

## ORDINANCE 16-34

**AN ORDINANCE GRANTING: (1) A SPECIAL USE FOR A PRELIMINARY PLANNED DEVELOPMENT; (2) A ZONING VARIATION ON THE NUMBER OF PARKING SPACES; (3) REZONING FROM SPECIAL DEVELOPMENT DISTRICT (SDD) TO R-5 MEDIUM DENSITY MULTIPLE-FAMILY PLANNED DEVELOPMENT DISTRICT (R-5 PDD); (4) A PRELIMINARY PLAT OF SUBDIVISION; AND, (5) AN INCREASE IN THE ALLOWABLE CURB CUT WIDTH OF CANTERFIELD DRIVE TO 52' FOR THE PROPOSED 260-APARTMENT SPRINGS AT CANTERFIELD DEVELOPMENT**

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 been requested by a petition signed by Continental 380 Fund LLC, with Continental Properties Company, Inc., as its manager requesting: (1) a Special Use for a Preliminary Planned Development; (2) a Zoning Variation (number of parking spaces); (3) Rezoning from Special Development District (SDD) to R-5 Medium Density Multiple-Family Planned Development District (R-5 PDD); and, (4) a Preliminary Plat of Subdivision, and (5) an increase in the allowed curb cut width for the purpose of constructing a 260-unit rental housing development in the Village of West Dundee; and

WHEREAS, the subject site is legally described as:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF ROUTE 31 PER STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION PLAT OF HIGHWAYS, RECORDED MARCH 3, 1992, AS DOCUMENT 92K13893; THENCE NORTH 10 DEGREES 33 MINUTES 44 SECONDS EAST ALONG THE EAST LINE OF SAID ROUTE 31, A DISTANCE OF 417.29 FEET (BEARINGS BASED ON SAID DOCUMENT 92K138930); THENCE NORTH 11 DEGREES 01 MINUTES 37 SECONDS EAST ALONG SAID EAST LINE, 253.81 FEET TO A FOUND TWO INCH ALUMINUM CAP; THENCE NORTH 12 DEGREES 54 MINUTES 37 SECONDS EAST ALONG SAID EAST LINE, 26.71 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 12 DEGREES 54 MINUTES 37 SECONDS EAST ALONG SAID EAST LINE, 294.07 FEET TO A FOUND ¾ INCH IRON PIPE; THENCE NORTH 11 DEGREES 27 MINUTES 05 SECONDS EAST ALONG SAID EAST LINE, 291.54 FEET TO A FOUND ¾ INCH IRON PIPE; THENCE NORTH 04 DEGREES 07 MINUTES 59 SECONDS WEST ALONG SAID EAST LINE, 368.52 FEET; THENCE NORTH 80 DEGREES 28 MINUTES 05 SECONDS EAST, 730.01 FEET; THENCE SOUTH 45 DEGREES 30 MINUTES 44 SECONDS EAST, 519.59 FEET; THENCE SOUTH 12 DEGREES 07 MINUTES 57 SECONDS WEST, 827.80 FEET; THENCE SOUTH 10 DEGREES 50 MINUTES 22 SECONDS EAST, 80.00 FEET; THENCE NORTH 79 DEGREES 09 MINUTES 38 SECONDS WEST,

1016.75 FEET TO SAID POINT OF BEGINNING.

WHEREAS, a Public Hearing was held by the West Dundee Planning and Zoning Commission on October 31, 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 said zoning variation from the West Dundee Zoning Ordinance; and

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

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

Section 1: That a Special Use for a Preliminary Planned Development is hereby granted; and

Section 2: That a Zoning Variation reducing the number of parking spaces to four hundred fifty-five (455) is hereby granted; and

Section 3: That the subject site be rezoned from Special Development District (SDD) to R-5 Medium Density Multiple-Family Planned Development District (R-5 PDD); and

Section 4: That a preliminary plat of subdivision is hereby approved, and

Section 5: That an increase in the allowable curb cut width to fifty-two feet (52') is granted.

Section 6: 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 7: The findings and recommendations of the West Dundee Planning and Zoning Commission on the question of granting the variation for the Subject Property are hereby accepted and the requests 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 8: 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.

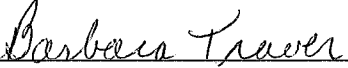
Section 9: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.


Section 10: 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.

PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois and approved by the President of said Village this 7th day of November, 2016.

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

ATTEST:

  
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Barbara Traver  
Village Clerk

  
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Christopher Nelson  
Village President

Passed: November 7, 2016  
Approved: November 7, 2016  
Published: November 7, 2016

Prepared by:  
Village of West Dundee  
Community Development Department  
100 Carrington Drive  
West Dundee, IL 60118