

MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: October 6, 2022

SUBJECT: **PC 22-02: 400 E. St. Charles Road: New Directions Housing – Motion to Further Continue Matters to the December 1, 2022, Village Board meeting**

The petitioner, New Directions Housing, as prospective contract purchaser of the property, is seeking a planned development amendment approval in order to provide for a 30-unit multiple-family dwelling unit on the property at 400 E. St. Charles Road. This petition was considered by the Plan Commission on January 24, 2022, and initially forwarded to the Village Board for consideration on March 17, 2022.

Prior to Board consideration of the petition, the petitioner and adjacent property owners at 500 E. St. Charles Road (Oakview Estates Condominium Association) alerted the Village that there were unresolved items related to maintenance and cross-access agreements for the shared driveway that serves the properties at 400 and 500 E. St. Charles Road. As the proposed development at 400 E. St. Charles Road assumes continued existence and use of the shared driveway, staff asked Village Counsel to review the matter and provide guidance with respect to the Village Board taking final action on the petition. Village Counsel recommended that the existing property owner secure a formal cross-access agreement with the adjacent Oakview Estates Condominium Association prior to the Village Board taking final action on the petition.

Negotiations between the parties have been ongoing throughout the spring and summer of 2022. At the request of the petitioner, the Village Board has continued the petition several times while the parties continued to work on this agreement.

In July 2022, Village Staff was informed by the Oakview Estates Condo Association that the parties had agreed in concept to proposed terms for an agreement. Based on this information, the Village Board conducted a first reading of the petition at its meeting on July 21, 2022, with the expectation the Board would take final action on the petition on August 18, 2022. However, the parties were not able to finalize an agreement prior to that date, and requested a continuance to October 6, 2022. As of September 28, 2022, the petitioner has informed staff that the agreement is still not finalized, and is requesting an additional continuance to December 1, 2022.

Heniff, William

From: Rodger Brown - New Directions <brown@ndhcorp.com>
Sent: Wednesday, September 28, 2022 1:07 PM
To: Heniff, William
Cc: 'Jonathan L. Zivojnovic'; Jolyn Heun; Adair Macauley
Subject: 400 East Apartments, Lombard

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Bill:

We had a meeting today with the Oakview Estates condo association representatives to discuss the access agreement. We have agreed on all the terms of the agreement and the attorneys are drafting the final execution copy for distribution. At the same time, we are also finalizing all of the exhibits to be attached to the agreement. I believe you can inform your Board that both sides are now in agreement and moving towards execution of the documents.

The December 1, 2022 Village Board meeting should work well for the 2nd and final reading of our zoning petition.

If you need anything further from me, please let me know.

Thanks,
Rodger