

ORDINANCE NUMBER 11 - 57

**ORDINANCE GRANTING AMENDMENT TO APPROVALS FOR
PROPERTY COMMONLY KNOWN AS THE RIVER HAVEN PUD
LOCATED 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, James Bergman, as contract purchaser of property owned by 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 (the Property) known as the River Haven Planned Unit Development (PUD), for the purpose of applying for a Planned Unit Development amendment in the Village of East Dundee; and

WHEREAS, the Property described in Exhibit A is zoned and classified as R-5 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, and housing for veterans and their families, for the Property known as River Haven PUD; and

WHEREAS, in April 2011, the Village of East Dundee granted its approval for a Planned Unit Development (PUD) Preliminary Plan; and

WHEREAS, the applicant has submitted an application for amendments to the approval of a PUD for the Property for the purposes of including senior housing and single family and duplex units primarily for veterans and their families; and

WHEREAS, James Bergman, as contract purchaser of the Property owned by Chicago Title and Trust Company as Trustee under Trust Agreement dated May 1, 2008 and known as Trust

#8002350420, in regard to the 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 an amended PUD Preliminary Plan to include:

- 1) 80 senior apartments with support commercial services, including the following previously approved modifications from the standards prescribed in the R-5 District:
 - a) to permit a 46-foot maximum building height in lieu of the required 30-foot maximum building height limit; and
 - b) to permit a parking ratio of 1.43 spaces per unit in lieu of the required 1.75 spaces per unit;
- 2) 36 single family homes and 32 duplex units targeted toward, but not exclusively limited to, veterans and their families, including the following proposed modifications from the standards prescribed in the R-5 District:
 - a) to permit single family and duplex residential units, which are otherwise not permitted in the R-5 District;
 - b) to permit the following reduced lot dimensions and setbacks: minimum lot width of 48 feet in lieu of the required 100 feet; minimum front yard setback of 25 feet in lieu of the required 35 feet; minimum side yard setback of 8 feet in lieu of the required 10 feet; and minimum rear yard setback of 30 feet in lieu of the required 40 feet;
 - c) to permit a public street right of way width of 50 feet for River Haven Court in lieu of the required 60 feet width;
- 3) A private clubhouse serving the homes and duplexes, common area, open space and recreational facilities, and supporting infrastructure;
- 4) A potential fire station;

WHEREAS, the requested approvals for the Property would be in compliance with the submittals of the applicant contained in the application and plans previously submitted; and

WHEREAS, upon due notice and after public hearing held on December 8, 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 public hearings and find pursuant to the relevant portions of East Dundee' Zoning Ordinance, that the request for an amendment to Planned Unit Development Preliminary Plan is deemed necessary for the public health, safety and welfare for the Property, 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 December 8, 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 Amendments to the Planned Unit Development Preliminary Plan for the Property 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 the corporate authorities do hereby accept and approve the findings of fact and recommendation of the Planning and Zoning Commission.

Section Three. That pursuant to East Dundee's Zoning Ordinance, the amendments to the Planned Unit Development Preliminary Plan for the Property are hereby granted.

Section Four. Pursuant to East Dundee's Zoning Ordinance, the Amended Planned Unit Development Preliminary Plan to include 80 senior apartments with support commercial services, including the following previously approved modifications from the standards prescribed in the R-5 District: a 46-foot maximum building height in lieu of the required 30-foot maximum building height limit; and a parking ratio of 1.43 spaces per unit in lieu of 1.75 spaces per unit.

Section Five. The corporate authorities do hereby approve the amendment to the Planned Unit Development Preliminary Plan to allow for 36 single family homes and 32 duplex units targeted toward, but not exclusively limited to, veterans and their families, including allowing single family and duplex dwelling units not otherwise permitted in R-5 District; reductions in lot dimensions and setbacks as follows: minimum lot width of 48 feet (in lieu of 100 feet), front yard setback of 25 feet (in lieu of 35 feet), side yard setback of 8 feet (in lieu of 10 feet), and rear yard setback of 30 feet (in lieu of 40 feet); and to permit public street right of way width of 50 feet for River Haven Court in lieu of the 60 feet required.

Section Six. Pursuant to East Dundee's Zoning Ordinance, the approvals contained herein are subject to the following conditions:

- 1) Prior to the issuance of a building permit for any portion of the development, the applicant shall submit and receive approval of applications for Preliminary and Final Plats for the entire property. Those applications shall include a final, over-lot grading plan for the entire property along with all required stormwater calculations, which shall demonstrate that stormwater runoff onto adjoining properties will be reduced from the existing volumes and rates of runoff and that all on-site stormwater retention areas and related facilities are adequately-sized and can be constructed in a manner consistent with those shown on the PUD Preliminary Plan
- 2) Fire stations shall be added to the list of permitted uses submitted by the applicant provided that prior to the issuance of a building permit for a fire station, the applicant shall submit and receive approval of an application for a PUD Final Plan for a fire station site and building. Should that request result in the project as whole not meeting the PUD minimum on-site open space requirement, the PUD Final Plan application shall be accompanied by an application for a variance to this standard,

and approval of the PUD Final Plan shall be contingent upon the approval of the variance.

- 3) Prior to the issuance of a building permit for the 80-unit, senior apartment building (Gardiner Place), the applicant shall submit and receive approval of an application for an amended PUD Final Plan for the site and building.
- 4) Prior to the issuance of a building permit for any of the single family homes, duplexes, or common area facilities, the applicant shall submit and receive approval of an application for a PUD Final Plan for those portions of the project. The application shall include:
 - a) Floor plans and elevations for each of the proposed unit types that demonstrate compliance with Sec. 157.241(G) of the Village zoning chapter, Design standards applicable to all one- and two-family dwelling units, which prohibits the use of similar elevations on adjacent lots or on more than 20% of the lots on any block;
 - b) Perimeter screening and buffering around the entire site including the preservation of existing mature trees wherever possible, and typical lot landscaping plans including specific screening and buffering of units from Rte. 25;
 - c) Detailed plans for landscaping, paving, and amenities in the common area open spaces that demonstrate compliance with Sec. 157.241(J) of the Village zoning chapter, Useable common open space, and Sec. 157.242(F), Open space standards; and
 - d) Additional off-street parking in the area of the proposed clubhouse.

Section Seven. This ordinance shall be valid for one year from its adoption and shall take effect immediately upon this issuance of the first building permit for the site. 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 shall be null and void and the settlement agreement dated October 12, 2007, between the Village and (PAR) shall remain in effect for the property.

Section Eight. Immediately upon this ordinance taking effect, the rights, obligations and responsibilities of both the Village and (PAR) 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 Nine. 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 Ten. 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 Eleven. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Twelve. 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 Thirteen. Effective Date. Passed on the 12th day of Dec., 2011, according to the following roll call vote.

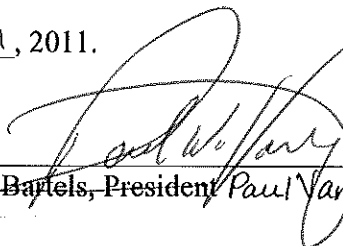
AYES:

7 - Trustees Ruffalo, Gorman, Lynam, Miller, VanOstenbridge, Skillicom
NAYES: 0 and President Bartels

ABSENT:

0

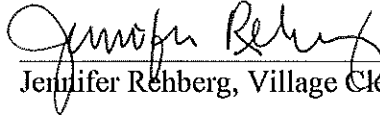
Approved by me this 12th day of December, 2011.


Jerald Bartels, President Paul VanOstenbridge, President Pro Tem

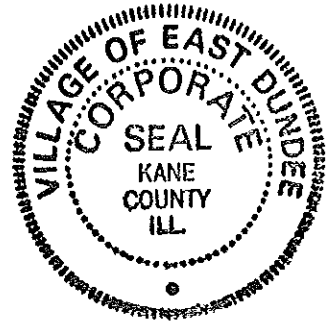
Published in pamphlet form this 19th day of December, 2011, under the authority of the

President and Board of Trustees.

ATTEST:



Jennifer Rehberg, Village Clerk



Recorded in the Village Records on Dec. 19th, 2011.