

ORDINANCE 16-22

AN ORDINANCE (1) REZONING FROM P - PARKS DISTRICT TO B-2 PLANNED DEVELOPMENT DISTRICT; (2) APPROVING A PRELIMINARY PLAT OF SUBDIVISION; (3) GRANTING A SPECIAL USE FOR SENIOR HOUSING AND A SPECIAL USE FOR A PRELIMINARY PLANNED DEVELOPMENT; AND, (4) APPROVING ZONING VARIATIONS FOR LANDSCAPE BUFFER, UNIT DENSITY, AND NUMBER OF PARKING SPACES FOR PROPERTY COMMONLY KNOWN AS GARDNER CAPITAL'S SPRING HILL SENIOR RESIDENCES

WHEREAS, The Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, The Village of West Dundee has received a petition signed by Gardner Capital Development Illinois, Inc., representing West Dundee Senior Residences, LP - requesting: (1) a Special Use for Senior Housing; (2) a Special Use for a Preliminary Planned Development; (3) Zoning Variations (for landscape buffer, unit density, and number of parking spaces); (4) Rezoning from P - Parks District to B-2 Planned Development District; and, (5) Preliminary Plat of Subdivision for the purpose of constructing an 85-unit senior housing project in the Village of West Dundee; and

WHEREAS, the subject site is legally described as:

PARCEL A

THAT PART OF LOT 2 IN SPRING HILL PLAZA SUBDIVISION, BEING A SUBDIVISION OF A PART OF THE SOUTHWEST QUARTER OF SECTION 22 AND A PART OF THE NORTHWEST QUARTER OF SECTION 27, ALL IN TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 7, 1993, AS DOCUMENT 93K098062, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 00 DEGREES 13 MINUTES 32 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 2 (ALSO BEING THE WEST RIGHT-OF-WAY LINE OF VILLAGE QUARTER ROAD, HAVING A 66.00 FEET RIGHT-OF-WAY), 427.06 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 28 SECONDS WEST 515.29 FEET TO THE SOUTHERLY EXTENSION OF A WEST LINE OF SAID LOT 2; THENCE NORTH 00 DEGREES 45 MINUTES 56 SECONDS EAST ALONG SAID SOUTHERLY EXTENSION AND WEST LINE 283.63 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 05 SECONDS EAST 31.50 FEET; THENCE NORTH 00 DEGREES 45 MINUTES 56 SECONDS EAST 172.89 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; (THE NEXT 2 COURSES ARE ALONG THE NORTH LINE OF SAID LOT 2) THENCE SOUTH 82 DEGREES 02 MINUTES 27 SECONDS EAST 204.58 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 01 SECOND EAST 273.41 FEET TO THE POINT OF

BEGINNING, IN KANE COUNTY, ILLINOIS.

PARCEL B

THAT PART OF LOT 2 IN SPRING HILL PLAZA SUBDIVISION, BEING A SUBDIVISION OF A PART OF THE SOUTHWEST QUARTER OF SECTION 22 AND A PART OF THE NORTHWEST QUARTER OF SECTION 27, ALL IN TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 7, 1993, AS DOCUMENT 93K098062, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 00 DEGREES 13 MINUTES 32 SECONDS EAST 427.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 13 MINUTES 32 SECONDS EAST ALONG SAID EAST LINE 184.58 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 57 DEGREES 51 MINUTES 24 SECONDS WEST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 2 A DISTANCE OF 209.67 FEET; THENCE NORTH 89 DEGREES 07 MINUTES 33 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2 A DISTANCE OF 541.01 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 00 DEGREES 46 MINUTES 45 SECONDS EAST ALONG A WEST LINE OF SAID LOT 2 A DISTANCE OF 385.41 FEET TO THE MOST WESTERLY NORTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 89 DEGREES 14 MINUTES 04 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 2 A DISTANCE OF 198.53 FEET; THENCE SOUTH 00 DEGREES 45 MINUTES 56 SECONDS WEST 96.88 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 28 SECONDS EAST 515.29 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

WHEREAS, a Public Hearing was held by the West Dundee Planning and Zoning Commission on August 1, 2016, after due notice in the manner provided by law; and

WHEREAS, the West Dundee Planning and Zoning Commission, after deliberation, has made a report and recommended the granting of the petitioner's requests; and

WHEREAS, the Village Board has considered the findings of fact, based upon the evidence presented at the public hearing and presented to the West Dundee Planning and Zoning Commission by the petitioner.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES, VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS, as follows:

Section 1: That the subject site be rezoned from P - Parks District to B-2 Planned Development District; and

Section 2: That a preliminary plat of subdivision is hereby approved, and

Section 3: That a Special Use for Senior Housing and a Special Use for a Preliminary Planned Development are hereby granted; and

Section 4: That zoning variations – reducing the required landscape buffer from thirty-five (35) to twenty feet (20’), increasing the dwelling unit density to seventeen (17) units per acre, and reducing the number of parking spaces to one hundred and seventeen (117) – are hereby granted.

Section 5: That all requirements set forth in the Zoning Ordinance of the Village of West Dundee, as would be required by any owner of property zoned in the same manner as the Subject Property shall be complied with, except as otherwise provided in this Ordinance.

Section 6: The findings and recommendations of the West Dundee Planning and Zoning Commission on the question of granting the requested approvals for the Subject Property are hereby accepted and the approvals are granted subject to the following conditions for approval:

1. Compliance with documents including site plan as submitted with the Planning and Zoning Application;
2. Review and approval of engineering plans; and,
3. Compliance with all other applicable Village codes and ordinances.

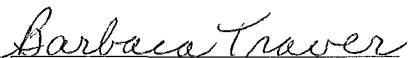
Section 7: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.


Section 8: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 9: That this Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form which publication is hereby authorized as provided by law.

AYES: Trustees Price, Hanley, Yuscka, Pflanz, Wilbrandt and Kembitzky
NAYS: None

ATTEST:


Barbara Traver
Village Clerk



Christopher Nelson
Village President

Passed: 8-8-2016
Approved: 8-8-2016
Published: 8-8-2016