

**ORDINANCE NUMBER 11 - 22**

**ORDINANCE GRANTING APPROVALS FOR PROPERTY  
COMMONLY KNOWN AS RIVER HAVEN PUD LOCATED AT OR  
NEAR THE INTERSECTION OF ROUTES 72 AND 25 IN THE  
VILLAGE OF EAST DUNDEE, ILLINOIS**

**WHEREAS**, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, Chicago Title and Trust Company as Trustee under Trust Agreement dated May 1, 2008 and known as Trust #8002350420 has demonstrated that they are the proper agent for property legally described in Exhibit A known as the River Haven PUD, for the purpose of applying for a Planned Unit Development in the Village of East Dundee; and

**WHEREAS**, the property described in Exhibit A is zoned and classified as R-2/R-4 under the provisions of the Zoning Ordinances of the Village of East Dundee; and

**WHEREAS**, the Village of East Dundee has a zoning ordinance that provides for Planned Unit Developments pursuant to Section 157.245 et al.; and

**WHEREAS**, it is in the best interest of the residents of the Village of East Dundee to provide needed affordable senior housing for the property known as River Haven PUD; and

**WHEREAS**, the applicant has submitted an application for approval of a PUD for the purposes of developing senior housing; and

**WHEREAS**, Chicago Title and Trust Company as Trustee under Trust Agreement dated May 1, 2008 and known as Trust #8002350420 in regard to property commonly known as River Haven PUD and legally described in Exhibit A has properly petitioned the Planning and Zoning Commission of the Village of East Dundee for approval of:

- 1) A rezoning of the property to R-5 multiple dwelling residential district;

- 2) Approval of a Preliminary Planned Unit Development Plan for up to 282 senior citizen multi-family dwelling units in various forms on the property, including a modification from 30 feet to 46 feet maximum height;
- 3) Approval of a Final Planned Unit Development Plan for a 2.93+/-acre portion of the property for an 80 unit senior citizen dwelling development, including a modification for a reduction in the parking requirement to a total of 115 parking spaces instead of 140 parking spaces;
- 4) A variance to Section 157.241(J) of the East Dundee Zoning Chapter to reduce the Planned Unit Development minimum usable open space requirement to 10 percent of the net developable land area of the property; and

**WHEREAS**, the requested approvals would be in compliance with the following plans and documents submitted by the applicant:

- 1) Survey/legal description;
- 2) Preliminary Planned Unit Development Plan;
- 3) Final Planned Unit Development Plan for a 2.93+/-acre portion of the property (legally described in Exhibit B);
- 4) Completed application for development, approval, special use, rezoning and variance review and application;
- 5) Building elevations;
- 6) Color renderings; and

**WHEREAS**, upon due notice and after a public hearing held on April 7, 2011, by the Planning and Zoning Commission of the Village of East Dundee and pursuant to East Dundee's Zoning Ordinance, said Commission has approved their Findings of Fact and Recommendation; a copy of said Findings of Fact and Recommendation are attached hereto as Exhibit C; and

**WHEREAS**, the corporate authorities of the Village of East Dundee have considered this matter at a public hearing and find pursuant to the relevant portions of East Dundee' Zoning Ordinance, that the request for a Planned Unit Development is deemed necessary for the public health, safety and welfare at the location specified above, and is so designed, located and proposed

so as not to cause any substantial injury to the value of other property in the neighborhood in which it is located; and

**WHEREAS**, pursuant to Division 13 of Article 2 of the Illinois Municipal Code and the provisions of East Dundee ordinances, upon public notice duly published in a newspaper of general circulation in the Village of East Dundee and upon notice sent to adjacent landowners pursuant to law, public hearing was conducted before the Planning and Zoning Commission on April 7, 2011; and

**WHEREAS**, based upon the evidence adduced at said hearings and in their application, the petitioner has entered into the record evidence and Findings of Fact that address the conditions in the East Dundee Zoning Ordinance; and

**WHEREAS**, pursuant to the provisions of the Village of East Dundee's Zoning Ordinance, the corporate authorities have determined that the Planned Unit Development as applied for shall be issued or granted as hereinafter set forth.

**NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:**

**Section One.** That the corporate authorities do hereby incorporate the foregoing WHEREAS clauses into this ordinance as though fully set forth herein, thereby making the findings as hereinabove set forth.

**Section Two.** That pursuant to East Dundee's Zoning Ordinance, the change in zoning classification for the property legally described in Exhibit A from a combination of R-2/R-4 to R-5 multifamily dwelling is hereby granted.

**Section Three.** Pursuant to East Dundee's Zoning Ordinance, the Preliminary Planned Unit Development Plan for up to 282 senior citizen multifamily dwelling units on the property legally described in Exhibit A, to include a maximum height of 46 feet instead of 30 feet, is hereby granted.

**Section Four.** Approval of a Final Planned Unit Development for a 2.93+/-acre portion of the property, legally described in Exhibit B, including a reduction in required parking from 140 to 115, is hereby granted.

**Section Five.** Pursuant to East Dundee's Zoning Ordinance, a variance from Section 157.241(J) of the East Dundee Zoning Ordinance reducing the Planned Unit Development minimum usable open space to 10 percent of the net developable land area of the property is hereby granted.

**Section Six.** This ordinance shall be valid for one year from its adoption and shall take effect immediately upon the issuance of the first building permit for the property. If a building permit is not issued for the property within twelve months of adoption of this ordinance, this ordinance and all related plans and specifications for the River Haven Planned Unit Development Senior Housing development shall be null and void and the settlement agreement dated October 12, 2007, between the Village and Harris N.A. shall remain in effect for the property.

**Section Seven.** Immediately upon this ordinance taking effect, the rights, obligations and responsibilities of both the Village and Harris N.A. as defined and contained in the settlement agreement shall be terminated with neither party having any further obligation to the other with respect to any of the terms of the settlement agreement unless the parties agree otherwise through a development agreement adopted separate and apart from this ordinance.

**Section Eight.** The village clerk is authorized and directed to amend all pertinent records of the Village of East Dundee to show the approvals granted hereunder.

**Section Nine. Severability.** If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

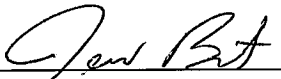
**Section Ten. Repeal.** All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**Section Eleven. Publication.** This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

**Section Twelve. Effective Date.** Passed on the 11<sup>th</sup> day of April, 2011, according to the following roll call vote.

AYES: 7. Trustees Ruffab, Gorman, Lyman, Miller, Cichowski,  
NAYES: 0 Van Ordenbridge & President Bartels  
ABSENT: 0

Approved by me this 17<sup>th</sup> day of April, 2011.

  
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Jerald Bartels, President

Published in pamphlet form this 17<sup>th</sup> day of April, 2011, under the authority of the President and Board of Trustees.

ATTEST:

  
\_\_\_\_\_  
Jennifer Rehberg, Village Clerk

Recorded in the Village Records on April 17<sup>th</sup>, 2011.

