

ORDINANCE NO. 13-10-31

**AN ORDINANCE PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT
RELATIVE TO THE PROPERTY COMMONLY KNOWN AS 103 S. PROSPECT AVENUE**

WHEREAS, the Village of Clarendon Hills (the "Village") regulates building activity in a manner which provides for the protection of the public health, safety, and welfare; and

WHEREAS, the President and Board of Trustees may from time to time amend the text of the Village Comprehensive Plan, and its various components, when it is determined to be in the best interests of the Village; and

WHEREAS, the property described in Section 1 of this Ordinance ("the Subject Realty") is located within the Village and is zoned B-1 Retail Business District; and

WHEREAS, on or about July 19, 2013, 88 Park Avenue, LLC ("Applicant") filed an application for a special use permit for a Planned Unit Development ("PUD"), preliminary PUD Plan approval, and a comprehensive plan amendment, to allow an eight (8) unit residential condominium development, without a retail component, relative to the Subject Realty (the "Project"), having previously gone through the Preapplication Conference and Conceptual Plan review steps of the PUD approval process; and

WHEREAS, the Zoning Board of Appeals/Plan Commission of the Village held a properly noticed hearing on August 22, 2013, to review said request for a special use permit for a PUD, Preliminary PUD Plan approval, and a comprehensive plan amendment relative to the Project on the Subject Realty; and

WHEREAS, the Zoning Board of Appeals/Plan Commission, on August 22, 2013, unanimously recommended approval of a special use permit for a PUD and Preliminary PUD Plan approval having, made the findings set forth in Exhibit A attached hereto and made part hereof, as well as a comprehensive plan amendment, relative to the Project on the Subject Realty, subject to the conditions listed in the Village Staff's August 22, 2013 report; and

WHEREAS, the Downtown Design Review Commission of the Village held a public meeting on August 27, 2013, to review the related request for a Level 3 Downtown Design Review relative to the Project on the Subject Realty; and

WHEREAS, the Downtown Design Review Commission, on August 27, 2013, unanimously recommended approval of a Level 3 Downtown Design Review for the Project on the Subject Realty, subject to the conditions listed in Village Staff's August 22, 2013 report; and

WHEREAS, the Land Use Committee of the Village Board, and the Village Board, find that the special use permit request for a PUD, Preliminary PUD Plan approval and the comprehensive plan amendment, relative to the Project on the Subject Realty, are consistent with goals set for the Subject Realty and the downtown area of the Village, as established by the 2006 Downtown Master Plan, an adopted component of the Village's comprehensive plan, dated March 2006 (the "Comprehensive

Plan”), and adopt the finding and recommendations made by the Zoning Board of Appeals/Plan Commission, as set forth in Exhibit A, by reference, and incorporate same herein;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Clarendon Hills, DuPage County, Illinois, as follows:

SECTION 1: The Comprehensive Plan amendment, as set forth in Section 2 below, shall be applicable to the Subject Realty as legally described as follows:

Lots 25 and 26 (except the South 10 feet of said Lot 26, as measured on the Easterly right-of-way of Prospect Avenue) in Block 18 in Clarendon Hills, being a resubdivision in the East ½ of Section 10 and in the West ½ of Section 11, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat of said resubdivision recorded November 4, 1873 as document 17060, in DuPage county, Illinois;

P.I.N.s: 09-11-303-026 and 09-11-303-027;

Common Address: 103 S. Prospect, Clarendon Hills, Illinois.

SECTION 2: So as to allow for the development of a multiple-story residential condominium development without a retail component on the Subject Realty, the Comprehensive Plan designation for the Subject Realty, as set forth in the 2006 Downtown Master Plan, a component of the Village Comprehensive Plan, is hereby revised as follows:

(A) Page 45, last paragraph of the Section entitled SOUTHEAST QUADRANT, is hereby revised as follows:

Current wording: Finally, the Plan shows redevelopment of the site on the southeast corner of Prospect and Park with a one-story retail building and parking. Due to the size and depth of the site, it would be difficult to fit a multiple story, mixed-use development. Additional development would be acceptable if the developer was able to accommodate parking and sensitively transition to the single-family homes to the south.

Revised wording: The Plan shows redevelopment of the site on the southeast corner of Prospect and Park with a multiple story mixed use or residential-only building capable of accommodating parking on-site and providing a sensitive transition to the single-family homes to the south.

(B) Figure 5.6, items N and O described in the Legend, are hereby revised as follows:

Current Wording: N - Develop 4,000 square feet of retail or restaurant. Consider 2 or 3 story mixed-use building with sufficient parking and transition/buffer to adjoining residential; and O - Create 12 surface parking spaces for shoppers.

Revised wording: N and O combined - Develop a multiple- story mixed use or residential-only building capable of accommodating parking on-site and providing a sensitive transition to the single-family homes to the south.

SECTION 3: The various provisions of this Ordinance are to be considered severable, and if any part or portion of this Ordinance shall be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 4: All ordinances or parts of ordinances in conflict, or which are inconsistent with, this Ordinance are hereby repealed to the extent of any such conflict or inconsistency herewith.

SECTION 5: That upon passage and approval of this Ordinance by the President and Board of Trustees, the Village Clerk shall cause a certified copy of this Ordinance to be recorded with the DuPage County Recorder of Deeds.

SECTION 6: That all parts of the Comprehensive Plan that are not amended by the Ordinance shall remain in full force and effect.

SECTION 7: This Ordinance shall take full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

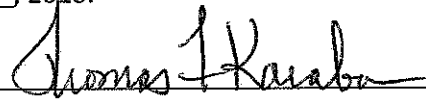
PASSED this 21st day of October, 2013, pursuant to a roll call vote as follow:

AYES: Trustees Flood, Knoll, Pedersen, Reid, and Wallace

NAYS: Trustee Stach

ABSENT: None

APPROVED by me this 21st day of October, 2013.




Thomas F. Karaba, Village President

ATTEST:



Dawn M. Tandle, Village Clerk

Published in pamphlet form by me this 22nd day of October, 2013



Dawn M. Tandle, Village Clerk



Exhibit A

ZBA/PC Case # 461 - 103 S Prospect Avenue

Special Use Permit Findings

- 1) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the Village.
- 2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposed already permitted, or substantially diminish or impair property values within the neighborhood.
- 3) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.
- 4) Adequate utilities, access roads, drainage and/or necessary facilities have been, or are being provided.
- 5) Adequate measures have been, or will be, taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 6) The special use shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located.

Additional Planned Unit Development Standards Finding

- 1) The entire property for the PUD is under unified ownership or control.
- 2) There is no minimum lot size in the B-1 Retail Business District, therefore the property complies with applicable area standards.
- 3) Covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the PUD, if any, should be provided as part of the final PUD plan that conform to the conditions for covenants in the PUD provisions of the Zoning Ordinance.
- 4) The primary purpose of the 2006 Downtown Redevelopment Plan is to foster improvement to the downtown and the area served by the commuter train station, to attract and retain businesses, increase tax revenues to the Village, enhance transit access, and increase ridership while serving to enhance the character of Clarendon Hills. Therefore, the PUD conforms with the intent and spirit of the Comprehensive Plan and the Downtown Master Plan.
- 5) A fee in lieu of park and school site land donation is required, pursuant to Chapter 52 of the Village Code.
- 6) The PUD includes the reconstruction of the adjacent streetscape within the public rights-of-way along S Prospect and Park Avenues as part of the development of the Subject Realty. Said improvements include, but not be limited to, the installation of decorative streetlights, parkway trees with tree grates, planters, stamped concrete and curb bump-outs at the intersections and driveway.
- 7) The PUD includes the installation of a watermain along Park Avenue, between S Prospect and Eastern Avenues. Said improvement, in addition to providing adequate water to the Subject Realty, will be available to provide water for future installation of fire suppression systems in

the buildings north of Park Avenue on the east side of S Prospect Avenues. Currently such systems in these buildings would be required to connect to the watermain on the west side of S Prospect Avenue.

- 8) All utility service lines serving the Subject Realty will be required to be located underground.