

## ORDINANCE 2019-35

**An Ordinance Approving: (1) A Special Use for Senior Citizen Housing and Retirement Home (An Assisted Living and Memory Care Facility) in the B-3 Business Service District; (2) A Zoning Variation for Building Height; (3) A Zoning Variation for Driveway and Curb Cut Width; and, (4) A Preliminary Plat of Subdivision for the Purpose of Constructing a 126-Unit Senior Housing Development at the Southwest Corner of Angle Tarn and Route 31**

**(Nelson Construction & Development)**

WHEREAS, The Village of West Dundee, Kane County, Illinois (the "*Village*") is a duly organized and validly existing home-rule municipality pursuant to Article VII, Section 6(a) 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 received a petition from Nelson Construction and Development and HLC Partners, requesting: (1) a Special Use for Rezoning from Farming (Unincorporated) in the B-3 Business-Service District (B-3); (2) a Zoning Variation for building height; (3) a Zoning Variation for Driveway and Curb Cut Width; and, (4) a Preliminary Plat of Subdivision for the purpose of constructing a 126-unit senior housing development; and

WHEREAS, the subject site is legally described as:

THAT PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUNDEE TOWNSHIP, KANE COUNTY, ILLINOIS.

WHEREAS, a Public Hearing was held by the West Dundee Planning and Zoning Commission on November 25, 2019 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 special use, zoning variations, and preliminary subdivision plat; 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 of the VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS, as follows:

Section 1: That a Special Use for Senior Citizen Housing and Retirement Home (for an assisted living and memory care facility) in the B-3 Business-Service District (B-3) is hereby granted; and

Section 2: That a Zoning Variation for building height from the maximum permitted height of forty (40) feet to forty-four (44) feet is hereby approved; and

Section 3: That a Zoning Variation for driveway and curb cut width division from the permitted width division of twenty-four (24) feet to fifty (50) feet is hereby approved; and

Section 4: That the Preliminary Plat of Subdivision is hereby approved; and

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 a special use for senior citizen housing and retirement home and approving zoning variations for building height and curb cut width and a preliminary subdivision plat for the Subject Property are hereby accepted and the requests are granted subject to the following conditions for approval:

1. Entry curb cut and driveway shall be designed and rendered for final review at a meeting of the Planning and Zoning Commission;
2. Compliance with documents including site plan as submitted with the Planning and Zoning Application;
3. Review and approval of engineering plans; and,
4. Compliance with all other applicable Village codes and ordinances.

Section 6: 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 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8: 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 16<sup>th</sup> day of December, 2019.

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

ATTEST:



Barbara Traver  
Village Clerk



Christopher Nelson  
Village President

Passed: December 16, 2019  
Approved: December 16, 2019  
Published: December 16, 2019

Prepared by:  
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