



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: October 20, 2022

SUBJECT: **PC 22-20: 4-44 Yorktown Center (Yorktown Commons Parcel 4) – D.R. Horton Townhomes – Revised Final Ordinance**

At the October 6, 2022 Village Board meeting, the Village Board approved a First Reading of an Ordinance granting zoning approval for the proposed Horton Summit at Yorktown development. As the Board members are aware, Horton is proceeding quickly with their due diligence efforts, final plan approvals, economic incentive completion and permit approval, all in an effort to close on the property as soon as possible.

To that end, Horton's Counsel has requested a few non-substantive changes to the zoning approval Ordinance to reflect such additional activities that have occurred since the public hearing process and First Reading has taken place. A few edits were also offered for clarity.

Staff and Village Counsel reviewed the requested changes and find that they are acceptable and consistent with the actions of the Plan Commission and the intent of the pending Board action. To that end, attached is a revised final Ordinance for consideration at the October 20, 2022 meeting.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A MAJOR CHANGE PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.504 OF THE LOMBARD ZONING ORDINANCE AND PURSUANT TO, SECTION IV(E) OF THE YORKTOWN COMMONS PLANNED DEVELOPMENT DESIGN GUIDELINES FOR PARCEL 4 OF THE YORKTOWN COMMONS PLANNED DEVELOPMENT, AS ESTABLISHED BY ORDINANCE 7177, TO ALLOW FOR AN AMENDED BUILD-TO LINE; GRANTING SITE PLAN APPROVAL FOR A 90-UNIT TOWHOME DEVELOPMENT; AND GRANTING FINAL PLAT OF SUBDIVISION APPROVAL

(PC 22-20: Yorktown Commons Planned Development Parcel 4 – 4-44 Yorktown Center)

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

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

WHEREAS, the Subject Property is subject to the Yorktown Commons Planned Development Design Guidelines as adopted by the President and Board of Trustees of the Village of Lombard by Ordinance 7177 (“Design Guidelines”); and

WHEREAS, an application has heretofore been filed by D.R. Horton, Inc. – Midwest (“Petitioner”) requiring (i) approval, pursuant to the Lombard Zoning Ordinance and the Design Guidelines, of a major change to the Design Guidelines for the Subject Property, as described in Section 2 below, being that portion of the Yorktown Commons planned development referred to in the Design Guidelines as Parcel 4 of the Yorktown Commons Planned Development; (ii) site plan approval for a 90-unit townhome development on the Subject Property; and (iii) approval of a final plat of subdivision for the Subject Property (“Application”); and

WHEREAS, a public hearing on the aforesaid application has been conducted by the Village of Lombard Plan Commission (“Plan Commission”) on July 18, 2022 and August 3, 2022 pursuant to appropriate and legally required notice; and

WHEREAS, the Plan Commission has filed its findings and recommendations with the President and Board of Trustees recommending approval of the aforementioned major change, site plan and final plat of subdivision (“Findings and Recommendations”); and

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village to approve and adopt the Findings and Recommendations, which are hereby incorporated herein by reference as if 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 approval of each the aforesaid major change, site plan and final plat of subdivision, all more fully as set forth below, are hereby granted for the Subject Property, subject to the conditions set forth in Section 3 below:

Pursuant to Section 155.504(A) (Major Changes in a Planned Development) of the Lombard Zoning Ordinance, amend the Yorktown Commons Planned Development Form Based Code, as stated in Section IV(E) thereof and established by Ordinance No. 7177, as follows:

1. Amend the build-to lines for the proposed attached single-family (townhouse) residential development to be located on the Subject Property in the following respects:
 - a. To account for required separation distances between buildings and public utilities, provide for a major change to the southern build-to line to allow for the exterior building elevation to be located more than 12 feet behind the south property line where a 12-foot build-to line was established for townhouses;
 - b. To account for required separation distances between buildings and public utilities, provide for a major change to the eastern build-to line to allow for the exterior building elevation to be located more than 30 feet behind the east property line where a 12-foot build-to line was established for townhouses;
2. Approve an attached single-family residential development based upon the submitted plans pursuant to Ordinance 7177 and through Section 155.511 of the Lombard Zoning Ordinance (Site Plan Approvals) and as deemed appropriate; and
3. Approve a final plat of subdivision.

SECTION 2: That this ordinance is limited and restricted to the subject property generally located at 4-44 Yorktown Center, Lombard, Illinois, and more specifically legally described as set forth below (“Subject Property”):

LOT 4 IN YORKTOWN COMMONS PHASE 1, BEING A RESUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 1, 2016 AS DOCUMENT R2016-093310, IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-29-101-047

COMMON ADDRESS AND LOCATION: 4-44 Yorktown Center; the northwest corner of Grace Street and the Yorktown Ring Road

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

1. That the major changes to a planned development are valid only for Parcel 4 in the Yorktown Commons Planned Development;
2. That the petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report, except as they may be changed to conform to Village Code, or as provided as part of the original planned development approval set forth in Ordinance 7177;
3. That the petitioner shall apply for and receive building permits for the proposed development;
4. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
5. That the petitioner shall install lighting within the development consistent with the proposed light standards and companion photometric plans by the petitioner, prepared by Manhard Consulting, dated July 27, 2022, subject to review and approval by the Village as part of final engineering;
6. That this approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11); and
7. That with the approval of PC 22-20, the approval granted by SPA 19-02 for the subject property shall be null and void.

Ordinance No. _____

Re: PC 22-20

Page 4

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 on the fourth day of October 2022.

Passed on second reading this _____ day of _____ 2022, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2022.

Keith T. Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this _____ day of _____, 2022.

Elizabeth Brezinski, Village Clerk