

## **ORDINANCE 2017-05**

### **AN ORDINANCE MODIFYING A SPECIAL USE FOR A PLANNED DEVELOPMENT FOR GARDNER CAPITAL DEVELOPMENT'S WEST DUNDEE SENIOR RESIDENCES TO ALLOW CONSTRUCTION OF A 61-UNIT SENIOR HOUSING PROJECT**

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 from Gardner Capital Development Illinois, Inc., representing West Dundee Senior Residences, LP - requesting a modification to a previously-approved Special Use for a Planned Development in order to allow a reduction in the number of dwelling units from 85 to 61 and a reduction in the overall footprint of their proposed senior housing project; 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, on January 30, 2017, the West Dundee Planning and Zoning Commission reviewed the proposed modification to the planned development and found it to be in conformance with the previously approved plans; 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 approval of the Modification to the Special Use for a Planned Development for Gardner Capital Development's West Dundee Senior Residences is hereby granted; and

Section 6: The recommendation of the West Dundee Planning and Zoning Commission on the question of granting approval of the Modification to the Special Use for a Planned Development for the Subject Property is hereby accepted and the approval is granted subject to the following conditions:

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.

PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois and approved by the President of said Village this 6<sup>th</sup> day of February, 2017.

AYES: Trustees Price, Hanley, Yuscka, Wilbrandt and Kembitzky

NAYS: None

ABSENT: Trustee Pflanz

ATTEST:

Barbara Traver

Barbara Traver  
Village Clerk



Christopher Nelson  
Village President

Passed: February 6, 2017

Approved: February 8, 2017

Published: February 8, 2017

Prepared by:  
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