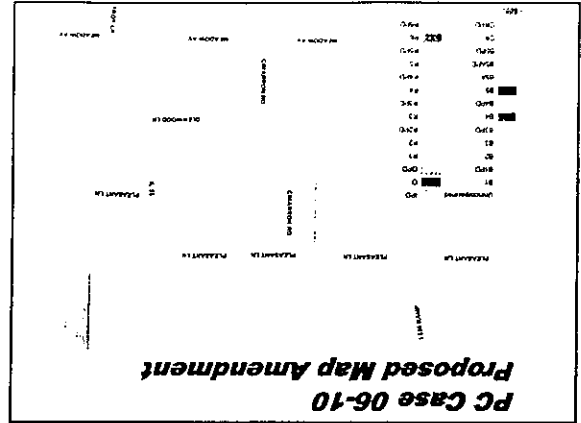
Development follows intent of 1993 approval for Columbine Glen and 2004 approval of Buckingham Orchard

PC 04-28 denoted future intent to the Buckingham Court to Cimmarron Lane via previously platted roadway

Meadow Avenue lots to be low density single family



**PC Case 06-10
Comprehensive Plan amendment**



Village of Lombard
PC Case 06-10
 Lyonhart Manor requests:
 Rezoning requests

Village of Lombard
PC Case 06-10

Planned developments allow for review of site specific elements are part of overall project review.

Allows for developer/Village to consider site specific constraints.

Trade-off – zoning relief for project design review.

Site plan approval authority allows Plan Commission to review any future amendments as well as signage deviations.

Planned development would apply to townhome areas and stormwater detention outlet.

Village of Lombard
PC Case 06-10

Lyonhart Manor requests:

• Request for Conditional Use for Planned Development with a deviations & variations

Village of Lombard
PC Case 06-10

R4 map amendment is intended designate townhome portion of development with same zoning as adjacent Buckingham Orchard, Columbine Glen and Meadow Avenue townhome developments.

Proposed density – 5.3 d.u./acre for townhome/detention area (lower density than adjacent townhome developments)

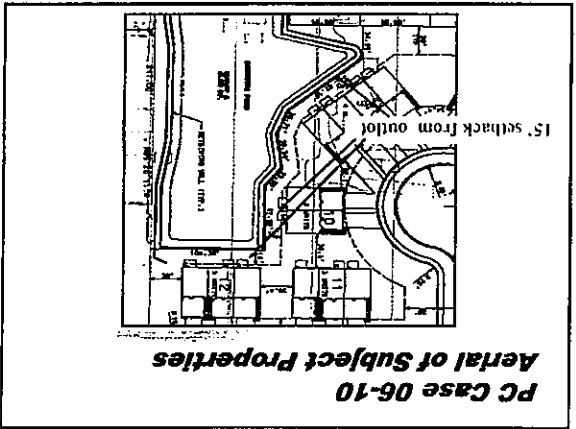
R2 map amendment provides for single family residential along Meadow Avenue – consistent with Providence Oaks, Woodlands and Buckingham Orchard developments.

Village of Lombard
PC Case 06-10

Variation reducing the minimum required right-of-way width of a residential cul-de-sac turnaround diameter from one-hundred twenty-four feet (124') to ninety-six feet (96') at the western terminus of Meadow Avenue.

Variation to reduce the rear yard setback for the proposed Lots 1 & 2 from thirty-five feet (35') to twenty-five feet (25').

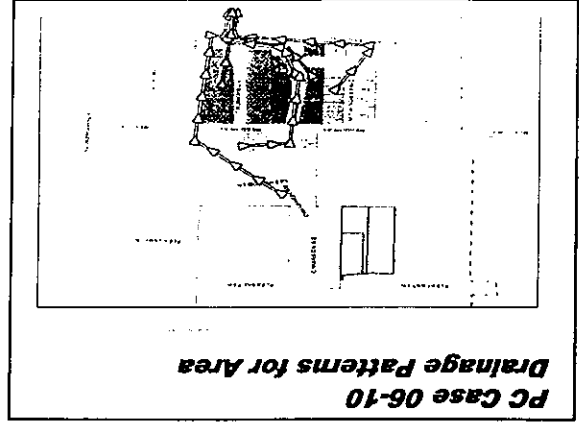
Request made to address non-conforming cul-de-sac built currently existing at the Meadow Avenue terminus.

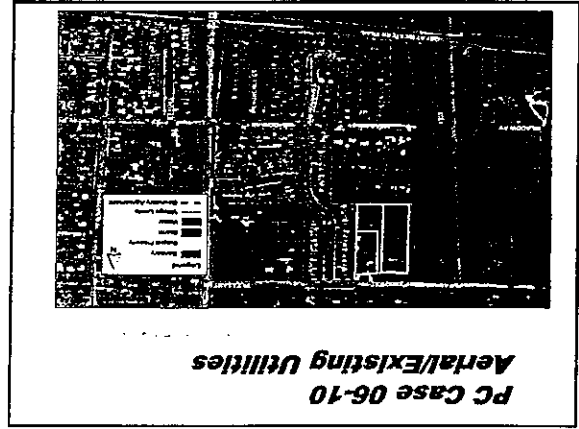


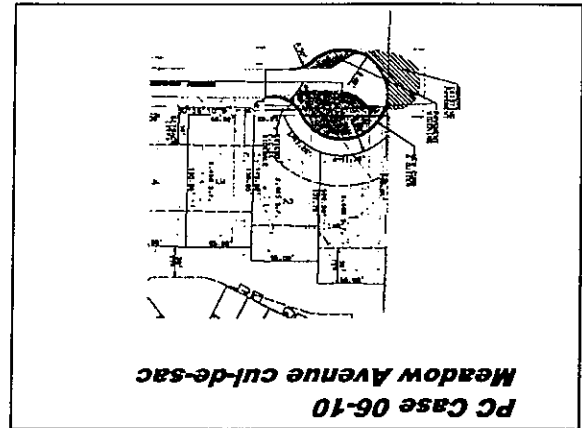
Village of Lombard
PC Case 06-10

Deviation to reduce the rear yard setback for the townhouse units abutting the proposed stormwater detention outlet and the south property line from thirty feet (30') to fifteen feet (15').

Request is being made to allow for detention area to be placed in a separate outlet.







Village of Lombard
PC 06-10

Staff recommends approval, subject to conditions

Annexation agreement to be considered with
Plan Commission recommendation

Final plat to be submitted to Board for approval
after final engineering is approved by staff

PC 06-10
Traffic Considerations

Report Title: Traffic Considerations
 Report Number: 1008
 Date: 11/11/10
 Author: [illegible]
 Reviewer: [illegible]
 Approved: [illegible]

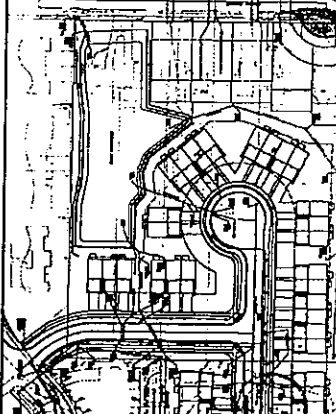
Summary: This report provides a traffic impact analysis for the proposed development. It includes a site description, an analysis of existing and proposed traffic volumes, and recommendations for traffic control measures. The analysis shows that the proposed development will have a significant impact on the surrounding road network, and that certain traffic control measures are necessary to maintain acceptable levels of service.

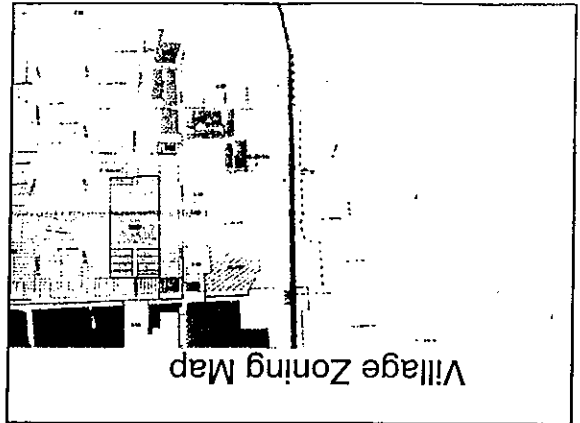
PC 06-10
Utilities

Stormwater from
Buckingham Orchard
diverted to new
detention facility

Reduction in
stormwater going to
Columbine Glen outlet

Controlled run-off
from subject properties





Requested Actions

- Annexation & Annexation Agreement
- Zoning Map Amendment: R4/R1 to R2/R4
- Conditional Use/Planned Development
- R/W Width of Cul-de-sac Var. 96 vs. 124ft
- SFH Lot rear yard - Variation -35ft
- MFH Lot rear yard - Variation -30ft
- Preliminary Plat (Eng. Etc.) Approval

**Lyonhart Manor
Planned
Development**
Lyonhart Group

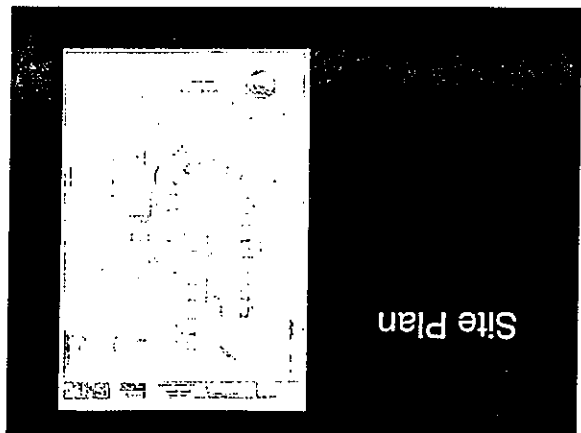
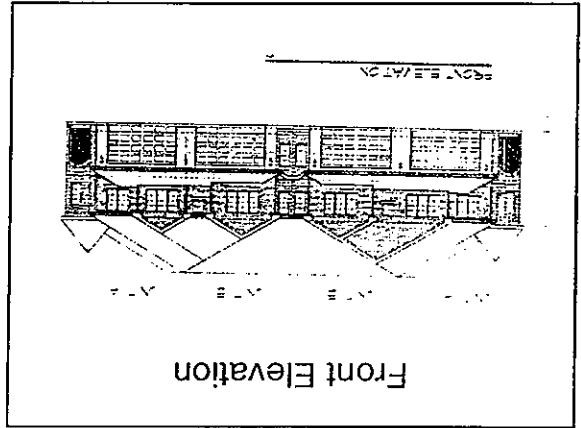
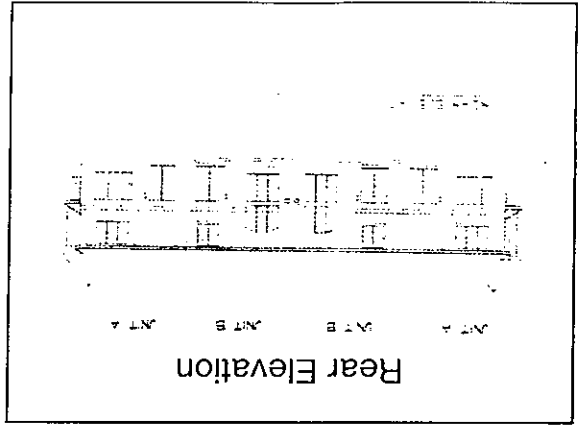
Nearby Area

- North: Newer Townhouses
- East: Townhouses
- South: single family houses, south of Meadow Avenue
- West: I-355

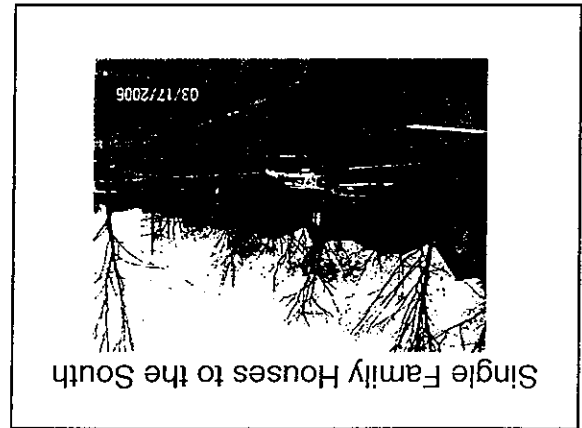
The Site

- Approximately 8.3 Acres Near North-Western Lombard
- Lyonhart Manor PD (Five Houses & 25 Townhouses on approximately 5.6 Acres)
- Buckingham Court PD amendment (add 7 Townhouses to an approved 20 on approximately 3.7 Acres)
- Combination of an Existing Storm Water Management Area with a new one











Petitioners Comments

- The Development Team Agrees With the Lombard Inter-development Review Group Report
- The Development Team Will Comply With Staff Recommendations
- The Development Team Requests that the Plan Commission forward the Planned Development to the Board of Trustees



Michèle Pisanik
<mpisanik@yahoo.com>
03/17/2006 03:55 PM

To: heniffw@villageoflombard.org
cc:
bcc:
Subject: PC 06-10 Petition - Meadow Avenue

History:

This message has been replied to.

Dear Mr. Heniff,

I am a resident of Lombard, currently living at 238 Cimarron Road West. I am writing to voice my concerns over the petition you are proposing for the addition of town homes on Meadow Avenue. My husband and I would prefer to have single family homes and parks put in, not more town homes. We have beautiful homes on Cimarron Road and Churchill Ct, we would like to add more single family homes in this area to have more of a neighborhood feel and increase the overall property value. I don't believe adding town homes will bring the same value to the neighborhood as single family homes would.

Currently there are no parks in our area - we need to drive to get to a neighborhood park. It would be lovely to have a nice large park area with a playground for the kids and a nice pathway for walks.

Additionally, are there plans to build a sound barrier b/w these homes and 355? A sound barrier would have a valuable impact to many homes in this area.

My husband and I have been discussing moving out of the Lombard area and move to Glen Ellyn as our neighborhood is very small, no parks, etc. Hopefully, the plans that will be approved will bring a warmer feel to our neighborhood and encourage us to stay.

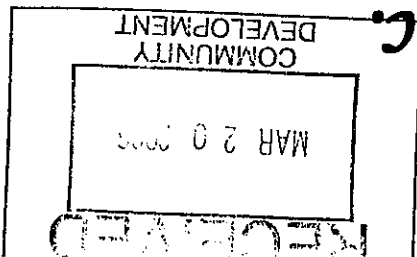
Please feel free to contact me at any time via email or via phone: 630-932-0552.

Thank you,

Michèle Pisanik

Yahoo! Mail

Bring photos to life! [New PhotoMail](#) makes sharing a breeze.



P.O. Box 0044, Western Springs, IL 60558-0044 708.2461888 Fax 708.246.2460

All The Difference, Inc.

Village of Lombard
Donald F. Ryan, Chairperson
Plan Commission
255 E. Wilson Avenue
Lombard, IL 60148-3931

March 17, 2006

Re: Buckingham Orchard/Lyonhart Manor Subdivisions

Dear Mr. Ryan:

As the Property Management Co. representing the Columbine Glen Homeowners' Association, we would like to bring to your attention several areas of concern expressed by the residents of Columbine Glen in regards to the approved subdivision construction of Buckingham Orchard and Lyonhart Manor.

The current geometric plan, #84GM01.DGN, dated 02/22/2006, details the construction of Buckingham Court, a cul de sac running south from Pleasant Lane, and is located west of Cimarion Road with added ingress and egress by a thoroughway connecting Buckingham Court to Cimarion Road. The residents of Columbine Glen are concerned with the effects of increased traffic through their neighborhood in regards to noise, traffic, safety, and decreased home values. The plan(s) for Buckingham Orchard and Lyonhart subdivisions call for the construction of 68 new homes with the potential of 136 additional vehicles utilizing that thoroughway, Cimarion Road, and Glenwood Lane. There is also the consideration of The Enclave development of 29 units, with the potential of 58 additional vehicles also being funneled toward Pleasant Lane.

With the future planned improvements of IL53, it is apparent with the proposed plan that residents of Buckingham Orchard and Lyonhart Manor, in order to make a left turn on IL53 to head north towards North Avenue, will utilize the streets through Columbine Glen subdivision to access the traffic signal being considered for the intersection of Meadow Avenue and IL53. It is unlikely they will use Buckingham Court as it is our understanding that no traffic signal is proposed or considered for the intersection of Pleasant Lane and IL53.

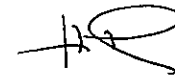
The residents of Columbine Glen understand that in order to maintain adherence to the Village of Lombard's Comprehensive Plan, 5 single family homes are planned to be constructed along the north side Meadow Avenue, backing up to the townhomes at the cul de sac end of Buckingham Court, and opposite single family homes on the south side of Meadow Avenue to buffer those single family homes from multifamily units. The question raised is why can't Buckingham Court be planned as a straight through street connecting Pleasant Lane and Meadow Ave, with 2 single family homes to the west and 2 single family homes to the east? This solution would provide the residents of Buckingham Orchard and Lyonhart Manor more direct access to Meadow Ave. It would still buffer the existing single family homes with additional single family homes. It would make snow removal simpler. It would make the ingress and egress of emergency vehicles simpler.

and more direct. And it would decrease traffic through the streets of Columbine Glen. The proposed single family homes of Lyonhart Manor could also be planned as multifamily units as the precedent for townehomes or multifamily units existing in close proximity to single family homes has already been set as evidenced by the townehomes on the north end of Cimarron across from the single family homes on Pleasant Lane, as well as the townehomes on the south end of Cimarron across from the single family homes of Churchhill Court.

The residents of Columbine Glen respectfully ask that the Commission look at the 'Big Picture'. Future developments are likely for the areas east of Cimarron and north of Glenwood, and for the area(s) on the north side of Pleasant Lane. All of the traffic generated by the residents of these future communities will be funneled toward Pleasant Lane, and therefore toward Columbine Glen for access to the possible traffic signal at Meadow Avenue. We feel this places a tremendous burden on the residents of Columbine Glen. We suggest you consider the elimination of the cul de sac at the south end of Buckingham Court and create instead, a straight through street from Pleasant Lane to Meadow Avenue, as well as the elimination of the thoroughway connecting Buckingham Court with Cimarron Road, both of which could alleviate the future traffic burden on Cimarron Road and Glenwood Lane.

A contingency of Columbine Glen Homeowners and All The Difference, Inc. will be in attendance at the March 20, 2006 meeting of the Village as it pertains to the developments of Buckingham Orchard and Lyonhart Manor. We request that our concerns be an agenda item in this meeting.

Regards,



Dixie D. Hahn

President

All The Difference, Inc.

708.246.188 ext 234

708.514.7532

Cc: Commissioners:

Martin Burke

Stephen Flint

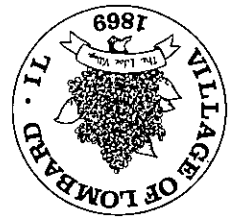
Ronald Olbrys

Ruth Sweetser

Rocco Melarkey

Sondra Zorn

Staff Liaison: William Heniff



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *DH/vjh*

DATE: May 4, 2006

SUBJECT: PC 06-10: 615 and 617 W. Pleasant (Buckingham Orchard Subdivision) and 614, 618, 620, 622, 624 & 626 West Meadow Avenue (Lyonhart Manor Subdivision)

At the April 6, 2006 Village Board meeting, the Village Board approved a first reading of the annexation and zoning requests associated with PC 06-10. Attached are the following items for Village Board consideration as part of the May 4, 2006 Village Board meeting:

A. For the existing Buckingham Orchard planned development located at 615 and 617 W. Pleasant Lane:
1. An Ordinance granting approval of an annexation agreement amendment.
2. An Ordinance approving a major change to an approved conditional use for a planned development.

B. For the properties at 614, 618, 620, 622, 624 and 626 West Meadow Avenue:

1. An Ordinance amending the Lombard Comprehensive Plan;
2. An Ordinance approve an annexation agreement for the Lyonhart Manor Subdivision.
3. An Ordinance annexing the properties at 614, 618, 620, 624 and 626 West Meadow Avenue into the Village of Lombard.
4. An Ordinance rezoning the northern portion of the properties at 614, 618, 620, 624 and 626 West Meadow Avenue from the R1 Single-Family Residential District to the R4 Limited General Residential District
5. An Ordinance rezoning the north 417 feet of the property at 622 West Meadow Avenue from the R2 Single-Family Residential District to the R4 Limited General Residential District.

me
4/27/06

6. An Ordinance approving a conditional use for multiple structures on a lot and for a planned development for the proposed R4 properties with a deviation from Section 155.408(F)(3)(d) to reduce the rear yard setback for the townhouse units abutting the proposed stormwater detention outlet and the south property line from thirty feet (30') to fifteen feet (15'), with site plan approval authority being granted to the Lombard Plan Commission.
7. For the single-family portion of the proposed development, an Ordinance rezoning the southern portion of the properties at 618, 620, 624 and 626 West Meadow Avenue from the R1 Single-Family Residential District to the R2 Single-Family Residential District;
8. A Ordinance approving a variation from Section 154.503(D)(1) of the Subdivision and Development Ordinance reducing the minimum required right-of-way width of a residential cul-de-sac turnaround diameter from one-hundred twenty four feet (124') to ninety-six feet (96') at the western terminus of Meadow Avenue; and a variation from Section 155.408(F)(1)(d) of the Zoning Ordinance to reduce the rear yard setback for the proposed Lots 1 & 2 from thirty-five feet (35') to twenty feet (25').

AN ORDINANCE AUTHORIZING A FIRST AMENDMENT
TO ORDINANCE 5583, ADOPTED NOVEMBER 18, 2004,
AUTHORIZING AN ANNEXATION AGREEMENT

(PC 06-10: 615 & 617 W. Pleasant Lane)
(Buckingham Orchard Subdivision)

(See also Ordinance No.(s) _____)

WHEREAS, DEARBORN BUCKINGHAM GROUP, INC, an Illinois Corporation, (hereinafter referred to as "the Developer") has petitioned the Village for an amendment to Ordinance Number 5583, adopted November 18, 2004 (hereinafter "the First Amendment") to said Ordinance providing for an annexation agreement relative to the property described in Section 3 below (hereinafter the "Subject Property"); and

WHEREAS, said petition of the Developer requests an amendment to Ordinance Number 5583 so as to provide for an amended development plan; and

WHEREAS, a public hearing was held by the Village's Plan Commission on March 20, 2006, pursuant to appropriate and legal notice, for the purpose of considering the petition of the Developer for the amended plan and the Plan Commission has submitted to the Corporate Authorities of the Village its findings and recommendations with respect to said petition; and

WHEREAS, the First Amendment has been drafted and a copy is attached hereto and incorporated herein as Exhibit "A"; 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 Ordinance 5583, adopted November 16, 2004, is hereby amended to include the First Amendment attached hereto and marked Exhibit "A", by and between the Developer and the Village of Lombard.

SECTION 2: That the Village President and Village Clerk be and hereby are authorized to sign and attest to said First Amendment.

SECTION 3: This Ordinance is limited and restricted to the property generally located at 615 & 617 West Pleasant Lane, Lombard, Illinois; legally described as follows:

Blocks 1 through 4 and Lots 5 through 8 of the Final Planned Development Plat/Plat of Subdivision for Buckingham Orchard, being a resubdivision of part of Lots 18 and 19 in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded December 7, 2005 as document R2005-271050, in DuPage County, Illinois.

Parcel Numbers: 05-01-205-013 through 015
05-01-207-001 through 003
05-01-401-054
05-01-408-007

SECTION 4: That all other portions of Ordinance Number 5583, adopted November 18, 2004, and not amended by this Ordinance, shall remain in full force and effect.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this _____ day of _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2006.

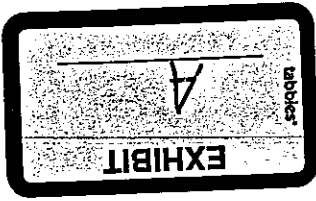
William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet from this _____ day of _____, 2006

Brigitte O'Brien, Village Clerk



Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148

AFTER RECORDING RETURN TO:

Common Addresses: 615 & 617 West Pleasant Lane, Lombard, Illinois

Parcel No.: 05-01-205-013 through 015
05-01-207-001 through 003
05-01-401-054
05-01-408-007

FIRST AMENDMENT TO THE ANNEXATION AGREEMENT
DATED NOVEMBER 18, 2004 FOR
BUCKINGHAM ORCHARD SUBDIVISION, LOMBARD, IL

Space above reserved for Recorder's use

**BUCKINGHAM ORCHARD SUBDIVISION
FIRST AMENDMENT TO THE ANNEXATION AGREEMENT**

THIS FIRST AMENDMENT (hereinafter referred to as the "Amendment") to the

Buckingham Orchard Subdivision Annexation Agreement dated November 18, 2004, and recorded on March 20, 2005 as Document Number R2005-064491 (hereinafter referred to as the

"Agreement") is made and entered into this _____ day of May, 2006, by and between the

Village of Lombard, a municipal corporation (hereinafter referred to as the "Village"), and DEARBORN-BUCKINGHAM GROUP, INC., an Illinois corporation (hereinafter referred to as the

"Owner/Developer");

W I T N E S S E T H:

WHEREAS, the Owner/Developer is the record owner of the property legally described in

EXHIBIT A, attached hereto and made a part hereof (hereinafter referred to as the "Subject

Property"); and

WHEREAS, Owner/Developer is developing the Subject Property pursuant to the

Agreement; and

WHEREAS, the Subject Property was annexed to the corporate limits of the Village and

rezoned in the R-4 Limited General Residence District, with a conditional use for a planned development with deviations, all of which was passed and approved by the Corporate Authorities of the Village (as defined below) on November 18, 2004; and

WHEREAS, the Village has received an application for annexation, zoning and subdivision approval for the properties located immediately south of the Subject Property (hereinafter referred to as "the Lyonhart Manor Development"; and

WHEREAS, the Agreement set forth provisions for the eventual extension of Buckingham Court on the Subject Property to the south and into the Lyonhart Manor Development, which would result in a modified development plan for the Subject Property; and

WHEREAS, a revised stormwater management plan has been submitted that will relocate the stormwater detention facility located on the Subject Property into a shared detention facility located within the Lyonhart Manor Development; and

WHEREAS, said improvements result in significant revisions to the proposed development plan for the Subject Property; and

WHEREAS, consistent with said revisions to the proposed development plan, a planned development amendment for the Subject Property has heretofore been filed with the Village; and

WHEREAS, said application was forwarded to the Plan Commission of the Village; and

WHEREAS, a public hearing by the Plan Commission was held on March 20, 2006 for the purpose of considering the planned development amendment, and the Plan Commission has submitted to the Corporate Authorities of the Village (hereinafter referred to as the "Corporate Authorities") its findings of fact and recommendations with respect to said application and petition;

and

WHEREAS, a public hearing on this Amendment was held by the Corporate Authorities on

April 6, 2006; and

WHEREAS, the parties wish to amend the Agreement with respect to the revised development plan and the planned development amendment in accordance with the terms and conditions contained herein; and

WHEREAS, all public hearings and other actions required to be held or taken prior to the adoption and execution of this Amendment, in order to make the same effective, have been held or

taken, including all hearings and actions required in connection with amendments to and classifications under Chapter 155 of the Lombard Village Code (hereinafter referred to as the "Zoning Ordinance") and Chapter 154 of the Lombard Village Code (hereinafter, the "Subdivision and Development Ordinance"), such public hearings and other actions having been held pursuant to public notice as required by law and in accordance with all requirements of law prior to adoption and execution of this Amendment ; and

WHEREAS, the Corporate Authorities of the Village and the Owner/Developer deem it to be in the mutual advantage of the parties and in the public interest that the Subject Property be developed as hereinafter provided; and

WHEREAS, the development of the Subject Property as provided herein will promote the sound planning and development of the Village as a balanced community and will be beneficial to the Village; and

WHEREAS, the Corporate Authorities of the Village have examined the proposed uses by

the Owner/Developer and have determined that said uses and the development of the Subject Property in accordance with the Agreement, as revised by this Amendment comply with the Comprehensive Plan of the Village and is in the public interest;

NOW THEREFORE, in consideration of foregoing and the mutual promises herein set forth, the sufficiency of which is acknowledged by all parties, the parties hereto agree as follows:

1. Incorporation of Recitals: The Village and Owner/Developer agree that the foregoing recitals are incorporated in this Amendment as if fully recited herein.

2. Amendment: The Agreement is hereby amended as follows:

A. Paragraph 4 is amended to read in its entirety as follows:

4. Zoning: Upon annexation of the Subject Property to the Village as

set forth herein, the Corporate Authorities shall, without further public hearings, immediately rezone and classify the entire Subject Property from the R-1 Single Family Residence District to the R-4 Limited General Residence District under the Zoning Ordinance, with a conditional use for a planned development, a variation from Section 155.408 (F)(3)(b) of the Lombard Zoning Ordinance to reduce the corner side yard setback from twenty (20) feet to fifteen (15) feet and an amendment to the Village's Comprehensive Plan to designate the property for Low-Medium Density Residential land uses. Furthermore, the Corporate Authorities shall also

grant a planned development amendment to provide for an alternative development plan for the southern portion of the Subject Property as set forth in Section 5 below.

B. Paragraph 5 is amended to read in its entirety as follows:

5. Site Plan Approval: The Developer shall develop the Subject

Property in full compliance with the Site Plan entitled "Preliminary Geometric Plan", prepared by Spaceco, Inc., as revised on October 21, 2004 and as per the "Preliminary Geometric Plan", "Preliminary Grading Plan", "Preliminary Utility Plan - 1", and "Preliminary Utility Plan - 2", updated March 8, 2006 for the southern portion of the Subject Property (said plans cumulatively referred to as the "Site Plan"), attached hereto as EXHIBIT B and made part hereof, subject to changes based upon final engineering.

B. EXHIBIT B is amended by supplementing the copies thereof attached to this Amendment for EXHIBIT B attached to the Agreement. In the event that there are any conflicts associated with the Site Plans dated October 21, 2004 and March 8, 2006, the March 8, 2006 plans shall apply.

3. **Ratification of Existing Terms.** Except to the extent specifically amended hereby, all other terms and provisions of and exhibits to the Agreement shall remain in full force and effect as if set forth in their entirety herein.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals to this
Amendment on the day and year first above written.

VILLAGE OF LOMBARD

By: _____
Village President

Village Clerk
DATED: _____

OWNER/DEVELOPER:

By: _____

Its: _____

ATTEST:

Its: _____

DATED: _____

ACKNOWLEDGMENTS

STATE OF ILLINOIS)
) SS)
) COUNTY OF DU PAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that _____, personally known to me to be the President of the _____ Corporation, an Illinois corporation, and _____, personally known to me to be the Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Secretary, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this _____ day of _____, _____, 20____. Commission expires _____, 20____.

Notary Public

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that William J. Mueller, personally known to me to be the President of the Village of Lombard, and Brigitte O'Brien, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Village Clerk, they signed and delivered the said instrument and caused the corporate seal of said municipal corporation to be affixed thereto, pursuant to authority given by the Board of Trustees of said municipal corporation, as their free and voluntary act, and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this _____ day of _____, _____ .
Commission expires _____, 20_____ .

Notary Public

SCHEDULE OF EXHIBITS

EXHIBIT A: Legal Description
EXHIBIT B: Site Plan

EXHIBIT A
LEGAL DESCRIPTION

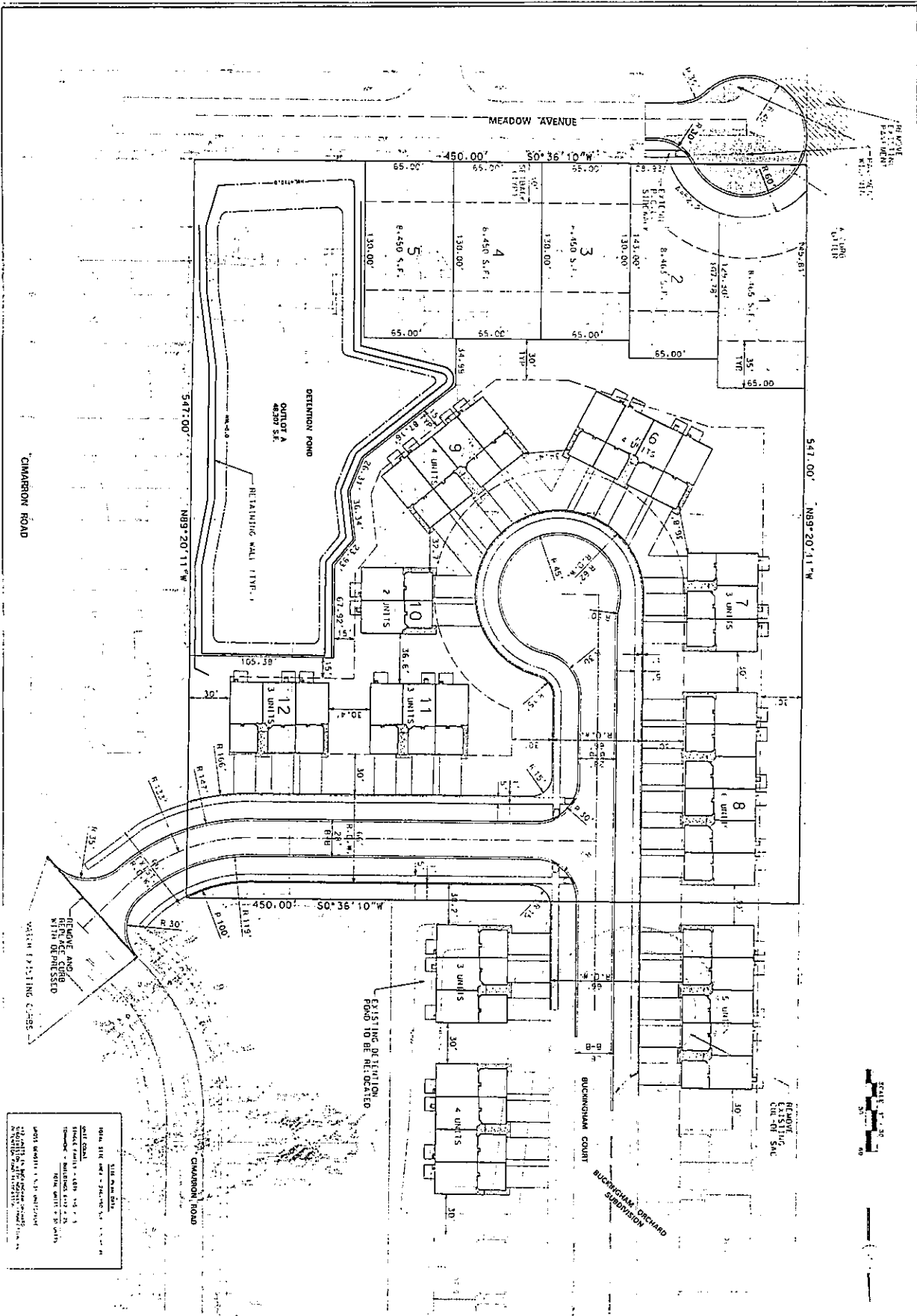
Blocks 1 through 4 and Lots 5 through 8 of the Final Planned Development Plat/Plat of Subdivision for Buckingham Orchard, being a resubdivision of part of Lots 18 and 19 in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded December 7, 2005 as document R2005-271050, in DuPage County, Illinois.

Property Address: 615 & 617 W. Pleasant Lane, Lombard, Illinois 60148

PN:

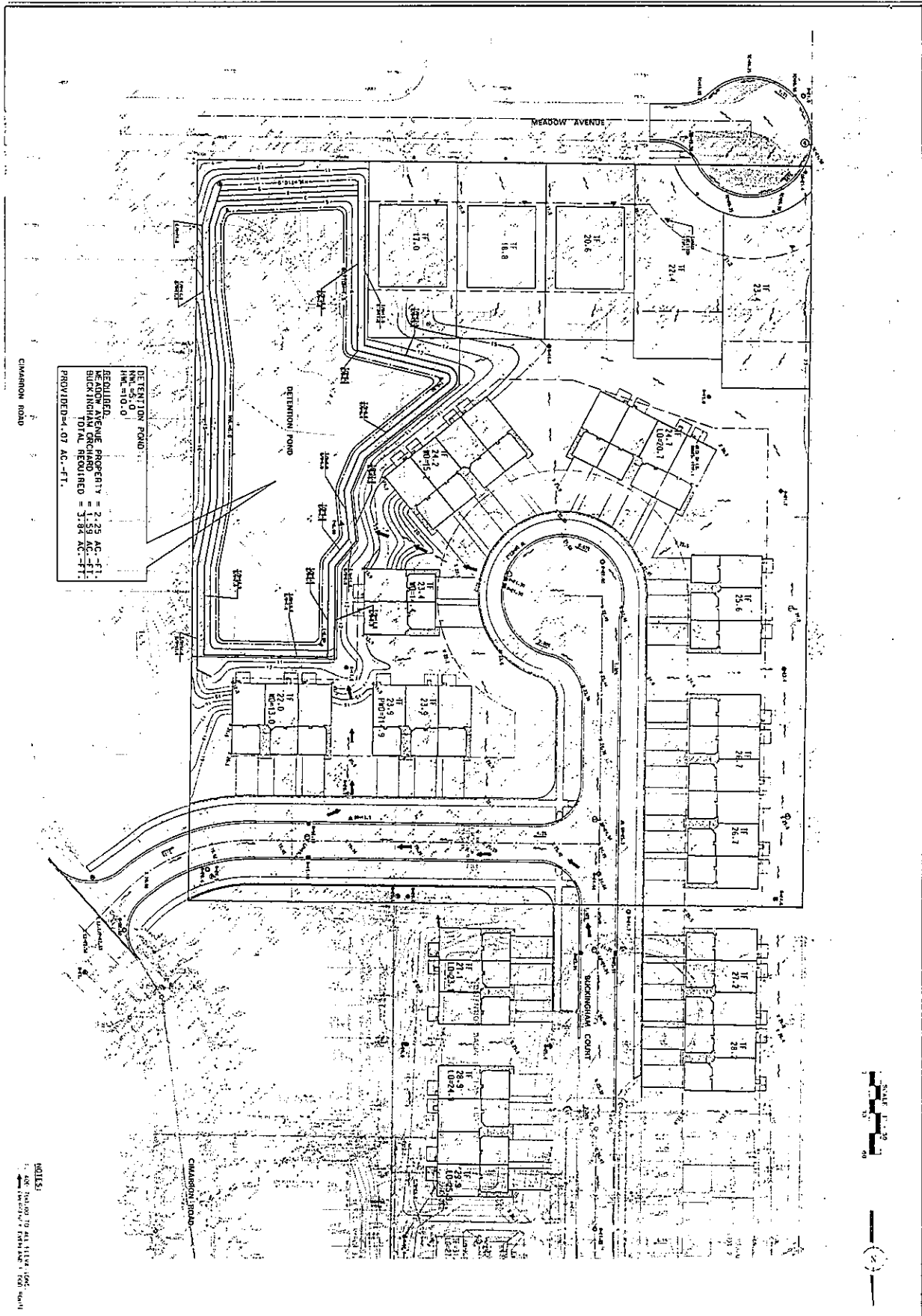
05-01-205-013 through 015
05-01-207-001 through 003
05-01-401-054
05-01-408-007

EXHIBIT B
SITE PLANS



1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE SIDEWALK UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CURB UNLESS OTHERWISE NOTED.
 8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PROPERTY UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE BLOCK UNLESS OTHERWISE NOTED.
 11. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE SUBDIVISION UNLESS OTHERWISE NOTED.
 12. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CITY UNLESS OTHERWISE NOTED.
 13. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE COUNTY UNLESS OTHERWISE NOTED.
 14. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STATE UNLESS OTHERWISE NOTED.
 15. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE COUNTRY UNLESS OTHERWISE NOTED.


	REGISTERED ENGINEERS REGISTERED LAND ENGINEERS REGISTERED SURVEYORS	PRELIMINARY GEOMETRIC PLAN LYONHART MANOR LOMBARD, ILLINOIS	1. 2/20/2024 PER WILLIAMS REVIEW NO DATE REVISIONS
	SCALE: 1" = 30'-0" SHEET: 11	DATE: 02/20/24 DRAWN BY: [Name] CHECKED BY: [Name]	NO DATE REVISIONS
	11	NO DATE REVISIONS	NO DATE REVISIONS

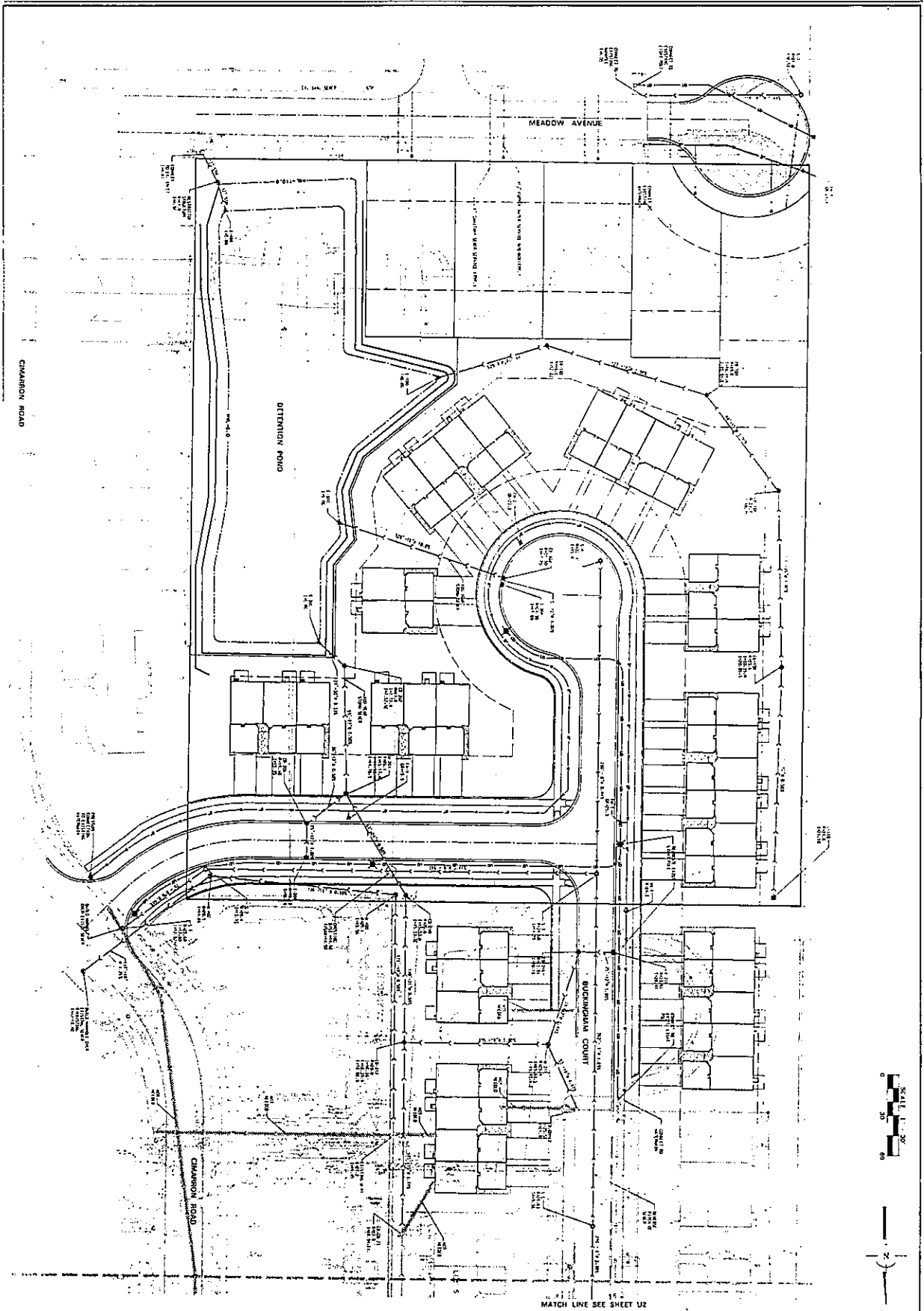



DETENTION POND:
 AREA = 10.0
 REQUIRED
 AVAILABLE PROPERTY = 2.25 AC.-FT.
 BUCKINGHAM CREEK
 TOTAL REQUIRED = 3.184 AC.-FT.
 PROVIDED = 4.07 AC.-FT.

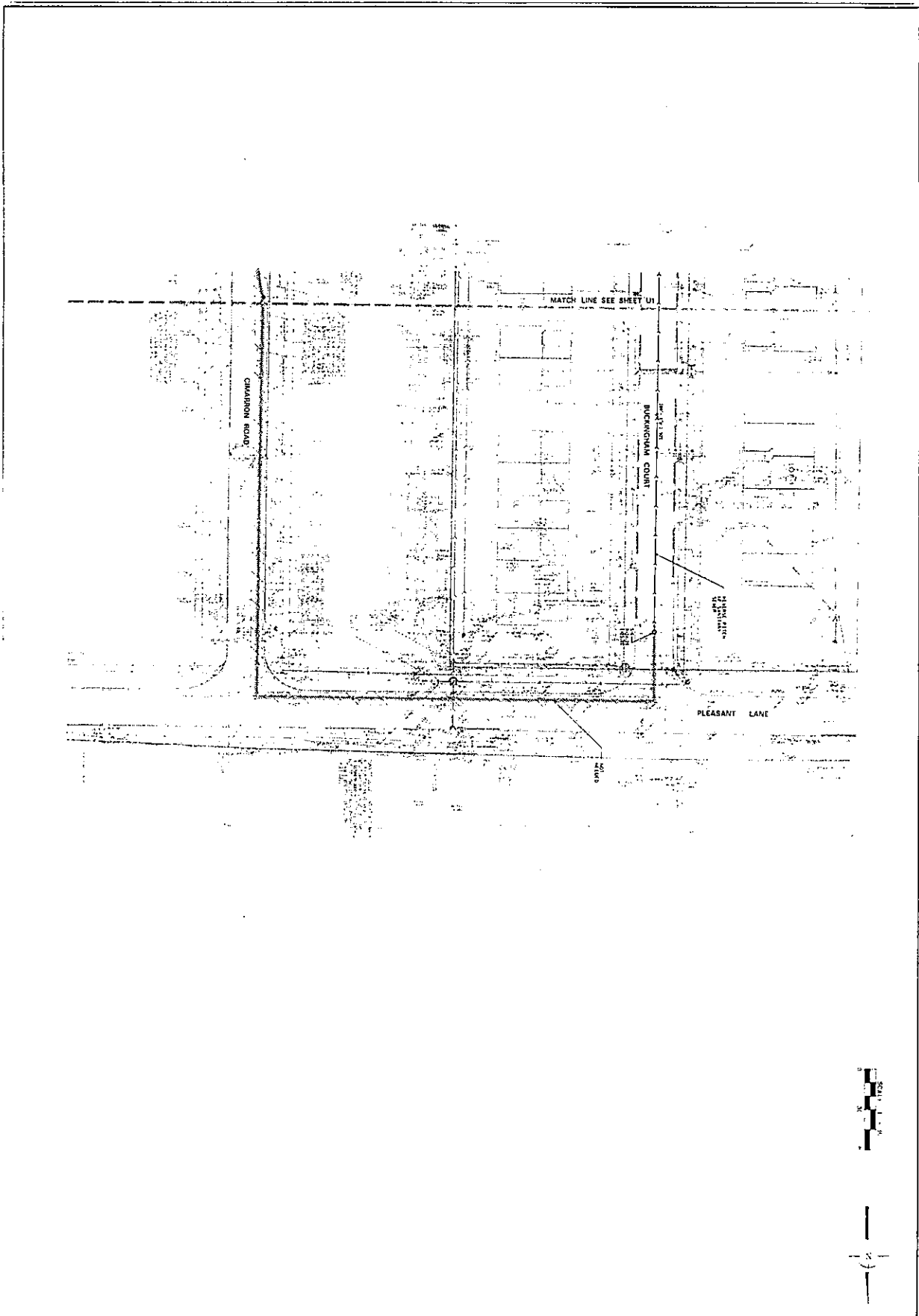
CARMON ROAD

NOTES:
 SEE SHEETS TO 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

	CONSULTING ENGINEERS STRUCTURAL ENGINEERS LAND SURVEYORS	PRELIMINARY GRADING PLAN		1 03/01/05 REP VILLAGE NO DATE REMARKS		NO DATE REMARKS	
	141 E. MONROE LOMBARD, ILL. 60148 DATE: 10/05 SHEET NO: 018 OF 018	LYONHART MANOR LOMBARD, ILLINOIS	SHEET G1				



 <p>CONSULTING ENGINEERS SITE DEVELOPMENT ENGINEERS LAND SURVEYORS</p> <p>1517 W. Lincoln Road, Suite 200 Lombard, Illinois 60148 Phone: (708) 633-4343 Fax: (708) 633-4346</p>	PRELIMINARY UTILITY PLAN - 1 LYONHART MANOR LOMBARD, ILLINOIS		1" = 20' PER W/LLAGT NO. DATE REMARKS	NO. DATE REMARKS
	PROJECT NO. SHEET NO. DATE	U1	15	MATCH LINE SEE SHEET U2



 <p>S&S ENGINEERING</p>	<p>CONSULTING ENGINEERS SITE DEVELOPMENT ENGINEERS LAND SURVEYORS</p>	<p>1100 W. Higgins Road, Suite 200 Lombard, IL 60148 TEL: 630-261-1100 FAX: 630-261-1101</p>	<p>PRELIMINARY UTILITY PLAN - 2</p> <p>LYONHART MANOR LOMBARD, ILLINOIS</p>	<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>REMARKS</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	REMARKS										<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>REMARKS</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	REMARKS									
	NO.	DATE	REMARKS																										
NO.	DATE	REMARKS																											
<p>DATE: 08/12/08 DRAWN BY: JRM CHECKED BY: JRM</p>	<p>SCALE: 1" = 100'</p>	<p>PROJECT: LYONHART MANOR</p>	<p>1.003/08 PER VILLAGE</p>	<p>1.003/08 PER VILLAGE</p>																									

U2

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NUMBER 5586, ADOPTED
NOVEMBER 18, 2004 GRANTING A CONDITIONAL USE FOR A PLANNED
DEVELOPMENT IN THE R4 LIMITED GENERAL RESIDENCE DISTRICT**

(PC 06-10: 615 & 617 West Pleasant Lane; Buckingham Orchard Subdivision)

See also Ordinances _____

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 Lombard Village Code; and,

WHEREAS, the subject property is zoned R4 Limited General Residence District – Planned Development; and,

WHEREAS, an application has been filed requesting an amendment to the final development plans associated with the approved Buckingham Orchard planned development, adopted on November 18, 2004, as Ordinance Number 5586; and,

WHEREAS, a public hearing on such application for a Planned Development amendment has been conducted by the Village of Lombard Plan Commission on March 20, 2006, 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 Planned Development amendment described herein; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard have reviewed the request and find it would be in the best interest of the Village to grant said approval subject to the terms and conditions established by this Ordinance, and in accordance with the findings and recommendations of the Plan Commission which are incorporated herein by reference.

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 an amendment to the conditional use for the Buckingham Orchard Planned Development, subject to the provisions noted in Section 2 below; and

SECTION 2: That Section 3 of the planned development Ordinance (Ordinance 5586) is hereby amended to read as follows:

1. The petitioner shall develop the site in accordance with the Geometric Plan, updated September 3, 2004, prepared by Spaceco Inc. as well as the submitted plans prepared by Spaceco Inc., dated March 8, 2006 and the landscape plan prepared by Gary R. Weber, dated March 9, 2006 and made part of this request.

2. That the petitioner shall satisfactorily address all of the comments within the IDR/C report.

3. The petitioner shall submit a final engineering and final landscape plan for review and approval for the proposed site improvements for the project. Said plan shall meet all provisions of Village Code, except as varied by this petition. The landscape plan shall meet the landscape planting requirements as required by the Zoning and Subdivision and Development Ordinances.

4. That the petitioner shall submit revised architectural drawings depicting the final proposed design palette of the structures, the design of which shall be subject to the approval of the Director of Community Development.

5. The petitioner shall also provide the Village with a final plat of subdivision. The final plat shall also depict any utility and/or drainage easements necessary to construct the subdivision per Village policies and code.

SECTION 3: That all other provisions of Ordinance 5586 not amended by this Ordinance shall remain in full force and effect.

SECTION 4: This ordinance is limited and restricted to the property generally located at

Blocks 1 through 4 and Lots 5 through 8 of the Final Planned Development Plat/Plat of Subdivision for Buckingham Orchard, being a resubdivision of part of Lots 18 and 19 in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded December 7, 2005 as document R2005-271050, in DuPage County, Illinois.

Parcel Numbers: 05-01-205-013 through 015
05-01-207-001 through 003
05-01-401-054
05-01-408-007

SECTION 5: That 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 _____, 2006.
First reading waived by action of the Board of Trustees this _____ day of _____, 2005.
Passed on second reading this _____ day of _____, 2006.

Ayes: _____
Nays: _____
Absent: _____
Approved this _____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet from this _____ day of _____, 2006

Brigitte O'Brien, Village Clerk

ORDINANCE

**AN ORDINANCE AMENDING ORDINANCE NUMBER 4403,
ADOPTED JANUARY 22, 1998, AMENDING THE COMPREHENSIVE PLAN
FOR THE VILLAGE OF LOMBARD, ILLINOIS**

(PC 06-10; 614, 618, 620, 622, 624 & 626 West Meadow Avenue)
(Lyonhart Manor Subdivision)

(See also Ordinance No.(s) _____)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted Ordinance 4403, the Lombard Comprehensive Plan; and,

WHEREAS, an application has heretofore been filed requesting a map amendment for the purpose of changing the Comprehensive Plan's Long Range Land Use Plan designation for the property described in Section 2 hereto from Estate Residential to Low-Medium Density Residential; and,

WHEREAS, a public hearing thereon has been conducted by the Village of Lombard Plan Commission on March 20, 2006, 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 Comprehensive Plan amendments 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 Ordinance 4403, otherwise known as the Comprehensive Plan of the Village of Lombard, Illinois, be and is hereby amended so as to redesignate the property described in Section 2 hereof from Estate Residential to Low-Medium Density Residential.

SECTION 2: The Comprehensive Plan redesignation is limited and restricted to the property generally located at 614, 618, 620, 622, 624 & 626 West Meadow Avenue Lombard, Illinois, and legally described as follows:

The east half of Lot 30, the west half of Lot 30 (except for the south 130 feet and the westerly 25 feet thereof), the east half of Lot 31 (except for the southerly 130 feet thereof), the west half of Lot 31 (except the southerly 130 feet thereof), the east half of Lot 32 (except for the southerly 143 feet thereof), the west half of Lot 32 (except the south 145.81 feet thereof), in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 23, 1943 as document 452574, in DuPage County, Illinois.

Parcel Numbers: 05-01-401-019 through 027 (part of)

SECTION 3: That the official Long Range Land Use Plan map (Figure 1 in the Comprehensive Plan) 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 _____, 2006.
First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Published in pamphlet form this _____ day of _____, 2006

Brigitte O'Brien
Village Clerk

ORDINANCE

**AN ORDINANCE AUTHORIZING THE
EXECUTION OF AN ANNEXATION AGREEMENT**

(PC 06-10; 614, 618, 620, 622, 624 & 626 West Meadow Avenue)
(Lyonhart Manor Subdivision)

(See also Ordinance No.(s) _____)

WHEREAS, it is in the best interest of the Village of Lombard, DuPage County, Illinois that a certain Annexation Agreement (hereinafter the "Agreement") pertaining to the property located at 614, 618, 620, 622, 624 & 626 West Meadow Avenue, Lombard, Illinois to be entered into; and,

WHEREAS, the Agreement has been drafted and a copy is attached hereto and incorporated herein as Exhibit "A"; and,

WHEREAS, the developer and the legal owners of the lots of record, which are the subject of said Agreement, are ready, willing and able to enter into said Agreement and to perform the obligations as required thereunder; and,

WHEREAS, the statutory procedures provided in Chapter 65 ILCS 5/11-15.1-1 through 5/11-15.1-5, as amended, for the execution of said Agreement have been complied with; a hearing on said Agreement having been held, pursuant to proper notice, by the President and Board of Trustees on April 6, 2006.

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 the Village President and Village Clerk be and hereby are authorized to sign and attest to the Agreement attached hereto and marked Exhibit "A", by and between the Village of Lombard; and,

SECTION 2: This ordinance is limited and restricted to the property generally located at 614, 618, 620, 624 & 626 West Meadow Avenue, Lombard, Illinois as well as the

previously annexed property at 622 West Meadow Avenue containing 5.65 acres more or less and legally described as follows:

The east half of Lot 30, the west half of Lot 30, the east half of Lot 31, the west half of Lot 31 (except the south 293 feet thereof), the east half of Lot 32, the west half of Lot 32 (except the south 293 feet thereof), and the south 293 feet of the west half of Lot 32, in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 23, 1943 as document 452574, in DuPage County, Illinois.

Parcel Numbers: 05-01-401-019, 020, 021, 022, 023, 025, 026, 027

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

Passed on first reading this _____ day of _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.
Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2006.

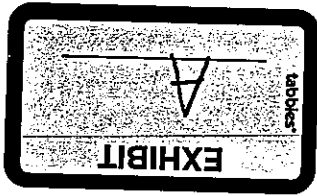
William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet form this _____ day of _____, 2006

Brigitte O'Brien
Village Clerk



Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148

AFTER RECORDING RETURN TO:

Common Addresses: 614, 618, 620, 622, 624 and 626 West Meadow Avenue,
Lombard, Illinois

Parcel No.: 05-01-401-019, 020, 021, 022, 023, 024, 025, 026, 027

ANNEXATION AGREEMENT DATED MAY _____, 2006
FOR
LYONHART MANOR SUBDIVISION, LOMBARD, IL

Space above reserved for Recorder's use

**LYONHART MANOR
ANNEXATION AGREEMENT**

THIS ANNEXATION AGREEMENT (hereinafter referred to as the "Agreement") is made and entered into this _____ day of May, 2006, by and between the VILLAGE OF LOMBARD, a municipal corporation (hereinafter referred to as "Village"); Steven Lieberg, Mary Lieberg, Edward Mede, Lysette Mede, Gina Ceaser, James House, Patricia House, Timothy Tesch, Peggy Tesch, and Eduardo Salazar, Jr. (hereinafter collectively referred to as "Owner"); and Lyonhart Homes LLC, an Illinois limited liability company (hereinafter referred to as "Developer").

WITNESSETH:

WHEREAS, the Owner is the record owner of the property legally described in EXHIBIT A, attached hereto and made a part hereof (hereinafter referred to as the "Subject Property"); and

WHEREAS, Developer proposes to develop the Subject Property; and

WHEREAS, Developer also proposes to include a tract of land, legally described in EXHIBIT B, attached hereto and made a part hereof (hereinafter referred to as the "House Property") previously annexed into the corporate limits of the Village as part of the development of the Subject Property; and

(the House Property along with the Subject Property being hereinafter referred to as the "Subdivision Property"); and

WHEREAS, the Subject Property is adjacent to and contiguous to the existing corporate boundaries of the Village; and

WHEREAS, the Village desires to annex and the Owner and Developer desire to have the Subject Property annexed to the Village and each of the parties desires to obtain assurances from the other as to certain provisions of the zoning and other ordinances of the Village for the Subdivision Property when the Subject Property has been annexed and to other matters covered by this Agreement for a period of twenty (20) years from and after the execution of this Agreement; and

WHEREAS, the Subject Property is an approximate 5.146 acre parcel of land and there are _____ electors residing thereon; and

WHEREAS, the Subdivision Property is an approximate 5.65-acre parcel of land; and

WHEREAS, all owners of record and at least 51 percent of the electors of the Subject Property have signed a Petition for Annexation of the Subject Property to the Village, which Petition is hereinafter referred to as the "Annexation Petition"; and

WHEREAS, an application has heretofore been filed with the Village Clerk for Zoning of the Subdivision Property as set forth herein; and

WHEREAS, said application was forwarded to the Plan Commission of the Village; and

WHEREAS, a public hearing was held on March 20, 2006, for the purpose of considering upon the annexation of the Subdivision Property, a rezoning from the R-1 Single Family Residence District to the R-2 Single Family Residence District under the Lombard Zoning Ordinance (Chapter 155 of the Lombard Village Code, hereinafter the "Zoning Ordinance") for the portion of the Subject Property legally described in **EXHIBIT C** attached hereto and made part hereof (hereinafter, the "Single Family Properties"); as well as a rezoning from the R-1 Single Family Residence District to the R-4 Limited General Residence District for the portion of the Subdivision Property legally described in **EXHIBIT D** attached hereto and made part hereof (hereinafter, the "Townhouse Properties"), with a conditional use for multiple structures on a lot and for a planned development, with variations to the Lombard Subdivision and Development Ordinance (Chapter 154 of the Lombard Village Code, hereinafter referred to as the "Subdivision Ordinance") for the Subdivision Property, and the Plan Commission has submitted to the Corporate Authorities of the Village (hereinafter referred to as the "Corporate Authorities") its findings of fact and recommendations with respect to said application; and

WHEREAS, a public hearing on this Annexation Agreement ("Agreement") was held by the Corporate Authorities on April 6, 2006; and

WHEREAS, the parties wish to enter into a binding agreement with respect to the said annexation, zoning and development and for other related matters pursuant to the provisions of Division 15.1 of Article 11 of Act 5 of Chapter 65 of the Illinois Compiled Statutes, and upon the terms and conditions contained in this Agreement; and

WHEREAS, all public hearings and other actions required to be held or taken prior to the adoption and execution of this Agreement, in order to make the same effective, have been held or taken, including all hearings and actions required in connection with amendments to and classifications under the Zoning Ordinance and the Subdivision Ordinance, such public hearings and other actions having been held pursuant to public notice as required by law and in accordance with all requirements of law prior to adoption and execution of this Agreement; and

WHEREAS, the Corporate Authorities of the Village and the Owner and Developer deem it to the mutual advantage of the parties and in the public interest that the Subject Property be annexed to and developed as a part of the Village as hereinafter provided; and

WHEREAS, the development of the Subdivision Property as provided herein will promote the sound planning and development of the Village as a balanced community and will be beneficial to the Village; and

WHEREAS, the Corporate Authorities of the Village have examined the proposed uses by the Developer and have determined that said uses and the development of the Subdivision Property

in accordance with this Agreement comply with the Comprehensive Plan of the Village;

NOW THEREFORE, in consideration of the foregoing and the mutual promises herein set forth, the sufficiency of which is acknowledged by all parties, the parties hereto agree as follows:

1. INCORPORATION OF RECITALS. The Village, Owner and Developer agree that the foregoing recitals are incorporated in this Agreement as if fully recited herein.

2. DEVELOPMENT OF SUBDIVISION PROPERTY. Village, Owner and Developer agree that the Subdivision Property shall be developed in accordance with the terms of this Agreement and the exhibits attached hereto and made a part hereof. To the extent that any documents shall be in substantial compliance with the preliminary documents attached hereto. Village, Owner and Developer agree that the existing six single family homes may remain on the Subdivision Property until Developer is prepared to develop the Subdivision Property.

3. ANNEXATION. Subject to the provisions of 65 ILCS 5/7-1-1 et sequitur, as soon as reasonably practical, the parties agree to do all things necessary or appropriate to cause the Subject Property to be duly and validly annexed to the Village. The parties shall cause such annexation to be effected pursuant to the provisions of 65 ILCS 5/7-1-8. Notwithstanding the foregoing, in the event that fee title to the Subject Property is not acquired by Developer on or before the date which is one hundred eighty (180) days after the date of execution hereof, and notification is not provided to the Village stating that the Developer has acquired fee title to the Subject Property within two hundred (200) days after the date of execution hereof, this Agreement and the Development Agreement shall become null and void and shall be of no further force and effect and the parties shall have no further liability to each other except that the Village shall, at the request of the Owner, disconnect the Subject Property from the Village. A written document, evidencing the foregoing shall be recorded in the event the Developer is unable to so acquire title to the Subject Property.

4. ZONING. Upon annexation of the Subject Property to the Village as set forth herein, the Corporate Authorities shall, without further public hearings, immediately rezone and classify the Townhome Properties from the R-1 Single Family Residence District to the R-4 Limited General Residence District. In addition, the Corporate Authorities agree to approve conditional use for multiple structures on a lot of record and for a planned development with a deviation from Section 155.408(F)(3)(d) of the Zoning Ordinance to reduce the rear yard setback for the townhouse units about the proposed stormwater detention outlet and the south property line from thirty feet (30') to fifteen feet (15'). The Village shall also rezone and classify the Single Family Properties from the R-1 Single Family Residence District to the R-2 Single Family Residence District as well as grant variances from Section 154.503(D)(1) of the Subdivision Ordinance, reducing the minimum required right-of-way width of a residential cul-de-sac turnaround diameter from one-hundred twenty four feet (124') to ninety-six feet (96') at the western terminus of Meadow Avenue, and from Section 155.408(F)(1)(d) of the Zoning Ordinance to reduce the rear yard setback for the proposed Lots 1 and 2 from thirty-five feet (35') to twenty feet (25') (notwithstanding that EXHIBIT E depicts a thirty-five foot (35') rear yard setback).

5. SITE PLAN APPROVAL. The Developer shall develop the Subdivision Property in full compliance with the Site Plan entitled "Lyonhart Manor", prepared by Spaceco, Inc., as last revised on, March 8, 2006 (the "Site Plan") and the plans and specifications, prepared by Spaceco, Inc., dated March 8, 2006 (the "Plans and Specifications"), said Site Plan and Plans and Specifications being attached hereto as EXHIBIT E and made part hereof, both subject to changes based upon final engineering. In addition, the Subdivision Property shall be landscaped in full compliance with the landscape plan attached hereto as EXHIBIT F and made part hereof and entitled "Landscape Plan" (hereinafter the "Landscape Plan"). Said landscape plan shall be amended to incorporate any additional planting modifications as required by the Village as part of final engineering review and approval and as conditioned within the Ordinance approving the requested planned development.

6. PLAT OF SUBDIVISION. The Village agrees to approve a preliminary and final plat of subdivision of the Subdivision Property substantially in conformance of the plat attached hereto as EXHIBIT G, and made part hereof.

7. WATER UTILITIES.

A. Village represents and warrants to Developer as follows:
 (1) That it owns and operates a water distribution system within the Village.
 (2) That the Village has sufficient capacity to provide and will provide potable water to the Subdivision Property, such service to be substantially the same as provided to other single-family and townhome residential areas in the Village being provided with water by the Village in terms of quantity, pressure, quality and cost.

B. Owner and Developer, at their own expense shall install water main extensions in accordance with the Subdivision Ordinance and substantially in compliance with the Plans and Specifications. The parties agree that Owner and Developer shall pay all Village water connection charges (at the lowest rate applicable to single-family or townhome residential properties, as the case may be, in the Village at the time of connection.)
 C. Owner and Developer shall grant or dedicate all easements reasonably required by the Village for the construction of the necessary water main extensions serving the Subdivision Property.

8. SANITARY SEWER FACILITIES.

A. Village represents and warrants to Developer as follows:
 (1) That it owns and operates a sanitary sewer system within the Village.

(2) That the Village system has sufficient capacity to provide and will provide sanitary sewer service to the Subdivision Property, such service to be substantially the same as provided to other single-family and townhome residential areas in the Village being provided with sanitary sewer by the Village.

B. Owner and Developer, at their own expense, shall install sanitary sewer extensions necessary to serve the Subdivision Property in accordance with the Plans and Specifications. The parties agree Owner and Developer shall pay all Village sanitary sewer connection charges (at the lowest rate applicable to single family and townhome residential properties, as the case may be, in the Village at the time of connection.)

C. Owner and Developer shall grant or dedicate all easements reasonably required by the Village for the construction of the necessary sanitary sewer extensions serving the Subdivision Property.

9. **STORM DRAINAGE FACILITIES.**

A. Storm drainage facilities, and retention and/or detention areas (hereinafter referred to as the "Storm Drainage Facilities") shall be provided and constructed and paid for by Owner and Developer substantially in accordance with the Plans and Specifications within the Subdivision Property.

In addition, the Storm Drainage Facilities shall be maintained by the Owner and Developer and/or any subsequent lot owners. Such Storm Drainage Facilities shall be maintained by the Owner and Developer during the course of development, and thereafter shall be maintained by either the Owner and Developer or by the subsequent owner(s), all in accordance with a Declaration of Covenants to be recorded on the Subdivision Property, which Declaration of Covenants shall provide the Village with the right, but not the duty, to go upon any portion of the Storm Drainage Facilities to maintain and/or repair or replace such Storm Drainage Facilities if they are not suitably maintained so that they remain fully operational, and if the Village takes, after thirty (30) day written notice to the Owner and Developer, in its reasonable discretion, any such action, such Declaration of Covenants shall provide that any such owner(s) or the Owner and/or Developer shall immediately upon demand reimburse the Village for all reasonable expenses incurred by the Village against the particular portion of the Subdivision Property, and if not promptly paid, the Declaration of Covenants shall provide the Village the right to record a lien for any such unpaid expenses against the Subdivision Property or any portion thereof, and to foreclose on any such lien. Prior written notice shall not be required in emergency situations, as determined in the sole discretion of the Village. In regard to the Storm Drainage Facilities, provisions specified by the Village's Director of Community Development shall be set forth on the final Plat of Subdivision

and in a Declaration of Covenants to be recorded relative to the Subdivision Property, with said Declaration of Covenants clearly indicating that the language cannot be amended or deleted from said Declaration of Covenants, without the prior written consent of the Village. Notwithstanding the foregoing, the Owner and Developer obligations shall cease upon conveyance of the Storm Drainage Facilities to the association created by the Declaration of Covenants.

10. UNDERGROUND UTILITIES. All electrical, telephone, cable television and natural gas distribution facilities installed by Owner/Developer, except electrical transformers and meters for natural gas and electricity, shall be installed underground or located within buildings.

11. DEVELOPMENT AGREEMENT. Once the Developer has acquired fee title to the Subdivision Property and assumes the rights and responsibilities of the Owner, the Owner/Developer agrees to enter into a Development Agreement governing development of the Subdivision Property, which shall be substantially in the form as set forth in EXHIBIT H, attached hereto and made part hereof.

12. EASEMENTS. Owner and/or Developer shall provide all easements for public utilities and drainage and cable television as depicted on EXHIBIT E and as required by final engineering plans.

13. RESERVED.

14. CONTRIBUTIONS. There shall be no requirement for Owner and/or Developer to make any contributions to elementary school, middle school, high school, park, library or other service districts.

15. CONSENT TO CREATION OF A SPECIAL ASSESSMENT OR SPECIAL SERVICE AREA. Owner and Developer agree that they will not object to the creation of a Special Assessment or Special Service Area incorporating the Subdivision Property with respect to the construction of any public improvements affecting the area of the Subdivision Property which may become necessary at a future date. The assessment formula for any such future Special Assessment(s) or Special Service Area(s) shall be determined as required by law, taking into account the relative benefit to the Subdivision Property as a result of the public improvements constructed.

16. FEES. In consideration of the impact of the development of the Subdivision Property on the Village, and in consideration of water mains, sanitary sewer mains and storm sewer mains previously installed by the Village to assist in the serving of the Subdivision Property with water and sewers, Owner and Developer agree to pay all applicable permit (including, but not limited to building permit) and utility connection fees as required by Village Ordinances at the time of application for the respective permits.

17. REASONABLENESS OF FEES AND CHARGES. The parties agree that the connection charges, fees, contributions, dedications and easements required by this Agreement are reasonable in amount, where applicable, and are reasonably related to and made necessary by the

development of the Subdivision Property.

18. DEDICATION OF PUBLIC IMPROVEMENTS. When Developer has completed all required public improvements, in accordance with the Village's Subdivision Ordinance and said public improvements have been inspected and approved by the Village Engineer, the Village shall accept said public improvements subject to the two (2) year maintenance guaranty provisions of the Subdivision Ordinance.

19. FINAL ENGINEERING APPROVAL. All public improvements required to be constructed hereunder or under the Subdivision Ordinance of the Village shall be paid for, constructed and installed by the Owner and Developer in accordance with final engineering plans approved by the Director of Community Development.

20. RESERVED.

21. RESERVED.

22. RESERVED

23. RESERVED.

24. RESERVED.

25. GENERAL PROVISIONS.

A. Notices. Notice or other writings which any party is required to, or may wish to, serve upon any other party in connection with this Agreement shall be in writing and shall be delivered personally or sent by registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

If to the Village or
Corporate Authorities:
President and Board of Trustees
Village of Lombard
255 East Wilson Avenue
Lombard, Illinois 60148

With Copies to:

Village Manager
Village of Lombard
255 East Wilson Avenue
Lombard, Illinois 60148

Director of Community Development
Village of Lombard
255 East Wilson Avenue
Lombard, Illinois 60148

Thomas P. Bayer
Klein, Thorpe and Jenkins, Ltd.
20 North Wacker Drive
Suite 1660
Chicago, Illinois 60606

If to the Owner/Developer:

Lyonhart Homes
1550 Spring Road
Suite 108
Oak Brook, IL. 60523

or to such other address as any part may from time to time designate in a written notice to the other parties.

B. Continuity of Obligations.

(1) The provisions of this Agreement, except as to various covenants running with the land and the obligation to provide such and the further exception set forth below in this subsection, obligating Owner and Developer, shall not be binding upon the successors in title to the Owner and/or Developer who have purchased individual dwellings or improved individual lots as the ultimate consumers thereof (namely the individuals who actually own and reside in the houses to be built on said lots). The provisions of this Agreement shall be binding, however, on any builders who purchase any of the lots for eventual resale to the ultimate consumers thereof. Notwithstanding the foregoing, the provisions relating to Storm Drainage Facilities in Section 9 also Section 15 in regard to SA/SSA shall be binding on the ultimate consumers and any builders and shall be considered and are hereby declared as covenants running with the land.

(2) In the event of any sale or conveyance by Owner and/or Developer of the Subdivision Property or any portion thereof, excluding any sale or conveyance by Owner or Developer of any individual dwellings or individual residential lots or Outlot A (Detention Pond) while Owner or Developer is acting in the regular course of its business or a developer selling or transferring such dwellings or improved lots to

the ultimate consumers thereof, Owner and/or Developer shall notify the Village in writing, within thirty (30) working days after the closing of such sale or conveyance, of any and all successors in title to all or any portion of the Subdivision Property. Such written notice shall include identification of the names(s) of such successor(s), the date of such sale or conveyance, and a copy of the title opinion identifying the grantee, the real estate sold or conveyed, and such other information as is usually and customarily included in a title opinion for the sale or conveyance or real estate. Failure to give timely notice shall not constitute a default hereunder, but shall be governed by the remaining provisions of this subsection 25B.

(3) Upon the condition that the requirements of this subsection 25B have been met, this Agreement shall inure to the benefit of and shall be binding upon Owner and/or Developer's successors in any manner in title, and shall be binding upon the Village and the successor Corporate Authorities of the Village and any successor municipality. In the event that the requirements of this subsection 25B have not been met, this Agreement shall be binding upon, but shall not inure to the benefit of Owner and Developer's successors in any manner in title until such time as Owner or Developer has given the Village the notice required by this subsection.

(4) Notwithstanding any provision of this Agreement to the contrary, including but not limited to the sale or conveyance of all or any part of the Subdivision Property by Owner and/or Developer in accordance with subsection 25B(3) above, the Owner and Developer shall at all times during the term of this Agreement remain liable to Village for the faithful performance of all obligations imposed upon Owner and/or Developer by this Agreement until such obligations have been fully performed or until Village, in the exercise of its reasonable discretion, has otherwise released Owner and/or Developer from any and all such obligations.

(5) Except as otherwise provided in this subsection 25B, all the terms and conditions of this Agreement shall constitute covenants running with the land.

C. **Court Contest.** In the event the annexation of the Subject Property, the classification of the Subject Property for zoning purposes or other terms of this Agreement are challenged in any court proceeding, the period of time during which such litigation is pending, including (without limitation) the appeal time therefor, shall not be included, if allowed by law, in calculating the twenty (20) year period mentioned in subsection 25T below.

D. **Remedies.** The Village and Owner and Developer, and their successors and

assigns, covenant and agree that in the event of default of any of the terms, provisions or conditions of this Agreement by any party, or their successors or assigns, which default exists uncorrected for a period of thirty (30) days after written notice to any party to such default, the party seeking to enforce said provision shall have the right of specific performance and if said party prevails in a court of law, it shall be entitled to specific performance. It is further expressly agreed by and between the parties hereto that the remedy of specific performance herein given shall not be exclusive of any other remedy afforded by law to the parties, or their successor or successors in title.

E. Dedication of Public Lands. In no event, including (without limitation) the exercise of the authority granted in Section 5/11-12-8 of Division 11 of Act 5 of Chapter 65 of the Illinois Compiled Statutes, shall the Corporate Authorities require that any part of the Subdivision Property be designated for public purposes, except as otherwise provided in this Agreement or except as may be consented to in writing by Owner and Developer.

F. Conveyances. Nothing contained in this Agreement shall be construed to restrict or limit the right of Owner and/or Developer to sell or convey all or any portion of the Subdivision Property, whether improved or unimproved, except as otherwise specifically set forth herein. Village, Owner and Developer agree that the Developer may assign its rights and obligations to Lyonhart Manor LLC.

G. Survival of Representation. Each of the parties agrees that the representations, warranties and recitals set forth in the preambles to this Agreement are material to this Agreement and the parties hereby confirm and admit their truth and validity and hereby incorporate such representations, warranties and recitals into this Agreement and the same shall continue during the period of this Agreement.

H. Captions and Paragraph Headings. The captions and paragraph headings used herein are for convenience only and are not part of this Agreement and shall not be used in construing it.

I. Reimbursement to Village for Legal and Other Fees and Expenses.

1. To the Effective Date of Agreement. The Owner and/or Developer concurrently with annexation and zoning of the Subject Property or so much thereof as required, shall reimburse the Village for the following expenses incurred in the preparation and review of this Agreement, and any ordinances, letters of credit, plats, easements or other documents relating to the Subdivision Property:

(a) the costs incurred by the Village for engineering services;

- (b) all reasonable attorneys' fees incurred by the Village in connection with this Agreement and the annexation and zoning of the Subject Property; and
- (c) miscellaneous Village expenses, such as legal publication costs, recording fees and copying expenses.

2. From and After Effective Date of Agreement. Except as provided in this subsection upon demand by Village made by and through its Director of Community Development, Owner and/or Developer from time to time shall promptly reimburse Village for all reasonable expenses and cost incurred by Village in the administration of this Agreement, including engineering fees, attorneys' fees and out-of-pocket expenses.

Such costs and expenses incurred by Village in the administration of the Agreement shall be evidenced to the Owner and/or Developer upon its request, by a sworn statement of the Village; and such mutually agreed upon costs and expenses may be further confirmed by the Owner and/or Developer at either's option from additional documents designated from time to time by the Owner and/or Developer relevant to determining such costs and expenses.

Notwithstanding the foregoing, Owner and Developer shall in no event be required to reimburse Village or pay for any expenses or costs of Village as aforesaid more than once, whether such are reimbursed or paid through special assessment proceedings, through fees established by Village ordinances or otherwise.

3. In the event that any third party or parties institute any legal proceedings against the Owner and/or Developer and/or the Village, which relate to the terms of this Agreement, then, in that event, the Owner and/or Developer, on notice from Village shall assume, fully and vigorously, the entire defense of such lawsuit and all expenses of whatever nature relating thereto; provided, however:

- (a) Owner and Developer shall not make any settlement or compromise of the lawsuit, or fail to pursue any available avenue of appeal of any adverse judgment, without the approval of the Village.
- (b) If the Village, in its reasonable discretion, determines there is, or may probably be, a conflict of interest between Village and Owner and/or Developer, on an issue of importance to the Village having a potentially substantial adverse effect on the Village, then the Village shall have the option of being

represented by its own legal counsel. In the event the Village exercises such option, then Owner and/or Developer shall reimburse the Village, from time to time on written demand from the Director of Community Development and notice of the amount due, for any expenses, including but not limited to court costs, reasonable attorneys' fees and witnesses' fees, and other expenses of litigation, incurred by the Village in connection therewith.

4. In the event the Village institutes legal proceedings against Owner and/or Developer for violation of this Agreement and secures a judgment in its favor, the court having jurisdiction thereof shall determine and include in its judgment against Owner and/or Developer all expenses of such legal proceedings incurred by Village, including but not limited to the court costs and reasonable attorneys' fees, witnesses' fees, etc., incurred by the Village in connection therewith (and any appeal thereof). Owner or Developer may, in its sole discretion, appeal any such judgment rendered in favor of the Village against Owner or Developer. The rights grant to the Village pursuant to this subsection shall be reciprocal to the Owner and Developer.

K. No Waiver or Relinquishment of Right to Enforce Agreement. Failure of any party to this Agreement to insist upon the strict and prompt performance of the terms, covenants, agreements and conditions herein contained, or any of them, upon any other property imposed, shall not constitute or be construed as a waiver or relinquishment of any party's right thereafter to enforce any such term, covenant, agreement or condition, but the same shall continue in full force and effect.

L. Village Approval or Direction. Where Village approval or direction is required by this Agreement, such approval or direction means the approval or direction of the Corporate Authorities of the Village unless otherwise expressly provided herein or required by law, and any such approval may be required to be given only after and if all requirements for granting such approval have been met unless such requirements are inconsistent with this Agreement.

M. Recording. A copy of this Agreement and any amendment thereto shall be recorded by the Village at the expense of the Owner and Developer.

N. Authorization to Execute. The officers of Owner and Developer executing this Agreement warrant that they have been lawfully authorized by Owner's and Developer's respective Boards of Directors to execute this Agreement on behalf of said Owner and Developer. The President and Clerk of the Village hereby warrant that they have been lawfully authorized by the Corporate

Authorities to execute this Agreement. The Owner and Developer and Village shall deliver to each other upon request copies of all bylaws, joint venture agreements, resolutions, ordinances or other documents required to legally evidence the authority to so execute this Agreement on behalf of the respective entities.

O. Amendment. This Agreement sets forth all promises, inducements, agreements, conditions and understandings between the Owner and Developer and the Village relative to the subject matter thereof, and there are no promises, agreements, conditions or understandings, either oral or written, express or implied, between them other than are herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless authorized in accordance with law and reduced in writing and signed by them. This Agreement may be amended by the Village and the owner of record of a portion of the Subdivision Property as to the provisions applying thereto, without the consent of the owners of other portions of the Subdivision Property.

P. Counterparts. This Agreement may be executed in two (2) or more counterparts, each of which taken together, shall constitute one and the same instrument.

Q. Conflict Between the Text and Exhibits. In the event of a conflict in the provisions of the text of this Agreement and the Exhibits attached hereto, the text of the Agreement shall control and govern.

R. Definition of Village. When the term Village is used herein it shall be construed as referring to the Corporate Authorities of the Village unless the context clearly indicates otherwise.

S. Execution of Agreement. This Agreement shall be signed last by the Village and the President of the Village shall affix the date on which he/she signs this Agreement on Page 1 herof, which date shall be the effective date of this Agreement.

T. Terms of Agreement. This Agreement shall be in full force and effect for a term of twenty (20) years from and after date of execution of this Agreement.

U. Venue. The parties hereto agree that for purposes of any lawsuit(s) between them concerning this Agreement, its enforcement, or the subject matter thereof, venue shall be in DuPage County, Illinois, and the laws of the State of Illinois shall govern the cause of action.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals to this Agreement on the day and year first above written.

VILLAGE OF LOMBARD

By: _____
Village President

ATTEST:

Village Clerk

DATED:

_____ DATED: _____

_____ Its _____

ATTEST: _____

_____ Its _____
_____ By: _____

OWNER

_____ DATED: _____

_____ Its _____

ATTEST: _____

_____ Its _____
_____ By: _____

DEVELOPER:

ACKNOWLEDGMENTS

STATE OF ILLINOIS)
) SS
) COUNTY OF DUPAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that William J. Mueller, personally known to me to be the President of the Village of Lombard, and Brigitte O'Brien, personally known to me to be the Village Clerk of said municipal corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Village Clerk, they signed and delivered the said instrument and caused the corporate seal of said municipal corporation to be affixed thereto, pursuant to authority given by the Board of Trustees of said municipal corporation, as their free and voluntary act, and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this _____ day of _____, _____.

Commission expires _____, 20_____.

Notary Public

STATE OF ILLINOIS)
) SS.)
) COUNTY OF _____)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, do hereby certify that _____, personally known to me to be respectively the Owner of the Subject Property at _____, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Owner, he signed and delivered the said instrument as Owner of the Subject Property.

Given under my hand and seal this _____ day of _____, 20_____.

Notary Public

STATE OF ILLINOIS)
) SS.)
) COUNTY OF DUPAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, **DO HEREBY CERTIFY** that _____, AN _____ CORPORATION, appeared before me this _____ day of _____, 2006 in person and severally acknowledged that they signed and delivered the said instrument, as the free and voluntary act of said company for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this _____ day of _____, 2006.

{SEAL}

Notary Public
Print Name: _____
My Commission Expires: _____

SCHEDULE OF EXHIBITS

EXHIBIT A:	Legal Description of Subject Property
EXHIBIT B:	Legal Description of House Property
EXHIBIT C:	Legal Description of Single Family Properties
EXHIBIT D:	Legal Description of Townhouse Properties
EXHIBIT E:	Site Plan and Plans & Specifications
EXHIBIT F:	Landscape Plan
EXHIBIT G:	Preliminary Plat of Subdivision
EXHIBIT H:	Preliminary Development Agreement

EXHIBIT A: Legal Description of Subject Property

The east half of Lot 30, the west half of Lot 31, the east half of Lot 30, the east half of Lot 31, the west half of Lot 31 (except the south 293 feet thereof), the east half of Lot 32, the west half of Lot 32 (except the south 293 feet thereof), and the south 293 feet of the west half of Lot 32, in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 23, 1943 as document 452574, in DuPage County, Illinois.

Parcel Numbers: 05-01-401-019, 020, 021, 022, 023, 025, 026, 027

EXHIBIT B: Legal Description of House Property

The south 293 feet of the west half of Lot 31, in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 23, 1943 as document 452574, in DuPage County, Illinois.

Parcel Number: 05-01-401-024

EXHIBIT C: Legal Description of Single Family Properties

The south 130 feet of the west 25 feet of the west half of Lot 30, the south 130 feet of the east half of Lot 31, the south 130 feet of the west half of Lot 31, the south 143 feet of the east half of Lot 32, and the south 145.81 feet west half of Lot 32, in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 23, 1943 as document 452574, in DuPage County, Illinois.

Parcel Numbers: 05-01-401-022, 023, 024, 025, 026 (part of)

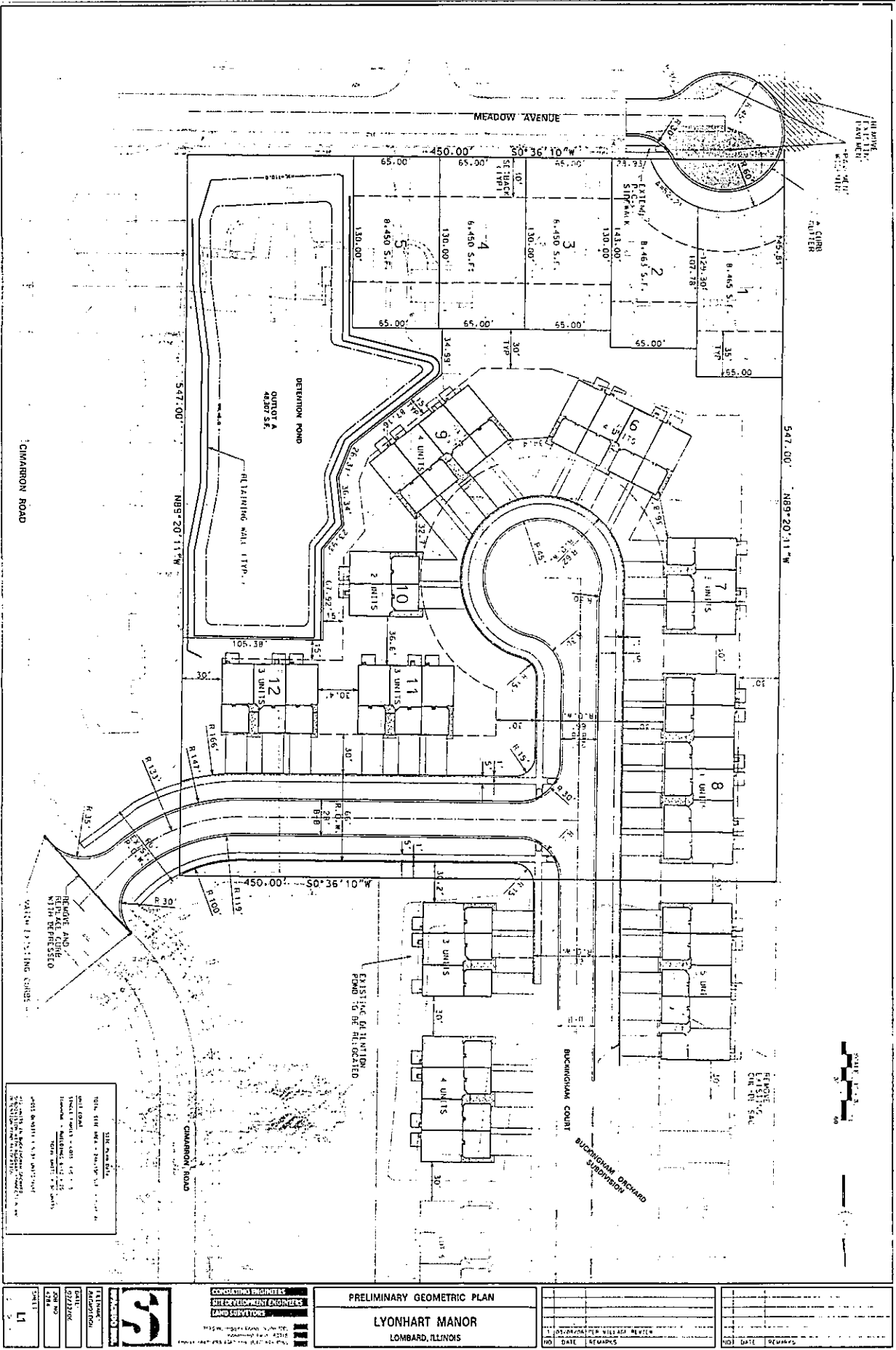
EXHIBIT D: Legal Description of Townhouse Properties

The east half of Lot 30, the west half of Lot 30 (except for the south 130 feet and the west 25 feet thereof), the east half of Lot 31 (except for the south 130 feet thereof), the west half of Lot 31 (except the south 130 feet thereof), the east half of Lot 32 (except for the south 143 feet thereof), the west half of Lot 32 (except the south 145.81 feet thereof), in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 23, 1943 as document 452574, in DuPage County, Illinois.

Parcel Numbers: 05-01-401-019 through 027 (part of)

Site Plan and Plans & Specifications

EXHIBIT E:



NOTE: SEE SHEET 15 FOR RETENTION POND AND SEWER MAIN. SEE SHEET 16 FOR SEWER MAIN AND SUMP.

NOTE: SEE SHEET 17 FOR SEWER MAIN AND SUMP.

NOTE: SEE SHEET 18 FOR SEWER MAIN AND SUMP.

DATE	DESCRIPTION
1/15/08	ISSUED FOR PERMITS
1/15/08	ISSUED FOR PERMITS
1/15/08	ISSUED FOR PERMITS
1/15/08	ISSUED FOR PERMITS

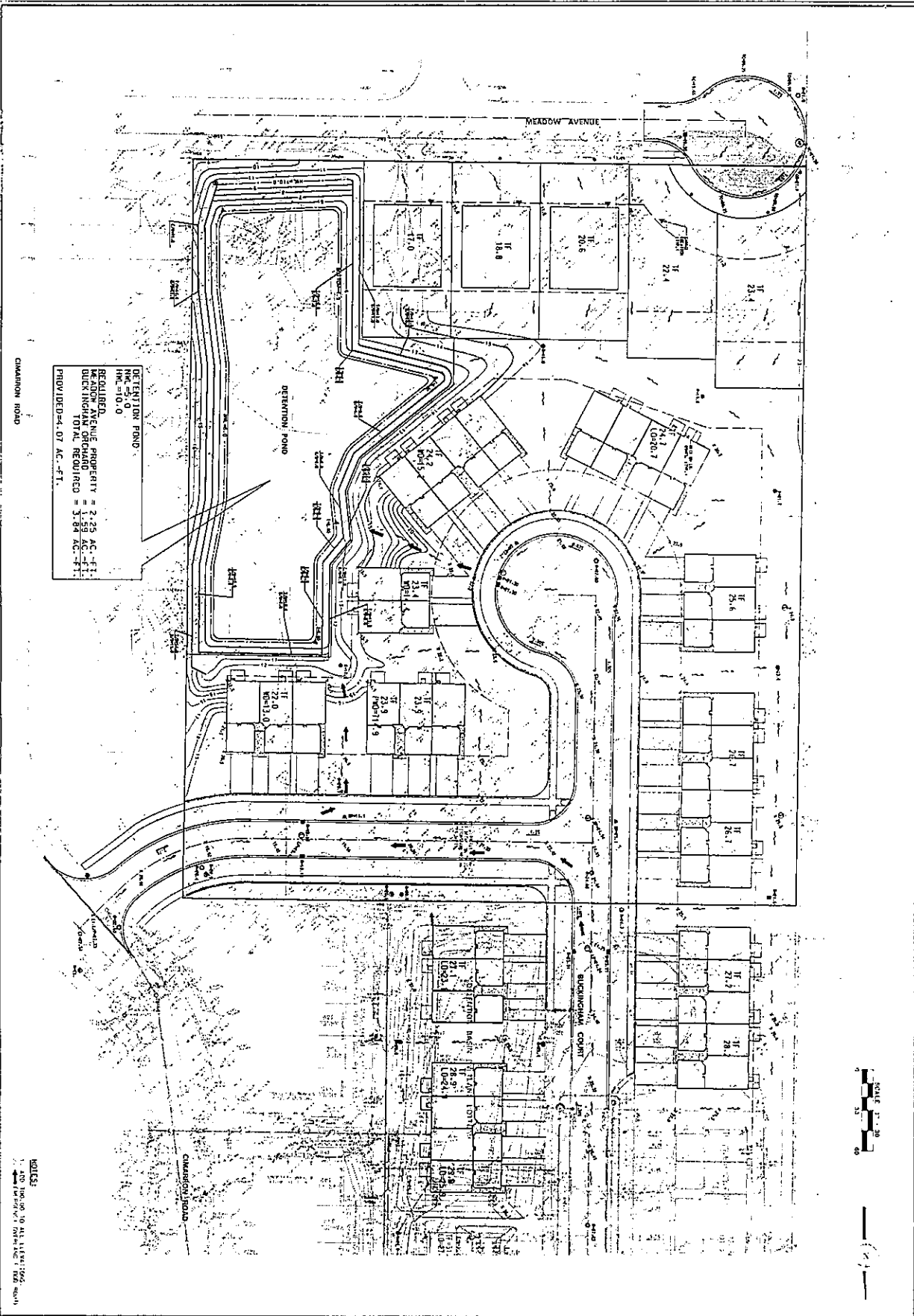


CONVENTIONAL ENGINEERS
 1100 N. LAUREL AVENUE
 SUITE 200
 LOMBARD, ILLINOIS 60148
 TEL: (708) 447-8800
 FAX: (708) 447-8801
 WWW: WWW.CONVENTIONAL-ENGINEERS.COM

PRELIMINARY GEOMETRIC PLAN
 LYONHART MANOR
 LOMBARD, ILLINOIS

NO.	DATE	REMARKS

NO.	DATE	REMARKS

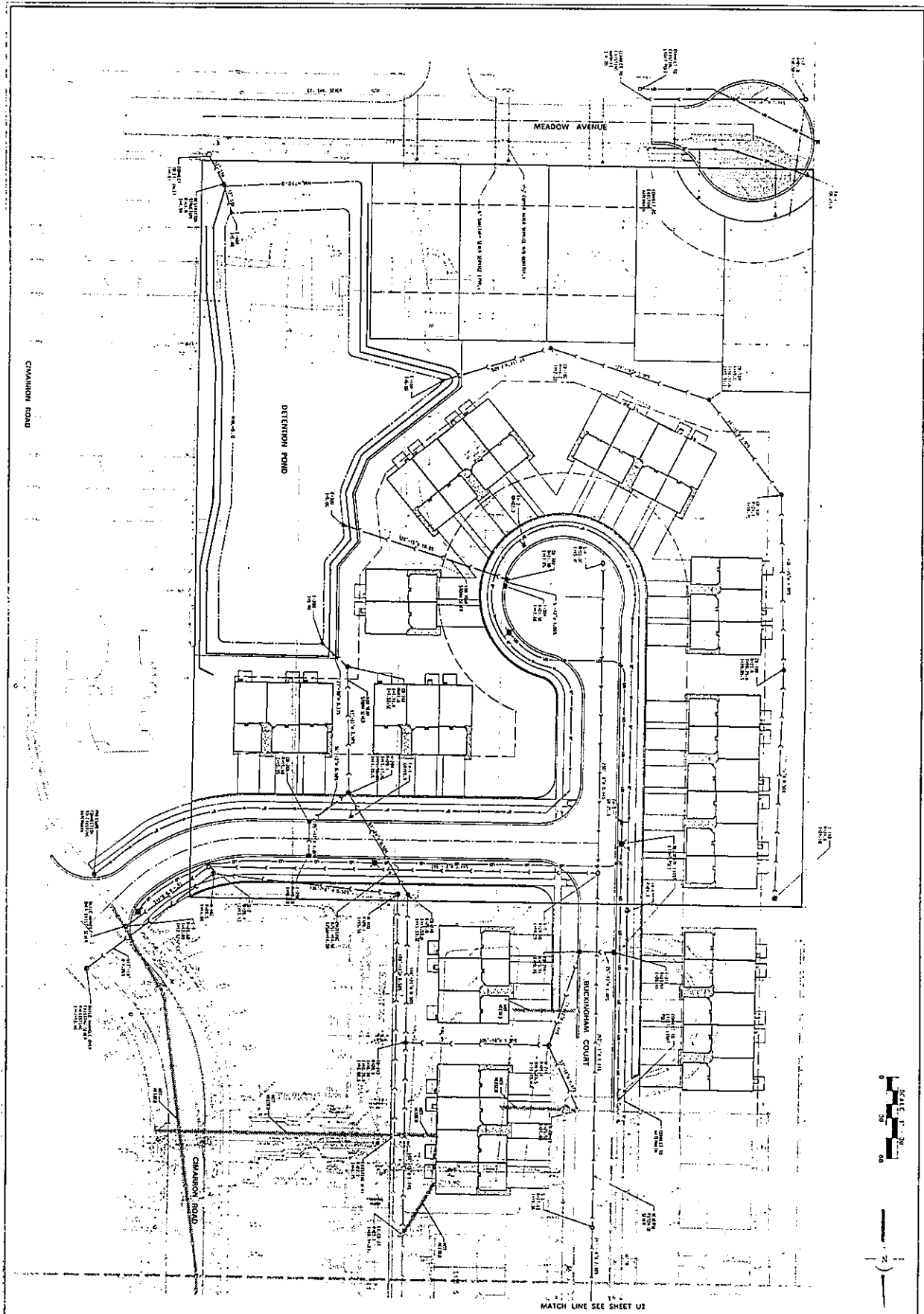


DETENTION POND:
 POND = 5.0
 FILL = 10.0
 REQUIRED.
 MEADOW AVENUE PROPERTY = 2.25 AC. ±
 MEADOW AVENUE CORNER = 1.29 AC. ±
 DUCKINGHORN 10% REQUIRED = 1.84 AC. ±
 PROVIDED = 4.07 AC. ±
 FT.

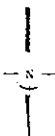
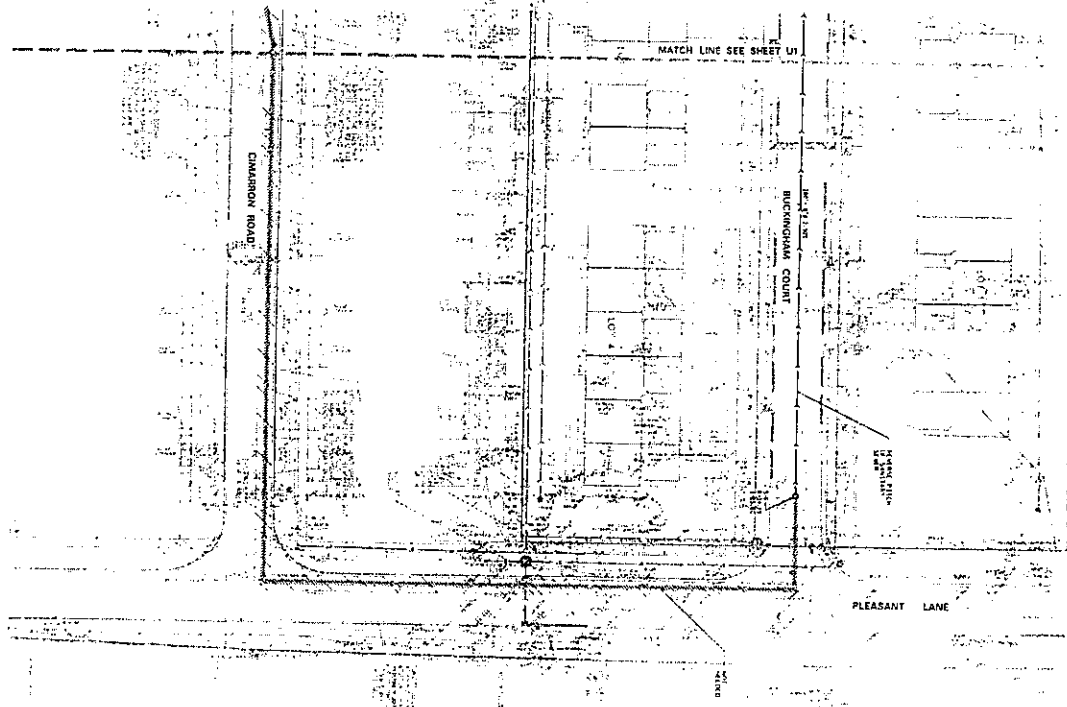
CIMARRON ROAD


NOTES:
 1. ALL DIMENSIONS TO ALL INTERSECTIONS AND CORNERS UNLESS OTHERWISE NOTED.

	CONSULTING ENGINEERS SITE DEVELOPMENT ENGINEERS LAND SURVEYORS	PRELIMINARY GRADING PLAN LYONHART MANOR LOMBARD, ILLINOIS		1 03/20/20 PER VILLAGE NO. DATE REMARKS
	7000 W. Higgins Road, Suite 220 Wheaton, Illinois 60187 Phone: 630.941.4541 Fax: 630.941.4542	1 03/20/20 PER VILLAGE NO. DATE REMARKS	1 03/20/20 PER VILLAGE NO. DATE REMARKS	1 03/20/20 PER VILLAGE NO. DATE REMARKS



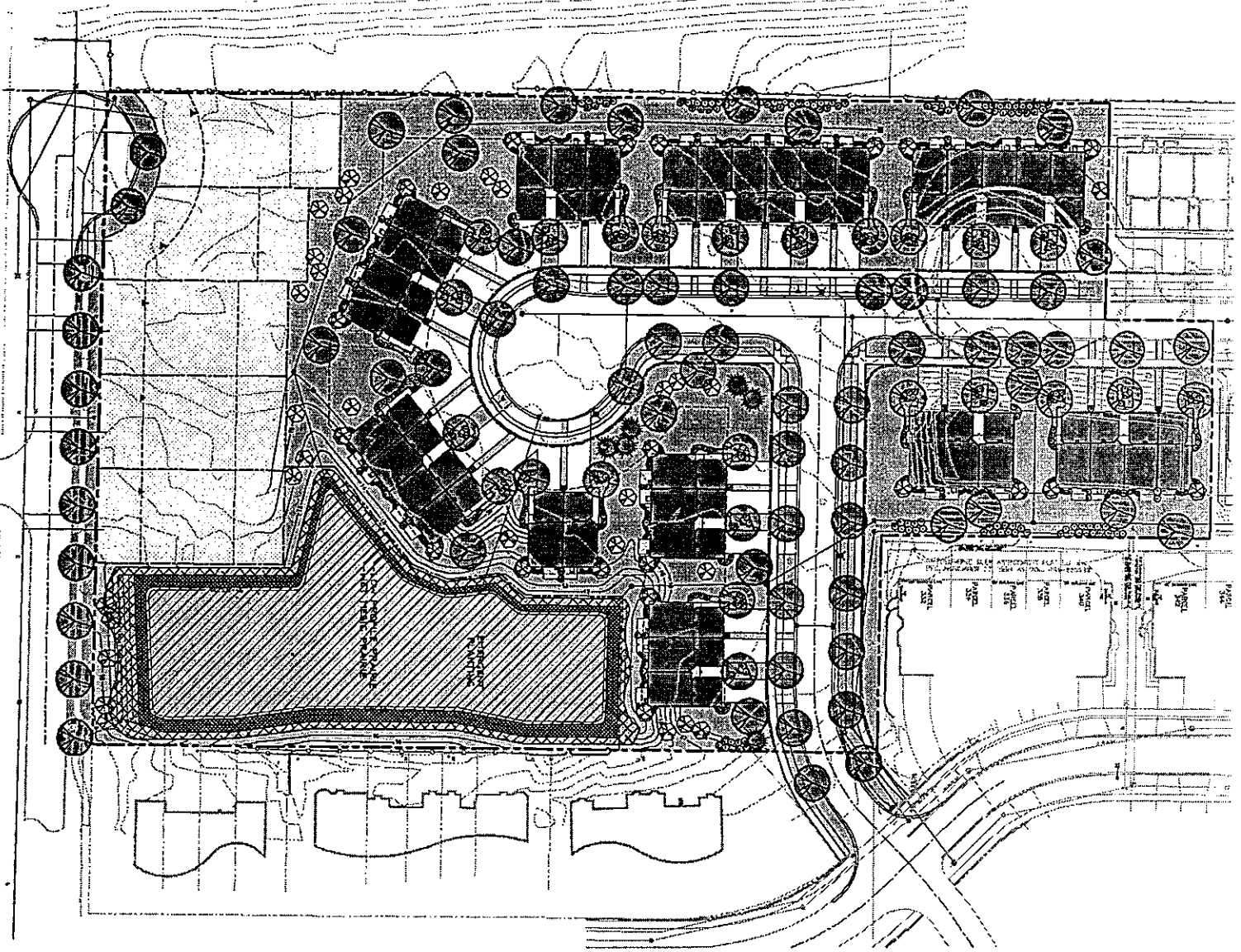
	CONSULTING ENGINEERS ELECTRICAL ENGINEERS LAND SURVEYORS	PRELIMINARY UTILITY PLAN - 1	
	311 West Higgins Road, Suite 200 Naperville, IL 60563 Phone: (630) 296-4345 Fax: (630) 296-4346	LYONHART MANOR LOMBARD, ILLINOIS	
PROJECT NO.: DATE: DRAWING NO.: SHEET NO.:	MATCH LINE SEE SHEET U2		



	CONSULTING ENGINEERS CIVIL, ELECTRICAL, MECHANICAL AND SANITARY ENGINEERS INCORPORATED	PRELIMINARY UTILITY PLAN - 2						
	1115 W. Higgins Road, Suite 200 Naperville, Illinois 60563 Phone: (312) 353-6000 Fax: (312) 353-6003	LYONHART MANOR LOMBARD, ILLINOIS						
PROJECT NO. 0272206 DATE 08/20/06 SHEET U2					1.03/08/06 PER VILLAGE NO. DATE REMARKS		NO. DATE REMARKS	

Landscape Plan

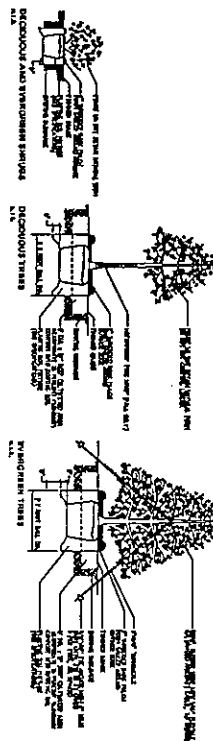
EXHIBIT F:



REPRESENTATIVE PLANT LIST

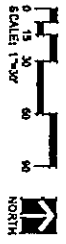
Key	Botanical/Common Name	Size	Planting
1	SHADE TREES		
2	AMERICAN PLUM	3' Upr. Cl.	
3	RED BUD	2' Upr. Cl.	
4	SMALL FLORIST'S HYDRANGEA	2' Upr. Cl.	
5	DOGWOOD	2' Upr. Cl.	
6	DOGWOOD	2' Upr. Cl.	
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82	DOGWOOD	2' Upr. Cl.	
83	DOGWOOD	2' Upr. Cl.	
84	DOGWOOD	2' Upr. Cl.	
85	DOGWOOD	2' Upr. Cl.	
86	DOGWOOD	2' Upr. Cl.	
87	DOGWOOD	2' Upr. Cl.	
88	DOGWOOD	2' Upr. Cl.	
89	DOGWOOD	2' Upr. Cl.	
90	DOGWOOD	2' Upr. Cl.	
91	DOGWOOD	2' Upr. Cl.	
92	DOGWOOD	2' Upr. Cl.	
93	DOGWOOD	2' Upr. Cl.	
94	DOGWOOD	2' Upr. Cl.	
95	DOGWOOD	2' Upr. Cl.	
96	DOGWOOD	2' Upr. Cl.	
97	DOGWOOD	2' Upr. Cl.	
98	DOGWOOD	2' Upr. Cl.	
99	DOGWOOD	2' Upr. Cl.	
100	DOGWOOD	2' Upr. Cl.	

PLANTING DETAILS



GENERAL NOTES

1. Contractor shall verify underground utility lines and be responsible for any damage.
2. The contractor shall install all existing utilities underground and approved utility companies, including water, sewer, gas, and electric lines, and shall coordinate with the appropriate utility companies.
3. Contractor shall verify all existing conditions in the field prior to construction and shall notify the architect of any discrepancies.
4. All existing conditions shall be maintained and protected.
5. The contractor shall be responsible for obtaining all necessary permits, including tree removal, excavation, and other required permits.
6. The contractor shall be responsible for obtaining all necessary permits, including tree removal, excavation, and other required permits.
7. The contractor shall be responsible for obtaining all necessary permits, including tree removal, excavation, and other required permits.
8. All plants shall be installed in accordance with the specifications and shall be installed in the field.
9. All plants shall be installed in accordance with the specifications and shall be installed in the field.
10. All plants shall be installed in accordance with the specifications and shall be installed in the field.
11. All plants shall be installed in accordance with the specifications and shall be installed in the field.
12. All plants shall be installed in accordance with the specifications and shall be installed in the field.
13. All plants shall be installed in accordance with the specifications and shall be installed in the field.
14. All plants shall be installed in accordance with the specifications and shall be installed in the field.
15. All plants shall be installed in accordance with the specifications and shall be installed in the field.
16. All plants shall be installed in accordance with the specifications and shall be installed in the field.
17. All plants shall be installed in accordance with the specifications and shall be installed in the field.
18. All plants shall be installed in accordance with the specifications and shall be installed in the field.
19. All plants shall be installed in accordance with the specifications and shall be installed in the field.
20. All plants shall be installed in accordance with the specifications and shall be installed in the field.



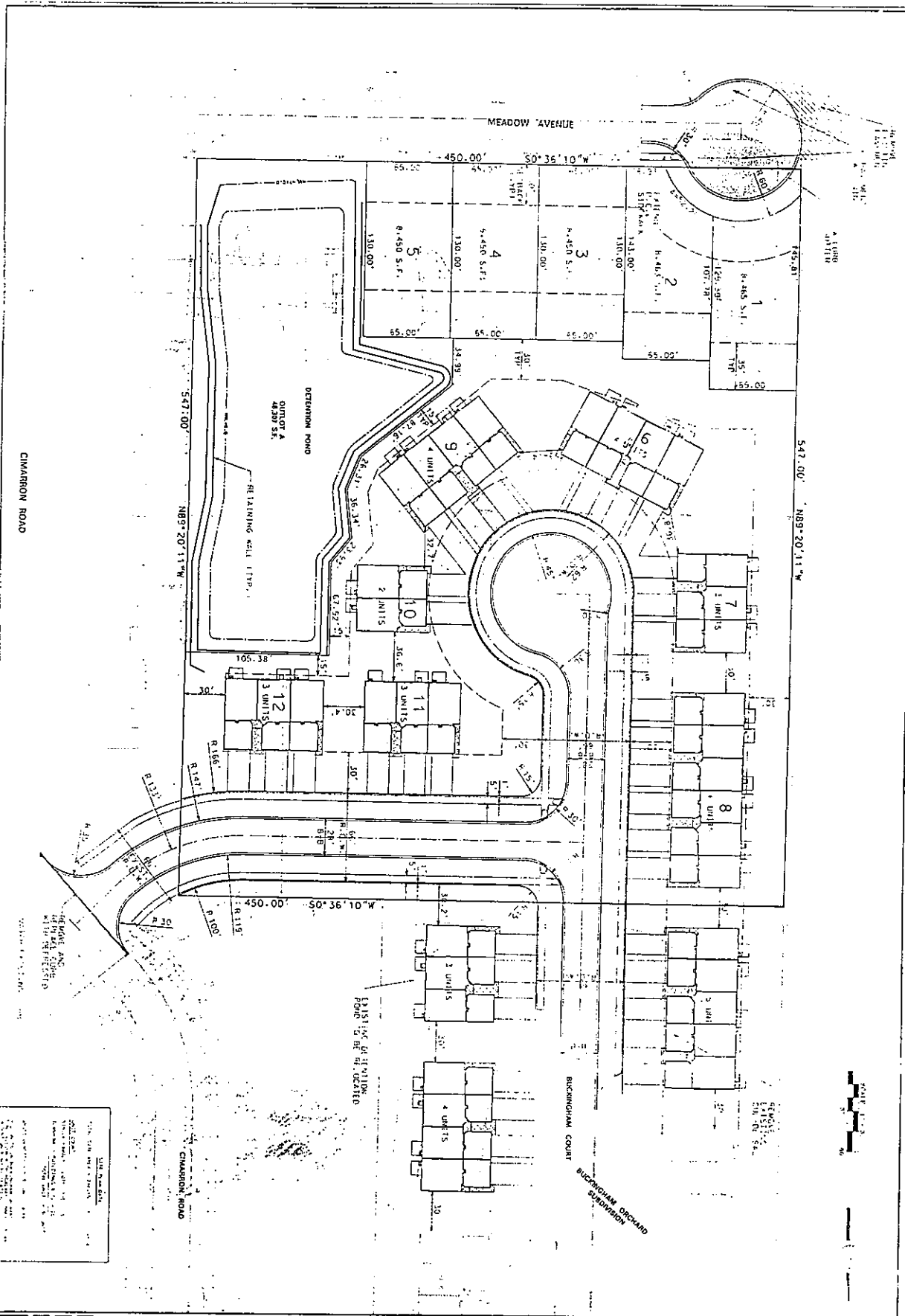
QUARRY BUILDERS ASSOCIATES, INC.
 1000 N. WASHINGTON ST.
 CHICAGO, ILLINOIS 60610
 PHONE: (312) 462-1000
 FAX: (312) 462-1001

MEADOW AVENUE SITE
 LOMBARD, ILLINOIS
 PRELIMINARY LANDSCAPE PLAN

MEADOW AVENUE SITE
 LOMBARD, ILLINOIS
 PRELIMINARY LANDSCAPE PLAN

Preliminary Plat of Subdivision

EXHIBIT G:



DATE: 11/15/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]
 PROJECT NO.: [Number]
 SHEET NO.: [Number]

11



CONSULTING ENGINEERS
 SITE DEVELOPMENT ENGINEERS
 LAND SURVEYORS

PRELIMINARY GEOMETRIC PLAN
LYONHART MANOR
 LOMBARD, ILLINOIS

NO.	DATE	REVISIONS

NO.	DATE	REVISIONS

WHEREAS, the Developer has entered into contracts or will enter into contracts for the work and public improvements required to be made within said subdivision of the Subdivision

WHEREAS, a site plan and preliminary engineering plans and specifications for the construction and installation of the required public improvements within the boundaries of the aforesaid subdivision of the Subdivision Property and off-site public improvements, as prepared by Spaceco, Inc., dated, March 8, 2006, have been approved by the President and Board of Trustees of the Village (hereinafter, the "Corporate Authorities"), and copies thereof have been filed in the office of the Village Clerk of the said Village, which copies by reference thereto are hereby incorporated as a part hereof. A final version of the site plan and engineering plans and specifications (hereinafter, the "Plans and Specifications") will be submitted by the Developer to the Village for approval, which approval shall be a condition precedent to the issuance of any construction or authorization to proceed with construction as discussed hereinafter; and,

WHEREAS, Developer has prepared final plats as referenced in this Development Agreement, which have been approved by the Plan Commission and the Board of Trustees of said Village and which, upon receipt by the Village of an irrevocable letter or letters of credit (hereinafter singularly referred to as "Irrevocable Letter of Credit" or collectively referred to as "Irrevocable Letter(s) of Credit") for an amount specified as security for subdivision public improvements, and for such other purpose or purposes herein mentioned, if any, and upon execution of this Development Agreement, shall be recorded; and,

WHEREAS, the Developer is the owner and developer of the real estate situated within the corporate limits of the Village, legally described in Exhibit 1 attached hereto and made a part hereof and platted as a subdivision known as Lyonhart Manor Subdivision, as shown by prints of the final plats thereof placed on file in the office of the Village Clerk of said Village (hereinafter, the "Subdivision Property"), and intends to develop the Subdivision Property in accordance with the terms and provisions of this Development Agreement; and

WITNESSETH:

THIS AGREEMENT (hereinafter, the "Development Agreement") is made and entered into this ____ day of May, 2006 by and between the **VILLAGE OF LOMBARD**, a municipal corporation (hereinafter referred to as "Village") and Lyonhart Homes, LLC, an Illinois limited liability company, (hereinafter referred to as "Developer").

**PRELIMINARY DEVELOPMENT AGREEMENT
LYONHART MANOR SUBDIVISION
AN AGREEMENT RELATING TO THE APPROVAL OF A MAJOR PLAT
OF SUBDIVISION (OR MAJOR DEVELOPMENT),
THE MAKING OF REQUIRED PUBLIC IMPROVEMENTS
FOR
LYONHART MANOR SUBDIVISION, LOMBARD, ILLINOIS**

EXHIBIT H

Property and off-site under the Village's Subdivision and Development Ordinance (Chapter 154 of the Village Code), this Development Agreement and the Annexation Agreement governing the annexation and zoning of the Subdivision Property, which Annexation Agreement is entered into between the parties hereto of even date herewith;

NOW, THEREFORE, for and in consideration of the foregoing and of the mutual covenants and agreements hereinafter set forth, the parties hereto agree as follows:

SECTION 1:

COMMENCEMENT OF CONSTRUCTION

Commencement of construction of the public improvements detailed herein may begin only after the Developer has delivered one or more Irrevocable Letter(s) of Credit in a form satisfactory to the Village and issued by a bank or financial institution approved by the Village in an amount equal to 115% of the Developer's engineer's estimate of cost of construction as approved by the Village's engineer for underground utilities (including water distribution system, sanitary sewer system, and storm sewers with appurtenances; storm water control systems (including retention or detention ponds, drainage ways and related facilities); right-of-way improvements, (streets, curbs, gutters, sidewalks, streetlights, and parkway landscaping); and all related grading improvements (hereinafter the 'Public Improvements').

SECTION 2:

CERTAIN OBLIGATIONS OF DEVELOPER

The Developer agrees to cause to be made in such subdivision of the Subdivision Property with due dispatch and diligence, such Public Improvements as are required under the aforesaid Subdivision and Development Ordinance, the Plans and Specifications, and the additional conditions approved by the Village's Plan Commission on March 20, 2006, and as approved by the Corporate Authorities on May 4, 2006, attached hereto and incorporated herein as Exhibit 2. The Developer will, when required to, bring about progress in the work with due dispatch, take aggressive steps to enforce each contract connected with the construction of said Public Improvements, to the end that said Improvements will be duly and satisfactorily completed within the time or times herein mentioned. The Developer agrees that all work in the construction of said Public Improvements shall be done in a good, substantial and workmanlike manner, that all manufactured materials used therein shall be new and of good quality, that same shall at all times be subject to inspection by the Village, shall all be satisfactory to the Village and shall be subject to its approval. The Developer will at its expense furnish all necessary engineering services for said Public Improvements.

SECTION 3:

COMPLETION OF PUBLIC IMPROVEMENTS

The Public Improvements subject to the Irrevocable Letter(s) of Credit and included within the Plans and Specifications shall be completed within twenty-four (24) months of recording of the final plat of subdivision of the Subdivision Property unless otherwise extended by amendment to this

Development Agreement by the Corporate Authorities. All Irrevocable Letter(s) of Credit, assurances, guarantees, acceptances, and related matters shall comply with the Village's Subdivision and Development Ordinance. The construction of Public Improvements by the Developer and issuance of approvals by the Village for the Lyonhart Manor Subdivision shall comply with the following schedule:

A. Sediment and Erosion Control.

Sediment and erosion control measures shall be implemented as per the Subdivision and Development Ordinance and the Plans and Specifications prior to the issuance of building permits or authorization to proceed with mass grading or other public improvements to the Subdivision Property. Said measures shall be maintained during the entire construction process and shall be inspected and repaired as necessary after each significant rainfall. Failure to do so may result in the issuance of a stop work order for any outstanding Public Improvements or building permits.

B. Tree Preservation Measures.

The Village will not impose a tree preservation requirement as a condition of this development. The Developer shall comply with the final landscaping plan as approved by the Village.

C. Authorization to Proceed with Public Improvements.

- 1) Upon approval of the final Plans and Specifications, receipt of all required fees, approval of the Irrevocable Letter(s) of Credit, recording of this Development Agreement and the final plat of subdivision of the Subdivision Property, and completion of items "A" and "B" above, authorization to construct all Public Improvements will be given by the Village in accordance with the Plans and Specifications. However, a bituminous concrete base course shall not be installed in areas set aside for roadway construction until the storm water management facilities are constructed and storage volumes are verified. Notwithstanding the foregoing, the Developer may proceed with tree clearing and grading once annexation has occurred, final engineering is approved by the Village and a permit has been issued.
- 2) Village represents it will not impose or collect any impact fees for said subdivision of the Subdivision Property.

D. Construction of Storm Water Control System.

The storm water management system for the Subdivision Property is to be operational prior to the issuance of any building permits for private improvements for properties or installation of a bituminous concrete base course in areas set aside for roadway construction. An operational storm water management system means that the volume of the storm water detention/retention pond(s) designated for collection of stormwater runoff generated by the aforesaid subdivision of the Subdivision Property is adequate for the flow being directed to it and the restrictor outlet is in place and that the system has been reviewed and approved by

the Village's Director of Community Development. Final grading and landscaping of the detention/retention pond(s) shall be completed in conjunction with final landscaping for each phase.

E. Issuance of Building Permits.

1) Foundation-Only Permits.

Foundation-only permits may be issued upon completion of adequate access to the corresponding building sites and the completion of underground utility work across the street frontage of the subject building site. Adequate access shall mean a maintained gravel access road.

2) Building Permits.

Building permits may be issued upon provision of adequate emergency access to the building site, an operational fire hydrant within three hundred (300) feet of the subject building site, and the completion of underground utility work across the street frontage of the subject building site. Adequate emergency access shall mean a maintained roadway with a base course and first layer of asphalt that will support the Village's fire trucks as approved by the Village's fire chief.

3) Model Home.

Developer may commence construction of a model home within the Subdivision Property. Such construction may proceed simultaneously with Public Improvements construction, provided that the model home may not be opened for viewing by the public until the following conditions have been satisfied:

- a) the storm water management system for the Subdivision Property shall be operational; and
- b) all standards applicable to the issuance of a certificate of occupancy by the Village shall have been met.

Developer also agrees to make necessary repairs and modifications as warranted to restore any residences being used as model homes for use as a single family residence.

Subject to receipt of a building permit and review and approval by the Village the Developer may use a sales trailer on the Subdivision Property.

F. Certificates of Occupancy.

Issuance of a certificate of occupancy (hereinafter, a "Certificate of Occupancy") for a dwelling unit shall be issued upon satisfactory completion of the following:

- 1) Inspection and approval by the Village's Bureau of Inspectional Services;
- 2) Completion of the water distribution system including testing and chlorination. No occupancy permits for dwelling units shall be granted by the Village until the water distribution system has been looped (through the Subdivision Property). This requirement shall not apply to a sales office and model building;
- 3) Completion of the sanitary sewer system to the building for which the Certificate of Occupancy is requested;
- 4) Substantial completion of the public street system to the building for which the Certificate of Occupancy is requested and either a turnaround capability for a fire truck or a bituminous roadway through the Subdivision Property in a manner to provide two (2) means of emergency access for each such building. Substantial completion shall include curbs, gutter, street lights and the base course of asphalt;
- 5) Subject to the provisions of Section 3.F.8 below, sidewalks must be installed across the frontage of each lot;
- 6) Subject to the provisions of Section 3.F.8 below, landscaping of the subject building site must be substantially completed, weather permitting, including parkway trees, final grading and ground cover;
- 7) Record drawings (as-builts) of the sanitary sewer and domestic water facilities required to serve the building shall be submitted and approved prior to issuance of the Certificate of Occupancy; and
- 8) A Certificate of Occupancy may be issued at the reasonable discretion of the Village's Director of Community Development during winter conditions notwithstanding the lack of 5) and/or 6) above, provided cash or its equivalent in the amount of 115% of the estimated cost to complete 5) and/or 6) above is posted to assure such completion.

G. Other Improvements.

- 1) All required landscaping and other Public Improvements shall be completed within twenty-four (24) months of the approval of the final plat of subdivision of the Subdivision Property or prior to acceptance of the Public Improvements, whichever date occurs first.

H. Acceptance of Public Improvements/Easements.

- 1) Final record drawings ("as-builts"), including final grading and all utilities, shall be submitted for the review and approval of the Village's Director of Community Development prior to acceptance of the Public Improvements.

- 2) Engineer's Certification. The Developer's engineer is to certify that the storm water management system was constructed in accordance with the Village's flood control ordinances, and that the same was constructed substantially in accordance with the Plans and Specifications.
- 3) All deficiencies described in the final punch list shall be satisfactorily completed and approved by the Village's Directors of Public Works and Community Development.
- 4) A maintenance guarantee in the form of an irrevocable letter of credit shall be submitted and approved. Said maintenance guarantee and irrevocable letter of credit shall comply with the Village's Subdivision and Development Ordinance.
- 5) The Public Improvements to be dedicated to the Village shall be accepted by the Corporate Authorities. Upon acceptance by the Corporate Authorities, the public Improvement installation guarantee (i.e., the Irrevocable Letter(s) of Credit) shall be returned to the Developer.
- 6) Upon inspection and determination that no deficiencies exist, the maintenance guarantee (irrevocable letter of credit), shall be returned at the time of its expiration.

SECTION 4:

CONSTRUCTION DAMAGE TO PUBLIC IMPROVEMENTS

Care shall be taken to avoid damage to existing public improvements, including but not limited to, utilities and curbs during construction. Any existing public improvement damaged during construction shall be repaired by the Developer at no cost to the Village and to the satisfaction of the Village and in substantial compliance with this Agreement and all relevant Village ordinances.

SECTION 5:

DEDICATION OF PUBLIC IMPROVEMENTS

Upon the Village's approval and acceptance of the Public Improvements, same shall become the property of the Village and subject to its control. A formal dedication or conveyance of the Public Improvements to the Village shall be made by the Developer, if deemed necessary by the Corporate Authorities.

SECTION 6:

IRREVOCABLE LETTER(S) OF CREDIT OR SURETY BOND(S)

It is expressly understood that this Agreement is conditional upon and subject to (1) the delivery to the Village of the document provided for in Section 1 from a financial institution reasonably approved by the Village, (2) approval of same by the Corporate Authorities, and (3) placing same in the Village's files. Notwithstanding anything to the contrary in this Agreement the Developer has the right to provide surety bond(s) in lieu of irrevocable letter(s) of credit.

SECTION 7:

NOTICES

All notices or demands to be given hereunder shall be in writing, and the mailing of any such notice or demand by Certified or Registered Mail. Said notices shall be provided as follows:

If to the Village or
Corporate Authorities: President and Board of Trustees
 Village of Lombard
 255 East Wilson Avenue
 Lombard, Illinois 60148

With Copies to: Village Manager
 Village of Lombard
 255 East Wilson Avenue
 Lombard, Illinois 60148

Director of Community Development
Village of Lombard
255 East Wilson Avenue
Lombard, Illinois 60148

Thomas P. Bayer
Klein, Thorpe and Jenkins, Ltd.
20 North Wacker Drive
Suite 1660
Chicago, Illinois 60606

If to the Developer: Lyonhart Homes
 1550 Spring Road
 Suite 108
 Oak Brook, IL. 60523

or to such other address as any party may from time to time designate in a written notice to the other parties.

SECTION 8:

SITE ACCESS

Developer (and its contractors) shall keep all streets which provide access to the Subdivision Property reasonably clean from all mud, gravel, and other debris, at all times during and after construction hours.

SECTION 9:

TRAFFIC CONTROL

The Developer shall install traffic signs and other devices as required by the Village for the proper control of vehicles and pedestrians in the area. These traffic control devices shall meet the specifications of the Village's engineer.

SECTION 10:

ACCEPTANCE

- A. Public Improvements shall be accepted by the Corporate Authorities after certification by the Village's engineer and Director of Community Development that the public improvements are in compliance with previously approved plans, specifications, and relevant ordinances.
- B. All required fees and procedures shall be provided prior to such acceptance. The Village shall not be liable for any damages that may occur on any dedicated right of way within the Subdivision Property that has not been accepted by the Corporate Authorities. The Developer shall hold the Village free and harmless and indemnify the Village, its agents, officers and employees from any and all such claims, damages, judgments, costs and settlements including, but not limited to, attorneys' fees that may arise from construction, use, repair, or maintenance or said Public Improvements before they are accepted by the Corporate Authorities.

SECTION 11:

BINDING EFFECT AND TERM AND COVENANTS RUNNING WITH THE LAND

- A. This Development Agreement has been executed on behalf of the Village pursuant to action adopted by the Corporate Authorities at a meeting of said Corporate Authorities duly held on May ___, 2006.
- B. This Development Agreement has been executed by the Developer and shall be binding on the heirs and assigns of the Developer, but shall not be binding on a dwelling unit owner subsequent to the issuance of an occupancy permit for said dwelling unit.
- C. This Development Agreement shall automatically expire upon the expiration of the maintenance guarantee (irrevocable letter of credit) required at the time of acceptance of the Public Improvements as set forth in Section 3.H.4 herein.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed on their behalf respectively and have caused their respective Corporate Seals to be affixed hereto, all as of the date and year first above written.

DEVELOPER: Lyonhart Homes, LLC.

ATTEST:

By: _____

Its: _____

Dated: _____, 2006

By: _____

Name:

Its: Manager

VILLAGE OF LOMBARD

ATTEST:

By: _____

Name: Brigitte O'Brien

Its: Village

Clerk

By: _____

Name: William J. Mueller

Its: President, Village of Lombard

Dated: _____, 2006

SCHEDULE OF EXHIBITS

EXHIBIT 1: Legal Description

EXHIBIT 2: Plan Commission Conditions of March 20, 2006, and as approved by the Corporate Authorities on May 4, 2006.

EXHIBIT 1
LEGAL DESCRIPTION
LYONHART MANOR

EXHIBIT 2

PLAN COMMISSION CONDITIONS OF APPROVAL MARCH 20, 2006, AS AMENDED BY THE CORPORATE AUTHORITIES ON MAY 4, 2006.

1. The petitioner shall develop the site in accordance with the submitted plans prepared by Spaceco Inc., dated March 8, 2006 and the landscape plan prepared by Gary R. Weber, dated March 9, 2006 and made part of this request.
2. The petitioners shall enter into an annexation agreement and/or an annexation agreement amendment with the Village for the proposed development.
3. The petitioner shall submit a final engineering and final landscape plan for review and approval for the proposed site improvements for the project. Said plan shall meet all provisions of Village Code, except as varied by this petition. The landscape plan shall meet the landscape planting requirements as required by the Zoning and Subdivision and Development Ordinances.
4. The petitioner shall also provide the Village with a final plat of subdivision. The final plat shall also depict any utility and/or drainage easements necessary to construct the subdivision per Village policies and code.
5. The petitioner shall submit revised architectural drawings depicting the final proposed design palette of the structures, the design of which shall be subject to the approval of the Director of Community Development.

ORDINANCE _____

**AN ORDINANCE ANNEXING CERTAIN TERRITORY
TO THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS**

(PC 06-10; 614, 618, 620, 624 & 626 West Meadow Avenue)
(Lyonhart Manor Subdivision)

(See also Ordinance No.(s) _____)

WHEREAS, a written petition, signed by the legal owners and electors of record of all land within the territory hereinafter described, has been filed with the Village Clerk of the Village of Lombard, DuPage County, Illinois, requesting that said territory be annexed to the Village of Lombard; and,

WHEREAS, the said territory is not within the corporate limits of any municipality, but is contiguous to the Village of Lombard; and,

WHEREAS, all notices of said annexation, as required by (Chapter 65 ILCS 5/7-1-1), have been given to the appropriate parties in a timely manner as required by Statute (copies of said Notices being attached hereto as Exhibit "A", and made part hereof).

WHEREAS, it is in the best interest of the Village of Lombard that said territory be annexed thereto.

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 the territory described in Section 2 below be and the same is hereby annexed to the Village of Lombard, DuPage County, Illinois, pursuant to (Chapter 65 ILCS 5/7-1-8).

SECTION 2: This ordinance is limited and restricted to the property indicated on the attached Plat of Annexation attached hereto as Exhibit "B", and generally

Ordinance No. _____
Re: PC 06-10 Annexation
Page 2

located at 614, 618, 620, 624 & 626 West Meadow Avenue, Lombard, Illinois containing 5.146 acres more or less and legally described as follows:

The east half of Lot 30, the west half of Lot 30, the east half of Lot 31, the west half of Lot 31, the east half of Lot 32, the west half of Lot 32, in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 23, 1943 as document 452574, in DuPage County, Illinois.

Parcel Numbers: 05-01-401-019, 020, 021, 022, 023, 025, 026, 027

SECTION 3: The new boundary of the Village of Lombard shall extend to the far side of any adjacent rights-of-way, and shall include all of every right-of-way within the area annexed hereby.

SECTION 4: The Village Clerk is hereby directed to record with the Recorder of Deeds and to file with the County Clerk, a certified copy of this Ordinance, and the original Plat of Annexation.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this _____ day of _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nays: _____

Absent: _____

Ordinance No. _____
Re: PC 06-10 Annexation
Page 3

Approved this ____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

ORDINANCE _____

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

(PC 06-10; 614, 618, 620, 622, 624 & 626 West Meadow Avenue)
(Lyonhart Manor Subdivision)

(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 the R4 Limited General Residence District; and,

WHEREAS, a public hearing thereon has been conducted by the Village of Lombard Plan Commission on March 20, 2006, 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 from R1 Single-Family Residence District to the R4 Limited General Residence District.

Ordinance No. _____
Re: PC 06-10 Map Amendment R1 to R4
Page 2

SECTION 2: The map amendment is limited and restricted to the property located at 614, 618, 620, 624 & 626 West Meadow Avenue

The east half of Lot 30, the west half of Lot 30 (except for the south 130 feet and the westerly 25 feet thereof), the east half of Lot 31 (except for the southerly 130 feet thereof), the east half of Lot 32 (except for the southerly 143 feet thereof), the west half of Lot 32 (except the south 145.81 feet thereof), in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 23, 1943 as document 452574, in DuPage County, Illinois.

Parcel Numbers: 05-01-401-019, 020, 021, 022, 023, 025, 026, 027 (part of)

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 _____, 2006.

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

Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2006.

Ordinance No. _____
Re: PC 06-10 Map Amendment R1 to R4
Page 3

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet form this _____ day of _____, 2006.

Brigitte O'Brien
Village Clerk

ORDINANCE _____

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

(PC 06-10; 622 West Meadow Avenue)
(Lyonhart Manor Subdivision)

(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 R2 Single-Family Residence District to the R4 Limited General Residence District; and,

WHEREAS, a public hearing thereon has been conducted by the Village of Lombard Plan Commission on March 20, 2006, 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 from R2 Single-Family Residence District to the R4 Limited General Residence District.

Ordinance No. _____
Re: PC 04-28 Map Amendment R2 to R4
Page 2

SECTION 2: The map amendment is limited and restricted to the property located at 622 West Meadow Avenue, legally described as:

The north 130 feet of the south 293 feet of the west half of Lot 31, in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 23, 1943 as document 452574, in DuPage County, Illinois.

Parcel Number: 05-01-401-024 (part of)

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 _____, 2006.

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

Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2006.

William J. Mueller, Village President

Ordinance No. _____
Re: PC 04-28 Map Amendment R2 to R4
Page 3

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet form this _____ day of _____, 2006

Brigitte O'Brien
Village Clerk

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ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR A PLANNED
DEVELOPMENT WITH DEVIATIONS IN A R4 LIMITED GENERAL
RESIDENTIAL DISTRICT**

(PC 06-10; 614, 618, 620, 622, 624 & 626 West Meadow Avenue)
(Lyonhart Manor Subdivision)

(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 155.408 of the Code of Lombard, Illinois; and,

WHEREAS, concurrent with a request for a map amendment approval on the subject property, an application has heretofore been filed requesting approval of a conditional use for a planned development with deviations in an R4 Limited General Residential District and a conditional use for multiple structures on a lot of record; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on March 20, 2006 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 conditional use and variations 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 a conditional use for a planned development and a conditional use to allow for more than one structure on a lot of record with the following

deviations is hereby granted for the Subject property described in Section 2 below, subject to the conditions set forth in Section 3 below:

A. deviation from Section 155.408(F)(3)(d) to reduce the rear yard setback for the townhouse units abutting the proposed stormwater detention outlot and the south property line from thirty feet (30') to fifteen feet (15').

SECTION 2: That this ordinance is limited and restricted to the property generally located at 614, 618, 620, 622, 624 & 626 West Meadow Avenue, Lombard, Illinois and legally described as follows:

The east half of Lot 30, the west half of Lot 30 (except for the south 130 feet and the westerly 25 feet thereof), the east half of Lot 31 (except for the southerly 130 feet thereof), the west half of Lot 31 (except the southerly 130 feet thereof), the east half of Lot 32 (except for the southerly 143 feet thereof), the west half of Lot 32 (except the south 145.81 feet thereof), in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 23, 1943 as document 452574, in DuPage County, Illinois.

Parcel Numbers: 05-01-401-019 through 027 (part of)

SECTION 3: The conditional use set forth in Section 1 above shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the submitted plans prepared by Spaceco Inc., dated March 8, 2006 and the landscape plan prepared by Gary R. Weber, dated March 9, 2006 and made part of this request.
2. The petitioners shall enter into an annexation agreement and/or an annexation agreement amendment with the Village for the proposed development.
3. The petitioner shall submit a final engineering and final landscape plan for review and approval for the proposed site improvements for the project. Said plan shall meet all provisions of Village Code, except as varied by this

petition. The landscape plan shall meet the landscape planting requirements as required by the Zoning and Subdivision and Development Ordinances.

4. The petitioner shall also provide the Village with a final plat of subdivision. The final plat shall also depict any utility and/or drainage easements necessary to construct the subdivision per Village policies and code.
5. The petitioner shall submit revised architectural drawings depicting the final proposed design palette of the structures, the design of which shall be subject to the approval of the Director of Community Development.

SECTION 4: The Lombard Plan Commission shall be granted Site Plan Approval authority for the proposed development.

SECTION 5: 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 _____, 2006.

First reading waived by action of the Board of Trustees this ____ day of _____, 2006.

Passed on second reading this ____ day of _____, 2006.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____, day of _____, 2006.

William J. Mueller, Village President

Ordinance No. _____
Re: PC 06-10 – Lyonhart Manor Planned Development
Page 4

ATTEST:

Brigitte O'Brien
Village Clerk

Published in pamphlet form this _____ day of _____, 2006.

Brigitte O'Brien
Village Clerk

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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 06-10; 618, 620, 624 & 626 West Meadow Avenue)
(Lyonhart Manor Subdivision)

(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 the R2 Single-Family Residence District; and,

WHEREAS, a public hearing thereon has been conducted by the Village of Lombard Plan Commission on March 20, 2006, 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 from R1 Single-Family Residence District to the R2 Single-Family Residence District.

SECTION 2: The map amendment is limited and restricted to the property located at 618, 620, 624 & 626 West Meadow Avenue legally described as follows:

The southerly 130 feet of the westerly 25 feet of the west half of Lot 30, the southerly 130 feet of the east half of Lot 31, the southerly 143 feet of the east half of Lot 32, and the southerly 145.81 feet west half of Lot 32, in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 23, 1943 as document 452574, in DuPage County, Illinois.

Parcel Numbers: 05-01-401- 022, 023, 025, 026 (part of)

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 _____, 2006.

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

Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2006.

William J. Mueller, Village President

Ordinance No. _____
Re: PC 04-28 Map Amendment R1 to R4
Page 3

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet form this _____ day of _____, 2006.

Brigitte O'Brien
Village Clerk

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ORDINANCE _____

**AN ORDINANCE APPROVING A VARIATIONS
TO THE LOMBARD SUBDIVISION AND DEVELOPMENT AND ZONING
ORDINANCES; TITLE 15, CHAPTERS 154 AND 155
OF THE CODE OF LOMBARD, ILLINOIS**

(PC 06-10; 624 & 626 West Meadow Avenue)
(Lyonhart Manor Subdivision)

(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 variation from Section 154.503(D)(1) of the Subdivision and Development Ordinance reducing the minimum required right-of-way width of a residential cul-de-sac turnaround diameter from one-hundred twenty four feet (124') to ninety-six feet (96') at the western terminus of Meadow Avenue; and

WHEREAS, an application also includes a variation from Section 155.408 (F)(1)(d) of the Zoning Ordinance to reduce the rear yard setback for the proposed Lots 1 & 2 from thirty-five feet (35') to twenty feet (25') for property located within the R2 Single-Family Residence District; and,

WHEREAS, a public hearing thereon has been conducted by the Village of Lombard Plan Commission on March 20, 2006, 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 a variation from Section 154.503(D)(1) of the Subdivision and Development Ordinance reducing the minimum required right-of-way width of a residential cul-

de-sac turnaround diameter from one-hundred twenty four feet (124') to ninety-six feet (96') at the western terminus of Meadow Avenue, is hereby granted, subject to the conditions noted in Section 3 below.

SECTION 2: That a variation from Section 155.408 (F)(1)(d) of the Zoning Ordinance to reduce the rear yard setback for the proposed Lots 1 & 2 from thirty-five feet (35') to twenty feet (25') for property located within the R2 Single-Family Residence District is hereby granted, subject to the conditions noted in Section 3 below.

SECTION 3: The map amendment is limited and restricted to the property located at 624 & 626 West Meadow Avenue legally described as follows:

The southerly 143 feet of the east half of Lot 32, and the southerly 145.81 feet west half of Lot 32, in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 23, 1943 as document 452574, in DuPage County, Illinois.

Parcel Numbers: 05-01-401- 022 and 023 (part of)

SECTION 3: The variations noted in Sections 2 & 3 above shall be subject to the following conditions:

1. The petitioner shall develop the site in accordance with the submitted plans prepared by Spaceco Inc., dated March 8, 2006 and the landscape plan prepared by Gary R. Weber, dated March 9, 2006 and made part of this request.
2. The petitioner shall also provide the Village with a final plat of subdivision. The final plat shall also depict any utility and/or drainage easements necessary to construct the subdivision per Village policies and code.

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 _____, 2006.