

**ORDINANCE NUMBER 12 - 14**

**ORDINANCE GRANTING PUD FINAL APPROVAL FOR THE 82 UNIT SENIOR APARTMENTS AND FOR 36 SINGLE FAMILY HOMES AND 32 DUPLEX IN THE RIVER HAVEN PUD LOCATED AT OR NEAR THE INTERSECTION OF ROUTES 72 AND 25 IN THE VILLAGE OF EAST DUNDEE, ILLINOIS**

**WHEREAS**, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, James Bergman, as contract purchaser of property owned by Chicago Title and Trust Company as Trustee under Trust Agreement dated May 1, 2008 and known as Trust #8002350420, has demonstrated that they are the proper agent for property legally described in Exhibit A known as the River Haven PUD, for the purpose of applying for a Planned Unit Development in the Village of East Dundee; and

**WHEREAS**, the property described in Exhibit A is zoned and classified as R-5 under the provisions of the Zoning Ordinances of the Village of East Dundee; and

**WHEREAS**, the Village of East Dundee has a zoning ordinance that provides for Planned Unit Developments pursuant to Section 157.245 et al.; and

**WHEREAS**, it is in the best interest of the residents of the Village of East Dundee to provide needed affordable senior housing, and housing for veterans and their families, for the property known as River Haven PUD; and

**WHEREAS**, in April 2011, the Village of East Dundee granted its approval for a Planned Unit Development (PUD) Preliminary Plan; and

**WHEREAS**, the applicant has properly submitted his request for PUD Final Plan approval for the 82-unit senior apartments, and for 36 single family homes and 32 duplex units on the property legally described in Exhibit A attached hereto; and

**WHEREAS**, the requested approvals would be in compliance with the submittals of the applicant contained in the application and plans previously submitted; and

**WHEREAS**, upon due notice and after public hearing held on March 8, 2012 by the Planning and Zoning Commission of the Village of East Dundee and pursuant to East Dundee's Zoning Ordinance, said Commission has approved their Findings of Fact and Recommendation by a vote of 7 ayes, 1 nay and 1 absent; a copy of said Findings of Fact and Recommendation are attached hereto as Exhibit B; and

**WHEREAS**, the corporate authorities of the Village of East Dundee have considered this matter at public hearings and find pursuant to the relevant portions of East Dundee's Ordinances, that the request for PUD Final Approval is deemed necessary and desirable for the public health, safety and welfare at the location specified above, and is so designed, located and proposed so as not to cause any substantial injury to the value of other property in the neighborhood in which it is located; and

**WHEREAS**, based upon the evidence adduced at said hearings and in their application, the petitioner has entered into the record evidence and Findings of Fact that address the conditions in the East Dundee Zoning Ordinance; and

**WHEREAS**, pursuant to the provisions of the Village of East Dundee's Ordinances, the corporate authorities have determined that the PUD Final Approval as applied for shall be issued or granted as hereinafter set forth.

**NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:**

**Section One.** That the corporate authorities do hereby incorporate the foregoing WHEREAS clauses into this ordinance as though fully set forth herein, thereby making the findings as hereinabove set forth.

**Section Two.** That the corporate authorities do hereby accept and approve the findings of fact and recommendation of the Planning and Zoning Commission.

**Section Three.** That pursuant to East Dundee's Zoning Ordinance, the PUD Final Plan is hereby approved consistent with the plans and documents submitted and presented by the applicant including the Typical Lot Landscaping Plan.

**Section Four.** The village clerk is authorized and directed to amend all pertinent records of the Village of East Dundee to show the approvals granted hereunder.

**Section Five. Severability.** If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

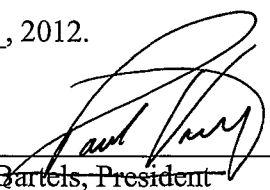
**Section Six. Repeal.** All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**Section Seven. Publication.** This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

**Section Eight. Effective Date.** Passed on the 12<sup>th</sup> day of March, 2012, according to the following roll call vote.

AYES: 6 - Trustees Ruffolo, Gorman, Lynam, Miller, VanOstenbridge &  
NAYES: 0 President Bartels  
ABSENT: 1 - Trustee Skellicorn

Approved by me this 12<sup>th</sup> day of March, 2012.

  
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~~Jerald Bartels, President~~  
Paul VanOstenbridge, President Pro Tem

Published in pamphlet form this 13<sup>th</sup> day of March, 2012, under the authority of the President and Board of Trustees.

ATTEST:

  
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Jennifer Rehberg, Village Clerk

Recorded in the Village Records on March 13<sup>th</sup>, 2012.

